

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.024
RULE TITLE: School Entry Health Examination
PURPOSE AND EFFECT: The purpose of this rule development is to implement the requirements of Sections 1001.02(1), 1003.22(1), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: School entry health exam requirement.

SPECIFIC AUTHORITY: 1001.02(1), 1003.22(1) FS.

LAW IMPLEMENTED: 1001.02(1), 1003.22(1) 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: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.024 School Entry Health Examination.

This rule implements the school entry health examination required by Section 1003.22, Florida Statutes.

(1) Any health professional who is licensed in Florida or in the state where the student resided at the time of the health examination and who is authorized to perform a general health examination under such licensure shall be acceptable to certify that health examinations have been completed.

(2) Certification that a health examination has been completed may be documented on the State of Florida, Department of Health ~~and Rehabilitative Services, HRS-DH Form 3040, "School Entry Health Student Physical Examination,"~~ which is incorporated by reference in this rule, or a signed statement by authorized professionals that indicates the results of the components included in the health examination. ~~HRS-DH Form 3040 may be obtained from the local county health departments ASCAGJ Warehouse, 5107 University Boulevard, West Jacksonville, Florida 32216.~~

(3) Transfer of all student health records shall be in accordance with paragraphs 6A-1.0955(7)(a), (b), F.A.C.

Specific Authority 1001.02(1), 1003.22(1) FS. Law Implemented 1003.22 FS. History–New 7-1-81, Amended 12-6-84, Formerly 6A-6.24, Amended _____.

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE NOS.:	RULE TITLES:
11D-8.002	Definitions
11D-8.003	Approval of Breath Test Methods and Instruments
11D-8.0035	Approval of Alcohol Reference Solution and Sources
11D-8.0036	Approval of Dry Gas Standards Source
11D-8.004	Department Inspection and Registration of Breath Test Instruments
11D-8.006	Agency Inspection of Breath Test Instruments
11D-8.007	Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures
11D-8.0075	Agency Retention of Records
11D-8.008	Breath Test Operator and Agency Inspector
11D-8.010	Qualifications for Instructors
11D-8.011	Approval of Blood Alcohol Test Methods
11D-8.012	Blood Samples – Labeling and Collection
11D-8.013	Blood Alcohol Permit – Analyst
11D-8.014	Blood Alcohol Permit – Analyst: Renewal
11D-8.015	Denial, Revocation, and Suspension of Permits
11D-8.017	Forms

PURPOSE AND EFFECT: To conform and comply with new developments in the field of alcohol testing and with the needs of those affected by these rules.

SUBJECT AREA TO BE ADDRESSED: The Department’s rules chapter concerning regulation and implementation of Florida’s implied consent and alcohol testing program. The program rules govern definitions of terminology; issuance and regulation of alcohol test permits; approval and evaluation of breath and blood alcohol test methods; approval, use and inspection of breath test instruments and records; collection and preservation of blood samples for alcohol testing; training requirements and qualifications for alcohol test permit holders.
SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) 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, July 15, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2729 Ft. Knox Boulevard, Building 2, Suite 1200, Conference Room, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sharon S. Traxler at (850)617-1290. 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: Sharon S. Traxler, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Tel. (850)617-1290

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.:	RULE TITLE:
12B-8.006	State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.006, F.A.C. (State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount), is to: (1) update the percentages used to determine the premium applicable to the peril of fire for the state fire marshal regulatory assessment; and (2) provide technical changes to correct the title of the "Crop Hail" premium to "Multiple Peril Crop," as currently named by the National Association of Insurance Commissioners.

SUBJECT AREA TO BE ADDRESSED: The subject of the rule development workshop is the new percentages that will be used to compute the state fire marshal regulatory assessment and surcharge, starting with the 2008 insurance premium tax return (Form DR-908).

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.05, 624.509, 624.510, 624.511, 624.515, 624.516 FS.

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

DATE AND TIME: July 15, 2008, 2:00 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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-8.006 State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount.

(1) through (2) No change.

(3) For purposes of the regulatory assessment, every insurer issuing policies of insurance covering the peril of fire on properties located in this State shall determine the gross amount of premium applicable to the peril of fire by multiplying the premium amounts reported on the "Exhibit of Premiums and Losses," Annual Statement, as follows:

(a) Fire, Line 1 – ninety-~~three~~ percent (93 ~~90~~%).

(b) Allied Lines, Line 2.1 – five percent (5%).

(c) Multiple Peril Crop ~~Crop Hail~~, line 2.2 – zero percent (0%).

(d) Farmowners multiple peril, Line 3 – fifteen ~~twenty~~ percent (15 ~~20~~%).

(e) Homeowners multiple peril, Line 4 – twenty-five ~~thirty~~ percent (25 ~~30~~%).

(f) Commercial multiple peril, Lines 5.1 and 5.2 – fifteen ~~twenty~~ percent (15 ~~20~~%).

(g) Ocean Marine, Line 8 – ten ~~twelve~~ percent (10 ~~12~~%).

(h) Inland Marine, Line 9 – twelve ~~fifteen~~ percent (12 ~~15~~%).

(i) through (k) No change.

(4) No change.

Specific Authority 213.06(1) FS. Law Implemented 213.05, 624.509, 624.510, 624.511, 624.515, 624.516 FS. History—New 2-3-80, Formerly 12B-8.06, Amended 4-10-91, 2-18-93, 12-9-97, 7-31-03,_____.

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-10.004	Permits
14-10.0043	Outdoor Advertising License and Permit Fees

PURPOSE AND EFFECT: Rule 14-10.0043, F.A.C., is amended to increase the annual fee from \$44.00 to \$62.00 for each sign facing 200 square feet or less and from \$64.00 to \$82.00 for each sign facing more than 200 square feet. The pro rata fees for partial year renewals also are revised based upon the full year annual fees. The application form also is being amended.

SUBJECT AREA TO BE ADDRESSED: Rule 14-10.0043, F.A.C., is being amended to increase annual permit fees and Rule 14-10.004, F.A.C., is being amended to incorporate a revised permit application form.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 339.05, 479.02, 479.07(9) 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: July 18, 2008, 9:00 a.m.

PLACE: Department of Transportation, Suwannee Room (Room 250), 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 06/08 ~~10/06~~, incorporated herein by reference, to the address listed in subsection 14-10.003(2), F.A.C. Applications may be obtained from the State Outdoor Advertising License and Permit Office.

(a) through (e) No change.

(f) For purposes of (c), above, when a valid permit is being conditionally canceled pursuant to Rule subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 06/08 ~~10/06~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in Rule

subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

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

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

(a) through (c) No change.

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 06/08 ~~10/06~~, together with all items required by Section 479.07(3)(b), F.S. For existing signs, the written statement required by Section 479.07(3)(b), F.S., shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) through (12)(b) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 215.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, 1-25-04, 3-15-05, 12-31-06, _____.

14-10.0043 Outdoor Advertising License and Permit Fees.

(1) The annual fee for an Outdoor Advertising License is \$300.00. Licenses expire on January 15 of each year.

(2) The annual permit fee for each sign facing is \$62.00 ~~\$44.00~~ for 200 square feet or less, and \$82.00 ~~\$64.00~~ for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.

(3) Permit fees for the year in which application is made may be prorated by paying one-fourth of the annual fee for each whole or partial quarter remaining in that year. Applications received after September 30 must include fees for

the last quarter plus fees for the following year. The fee schedule is based on the date the application is received by the Department as follows:

(a) January 16 through April 15: ~~\$62.00~~ ~~\$44.00~~ for each sign facing of 200 square feet or less; ~~\$82.00~~ ~~\$64.00~~ for each facing greater than 200 square feet;

(b) April 16 through July 15: ~~\$46.50~~ ~~\$33.00~~ for each sign facing of 200 square feet or less; ~~\$61.50~~ ~~\$48.00~~ for each facing greater than 200 square feet;

(c) July 16 through September 30: ~~\$33.00~~ ~~\$22.00~~ for each sign facing of 200 square feet or less; ~~\$41.00~~ ~~\$32.00~~ for each facing greater than 200 square feet;

(d) October 1 through January 15: ~~\$77.50~~ ~~\$55.00~~ for each sign facing of 200 square feet or less; ~~\$102.50~~ ~~\$80.00~~ for each facing greater than 200 square feet.

(4) All payment instruments must be made out to the Department of Transportation. Payment of fees may be made by cash, postal money order, bank draft, cashier’s check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00 or five percent of the amount payable, whichever is greater will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.

Specific Authority 334.044(2), 479.02(7), 479.07(3)(c) FS. Law Implemented 215.34, 479.04, 479.07 FS. History–New 1-25-04, Amended.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designation for FRS Investment Plan
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.006	Enrollment Procedures for New Hires
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs
19-11.008	Forfeitures
19-11.009	Reemployment with an FRS-covered Employer after Retirement

PURPOSE AND EFFECT: To amend existing rules to provide updated procedures for the FRS Investment Plan.

SUBJECT AREA TO BE ADDRESSED: The subject areas are: beneficiary designations; excessive trading policy; procedures for new hires; procedures for second election; procedures for forfeitures; and procedures for re-employment with an FRS employer after retirement.

SPECIFIC AUTHORITY: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 121.021(29),(39), 121.051, 121.055, 121.35, 121.091(5), (8), (9)(b), (c), 121.4501(2), (3), (4), (5), (6), (8), (13), (14), (15), (20), 121.591(1)(a)4., (3), 121.73, 121.74, 121.78, 215.44(8)(b), 744.301, 1012.875(3) FS.

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

DATE AND TIME: July 14, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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 hours before the workshop/meeting by contacting: Cindy Morea, Office of Defined Contribution Programs, State Board of Administration, 1801 Hermitage Blvd.Suite 100, Tallahassee, Florida 32308; tel: (850)413-1491; or cindy.morea@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308; tel. (850)413-1199; cindy.gokel@sbafla.com

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.602
 RULE TITLE: Community Release Programs
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC6-118C, Personalized Program Progress Review, to allow for monthly rather than biweekly progress reviews.
 SUBJECT AREA TO BE ADDRESSED: Personalized program progress review for community release programs.
 SPECIFIC AUTHORITY: 945.091, 946.002 FS.
 LAW IMPLEMENTED: 945.091, 946.002 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.602 Community Release Programs.

- (1) No change.
- (2) Inmate Conduct While on Community Release.
 - (a) through (c) No change.

(d) The work release center classification officer or contract facility counselor shall complete a Personalized Program Plan for Work Release Centers, Form DC6-118A, on all inmates assigned to the work release center within 14 days of receipt of the inmate at the center. Form DC6-118A is incorporated by reference in subsection (16) of this rule. The completed personalized program plan shall be signed by the inmate, the classification officer and the correctional officer major or the facility counselor and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is incorporated by reference in subsection (16) of this rule. The inmate’s progress towards achieving the goals of the personalized program plan shall be reviewed monthly bi-weekly with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan Biweekly Progress Review or shall be entered into WRIMS at those facilities at which the system is operational. A copy of the Personalized Program Plan shall be printed on form WRIMS and given to the inmate. Form DC6-118C is incorporated by reference in subsection (16) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

- (e) No change.
- (3) through (15) No change.

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

- (a) through (f) No change.
- (g) DC6-118C, Personalized Program Plan Biweekly Progress Review, effective 2-7-05.
- (h) through (j) No change.

Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History–New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07, 4-10-08,_____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-1.901
 RULE TITLE: General

PURPOSE AND EFFECT: The purpose of the rule development is to revise and simplify forms 40B-1.901(10) and (12), F.A.C., which are respectively Notice of Intent to Construct a Minor Surface Water Management System pursuant to subsection 40B-4.2010(1) or paragraph (2)(a), F.A.C., and Petition for a Formal Wetland and Surface Water Determination. The effect of the rule development will provide for a better understanding of the forms by the public and staff.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will revise and simplify these forms incorporated by reference, thereby allowing for better understanding by the public and staff.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: 40E-2.051, 40E-2.061, 40E-2.091
 RULE TITLES: Exemptions, No-Notice General Permit by Rule, Publications Incorporated by Reference

PURPOSE AND EFFECT: The proposed amendments will: 1) eliminate exemptions for water used at single family dwellings or duplexes for home lawn and ornamental irrigation, car washing, and other incidental uses; 2) institute provisions for a general permit by rule for outdoor residential consumptive use of water; and 3) amend water conservation requirements consistent with ongoing rule amendments for mandatory year-round landscape irrigation measures.

SUBJECT AREA TO BE ADDRESSED: Exemptions for water used at single family dwellings or duplexes for home lawn and ornamental irrigation, car washing, and other incidental uses and No-Notice General Permit by Rule.

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

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 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: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 6060 or (561)682-6060, email: jerodrig@sfwmd.gov. For procedural issues contact Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-2.051 Exemptions.

(1) through (2) No change.

~~(3) Water used at a single family dwelling or duplex including but not limited to home lawn and ornamental irrigation, car washing, and other incidental uses provided that water is obtained from one withdrawal facility for each single family dwelling or duplex.~~

Specific Authority 373.044, 373.113, 373.171, FS. Law Implemented 373.219 FS. History–New 9-3-81, Formerly 16K-2.025, Amended 2-24-85, 4-20-94,_____.

40E-2.061 No-Notice General Permit by Rule.

(1) The Board hereby grants a general water use permit by rule to each person within the District to use, withdraw, or divert water at a single family dwelling including but not limited to home lawn and ornamental irrigation, car washing, and other incidental uses provided that water is obtained from one withdrawal facility for each single family dwelling or duplex.

(2) The filing of an application for a permit under this rule is not required.

(3) Persons using or proposing to use water in a manner not authorized under this section must obtain a permit pursuant to Chapters 40E-2 and 40E-20, F.A.C.

(4) Permits issued pursuant to this rule shall comply with Rules 40E-21, 40E-24, F.A.C.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.219, 373.223 FS. History–New _____.

40E-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____ February 13, 2008”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08,_____.

“Basis of Review for Water Use Permit Applications Within the South Florida Water Management District” Section 2.6.1(A)

All public water supply utilities applying for an individual permit are required to develop and implement a water conservation plan. The water conservation elements of each plan need to be identified as part of the application. A timetable outlining the implementation schedule of each of the required water conservation elements will be required to be submitted or shown to already exist prior to issuance or renewal of a public water supply water use permit. The conservation plan shall be prepared and implemented for the service area incorporating, at a minimum, the following mandatory components. For those components which require ordinance adoption, such ordinance should incorporate the entire boundary of the enacting jurisdiction. The Permittee shall provide a copy of the ordinances for each of the mandatory elements for which ordinances are adopted. The mandatory water conservation elements are as follows:

A. The limitation of all lawn and ornamental irrigation to the hours and days specified in Rule 40E-24.201, F.A.C., at a minimum, of 4:00 p.m. to 10:00 a.m. The permit Applicant or enacting local government may adopt an ordinance which includes exemptions from the irrigation hour restrictions for the following circumstances; irrigation systems and/or users:

1. Irrigation using a micro-irrigation system;
2. Reclaimed water end users;
3. Preparation for or irrigation of new landscape;
4. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, recommended by the manufacturer, or constituting best management practices;
5. Maintenance and repair of irrigation systems;
6. Irrigation using low volume hand watering, including watering by one hose attended by one person, fitted with a self-canceling or automatic shutoff nozzle or both or
7. Users irrigating with 75% or more water recovered or derived from an aquifer storage and recovery system.

B. through I. No change.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-20.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The proposed amendments will: 1) eliminate exemptions for water used at single family dwellings or duplexes for home lawn and ornamental irrigation, car washing, and other incidental uses; 2) institute provisions for a general permit by rule for outdoor residential consumptive use of water; and 3) amend water conservation requirements consistent with ongoing rule amendments for mandatory year-round landscape irrigation measures.

SUBJECT AREA TO BE ADDRESSED: Exemptions for water used at single family dwellings or duplexes for home lawn and ornamental irrigation, car washing, and other incidental uses and No-Notice General Permit by Rule.

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

LAW IMPLEMENTED: 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 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: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 6060 or (561)682-6060, email: jerodrig@sfwmd.gov. For procedural issues contact Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~February 13, 2008~~”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 9-13-07, 2-13-08,_____.

(For proposed amendments to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, see Rule 40E-2.091, F.A.C.)

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.010
 RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective July 1, 2008. The proposed rule is in accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriation 236 and House Bill 5085, Section 5 which amended Section 408.908(23), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED:

1. The Agency shall implement a recurring methodology in the Title XIX Nursing Home Reimbursement Plan to reduce nursing home rates to achieve a \$163,664,945 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.
2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009. Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.
3. Removal of obsolete plan language as requested by the Centers for Medicare and Medicaid Services (CMS).
4. Clarification of interim rate issues.

SPECIFIC AUTHORITY: 409.909 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: July 24, 2008, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759 or by e-mail at stephene@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.020
RULE TITLE: Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2008, in accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriations 206, 207, 238, and 239 and House Bill 5085, Section 5, which amended Section 409.908(23), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED:

1. The Agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve a \$154,333,435 rate reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.
2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009. Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.
3. Any hospital will be exempt from the inpatient targets and ceilings if that hospital was identified by the Agency for Health Care Administration as qualifying for the exemption pursuant to Section 409.905(5)(c), Florida Statutes in fiscal year 2007-08 and did not receive funding in the final General Appropriations Act for Fiscal Year 2007-08. Any hospital that was exempt under Section 409.905(5)(c), Florida Statutes, in state fiscal year 2007-08 is not eligible to receive funds under this provision.
4. Hospitals will be exempt from the inpatient reimbursement ceilings whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equals or exceeds 11 percent. The Agency shall use the average of the 2002, 2003, and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available. For those hospitals qualifying using audited DSH data received between January 30, 2008, and March 1, 2008, and who were excluded from the LIP Council recommendations may be exempt from the inpatient ceilings.

5. The inpatient reimbursement ceilings will be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.

6. The inpatient hospital reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2008, and any hospitals that become a designated or provisional trauma center during state fiscal year 2008-2009. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in Section 12, Chapter 2007-326, Laws of Florida. The Agency shall use the average of the 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003, and 2004 that are available.

7. The inpatient reimbursement ceilings will be eliminated for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the Certificate of Need Program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation. Included in these funds are the annualized amounts to offset the reductions taken against hospitals defined in Section 408.07(45), Florida Statutes, that are not certified trauma centers, as identified in Section 12, Chapter 2007-326, Laws of Florida.

8. A buy back provision will be applied to the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for the following three categories of hospitals. Of these funds, \$34,484,976 is provided to the first category of hospitals, which are those hospitals that are part of a system that operates a provider service network in the following manner: \$20,000,000 is for Jackson Memorial Hospital; \$3,968,662 is for hospitals in Broward Health; \$2,376,638 is for hospitals in the Memorial Healthcare System; and \$3,428,386 is for Shands Jacksonville and \$4,711,290 is for Shands Gainesville. In the event the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, the excess funds will be used to buy back other Medicaid reductions in the inpatient rate. Of the above funds, \$18,125,729 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment,

then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. Of the above funds, \$3,420,570 shall be used for the third category to buy back the additional Medicaid trend adjustment that is being applied to rural hospitals under Specific Appropriation 206 for fiscal year 2008-2009. In the event the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. For this provision the Agency shall use the 2002, 2003, and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003, and 2004 that are available.

9. A buy back provision for public hospitals, teaching hospitals as defined in Section 408.07(45) or 395.805, Florida Statutes, which have 70 or more full-time equivalent resident physicians and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds 25 percent to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The Agency shall use the average of 2002, 2003, and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

10. \$148,382,079 is provided for disproportionate share payments to public hospitals.

11. \$58,231,172 is provided for disproportionate share payments to defined statutory teaching hospitals; prior to the distribution of these funds to the statutorily defined teaching hospitals, \$6,487,220 shall be allocated to Shands Jacksonville Hospital, \$2,660,440 shall be distributed to Tampa General Hospital, and \$1,083,512 shall be distributed to Shands Teaching Hospital.

12. \$12,000,000 is provided for disproportionate share payments to family practice teaching hospitals.

13. \$62,290,337 is provided for disproportionate share payments to mental health programs.

14. 2,444,444 is provided for specialty disproportionate share programs.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: July 24, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

59G-6.030

RULE TITLE:

Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2008, in accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriation 211 and House Bill 5085, Section 5, which amended Section 409.908(23), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED:

1. As a result of implementing a reduction in outpatient hospital reimbursement rates, the Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve a \$36,403,451 rate reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009. Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.

3. Outpatient reimbursement ceilings for hospitals will be eliminated for those hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. The Agency shall use the average of the 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003, and 2004 that are available.

4. Outpatient reimbursement ceilings will be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.

5. Outpatient hospital reimbursement ceilings will be eliminated for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2008, or become a designated or provisional trauma center during Fiscal Year 2008-2009.

Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in Section 13, Chapter 2007-326, Laws of Florida. The Agency shall use the average of the 2002, 2003, and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

6. A buy back provision for the Medicaid trend adjustment will be applied against the Medicaid outpatient rates for the following three categories of hospitals. Of these funds \$3,515,024 is provided to the first category of hospitals, which are those hospitals that are part of a system that operate a provider service network in the following manner: \$831,338 is for hospitals in Broward Health; \$823,362 is for hospitals in the Memorial Healthcare System; and \$601,863 to Shands Jacksonville and \$1,258,461 to Shands Gainesville. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, the excess funds will be used to buy back other Medicaid reductions in the outpatient rate. Of the above funds, \$5,203,232 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, the excess funds will be used to buy back other Medicaid reductions in the inpatient rate. Of the above funds, \$2,170,197 shall be used for the third category to buy back the additional Medicaid trend adjustment that is being applied to rural hospitals under Specific Appropriation 211 for Fiscal Year 2008-2009. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buyback other Medicaid reductions in the outpatient rate for those individual hospitals. For this provision the Agency shall use the average of 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

7. A buy back provision will be applied for teaching hospitals as defined in Section 408.07(45) or 395.805, Florida Statutes, which have 70 or more full-time equivalent resident physicians and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds 25 percent to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost. The Agency shall use the 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: July 24, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-6.090

RULE TITLE:
Payment Methodology for County Health Departments

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan (the Plan) effective July 1, 2008. In accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriation 229, and House Bill 5085, Section 5, which amended Section 409.908(23), Florida Statutes, the Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan will be amended.

SUBJECT AREA TO BE ADDRESSED:

1. As a result of modifying the reimbursement for county health department rates, the Agency shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to achieve a \$7,426,780 recurring rate reduction. In establishing rates through the normal process, prior to including this reduction, if the unit

cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009. Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: July 24, 2008, 11:00 a.m. – 12:00 Noon

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Tallahassee, Florida 32308, (850)414-2756 or at stephene@ahca.myflorida.com

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement – Local Retirement

RULE NOS.:	RULE TITLES:
60T-1.001	Scope and Purpose
60T-1.002	Definitions
60T-1.003	Actuarial Reports
60T-1.004	Actuarial Impact Statements
60T-1.005	Review of Actuarial Reports and Actuarial Impact Statements
60T-1.006	Defined Contribution Plans
60T-1.007	Funding
60T-1.008	Additional Benefits Funded by Experience
60T-1.009	Additional Filing Requirements

PURPOSE AND EFFECT: Amend this chapter which sets forth the rules under which municipal and special district units of government are to provide information on their retirement systems plans to the Department of Management Services, Division of Retirement, (Bureau of Program Services) pursuant to Part VII of Chapter 112, Florida Statutes (F.S.). The provisions of this chapter is applicable to all counties, municipal governments, and special districts (or agencies and

instrumentalities thereof), which state universities, community colleges and district schools that operate or administer a retirement system or plan for public employees funded in whole or in part by public funds.

SUBJECT AREA TO BE ADDRESSED: The participation of local governments in the Florida State Retirement System, as provided in Part VII, Chapter 112, Florida Statutes.

SPECIFIC AUTHORITY: 112.665(1) FS.

LAW IMPLEMENTED: 112.661(9), 112.61, 112.625, 112.63, 112.665, 112.64, 112.661(9) 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: July 14, 2008, 9:00 a.m.

PLACE: Department of Management Services, Director’s Conference Room Suite 208, 1317 Winewood Blvd., Building 8, Tallahassee, Florida 32399-1560, (850)488-5706

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Clifford at (850)488-5706, or Toll Free (877)377-1737. If you are hearing or speech impaired, please contact the agency by calling (800)877-1113. 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: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60T-1.001 Scope and Purpose.

(1) This chapter sets forth the rules under which municipal and special district units of government are to provide information on their retirement ~~plans systems~~ to the ~~Department of Management Services, Division of Retirement, (Bureau of Program Services)~~ pursuant to Part VII of Chapter 112, ~~F.S. Florida Statutes~~. The provisions of this chapter shall be applicable to all ~~counties~~, municipal governments, ~~and~~ special districts (or agencies and instrumentalities thereof), ~~state universities, community colleges and district schools that~~ ~~which~~ operate or administer a retirement ~~system or~~ plan for public employees funded in whole or in part by public funds. This chapter shall not apply to ~~counties~~, municipalities, special districts, ~~state universities, community colleges, or district schools~~ ~~or~~ with respect to any of their employees which

participate as a covered group in the Florida Retirement System, except that this chapter shall apply to any defined benefit promise that may be offered by any Florida Retirement System participating agency which promise is not otherwise provided by the Florida Retirement System. This chapter shall apply to counties, municipalities, state universities, community colleges, or district schools with respect to any of their employees for whom early retirement annuities are provided pursuant to Section 121.182, 1001.64(21), 1001.74(19), 1012.685, or 1012.87, F.S.

(1) The objectives of this chapter are to ~~enhance and further~~ clarify the intent of Part VII, of Chapter 112, F.S. Florida Statutes, so that governmental retirement plans are systems may be managed, administered, operated, and funded in such manner as to maximize the protection of public employee retirement benefits. Inherent in this intent is the recognition that the pension liabilities attributable to the benefits promised public employees be fairly, orderly, and equitably funded by the current, as well as future, taxpayers. Accordingly, except as herein provided, it is the intent of these rules to prohibit the use of any procedure, methodology, or assumptions, the effect of which is to transfer to future taxpayers any portion of the costs which may reasonably be expected to be paid by the current taxpayers.

Specific Authority 112.665(1) FS. Law Implemented 112.61 FS. History—New 5-6-81, Amended 9-19-83, Formerly 22D-1.01, Amended 11-14-91, Formerly 22D-1.001, Amended _____.

60T-1.002 Definitions.

Whenever used in this chapter, unless otherwise expressly stated, or unless the context or subject matter requires a different meaning, the following words and terms shall have the respective meaning indicated:

(1) “Actuarial Accrued Liability” means the portion of the actuarial present value of the projected benefits (and expenses, if applicable), as determined under a particular actuarial cost method, which is not provided for by future normal costs.

(2) “Actuarial Asset Value” or “Statement Value” means the value of assets in accordance with Section 112.625(7)(1), F.S. Assets for which a fair market value is not provided shall be excluded from the assets used in the determination of the annual funding cost.

(3) “Actuarial Experience” means the difference (i.e., “gain” or “loss”) between expected and actual actuarial liabilities in successive actuarial valuations, excluding the differences attributable to changes in benefits, assumptions and actuarial methodologies (e.g., valuation, cost-funding, asset valuation and other “mechanical” determinations).

(4)(4) “Actuarial Impact Statement” means a statement setting forth the actuarial liabilities and contribution requirements of a proposed change in the provisions of a local

retirement plan system certified by an enrolled actuary. The statement may be prepared by an enrolled actuary, the plan administrator, or the plan sponsor.

(5)(2) “Actuarial Report” means a report prepared and certified by an enrolled actuary based on an actuarial evaluation of a local retirement system or plan.

(6) “Applicable Mortality Table” means a table of mortality rates that produces liability and cost funding results not less than the liability and cost-funding results that would be produced by use of the following tables:

(a) For healthy active and retired members, and beneficiaries: the sex-distinct rates for healthy lives used by the Pension Benefit Guaranty Corporation pursuant to ERISA Section 4044 for 2008 valuation dates. (UP’94 projection AA to 2018.)

(b) For disabled members: the table in paragraph (a) set forward 3 years.

(c) The referenced tables in paragraphs (a) and (b) may be used on a static basis.

(7)(3) “Benefit Increase” means a change or amendment in the retirement plan design or benefit structure that which results in increased benefits or increased value of benefits for plan members or beneficiaries.

(8) “Board,” “Board of Trustees,” or “Named Fiduciary” means the person or persons so designated by the terms of the legal enactments under which the retirement plan is operated.

(9) “Cash Equivalents” means short-term highly liquid investments that are readily convertible to known amounts of cash and that are not subject to a material risk of change in value. Only those investments maturing within one year of the actuarial valuation date may be included in this asset class.

(10) “Closed Plan” means a retirement plan that, effective with the applicable stated date as of which the plan is “closed” and unless otherwise provided, no longer accepts new members but all other plan provisions continue, and funding by the members and the plan sponsor continues.

(11)(4) “Concurrent Funding” means payment of the required contributions to fund;

(a) The benefit changes that shall begin no later than the first day of the next fiscal year coincident with or next following the enactment date of the legal instrument providing the after benefits change, and

(b) A plan year, that are paid no later than the end of the one-year period immediately following the end of the plan year.

(12)(5) “Division” means the Department of Management Services, Division of Retirement, Bureau of Program Services.

(13) “DROP” is an acronym for a deferred retirement option program as defined by the applicable retirement plan.

(14) “Enactment Date” means the date a legal instrument is adopted, which date may or may not be the same as any effective date stated in the instrument.

(15)(6) “Enrolled Actuary” means an actuary who is a member of the Society of Actuaries or the American Academy of Actuaries, and who is enrolled under subtitle C of Title III of the Employee Retirement Income Security Act of 1974.

(16) “Fiscal Year” means the 12-month period in which the plan-sponsor contributions are to be paid for a plan year. The fiscal and plan years may be coincident.

(17) “Frozen Plan” means a retirement plan that, effective with the applicable stated date as of which the plan is “frozen” and unless otherwise provided, does not accept new members, does not provide any additional new benefits, current plan members keep their accrued benefits which no longer increase, service credits continue for vesting and benefit eligibility, and members no longer contribute but the plan sponsor funding continues.

(18) “Fully Funded” means that 110% of the sum of the accrued liability and the normal cost is less than the value of the retirement plan’s present assets. For this purpose: the normal cost and the accrued liability are determined according to the individual actuarial entry-age cost-funding method if such items cannot be directly calculated under the funding method used for the plan; the entry age is the member’s current age reduced to reflect the number of years of credited prior service; the value of the plan’s present assets is the lesser of the fair market value and the value determined according to the plan’s actuarial asset-valuation method; and, all determinations shall be as of the same date.

(19)(7) “Governmental Entity” or “Local Government Entity” means the state, for the Florida Retirement System, and the county, municipality, or special district, state university board, community college board, or district school board that which is the employer of the member of a local retirement system or plan.

(20) “Illiquid Investment” means an investment for which a generally recognized public market is not available (e.g., the New York Stock Exchange, AMEX, NASDAQ) or for which there is no consistent or generally accepted pricing mechanism.

(21)(8) “Local Retirement System or Plan” means any employee pension or retirement benefit plan supported in whole or in part by public funds that which is not specifically exempt by Section 112.625(1), F.S. Florida Statutes.

(22) “Material” or “Materially” means:

(a) A rate or other numerical result that, when correctly and/or completely determined, differs from the rate or other numerical result disclosed in an actuarial valuation report, actuarial impact statement and/or other statement of information provided to the Division and such difference is at least one basis point (one hundredth of one percent); and/or

(b) Any information necessary or required to satisfy Part VII of Chapter 112, F.S., Chapter 60T-1, F.A.C., or any additional information requested by the Division to complete its review of the actuarial valuation report, actuarial impact

statement, or other statement of information necessary to satisfy the Division’s duties pursuant to Section 112.665(1), F.S.

(23) “Normal Cost” means the portion of the cost of projected benefits established for a plan year. It is computed differently under different actuarial cost-funding methods.

(24) “Pensionable Compensation” means the total of all items of allowance, compensation, earnings, pay, reimbursement and remuneration that are used to determine the pension benefit under the terms of the retirement plan.

(25)(9) “Plan Administrator” means the person so designated by the terms of the instrument or instruments, ordinance, or statute under which the retirement plan is operated; or the plan sponsor where no plan administrator is designated.

(26)(10) “Plan Sponsor” means the local governmental entity that which has established or that which may establish a local retirement system or plan.

(27) “Plan Year” means the 12-month period for which an annual actuarial-funding cost is determined. The plan and fiscal years may be coincident.

(28) “Reserved Fund” means an amount of assets reserved for a special purpose.

(29)(11) “Significant Plan Amendment” means any change or changes in the retirement plan or system the net effect of which would require a current or potential increase or decrease in the annual funding cost contribution rate.

(12) “Statement Value” means the value of assets in accordance with Section 302(e)(2), Florida Statutes of the Employee Retirement Income Security Act of 1974, and as permitted under regulations prescribed by the Secretary of the Treasury.

(30) “Terminated Plan” means a retirement plan that, effective with the applicable stated date as of which the plan is “terminated” and unless otherwise provided, does not accept new members, all existing active members are considered to be 100% vested in their accrued benefits that no longer increase, and members no longer contribute but the plan sponsor funding continues.

(31) “Unfunded Actuarial Accrued Liability”, or “Unfunded Liability”, or the acronym “UAAL” means the excess, if any, of the actuarial accrued liability over the actuarial value of the assets.

Specific Authority 112.665(1) FS. Law Implemented 112.61, 112.625 FS. History—New 5-6-81, Amended 9-19-83, Formerly 22D-1.02, Amended 11-14-91, Formerly 22D-1.002, Amended _____.

60T-1.003 Actuarial Reports.

(1) Each retirement plan sponsor shall on its own or through the administrator or trustees of the plan’s board have an actuarial report prepared for each of its defined benefit retirement plans or systems by an enrolled actuary at least every three (3) years commencing from the date of the last

actuarial report of the plan or system on October 1, 1980, if no actuarial report has been issued within the three year period prior to October 1, 1979. In addition, actuarial cost determinations recommending the contribution amount, rate or other basis applicable to periods for which an actuarial valuation has not been specifically prepared are to be also provided to the Division within 60 days of receipt by the plan administrator. No actuarial report is required for defined contribution retirement plans or systems. However, the plan sponsor of each defined contribution plan shall provide such information and financial statements, as is necessary to gather, catalog, and maintain complete information on all public employee retirement plans systems to the Division upon its request.

(2) The results of each actuarial report shall be filed with the plan administrator within 60 days after completion and certification by the actuary and made available for inspection upon request. Also, the retirement system or plan shall provide a copy of each actuarial report to the Division of Retirement within 60 days of receipt from the actuary.

(3) Actuarial reports shall minimally disclose all the data required by Section 112.63(1), F.S., and Chapter 60T-1, F.A.C., as follows: Florida Statutes, which consist of the following

(a) I. The values of the present assets, as of the actuarial valuation date, based on market value and actuarial asset value. Disclosure by investment types is required only as follows if one or more, but not all, investment values are established using an actuarial asset value method: "statement value"

a. Investments

Cash

Cash equivalents

Contributions in collection (see items 2 & 3 below)

Bonds: U.S. Government and its agencies

U. S. Government agencies

Other: Domestic

Foreign

Total

Equities: Common Sstocks: Domestic

Foreign

Other (specify)

Total

Other (specify)

Illiquid investments (list each)

Foreign investments, other than Bonds and Equities

Total

b. Assets not available for funding

Illiquid investments for which a fair market value is not available (list each)

Amounts payable (list each and describe). Includes benefit payments with a payment due date on or before the end of the plan year but paid thereafter, excluding any expense for which the payment date was not on or before the end of the plan year.

Other (list each and describe)

Total

c. Assets available for funding (A-B)

Not reserved funds

Reserved funds (list each)

Other

Total

2. If the assets include contributions paid after the end of the plan year, complete and provide the following exhibit:

<u>For Plan Year Ended</u>	<u>Date Paid</u>	<u>Amount Paid</u>	
		<u>Members</u>	<u>Plan Sponsor</u>
<u>Total (by plan year)</u>			

3. If the assets include contributions for a plan year prior to the plan year just ended that have not been previously included in the assets, complete and provide the following exhibit:

<u>Paid for Plan Year Ended</u>	<u>Paid by Member</u>		<u>Paid by Sponsor</u>	
	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
<u>Total (by plan year)</u>				

4. Disclose the derivation of the actuarial asset value used in determining the annual funding requirement.

(b) A plan to amortize any unfunded liability pursuant to Section 112.64, F.S. Florida Statutes.

(c) A schedule illustrating the amortization of unfunded liabilities as they exist on the date of the valuation, on an annual basis for the three years immediately following the current valuation date and the final year of the amortization schedule must be disclosed, as well as a statement as to how the method was derived.

(d) A description of actions taken by the governmental entity to reduce the unfunded liability, especially those taken since the last actuarial report.

(e) A description and explanation of all actuarial assumptions and methods.

1. Describe each assumption and method change since the immediate prior actuarial valuation report; if none, so state.

2. Describe completely the actuarial methodologies for determining the benefit liabilities, annual funding cost and asset values so that another actuary could, using the same methods, arrive at similar results. Alternatively, disclose the specific Internal Revenue Service provision (e.g., section, example, and/or paragraph number, and the applicable IRS publication(s)) that exactly describe(s) the actuarial methodology used for determining each of the benefit liabilities, the funding thereof, including administrative expenses, and the asset values. Describe the method(s) in use if not as exactly described in a current IRS publication.

3. Describe completely the determination of the pensionable compensation amount used in the current valuation. Also, state when the salary increase assumption commences (e.g., with the current valuation date, one year later).

(f) A comparative review illustrating the rates of salary increases granted and investment return realized, minimally, over the three-year period preceding the current actuarial report with the assumptions used.

1. The actual salary increase rate may be determined for the period between the immediately preceding actuarial valuation date and the current valuation date; however, such rate shall be shown on an annualized basis. For each period, the rate of actual salary increases shall be determined by using the aggregate of actual pensionable compensation paid salary increases granted, excluding new members entrants and terminations.

2. Investment return rates shall be determined on both the market value and actuarial value bases for each year and reported on a consistent basis for each year in the three-year period. Consistent use of either of the two following methods should be considered. If a different method is used, explain. There should also be an explanation of how the investment return rate was determined.

a. The investment return rate may be determined using the formula "i = 2I/(A+B-I)", where:

- "i" is the return rate,
- "I" is the total investment income (net of all investment related expenses, if offset against investment income),
- "A" is the asset value at the beginning of the year, and
- "B" is the asset value at the end of the year.

b. Alternatively, the return rate may be determined weighting deposits and disbursements by date. On this basis, the report is to include an exhibit disclosing the deposits and disbursements for the year by date.

3. All amounts included as a receivable for such year and excluded as a payable for such year are to be included and excluded, respectively, in the return rate determination.

4. All assets owned by the retirement plan are to be included in the return rate determination.

5. For valuations using differing pre- and post- retirement interest rates, or "segment" interest rates (as provided in the Pension Protection Act of 2006), determine – and disclose the determination of – the effective annual interest rate for the expected liability duration period.

(g) A statement by the enrolled actuary, in the form of a certification signed and dated by the actuary, as follows:

Statement by Enrolled Actuary

"This actuarial valuation report and/or cost determination was prepared and completed by me or under my direct supervision, and I acknowledge responsibility for the results. To the best of my knowledge, the results are complete and accurate, and in my opinion, the techniques and assumptions used are reasonable and meet the requirements and intent of Part VII, Chapter 112, F.S. Florida Statutes, and Chapter 60T-1, F.A.C. There is no benefit provision or related expense to be provided by the retirement plan and/or paid from the plan's assets for which liabilities or current costs have not been established or otherwise taken into account in the valuation. All known events or trends ~~that~~ ~~which~~ may require a material increase in plan costs or required contribution rates have been taken into account in the valuation."

<u>Print or Type Name</u>	<u>Signature</u>
<u>Enrollment Number</u>	<u>Date</u>

(4) Actuarial valuation reports shall, at a minimum, disclose such information that another actuary, unfamiliar with the situation, would find the information sufficient to appraise the reports' conclusions and to arrive at reasonably similar results. In order for the Division to determine the completeness, accuracy, and reasonableness of the assumptions, such information shall, at a minimum, include the following items:

(a) The date as of which the valuation was prepared, and the beginning and ending dates of the period(s) for which the recommended contributions are applicable; and the period(s) in which such contributions are to be paid.

(b) The overall valuation results, the adequacy of the retirement-plan sponsor employer and member employee contribution rates in meeting the levels of member employee benefits provided in the plan system and changes, if any, needed in such rates to achieve or preserve a level of funding deemed adequate to enable payment through the indefinite future of the benefit amounts prescribed by the plan system.

(c) A brief summary of the retirement plan provisions. Additionally, disclose:

1.a. The components of pensionable compensation (e.g., W-2 remuneration, unused accrued compensatory time (e.g., vacation, sick-leave, overtime, other compensatory time), expense reimbursement).

b. The limit, if any, on the amounts of unused accrued compensatory time includable in pensionable compensation.

c. How the payment for unused accrued compensatory time, regardless of when paid, is used in determining benefits.

d. For contributory plans, the components of pensionable compensation on which the member does not contribute; if none, so state.

2. The normal benefit payment form, and any differences based on type of benefit payable (e.g., normal retirement, disability retirement).

3. All optional benefit-payment forms, including lump sum payments, the actuarial equivalence assumptions and, based on the option, each different assumption.

4. If any amendment to an existing benefit provision or the addition of a new benefit provision applicable thereafter to members who retire or who terminate with benefits deferred to commence at a later date that, pursuant to an existing plan provision, automatically applies the benefit change or addition to already retired members and beneficiaries and/or members terminated with rights to benefits deferred to commence at a later date.

5. Those benefit provisions that are to be funded solely by additional member contributions, and the additional member contribution rate.

6. The details applicable to a DROP including, but not limited to, eligibility requirements, duration, interest, and payment options.

7. State if all plan members are covered by Social Security; if not, disclose the parameters describing the members covered by Social Security, and those not covered.

8. All changes since the immediate prior report; if none, so state.

9. All legal instruments applicable to the plan adopted since the immediate prior report.

(d) Revised actuarial valuation reports shall clearly indicate each changed item, or include an appendix stating each changed item or a clear indication of the changed items. Provide a historical exhibit by plan year disclosing the required plan sponsor contribution for such year for, separately, normal cost, administrative expense, amortization of unfunded liability, adjustments to reflect the delay in payment or if applicable to a plan year beginning at a later date, and the total. Also disclose the amount paid and the amount that would have been paid for such plan year had the plan sponsor contributed the amount determined by applying the recommended contribution rate to the pensionable compensation during such plan year. Additionally, disclose the members' contributions paid for such plan year. The funding method explained in sufficient detail so that another actuary could, using the same method, arrive at similar results.

(e) For actuarial valuation reports that which cover more than one employee group, benefit program, and/or more than one plan, and the assets are accounted for separately, and the valuation calculations are made separately, the applicable valuation results shall be disclosed separately.

(f) Disclosure of each ~~any~~ benefit provision and related expense to be provided by the plan and/or paid from the plan's assets for which no liabilities or current costs have been established or otherwise provided for, including an explanation of the omission and the cost effect thereof.

(g) Disclosure of any event that which the actuary has not taken into account and any trend that which, for purposes of the actuarial assumptions used, was not assumed to continue in the future, but only if, to the best of the actuary's knowledge, such event or trend may require a material increase in plan costs or required contribution rates.

(h) Disclosure, for each plan year, of the derivation of the current ~~unfunded actuarial accrued liability (UAAL)~~ from the amount established as of the immediately preceding valuation date. (~~UAALs Unfunded actuarial accrued liabilities~~ are amortized by non-employee member contributions in excess of normal cost and interest requirements.) The disclosure shall, minimally, include the following:

<u>1. UAAL at Total unfunded actuarial accrued liability for the immediately prior actuarial valuation date (state date)</u>	\$ _____
<u>2. Plan sponsor normal cost <u>expected</u> for this plan year: a. + b.</u> <u>a. For benefits \$ _____</u> <u>b. For administrative expense \$ _____</u>	\$ _____
<u>3. Interest accrued on 1. and 2</u> <u>Disclose interest determination or explain determination</u>	\$ _____
<u>4. Plan sponsor contributions for this plan year (including amounts expected to be paid): a. + b.</u> <u>a. Amounts paid during such year \$ _____</u> <u>b. Amounts paid after such year \$ _____</u> <u>(discounted from the payment date to the ending date of the fiscal year in which the contribution was due to be paid using the plan's valuation interest rate assumption used for the active member liabilities)</u>	\$ _____
<u>5. Interest accrued on 4.a.</u>	\$ _____
<u>6. Changes due to a. + b. + c. + d.</u> <u>a. assumptions \$ _____</u> <u>b. actuarial funding methods \$ _____</u> <u>c. plan amendments \$ _____</u> <u>d. actuarial <u>experience</u> gain/loss \$ _____</u>	\$ _____
<u>7. UAAL as of the current valuation date: Total unfunded actuarial accrued liability 1. + 2. + 3. - 4. - 5. + 6.</u>	\$ _____

8. Provide an exhibit of all current unamortized UAAL amounts disclosing the amount, date and amortization period at establishment, and the cause of the establishment (i.e., new plan, amendment, assumption change, actuarial method change (identify if asset or other), and actuarial experience gain/loss). Disclose each UAAL amount as of the immediate prior valuation date, the amortization payment credited to the immediate prior UAAL amount, the current unamortized UAAL amount, the remaining amortization period and the expected amortization payment, including column totals.

9. Disclose the determination of the amount available to amortize the UAALs.

(i) Provide demographic and financial data statistics on the active members, members (active, terminated with rights to deferred benefits, disabled, retired, retired in DROP, and

Age	Termination Experience								
	Death		Disability		Termination		Total		
	Expected	Actual	Expected	Actual	Expected	Actual	Expected	Actual	
Provide column totals									

3. For active members, a retirement and DROP experience exhibit for each plan year since the immediate prior actuarial valuation report. Depending on the plan's retirement provisions (e.g., by age, years of service and/or age and years of service) in separate juxtaposed columns disclose: the number of members eligible for retirement; the number expected to retire; the number of them electing to retire; and of the latter, the number eligible for DROP, and the number electing DROP.

4. A reconciliation between current demographic data and such data in the most recent prior actuarial valuation report of those: active; terminated with deferred benefits; line-of-duty disabled; non-line-of-duty disabled; DROP; retired; and beneficiaries. Add categories as needed depending on the

beneficiaries) in the plan, as follows: retirement system including but not limited to an age and service distribution table for active members. This section shall provide a reconciliation between current data and data in the most recent state approved valuation of the active, terminated with rights to deferred benefits, and retired membership (and beneficiaries):

1. For active members, an age/service array, including compensation, using appropriate age and service groupings.

2. For active members, complete the following termination experience exhibit for each plan year since the immediate prior actuarial report. Ages may be individual or in the same 5-year age groups used for disclosing other demographic and financial data.

plan's provisions. The reconciliation is to be in the form of an array with the foregoing groups disclosing, as applicable: the ending number from the immediate prior report (if different from the beginning number, enter difference); vested terminated; non-vested terminated; line-of-duty disabled; non-line-of-duty disabled; line-of-duty death; non-line-of-duty death; lump sum payment; DROP; retired; transfers; corrections; new members; and ending number. Add other causes, as applicable. Provide line and column totals.

5. For vested terminated members, retirees and beneficiaries, provide the following exhibit:

Age	Annual Benefit Payable To											
	Disabled		Vested Terminated		DROP		Retired		Beneficiaries		Total	
	#	Benefit	#	Benefit	#	Benefit	#	Benefit	#	Benefit	#	Benefit
Provide column totals												

6. (A projection of emerging liabilities/cash flow needs for the next 10 – 15 years is recommended would be beneficial.)

7. A determination and disclosure of the actuarial gains and losses, by source, is recommended.

(j) An annual reconciliation of the plan's assets from the balance determined as of the immediately preceding valuation date to the balance as of the current valuation date on both the market and actuarial value bases. If the reconciliation is done on a basis other than that used for annual funding requirements, the reconciliation shall show the dollar relationship to the actuarial value of assets as used in determining the annual funding requirements. The reconciliations shall show separately, at a minimum: Beginning balance (if different than immediate prior ending balance; explain and enter difference).

- Contributions by source (separately disclose special purpose contributions: e.g., "buy-back")
- Interest and dividends
- Realized gains (losses)
- Increase (decrease) in unrealized appreciation, if applicable (net)
- Pension payments other than lump sum payments
- Lump sum payments other than member contribution refunds
- Member contribution Contribution refunds
- Expenses: Administrative
- Investment related
- Other receipts (identify)
- Other disbursements (identify)
- Increase/decrease to reserve fund (list each and

- amount
- Ending balance
- (k) The amount of active members accumulated contributions (with interest, if provided by plan).

(l) A comparative summary of principal valuation results, essentially in the following format:

COMPARATIVE SUMMARY OF PRINCIPAL VALUATION RESULTS		
(Not a required format – to be used as a guide <u>only</u>)		
	Actuarial Valuation Prepared as of	
	Current Date	Prior Date
1. Participant Member Data		
Active members	# _____	# _____
Total annual pensionable payroll	\$ _____	\$ _____
Pensionable compensation below assumed retirement	\$ _____	\$ _____
Retired members <u>and beneficiaries</u> (other than disabled <u>and DROP</u>)	# _____	# _____
Total annualized benefit	\$ _____	\$ _____
<u>Beneficiaries</u>	# _____	# _____
Total annualized benefit	# _____	# _____
Total annualized benefit	\$ _____	\$ _____
<u>DROP</u>	# _____	# _____
Total annualized benefit	\$ _____	\$ _____
Accumulated value	\$ _____	\$ _____
Disabled members receiving benefits	# _____	# _____
Total annualized benefit	\$ _____	\$ _____
Terminated vested members	# _____	# _____
Total annualized benefit	\$ _____	\$ _____
2. Assets		
Actuarial value of <u>all</u> assets	\$ _____	\$ _____
Market value of <u>all</u> assets	\$ _____	\$ _____
3. Liabilities		
a. Present value of all future expected benefit payments:	\$ _____	\$ _____
Active members:	\$ _____	\$ _____
Retirement benefits	\$ _____	\$ _____
Vesting benefits	\$ _____	\$ _____
Disability benefits	\$ _____	\$ _____
Death benefits	\$ _____	\$ _____
Return of contribution	\$ _____	\$ _____
Total	\$ _____	\$ _____
<u>Inactive Members</u>	\$ _____	\$ _____
Terminated vested members	\$ _____	\$ _____
Retired members <u>and beneficiaries</u> :	\$ _____	\$ _____
Retired members (other than disabled), <u>DROP</u> , and beneficiaries)	\$ _____	\$ _____
Disabled members	\$ _____	\$ _____
<u>DROP (excluding accumulated balances)</u>	\$ _____	\$ _____
<u>DROP accumulated balance</u>	\$ _____	\$ _____
<u>Beneficiaries</u>	\$ _____	\$ _____
Total	\$ _____	\$ _____
Total present value of all future expected benefit payments	\$ _____	\$ _____
Liabilities due and unpaid	\$ _____	\$ _____
Unfunded actuarial accrued liability	\$ _____	\$ _____
Reserved funds (as applicable):	\$ _____	\$ _____
<u>DROP accumulated balance</u>	\$ _____	\$ _____
Excess plan sponsor contributions	\$ _____	\$ _____
Actuarial experience for additional benefits	\$ _____	\$ _____
Excess Ch. 175 and/or 185 assets required for Ch. 99-1	\$ _____	\$ _____
Other Ch. 175 and/or 185 assets not required for Ch.99-1	\$ _____	\$ _____
Other (add as needed)	\$ _____	\$ _____
Total	\$ _____	\$ _____

b. Actuarial accrued liability (required if an immediate-gain funding method (see Revenue Rule 81-213) is used for any purpose in completing report)	\$ _____	\$ _____
Active members:	\$ _____	\$ _____
Retirement benefits	\$ _____	\$ _____
Vesting benefits	\$ _____	\$ _____
Disability benefits	\$ _____	\$ _____
Death benefits	\$ _____	\$ _____
Return of contribution	\$ _____	\$ _____
Total	\$ _____	\$ _____
Inactive Members: Total from a.	\$ _____	\$ _____
Total ⁽²⁾ Refers to liabilities not funded by future normal cost contributions. Show amount, date and amortization period at establishment, and current amount of each such liability not amortized.)	\$ _____	\$ _____
4. Actuarial present value of accrued benefits (to be determined in accordance with a. and b. below)		
Statement of actuarial present value of all accrued benefits		
Vested accrued benefits		
Inactive members and beneficiaries	\$ _____	\$ _____
DROP accumulated balance	\$ _____	\$ _____
Active members (includes non-forfeitable accumulated member contributions in the amount of _____)	\$ _____	\$ _____
Total value of all vested accrued benefits	\$ _____	\$ _____
Non-vested accrued benefits	\$ _____	\$ _____
Total actuarial present value of all accrued benefits	\$ _____	\$ _____
Statement of changes in total actuarial present value of all accrued benefits		
Actuarial present value of accrued benefits at beginning of year	\$ _____	\$ _____
Increase (decrease) during year attributable to (where applicable):		
Plan amendment	\$ _____	\$ _____
Changes in actuarial assumptions	\$ _____	\$ _____
Increase for interest and probability of payment due to decrease in discount period and benefits accrued	\$ _____	\$ _____
Benefits paid	\$ _____	\$ _____
Other changes (identify and state amount)	\$ _____	\$ _____
Net increase (decrease)	\$ _____	\$ _____
Actuarial present value of accrued benefits at end of year	\$ _____	\$ _____
a. Accrued benefits are those future promised benefits that are determined in accordance with the plan's provisions based on the service members have rendered to the actuarial valuation date. Accrued benefits are those payable under all applicable plan circumstances – retirement, death, disability, and termination of employment – to the extent they are deemed attributable to member service rendered to the valuation date. Benefits to be provided by insured contracts for which the plan sponsor has no future liability and which are excluded from plan assets are to be excluded from plan benefits.		
b. All determinations are to be on a consistent basis. Any change is to be disclosed, together with an explanation. The exhibit entries for the actuarial valuation date as of which a change is made shall show the entries on a before and after change basis.		
5. Pension cost (specify plan year and applicable funding period)	\$ _____	\$ _____
a. Normal cost to be paid by plan sponsor (for immediate gain-funding methods, disclose show cost for each benefit if so calculated and amount for administrative expenses, if applicable; exclude interest)	\$ _____	\$ _____
Payment to amortize unfunded liability	\$ _____	\$ _____
Expected plan sponsor contribution (include including normal cost, amortization payment, and interest and salary increase / payroll growth, as applicable)	\$ _____	\$ _____
As % of payroll	_____ %	_____ %
Amount to be contributed by members	\$ _____	\$ _____
Expected member contribution	\$ _____	\$ _____
As % of payroll	_____ %	_____ %
b. If a different funding method is used for any other purpose with results provided in the report that may affect the determination of the cost in a. (e.g., a spread-gain method is used for establishing the annual funding cost and the individual entry-age method is used for full-funding determinations or other requirements), disclose the method's normal cost for each benefit and amount for administrative expense, if applicable; exclude interest.		
6. Past contributions		
For each plan year since last report:		

Required plan sponsor contribution by:		
Plan sponsor	\$ _____	\$ _____
Members Required member contribution	\$ _____	\$ _____
Actual contributions made by:		
Plan's sponsor	\$ _____	\$ _____
Members	\$ _____	\$ _____
Other (e.g., Chapters 175/ or 185, F.S.)	\$ _____	\$ _____
Total	\$ _____	\$ _____
Members	\$ _____	\$ _____
7. Net actuarial experience gain (loss) (if applicable)	\$ _____	\$ _____
8. Other disclosures (where applicable)		
Present value of active member:		
Future salaries		
At attained age	\$ _____	\$ _____
At entry age	\$ _____	\$ _____
Future contributions		
At attained age	\$ _____	\$ _____
At entry age	\$ _____	\$ _____
Present value of future contributions from other sources (identify)	\$ _____	\$ _____
Present value of future expected benefit payments for active members at entry age	\$ _____	\$ _____

(5) Provide a historical exhibit by plan year disclosing the charged and credited plan-sponsor contributions disclosing the following: actuarial valuation date, plan-year beginning date, fiscal-year ending date, normal cost (including administrative expense if paid from the plan's assets), amortization cost, interest on the charge items to the end of the fiscal year, total charges with interest, amount paid by the plan sponsor, allowable premium-tax refund, interest on all paid amounts to the end of the fiscal year, total of all credits and the excess or deficiency of the credit total less the charge total. Contributions paid after the end of the fiscal year are to be discounted from the payment date to the immediately preceding fiscal-year ending date. The amount of any such discount is to be disclosed in an additional column as an offset against the

credits. All interest determinations shall use the plan's valuation interest assumption used for the active member liabilities.

(6) Provide a historical exhibit by plan year, similar to 5. above, disclosing the plan-sponsor amount that is or would have been paid for such plan year had the plan sponsor contributed the amount determined by applying the recommended contribution rate to the pensionable compensation during such plan year. Additionally, disclose the members' contributions paid for such plan year.

(7) For Chapter 175/185 plans only, please provide a historical exhibit by plan year of all state premium tax revenues received since the Chapter 99-1, Laws of Florida, base year distribution (1997). The exhibit should, at a minimum, include the information presented in Exhibit A that follows. (Not a required format – to be used as a guide only.)

Chapter 60T-1.003(7), Exhibit A
Chapter 175/185 Premium Tax Disclosure

Year	Police			Fire			Fire Supplemental			Benefit Improvements				Current Year
	Actual	Base Year	Increase Over	Actual	Base Year	Increase Over	Actual	Base Year	Increase Over	Current Year	Cumulative	One-Time	Total	Additional Premium Tax
	Distribution	Distribution	Base C = A - B (not < \$)	Distribution	Distribution	Base F = D - E (not < \$0)	Distribution	Distribution	Base I = G - H (not < \$0)	Recurring *	Recurring K = Σ J's	Use L	M = K + L	N = C + F + I - M
1997	BASE													
1998														
1999														
2000														
2001														
2xxx														
														Σ N's

Cumulative Additional Premium Tax Revenues as of Actuarial Valuation Date

* For each benefit improvement enacted, please disclose the ordinance number and actuarial impact separately, in a separate exhibit, if necessary.

NOTE: Not all plans will receive police, fire and fire supplemental checks. Please omit any superfluous columns in your submissions.

~~(5) The actuarial cost methods utilized for establishing the amount of the annual actuarial normal cost to support the promised benefits shall only be those methods approved in the Employee Retirement Income Security Act of 1974, and as permitted under regulations prescribed by the Secretary of the Treasury. The funding method utilized for the actuarial report and the resulting recommendation for contributions required to fund the retirement plan shall minimally provide a contribution sufficient to meet the normal cost, and to amortize the unfunded liability, if any, in accordance with Section 112.64, Florida Statutes.~~

~~(6) Actuarial assumptions selected for the actuarial valuation report should reflect the actuary's best judgment of future events. They should take into account the actual experience of the covered group. The actuary should consider the impact of inflation on appropriate assumptions. The preferred approach in selecting actuarial assumptions is the use of explicit assumptions which more nearly represent the actuary's best estimate of anticipated plan experience under each assumption. Actuarial assumptions which consistently generate experience gains or losses are prima facie indications of unreasonable actuarial assumptions.~~

~~(7) Whenever an actuarial valuation is based on actuarial assumptions or cost methods different from those used in the preceding valuation, the current valuation must clearly indicate the effect on projected liabilities and costs resulting from the new assumptions and/or funding methods.~~

~~(8) Each report shall include an annual reconciliation of each reserved fund starting with the ending balance in the immediate prior actuarial report disclosing each of the items of income, disbursement, interest credits and debits, other adjustments as applicable, and the ending balance. Administrative expenses paid from the funds being accumulated to support the promised benefits shall be paid on a current basis in addition to the annual funding costs otherwise determined.~~

~~(9) All reconciliations (e.g., UAAL, asset, reserved fund, demographic data) are to start with the immediate prior reported ending balance. Annual funding costs or cost contribution rates determined as of a valuation date but to be paid at a later date or applicable to a period beginning at a later date are to be appropriately adjusted to reflect the intervening~~

~~time interval. The adjustment shall provide for, but not be limited to, adjustments to account for interest and/or salary increase, as appropriate.~~

~~(10) Please disclose: Recommended changes in contributions or contribution rates determined as of a valuation date shall be effective not later than the first of the next fiscal year following the valuation date.~~

~~(a) Plan administrator, address and phone number.~~

~~(b) Asset custodian(s), with address(es) and phone number(s).~~

~~(c) Investment manager(s), with address(es) and phone number(s).~~

~~(11) Unless otherwise indicated or contrary to Chapter 112, Florida Statutes all actuarial procedures and determinations are to be in accordance with commonly accepted procedures and determinations. Internal Revenue Service publications should be used as the standard.~~

Specific Authority 112.665(1) FS. Law Implemented 112.61, 112.63 FS. History—New 5-6-81, Amended 9-19-84, Formerly 22D-1.03, Amended 11-14-91, Formerly 22D-1.003, Amended 2-23-95,

60T-1.004 Actuarial Impact Statements.

(1) Regardless of funding source, no unit of local government shall agree to a proposed change in the retirement benefits or liabilities of a local retirement plan system subsequent to October 1, 1980, unless the administrator of the plan system, prior to adoption of the change by the governing body, has issued a statement of actuarial impact of the proposed change upon the plan local retirement system prior to the last public hearing thereon and has furnished a copy of such statement to the Division. Also, such statement shall incorporate by reference and have attached a copy of the proposed ordinance, amendment, resolution, collective bargaining agreement, insurance contract, or other legal instrument necessary to implement the proposed change to the plan retirement system. The adoption of a new plan shall require submission of an impact statement.

(2) The statement of actuarial impact may be based upon an actuarial valuation that has been prepared within 12 months of the proposed effective date for the amendments. The statement may be prepared by an enrolled actuary, either the plan administrator, or the plan sponsor or an enrolled actuary. The plan administrator shall transmit such statement to the

Division along with ~~the administrator's his/her~~ statement that the prepared information reflects the estimated costs of the proposed amendment(s).

(3) The statement of actuarial impact required by Section 112.63(3), F.S., should be in the form of a certification signed and dated by the plan administrator, including the administrator's typed or printed name, and contain the following information:

(a) The name of the local retirement plan;

~~(b)(a)~~ A description of the proposed amendment(s), identification of the applicable legal instrument necessary to implement the proposed amendment(s), the proposed effective date for the proposed amendment(s), and a statement that the actuary was provided the information necessary to evaluate the proposed amendment(s);

~~(c)(b)~~ An estimate of the cost of implementing the amendment(s), signed and dated by an enrolled actuary, that which discloses, at a minimum, sufficient information on both the before and after ~~amended amendment~~ basis, so that another actuary, unfamiliar with the situation, would be able to appraise the estimate. If any actuarial assumptions, techniques or methods are also changed, additional information disclosing the effect of such actuarial changes must be provided separately; and

(d) A determination and disclosure of the cost effect of material favorable and/or unfavorable actuarial experience is recommended.

~~(e)(e)~~ A statement indicating whether the proposed change is in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the State Constitution.

(4) Actuarial impact statements supporting benefit changes shall provide for contribution amount and contribution rate changes to be effective as follows:

(a) For prospective or retroactive increases in the benefit formula of active or inactive members – not later than the ~~first day of the~~ fiscal year next following the enactment date of the legal instrument providing the benefit increase.

(b) For retroactive retiree benefit increases required by litigation or federal or state regulations – not later than the ~~first day of the~~ fiscal year next following the effective date of the order or the regulation.

(c) For retroactive retiree benefit increases not required by litigation or federal or state regulation – not later than the ~~first day of the~~ fiscal year next following the enactment date of the legal instrument providing the benefit increase. A lump sum payment shall be required to fund the retroactive portion of the contribution increase from the effective date of such increase to the date of the contribution rate change and shall also be paid no later than the ~~first day of the~~ fiscal year next following such enactment date.

Specific Authority 112.665(1) FS. Law Implemented 112.61, 112.63(3), (4) FS. History—New 5-6-81, Amended 8-15-84, Formerly 22D-1.04, Amended 11-14-01, Formerly 22D-1.004, Amended 8-4-94, _____.

60T-1.005 Review of Actuarial Reports and Actuarial Impact Statements.

(1) ACTUARIAL REPORTS:

(1)(a) If the Division does not receive the actuarial valuation report required by Section 112.63(1), (2), F.S., the statement of actuarial impact required by Section 112.63(3), F.S. Florida Statutes; or, upon review, finds that the report or statement ~~actuarial valuation~~ submitted is not complete, accurate, or based on reasonable assumptions and/or methods, or materially fails to satisfy Part VII of Chapter 112, F.S., or the Division requires additional material information necessary to complete its review of the report, statement, or to satisfy its duties pursuant to Section 112.665(1), F.S., it shall notify the administrator of the affected retirement plan and the affected local governmental entity and request appropriate adjustment and the additional material information. The local government shall, within ~~30~~ 30 calendar ~~60~~ days from the receipt of the request; make the appropriate adjustment; provide the additional material information or the required report or statement; and/or notify the Division of its progress or its refusal to make the requested adjustment, provide the additional material information, report, or statement. The Division may extend the response time if it determines that reasonable progress is being made.

(b) If, after such 30 calendar days, the Division determines that the requested report, statement, adjustments and/or additional material information has with respect to the actuarial valuation have not or will not be made or provided, it shall inform the administrator of the affected retirement plan and the affected governmental entity that the consequences for failure to comply with the requirements of Section 112.63(4), F.S., require the Department of Revenue and the Department of Financial Services be notified of such noncompliance, in which case such Departments shall withhold any funds not pledged for satisfaction of bond debt service that are payable to the affected governmental entity until the adjustment is made, or the report, statement, or additional material information is provided to the Division petition for a hearing under the provision of Section 120.57, Florida Statutes, unless the local government has already done so. The withholding of funds shall commence on the 31st calendar day following receipt by the Departments of such notification from the Division.

(c) Within 21 days after receipt of the notice, the affected governmental entity may petition for a hearing under Sections 120.569 and 120.57, F.S., with the Division. If the administrative law judge recommends for the Division, the Division shall prepare an actuarial valuation report, actuarial impact statement and/or collect the requested material information, the cost of which shall be charged to the affected

governmental entity of which the employees are covered by the retirement plan. If payment of such costs is not received by the Division within 60 calendar days after receipt by the affected governmental entity of the request for payment, the Division shall certify to the Department of Revenue and the Department of Financial Services the amount due, and such Departments shall pay such amount to the Division from any funds not pledged for satisfaction of bond debt service which are payable to the affected governmental entity. If the administrative law judge recommends in favor of the affected governmental entity and the Division prepares a report, statement, and/or collects the requested material information, the cost thereof shall be paid by the Division.

(2) In the case of an affected special district, the Division shall also notify the Department of Community Affairs. Upon receipt of such notification, the Department of Community Affairs shall proceed pursuant to the provisions of Section 189.421 F.S., with regard to the special district. ACTUARIAL IMPACT STATEMENTS:

(a) The Division's review of such statement shall be based primarily on the financial aspects and soundness of the proposed amendment(s).

(b) If the Division finds that such statement is not acceptable, it shall include in its comments the specific reasons therefor, and request an adjustment. Prior to deciding whether to petition for a hearing under the provisions of Section 120.57, Florida Statutes, the local government may undertake one of the following actions: provide additional information to support and justify the previously submitted statement, amend its proposed ordinance or rescind the statement and related ordinance.

(c) If the Division determines that the requested adjustments with respect to the statement of actuarial impact have not or will not be made, it shall petition for a hearing under the provisions of Section 120.57, Florida Statutes, unless the local government has already done so. If the hearing officer recommends in favor of the local retirement system, the Division shall determine if it shall prepare a statement of actuarial impact as set forth in Section 112.63(4), Florida Statutes.

(3) Pursuant to Section 218.503(2), F.S., the Division shall notify the Governor, the Commissioner of Education, as appropriate, and the Legislative Auditing Committee within 30 days after a determination that, due to lack of funds, one or more of the following conditions have occurred or will occur if action is not taken to assist the county, municipality, special district or district school board: failure to transfer at the appropriate time employer and employee contributions for any pension, retirement or benefit plan of an employee, or failure for one pay period to pay retirement benefits owed to former employees.

Specific Authority 112.665(1)(e) FS. Law Implemented 112.63 FS. History—New 5-6-91, Formerly 22D-1.05, 22D-1.005, Amended

60T-1.006 Defined Contribution Plans.

(1) Each plan sponsor of a local retirement system or plan defined as other than those requiring actuarial reports shall provide, on an annual basis, that information necessary to gather, catalog and maintain complete information to the Division.

(2) The disclosure of information may be prepared as of the plan anniversary date or as of the plan sponsor's fiscal year ending date and shall minimally contain the following:

~~(a) Plan Description (For the initial Initial report only):~~

~~1. Contribution formula~~

~~a. Plan sponsor~~

~~b. Member~~

~~2. Vesting schedule~~

~~3. Normal retirement date~~

~~4. Member eligibility~~

~~5. Beginning date of plan year — annually~~

~~6. Plan sponsor~~

~~7. Plan administrator~~

~~8. A copy of the Internal Revenue Service letter approving the plan as tax qualified, and all changes thereto. The specific Internal Revenue Code sections under which the plan operates.~~

~~9. Copy of plan document, ordinances, contracts and any enactment or other legal statement regarding funding and administration.~~

- Copy of all legal instruments affecting member eligibility, benefit provisions, funding and administration.

- Summary plan description per Sections 112.66(1), (2), F.S.

- Disclose if all plan members are covered by Social Security; if not, disclose the parameters describing the members covered by Social Security, and those not covered.

- Plan sponsor address and phone number.

- Plan administrator address and phone number.

- Asset custodian(s) with addresses and phone numbers.

- Investment manager(s) with addresses and phone numbers.

~~(b) Source of funds~~

~~1. Plan Sponsor~~

~~2. Members~~

~~3. Other~~

~~(b)(e) A statement describing each change and/or amendment, if any, to the plan, since the last report, including a copy of all applicable legal instruments and IRS approval letters.~~

~~(c)~~(d) A signed and dated statement of the plan administrator (including the administrator's typed or printed name) verifying the completeness and accuracy of the report, including a statement that there has been no change since the last report, if applicable.

Specific Authority 112.665(1)(e) FS. Law Implemented 112.665 FS. History--New 8-15-84, Formerly 22D-1.006, Amended 2-23-95, _____.

60T-1.007 Funding.

(1) ~~Member~~ Employee contributions shall be deposited into the retirement ~~system~~ or plan not less frequently than monthly.

(2) Employer contributions shall be deposited into the retirement ~~system~~ or plan not less frequently than quarterly. Consistent with the Legislative intent in s. 112.61, F.S., and the concurrent funding requirement in s. 14, Art. X of the State Constitution, required contributions are to be paid not later than one year following the end of the plan year for which such contributions are due.

(3) Any payment for retroactive contribution rate increases shall be deposited into the retirement ~~system~~ or plan on or before the date such payment is due.

(4) Any revenues received from any source by an employer for allocation to a retirement ~~system~~ or plan shall be deposited into such ~~system~~ or plan not later than 30 days from receipt by the employer.

(5) Administrative expenses, annual funding costs, and contribution rate increases shall be funded in accordance with ~~subsections 60T-1.003(8) through (10) and 60T-1.004(4), Part VII of Chapter 112, F.S., and Chapter 60T-1, F.A.C.~~

(6) The actuarial cost methods utilized for establishing the amount of the annual actuarial normal cost to support the promised benefits shall only be those methods approved in the Employee Retirement Income Security Act of 1974, and as permitted under the regulations prescribed by the Secretary of the Treasury. Such methods shall minimally provide a contribution sufficient to meet the normal cost, administrative expense and to amortize the unfunded liability, if any, in accordance with Part VII of Chapter 112, F.S., and Chapter 60T-1, F.A.C. All such determinations shall use the applicable mortality tables.

(7) In lieu of fair market value, an actuarial asset-valuation method may be used to establish the asset value for determining annual funding cost. The method used must satisfy Federal Regulation 1.412(c)(2)-1, as modified by Revenue Procedure 2000-40 pursuant to s. 9303(c) of P.L. 100-203, as in effect on August 16, 2006. The associated corridor limits must be disclosed. Additionally, each change in method or corridor limits must be of benefit to the plan, and be approved by the plan sponsor and by the plan's board.

(8) Actuarial assumptions selected for the actuarial valuation report should reflect the actuary's best judgment of future events. They should take into account the actual experience of the covered group. The actuary should consider the impact of inflation on appropriate assumptions. The preferred approach in selecting actuarial assumptions is the use of explicit assumptions that represent the actuary's best estimate of anticipated plan experience under each assumption. Actuarial assumptions that consistently generate experience gains or losses are prima facie indications of unreasonable actuarial assumptions.

(9) Whenever an actuarial valuation is based on actuarial assumptions, cost determination/funding methods or benefit provisions different from those used in the preceding valuation, the current valuation must clearly indicate the effect on projected liabilities and costs resulting from the new assumptions, cost determination/funding methods and/or benefit provisions. This can be accomplished by adding additional columns, as applicable, to item (4)(l), Rule 60T-1.003, F.A.C.

(10) Administrative expenses paid from the funds being accumulated to support the promised benefits shall be paid on a current basis in addition to the annual funding costs otherwise determined. A reasonable assumption/estimate of increase should be used to anticipate the expense amount for the current and/or future plan year(s). Any investment-related expense not netted against investment income is to be included in administrative expense if such investment expense is not paid directly by the plan sponsor. Disclose the assumption, estimate and/or methodology to accomplish this objective in item (3)(e), Rule 60T-1.003, F.A.C.

(11)(a) Annual funding costs or cost contribution rates determined as of a valuation date but to be paid at a later date or applicable to a period beginning at a later date are to be appropriately adjusted to reflect the intervening time interval. The adjustment shall provide for, but not be limited to, adjustments to account for interest and/or salary increase/payroll growth, as appropriate. Disclose the assumptions and/or methodology to accomplish this objective in item (3)(e), Rule 60T-1.003, F.A.C.

(b) For plan years beginning after September 30, 2009, the required dollar contributions for plan years beginning with or subsequent to the actuarial valuation date shall be the product of the required contribution rate and the payrolls during such plan years. The required contribution rate is the required dollar contribution amount for the plan year beginning on the valuation date, including any adjustments for expected benefit changes and interest, divided by the compensation amount used to establish the required dollar contribution amount.

(13) Unless otherwise indicated or contrary to Part VII of Chapter 112, F.S., or Chapter 60T-1, F.A.C., all actuarial procedures and determinations are to be in accordance with commonly accepted procedures and determinations. Internal

Revenue Service publications should be used as the standard.(12) Recommended changes in contributions or contribution rates determined as of a valuation date shall be effective not later than the fiscal year coincident with or next following the valuation date.

(14) A member in a DROP who is not accruing benefits is retired for all plan purposes.

(15) An annual cost shall be determined and paid for each plan year except for a year for which the plan is determined to be fully funded or for which there are no unfunded liabilities for promised benefits.

(16) For closed, frozen, and terminated plans, annual funding contributions shall continue until there are no remaining unfunded promised benefits, consistent with the Legislative intent in Section 112.61, F.S. Liabilities for any new or additional benefits enacted after the adoption date of the legal instrument by which a plan became closed, frozen, or terminated, including the liabilities attributable to actuarial method and assumption changes, and actuarial experience, are to be amortized over the lesser of 15 years and the average number of years of remaining life expectancy.

(17) Changes in the actuarial liability and asset valuation methods and cost-funding methods and determinations, must be consistent with the Legislative intent in Section 112.61, F.S., and of benefit to the plan (e.g., a change solely to reduce annual funding cost due to unfavorable experience without also changing the assumptions yielding such experience neither satisfies Section 112.61 nor benefits the plan). All changes must be approved by the plan sponsor and by the plan's board.

(18) The number of years for amortizing actuarial experience gains and losses, increases and decreases in liabilities due to actuarial method and/or assumption changes, and plan amendments must be consistently applied (e.g., actuarial experience gains cannot be amortized over a lesser number of years than that used for losses). Additionally, each change in the number of years of amortization policy must be approved by the plan sponsor and by the plan's board.

(19) If the amortization of the unfunded actuarial accrued liabilities commences with or is changed to the use of the payroll-growth funding method in Section 112.64(5), F.S., the payroll-growth rate used must satisfy the requirements in such section, and each actuarial valuation report using such funding shall disclose the determination of the 10-year average annual payroll-growth rate and the payroll-growth rate used in the valuation. Additionally, any change in amortization policy to include the use of this method, the payroll-growth rate used and any increase in such rate must be of benefit to the plan, and be approved by the plan sponsor and by the plan's board. Only the pensionable compensation of active members shall be used in determining the 10-year average payroll-growth rate. Additionally, such 10-year average is the tenth root of the ratio that the current pensionable compensation bears to such compensation 10 years earlier.

(20) The awarding of cost-of-living benefit increases continually provided on an ad-hoc basis does not satisfy the Legislative intent in Section 112.61, F.S., if the additional liabilities are then to be funded over future years. If such awards are to continue on an ad-hoc basis, the benefit shall be fully paid for not later than the fiscal year next following the enactment date of the legal instrument providing the benefit increase, or such benefits are to be anticipated and pre-funded the same as all the other pension plan benefits to satisfy the Legislative intent in Section 112.61, F.S.

(21) The plan sponsor or the plan's board may revise actuarial reports and impact statements previously provided to the Division to correct material errors or omissions. Other changes may be made provided that such revisions satisfy the Legislative intent in Section 112.61, F.S., the other requirements of Part VII of Chapter 112, F.S., and Chapter 60T-1, F.A.C., and is in the best interest of the plan and the funding of the plan's benefits, as determined by the Division.

(22) The annually required plan sponsor contribution may be limited to the amount equal to 110% of the excess of the sum of the normal cost and accrued liability over the value of the plan's present assets. For this purpose: the normal cost and the accrued liability are determined according to the individual entry-age actuarial cost-funding method if such items cannot be directly calculated under the funding method used for the plan; the entry age is the member's current age reduced to reflect the number of years of credited prior service; the value of the plan's present assets is the lesser of the fair market value and, if applicable, the value determined according to the plan's actuarial asset-valuation method; and all determinations shall be as of the same date.

(23) The total required plan sponsor contribution for each plan year shall not be reduced to reflect member contributions that exceed the member contribution amount determined when the plan sponsor required contribution amount was established. Any such reduction is contrary to the Legislative intent in Section 112.61, F.S.

(24)(a) For plans providing additional benefits to members satisfying specified requirements, and who have the option of electing such additional benefits, the funding for such additional benefits shall commence not later than the later of the fiscal year coincident with or next following the enactment date of the legal instrument providing the additional benefits and, if applicable, the earliest date the member eligible to elect such additional benefits could have satisfied the applicable requirements to claim the additional benefits. Such additional benefits shall be funded by annual contributions that funds the benefits not later than the member's expected retirement date. A lump sum payment is required equal to the accumulated annual contributions, with interest, that would have been paid from such earliest date the electing member could have

satisfied the applicable requirements to the date when such requirements are satisfied, and shall be paid no later than the fiscal year next following such latter date.

(b) Contributions are required for those retirement plan members who decline to participate in the plan and who subsequently join the plan, or who withdraw from the plan and subsequently rejoin the plan. Consistent with the Legislative intent in Section 112.61, F.S., if credit for pension purposes is awarded for all or any portion of prior service, the plan shall be paid the full actuarial cost for such service. Such cost and any accrued interest shall be paid not later than the fiscal year coincident with or immediately following the date the member first becomes eligible to claim such service. If creditable service commences upon the date of re-entry into the plan with no credit for pension purposes for prior service, there is no additional cost for any prior service.

(25) Contributions are payable to the fund for those members who terminate from a DROP without terminating employment and who receive credit for pension benefits as if never having participated in the DROP. Such contributions shall be the full actuarial cost for the service not credited during the DROP participation period. Such contribution amounts may be offset by the accumulated DROP balance forfeited when the member terminated from the DROP without terminating employment. All such contributions and accrued interest shall be paid not later than the fiscal year coincident with or immediately following the date the member terminates from the DROP.

(26) Pursuant to subsection 60T-1.007(8), F.A.C., actuarial assumptions that consistently generate experience gains or losses are prima facie indications of unreasonable actuarial assumptions. Additionally, Section 112.63(1)(e), F.S., and paragraph 60T-1.003(3)(f), F.A.C., require a comparative review of the actual salary increases granted and the rate of investment return realized over, minimally, the 3-year period preceding the actuarial report with the applicable assumptions used during such period. Also, except as otherwise provided in Part VII of Chapter 112, F.S., Section 112.61, F.S., Legislative intent, among other things, explicitly "prohibit[s] the use of any procedure, methodology, or assumptions the effect of which is to transfer to future taxpayers any portion of the costs which may reasonably have been expected to be paid by the current taxpayers." Accordingly, for each period of at least 3 years of unfavorable actuarial experience immediately preceding the actuarial report, if the actuary elects not to appropriately change the assumption(s) generating such experience, then the actuary shall comment regarding the efficacy of the applicable assumptions versus the experience, and justify how the continuation of such assumptions satisfies the preceding standards, individually and collectively. In the absence of compelling evidence to support such continuation, such report shall be determined to be not state accepted pursuant to Part VII of Chapter 112, F.S.

(27) As of any actuarial valuation date, all existing UAAL amounts ("charges" and "credits") may be combined and have a single amortization payment, provided such payment is not less than the amount payable without the combining, and such that the Legislative Intent in Section 112.61, F.S., is satisfied.

Specific Authority 112.665(1) FS. Law Implemented 112.61, 112.64 FS. History--New 11-14-91, Formerly 22D-1.007, Amended _____.

60T-1.008 Additional Benefits Funded by Experience.

(1) Actuarial experience may be used to fund additional benefits. The present value of such benefits currently awarded or to be awarded shall not exceed the net favorable actuarial experience balance accumulated from all sources of actuarial gains and losses.

(2) Subject to the provisions of Part VII of Chapter 112, F.S., the determination and the payment of additional benefits shall only be in accordance with the provisions of the legal instrument applicable to such benefits adopted by the plan sponsor.

(3) Actuarial experience is determinable under any actuarial cost-funding method. For spread-gain cost-funding methods (see IRS Revenue Rule 81-213), actuarial experience may be determined using a consistently applied individual entry-age cost-funding method, or consistently using the difference in annual normal-cost-funding rates based on the spread-gain-funding method in use. All such determinations are to be disclosed in the actuarial report.

(4) The period for the measurement of net actuarial experience may commence with the effective date of the additional benefits program funded by actuarial experience, or earlier. If earlier, the contribution requirements for the affected prior years must be re-determined to account for the revised treatment of prior actuarial experience. A revised actuarial report is required for each affected prior year.

(5) A net favorable cumulative actuarial experience balance may be reserved or amortized. If reserved, the balance is to be identified and separately disclosed with the plan's other benefit liabilities. A net unfavorable cumulative balance must be amortized. For immediate-gain funding methods, the amortization period must satisfy Section 112.64(4), F.S., and be consistent with the amortization periods amortizing favorable and unfavorable actuarial experience. For spread-gain funding methods, the balance is to be subsumed in the liabilities funded by the funding method's normal cost. The resulting decrease (favorable balance) or increase (unfavorable balance) in the normal cost is the amortization payment.

(6) An exhibit is to be included in each actuarial valuation report disclosing, on an annual basis, the reconciliation of the immediate prior net accumulated actuarial experience balance to the current balance. The reconciliation shall disclose the

actuarial experience, the value of the additional benefits awarded or to be awarded, applicable interest adjustments, and as adjusted by any amortization payments.

Specific Authority 112.665(1) FS, Law Implemented 112.61, 112.63, 112.64. History—New _____.

60T-1.009 Additional Filing Requirements.

(1) Expected rates of return on investments per Section 112.661(9), F.S.

(a) For each actuarial valuation the retirement plan's board shall determine the total expected annual rate of return on the plan's assets (including investment-related expenses) for the current year, separately for each of the next three years, and for the long term thereafter, and file such statement with the Division, the plan sponsor and consulting actuary. The statement shall disclose how such total expected rates of return are determined on the market value basis for the plan's investments as of the current actuarial valuation date and reflect any expected changes in such investments pursuant to the plan's investment policy statement, and shall include all applicable supporting materials including the plan investment advisor's return rate determinations. The following information shall be provided in a historical exhibit with each board's statement of total expected annual rates-of-return. This information will also assist the board in establishing the expected annual rates-of-return.

1. Determine the total required annual rate-of-return as the sum of the investment-related expense ("IRE") rate and the plan's actuarial interest assumption. Determine the IRE rate as the difference between the rates-of-return including and excluding such expense using the formula in subparagraph 60T-1.003(3)(f)2., F.A.C. (For example, if the rate-of-return is 7.83% including expenses, and 6.90% excluding expenses, then the IRE expense rate is 0.93%. If such 0.93% expense rate is assumed to continue, and the plan's actuarial interest assumption is 8.00%, then the annually required total rate-of-return is 8.93%.)

2. Determine the weighted-average annual yield rate for the plan's fixed-income investments. This is the ratio "a/b", where "a" is the sum of the expected annual fixed-income of all the fixed-income investments (not in default), and "b" is the market value of all such investments. (For example, if \$45,900 is the total expected annual fixed-income on a \$914,343 market-value fixed-income portfolio, then the weighted-average annual yield rate is 5.02% (\$45,900/\$914,343).)

3. Determine the annual yield rate for the total plan portfolio expected to be produced by the fixed-income portion of the plan's portfolio. This is the product of the fixed-income weighted-average yield rate and the percent that the fixed-income investments are of the total plan portfolio. (For example, if the fixed-income portfolio is 32.2% of the plan's total portfolio; then the yield rate for the total plan portfolio

expected to be produced by the fixed-income portion of the portfolio is 1.62% (5.02% x 32.2%).) (Alternatively, divide the \$45,900 expected annual fixed-income amount by the total plan portfolio (\$2,839,575 in this example).)

4. Determine the total annual rate-of-return to be produced by the balance of the portfolio to achieve the required total rate-of-return. (For example, 7.31% (8.93% - 1.62%) is the required rate-of-return to be produced by the remaining 67.8% (100.0% - 32.2%) of the non-fixed-income portion of the portfolio. Thus, such other assets, specifically equities, must produce 10.78% (7.31%/67.8%).)

5. The historical exhibit shall disclose the following information for each plan year. For plan year ended(date): expected and actual IRE rates; expected and actual rates-of-return each on the fixed-income and equity portions of the total asset portfolio; and the assumed and actual actuarial rates-of-return. For the immediately following plan year: total market value, expected IRE rate, actuarial interest assumption, and total expected rate-of-return; for the fixed-income portfolio, its market value and percent of the total portfolio, the expected annual fixed-income amount, and such amount as a percent of the fixed-income portfolio and of the total portfolio; for the equity portion of the portfolio, its market value and percent of the total portfolio, the excess by which the total expected rate-of-return exceeds the expected rate-of-return on the fixed-income portfolio, and the expected rate-of-return on the equity portion of the portfolio required to achieve the total expected rate-of-return.

(b) For each year, the plan's board shall also provide a statement explaining why the market value return rate is more than 2% less than the assumed actuarial rate for such year, and also state and explain the board's corrective action.

(2) Illiquid investments pursuant to Section 112.661(17), F.S.

(a) For each actuarial valuation that includes illiquid investments in the assets used for establishing the plan's annual funding cost, the board shall disclose:

1. The specific legal provision(s) permitting each such investment.

2. Each such investment and how its fair market value was established.

3. Each valuator(s) of such investment and the valuator(s) qualifications.

(b) For each actuarial valuation as of which date the plan did not own any illiquid investment, or if owned but the fair market value was not determined and that each such investment was excluded from the assets used to establish the annual funding cost, the board is to provide a signed statement so attesting.

(3) Annual statement pursuant to Sections 112.661(9) and (17), F.S. The retirement plan's board shall annually provide to the Division, the plan sponsor and the plan's actuary not later than two months following the beginning of each plan year the

required disclosures in subsections 60T-1.009(1) and (2), F.A.C., together with a statement in the form of a certification signed and dated by each board member, as follows:

Statement by the Board of Trustees of the (name of plan)
(Pursuant to subsection 60T-1.009(3), F.A.C.)

The disclosures attached hereto are, to the best of my knowledge, complete and accurate, and satisfy the requirements of Sections 112.661(9) and (17), F.S., Rule 60T-1.009, F.A.C., and the Legislative intent in Section 112.61, F.S.

Print or Type Name	Signature	Date

Specific Authority 112.665(1) FS. Law Implemented 112.661(9) FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-36.001 **RULE TITLE:** Deficient License Application Files
PURPOSE AND EFFECT: The purpose and effect of this rule is to promulgate the criteria for the department to close and terminate deficient license application files 2 years after the board or the department notifies the applicant of the deficiency in accordance with Sections 455.203(10)(a), 455.203(10)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: Rule 61-36.001, F.A.C., is created to implement the procedures for the department to close and terminate deficient license applications files in accordance with Section 455.203(10)(a), F.S.

SPECIFIC AUTHORITY: 455.203(5), (6), 455.203(10)(a), 455.2035 FS.

LAW IMPLEMENTED: 455.203(10)(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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: April Dawn M. Skilling, (850)488-0063. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: April Dawn M. Skilling, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-36.005 **RULE TITLE:** Licensure Application Approval
PURPOSE AND EFFECT: The purpose and effect of this rule is to promulgate the criteria for the department to approve applications for professional licenses that meet all statutory and rule requirements for licensure in accordance with Section 455.203(10)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: Rule 61-36.005, F.A.C., is created to implement the procedures for the department to approve applications for professional licenses in accordance with Section 455.203(10)(b) FS.

SPECIFIC AUTHORITY: 455.203(5), (6), 455.203(10)(b), 455.2035 FS.

LAW IMPLEMENTED: 455.203(10)(b) 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: April Dawn M. Skilling, (850)488-0063. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: April Dawn M. Skilling, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-2.027 **RULE TITLE:** Applications by Individuals
PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.
SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to application requirements for a real estate broker license.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987).

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

DATE AND TIME: Tuesday, July 15, 2008, 8:30 a.m. or as soon thereafter as possible

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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: Division of Real Estate, (407)481-5662. 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: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.003 RULE TITLE: Notice of Noncompliance

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to notices of non-compliance.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 120.695, 455.225(3) FS.

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

DATE AND TIME: Tuesday, July 15, 2008, 8:30 a.m. or as soon thereafter as possible

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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: Division of Real Estate, (407)481-5662. 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: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-4.050	Procedures to Obtain Permits and Other Authorizations; Applications

PURPOSE AND EFFECT: The Department is initiating rule development to amend the fee schedule in Rule 62-4.050, F.A.C., with two primary objectives. First, it will conform the rule with Senate Bill 1294 (2008), Chapter 2008-150, Laws of Florida, which established new fees and minimum fee requirements for environmental resource permit program activities under Part IV of Chapter 373, F.S., and drinking water fees under Section 403.087, F.S. For activities under Part IV of Chapter 373, F.S., the legislation established a \$250 minimum fee for noticed general permits and individual permits; a new \$100 minimum fee, not to exceed \$500, to verify qualification for an exemption; and a new \$100 minimum fee, not to exceed \$500, to conduct an informal wetland boundary determination. The legislation also established a new annual operation license fee of \$50 for each public water system, automatically increases the minimum fees for drinking water construction or operation permits to \$500, not to exceed \$15,000, and established the permit fee for a drinking water distribution system permit, including a general permit, at \$500, not to exceed \$1,000. The new fees and the minimum fees described above automatically go into effect on July 1, 2008, and remain in effect until the Department adopts new fees by rule.

Secondly, the legislation requires the Department to review all fees authorized under Part IV of Chapter 373, F.S., and Chapter 403, F.S., at least once every five years and adjust the fees to reflect changes in the rate of inflation since the time each fee was established or most recently revised. This includes a requirement to adopt by rule the inflation index or indices to be used for making all fee adjustments. In recognition of this new legislation, the Department will be evaluating appropriate

inflation indicators for all other regulatory program areas under Chapter 403, F.S., and will advise the public of the approach to be taken through future notices.

SUBJECT AREA TO BE ADDRESSED: New fees and minimum fees for activities conducted under Part IV of Chapter 373, F.S., and Chapter 403, F.S., and adjustments to all fees to reflect inflation.

SPECIFIC AUTHORITY: 373.026, 373.043, 373.109, 373.414, 373.418, 373.421, 403.061, 403.087, 403.704(30), 403.805, 403.861 FS., Chapter 2008-150, Laws of Florida.

LAW IMPLEMENTED: 218.075, 373.109, 373.118, 373.309, 373.406, 373.409, 373.413, 373.4135, 373.414, 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.722, 403.813, 403.861(7), 403.9328 FS., Chapter 2008-150, Laws of Florida.

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: Jim Stoutamire, Florida Department of Environmental Protection, Division of Water Resource Management, 2600 Blair Stone Road, MS 3500, Tallahassee, FL, 32399-2400, telephone (850)245-8490, or e-mail: Jim.Stoutamire@dep.state.fl.us. Further information and updates on development of this rule also may be obtained from the Department's Internet site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC # 08-1684)

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-113.200
RULE TITLE: Delegation of Authority by Secretary
PURPOSE AND EFFECT: In accordance with Sections 373.026(7), 373.103, and 403.805, F.S., the Department proposes to delegate to the St. Johns River, Suwannee River, Southwest Florida, and South Florida Water Management Districts the authority to conform their rules establishing fees for environmental resource permit (ERP) program activities under Part IV of Chapter 373, F.S., with Senate Bill 1294 (2008), Chapter 2008-150, Laws of Florida. That legislation established a \$250 minimum fee for noticed general permits and individual permits; a new \$100 minimum fee, not to exceed \$500, to verify qualification for an exemption, and a new \$100 minimum fee, not to exceed \$500, to conduct an informal wetland boundary determination. These minimum fees will remain in place within each District for activities that are the responsibility of the Districts under the Operating Agreements between the Department and the Districts

incorporated by reference in Chapter 62-113, F.A.C., until that District adopts a rule to adjust fees based on the inflation adjuster index. The legislation also required all fees under Part IV of Chapter 373, F.S., to be reviewed at least once every five years and adjusted to reflect changes in the rate of inflation since the time each fee was established or most recently revised. This includes a requirement to adopt by rule the inflation index or indices to be used for making all fee adjustments. This authority is not being delegated to the Northwest Florida Water Management District because, in accordance with Section 373.4145, F.S., the District uses the Department's rules to implement their responsibilities in the ERP program.

SUBJECT AREA TO BE ADDRESSED: Delegation of rulemaking authority to the St. Johns River, Suwannee River, Southwest Florida, and South Florida Water Management Districts to adopt and amend fees for activities conducted under Part IV of Chapter 373, F.S.

SPECIFIC AUTHORITY: 110.201, 120.53(1)(a), 373.046, 373.103, 373.309, 376.303, 403.061, 403.1815, 403.1823, 403.1832, 403.1838, 403.704 FS., SB 1294 (2008), Chapter 2008-150, Laws of Florida.

LAW IMPLEMENTED: 110.227, 120.53(1)(a), 373.046, 373.103, 373.308, 373.309, 373.4135, 403.088, 403.1821 through 403.1838 FS., SB 1294 (2008), Chapter 2008-150, Laws of Florida.

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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL, 32399-2400, telephone (850)245-8483, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on development of this rule also may be obtained from the Department's Internet site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC #08-1687)

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-346.071
RULE TITLE: Fees
PURPOSE AND EFFECT: The Department is initiating rule development to amend the fee schedule in Rule 62-346.071, F.A.C., for environmental resource permit program activities under Part IV of Chapter 373, F.S., within the geographic area of the Northwest Florida Water Management District ("the

Panhandle”). This rulemaking has two primary objectives. First, it will conform the rule with Senate Bill 1294 (2008), Chapter 2008-150, Laws of Florida, which established a new \$250 minimum fee for noticed general permits and individual permits; a new minimum fee of \$100, not to exceed \$500, to verify qualification for an exemption; and a new \$100 minimum fee, not to exceed \$500, to conduct an informal wetland boundary determination. The new and minimum fees described above automatically go into effect on July 1, 2008, and remain in effect until the Department adopts new fees by rule. The new fees and the minimum fees required by the legislation will be reflected in associated rulemaking to adopt the second phase of the environmental resource permit program in the Panhandle in accordance with Section 373.4145(1)(b), F.S.

Secondly, the legislation requires the Department to review all fees authorized under Part IV of Chapter 373, F.S., at least once every five years and adjust the fees to reflect changes in the rate of inflation since the time each fee was established or most recently revised. This includes a requirement to adopt by rule the inflation index or indices to be used for making all fee adjustments.

These fees will be binding on applications and notices for environmental resource permit activities under Part IV of Chapter 373, F.S., reviewed and acted upon by the Department or the Northwest Florida Water Management District, in accordance with the division of responsibilities established by the Operating Agreement in Chapter 62-113, F.A.C.

SUBJECT AREA TO BE ADDRESSED: New fees, minimum fees, and adjustments to all fees to reflect inflation, for activities conducted under Part IV of Chapter 373, F.S., within the Panhandle.

SPECIFIC AUTHORITY: 373.026(7), 373.043, 373.4145, 373.418, 403.508(1) FS., SB 1294 (2008), Chapter 2008-150, Laws of Florida.

LAW IMPLEMENTED: 218.075, 373.109, 373.118, 373.406, 373.414, 373.4145, 403.813, 373.418, 373.421 FS., SB 1294 (2008), Chapter 2008-150, Laws of Florida.

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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL, 32399-2400, telephone (850)245-8483, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on development of this rule also may be obtained from

the Department’s Internet site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC No. 08-1673)

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.0012
RULE TITLE: English Proficiency Requirement for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to include language for web based testing scores.

SUBJECT AREA TO BE ADDRESSED: Web based testing.

SPECIFIC AUTHORITY: 457.104, 457.105(2)(a) FS.

LAW IMPLEMENTED: 457.105(2)(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, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.203
RULE TITLE: Licensure by Examination; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to update information concerning incorporated forms and to update requirements for licensure by examination.

SUBJECT AREA TO BE ADDRESSED: Licensure by Examination; Application.

SPECIFIC AUTHORITY: 456.033, 465.005 FS.

LAW IMPLEMENTED: 456.013(1), (7), 456.025(3), 456.033, 465.007, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.203 Licensure by Examination; Application.

Applicants who are at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education may apply to take the licensure examination.

(1) All applications for licensure by examination must be made on board approved form DOH/MQA/PH101 (~~Rev 6/08~~) (~~Rev 1/8/03~~), Application for Pharmacist Examination, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable examination fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) The applicant must submit proof of having met the following requirements:

(a) Completion of an internship program provided by either an accredited school or college of pharmacy or a state board of pharmacy or jointly by both provided that the program meets requirements of Rule ~~64B16-26.2031~~ 64B16-26.2032, F.A.C.

(b) No change.

(3) through (4) No change.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.013(1), (7), 456.025(3), 456.033, 465.007, 465.022 FS. History—New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02, 1-12-03, 1-11-05, 2-18-08,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE
64B16-26.204 Licensure by Endorsement
PURPOSE AND EFFECT: The Board proposes the rule amendment to update information concerning incorporated forms and to update requirements for licensure by endorsement.
SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement.
SPECIFIC AUTHORITY: 456.033, 465.005, 465.0075 FS.
LAW IMPLEMENTED: 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.204 Licensure by Endorsement.

An applicant for licensure by endorsement must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education.

(1) All applications for licensure by endorsement shall be made on board approved form DOH/MQA/PH100 (~~06/08~~) (~~10-15-04~~). The instructions and application form, entitled Florida Pharmacist Endorsement Application, which is hereby incorporated by reference, effective 06/08 ~~11-8-04~~, shall be accompanied with a non-refundable endorsement application fee and initial licensure fee as set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) through (3) No change.

(4) Applicants qualifying under the education requirements of Section 465.007(1)(b)2., F.S., (foreign graduates), must complete the requirements of Rule 64B16-26.2031 ~~64B16-26.205~~, F.A.C., prior to certification for the examination required in subsection (6) of this rule.

(5) No change.

(6) Applicants applying under the provisions of Section 465.0075, F.S., must have obtained a passing score on the licensure examination as described in subsection 64B16-26.200(1), F.A.C., ~~not more than 12 years prior to application.~~

(7) through (8) No change.

Specific Authority 456.033, 465.005, 465.0075 FS. Law Implemented 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS. History—New 11-8-01, Amended 1-11-05, 2-18-08,_____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-2.001 Fees for Application, Re-Application and Initial Licensure
PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of fee reduction.
SUBJECT AREA TO BE ADDRESSED: Fees for Application, Re-Application and Initial Licensure.

SPECIFIC AUTHORITY: 486.025, 486.041(1), 486.081(2) FS.

LAW IMPLEMENTED: 456.013, 456.065, 486.041, 486.061, 486.081, 486.103, 486.106, 486.107 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-2.005	Biennial Renewal and Inactive Status; Delinquency; Reactivation; and Change of Status Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of fee reduction.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal and Inactive Status; Delinquency; Reactivation; and Change of Status Fees.

SPECIFIC AUTHORITY: 486.025, 486.085 FS.

LAW IMPLEMENTED: 456.036(4), (6), 486.085, 486.108(1) 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-7.002	Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment for clarification of citation requirements.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 486.025 FS.

LAW IMPLEMENTED: 456.077 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.:	RULE TITLE:
64B24-7.018	Address of Record

PURPOSE AND EFFECT: To define the current mailing address and place of practice for a licensed midwife.

SUBJECT AREA TO BE ADDRESSED: Address of Record.

SPECIFIC AUTHORITY: 456.035, 465.005 FS.

LAW IMPLEMENTED: 456.035 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: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.:	RULE TITLE:
64B24-8.003	Citation Violations

PURPOSE AND EFFECT: To designate those violations for which a citation is an appropriate penalty and may be issued and the amount of fine or other penalty to be imposed.

SUBJECT AREA TO BE ADDRESSED: Citation Violations.

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.072(3), 466.077 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: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-16.012
 RULE TITLE: Fees

PURPOSE AND EFFECT: The purpose is to increase biomedical waste program fees within the statutory limits. The effect will be to reduce the program’s operating deficit.

SUBJECT AREA TO BE ADDRESSED: Biomedical waste program fees.

SPECIFIC AUTHORITY: 381.006, 381.0098(4) FS.

LAW IMPLEMENTED: 381.0098 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: Gina Vallone-Hood, Environmental Manager, 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:

64E-16.012 Fees.

(1) ~~When the facility will be in operation six (6) months or less before the annual renewal date, the annual fee shall be prorated on a quarterly basis.~~ State-owned and operated biomedical waste facilities are exempt from the permit fee.

(2) Fee schedule.

Generator Permit:

(application received by October 1) ~~\$85.00~~ ~~\$55.00~~
 (application received after October 1) ~~\$105.00~~ ~~\$75.00~~

Treatment Permit:

(application received by October 1) ~~\$85.00~~ ~~\$55.00~~
 (application received after October 1) ~~\$105.00~~ ~~\$75.00~~

Storage Permit:

(application received by October 1) ~~\$85.00~~ ~~\$55.00~~
 (application received after October 1) ~~\$105.00~~ ~~\$75.00~~
 Transporter Registration (one vehicle):
 (application received by October 1) ~~\$85.00~~ ~~\$55.00~~
 (application received after October 1) ~~\$105.00~~ ~~\$75.00~~
 Additional Vehicle \$10.00

No fee or combination of fees shall exceed the maximum amount established by the statute.

(3) All fees collected pursuant to this section shall be placed in a specially designated account within the individual county health department trust fund to be used to meet the cost of administering the biomedical waste program described in this chapter.

Specific Authority 381.006, 381.0098(4) FS. Law Implemented 381.006, 381.0098 FS. History–New 12-14-92, Amended 1-23-94, 6-3-97, Formerly 10D-104.0078, Amended _____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.018
 RULE TITLE: Fees

PURPOSE AND EFFECT: The Department proposes to review this Chapter to possibly promulgate changes to fees and add fees for new permits authorized by the Florida Legislature.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment to Rule 64F-12.018, F.A.C., will change and add the permit fees currently established by Rule 64F-12.018, F.A.C.

SPECIFIC AUTHORITY: 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS.

LAW IMPLEMENTED: 499.01, 499.012, 499.015, 499.04, 499.041 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., Executive Director, 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 Insurance Fraud

RULE NO.: 69D-1.003
 RULE TITLE: Review Process and Reward Criteria
 PURPOSE AND EFFECT: To accommodate the change from three Chapter Presidents of the Florida Association of Special Investigations Units (FASIU) to Five Chapter Presidents; and to reflect an organizational change within the Division of Insurance Fraud.

SUBJECT AREA TO BE ADDRESSED: At the time the original rule was promulgated, there were only three (3) chapters of the Florida Association of Special Investigations Unit, with each chapter represented by a president. Each of the three chapters is represented on the committee that reviews anti-fraud grants in accordance with Section 626.989, Florida Statutes. There are currently five (5) chapters of the FASIU.

SPECIFIC AUTHORITY: 624.308, 626.9892 FS.

LAW IMPLEMENTED: 624.307, 626.9892 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 7 days before the workshop/meeting by contacting: Mark Schlein, 200 E. Gaines Street, Tallahassee, Florida 32399; Mark.Schlein@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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mark Schlein, 200 E. Gaines Street, Tallahassee, Florida 32399; Mark.Schlein@myfloridacfo.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69D-1.003 Review Process and Reward Criteria.

(1) No change.

(2) Applications will be reviewed by a committee, consisting of each of the ~~five~~ ~~three~~ chapter presidents of the Florida Association of Special Investigation Units or their designees, ~~three regional supervisors of the Division of Insurance Fraud~~, the Director of the Division of Insurance Fraud, and any personnel appointed by the Director.

(3) through (10) No change.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History--New 6-6-05, Amended.

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-560.101	Scope
69V-560.102	Application Forms, Procedures and Requirements
69V-560.103	Definitions
69V-560.104	Application Fees
69V-560.105	Regulatory Standards for Evaluating Applications
69V-560.107	Registration of Locations and Authorized Vendors
69V-560.108	Declaration of Intent to Engage in Deferred Presentment Transactions
69V-560.201	Requirements
69V-560.302	Renewal Fees, Deadlines, and Requirements
69V-560.401	Scope
69V-560.402	Bond
69V-560.403	Net Worth
69V-560.501	Scope
69V-560.601	Definitions
69V-560.602	Quarterly Reports
69V-560.606	Annual Filing of Financial Statements by Part II Registrants
69V-560.701	General
69V-560.702	Payment Instrument Sellers
69V-560.703	Funds Transmitters
69V-560.704	Records to Be Maintained by Check Cashers
69V-560.705	Foreign Currency Exchangers
69V-560.706	Records to be Maintained by Authorized Vendors
69V-560.707	Records to be Maintained by Deferred Presentment Providers
69V-560.801	Verification Fee
69V-560.802	Minimum Disclosure
69V-560.804	Payment Method
69V-560.805	Gross Income Test
69V-560.901	Scope
69V-560.902	Definitions
69V-560.903	Deferred Presentment Transactions
69V-560.904	Transaction Agreement Disclosures and Requirements
69V-560.905	Transaction Fees
69V-560.906	Consumer Credit Counseling Services
69V-560.907	Database Access
69V-560.908	Database Transaction Requirements
69V-560.909	Database Availability
69V-560.910	Database Transaction Fees
69V-560.911	Database Dispute Resolution for Customers
69V-560.912	Database Confidentiality

PURPOSE AND EFFECT: During the regular 2008 legislative session, the Florida Legislature passed Senate Bill 2158, relating to money services businesses. The bill was signed into law on June 17, 2008, and will take effect on January 1, 2009. This law makes significant changes to Chapter 560, Florida Statutes. The new law imposes additional regulatory requirements on money services businesses including money transmitters, payment instrument sellers, foreign currency exchangers, check cashers, and deferred presentment providers. The Office of Financial Regulation will be holding rule workshops in Tallahassee (July 21, 2008), Orlando (July 23, 2008), and Ft. Lauderdale (July 25, 2008) to develop rules to implement the new law. In addition to the existing rules under Rule Chapter 69V-560, F.A.C., that will be amended to reflect the new law, additional rules will be developed to implement disciplinary action guidelines, requirements relating to third-party contractors for examinations, etc.

SUBJECT AREA TO BE ADDRESSED: Money Services Businesses.

SPECIFIC AUTHORITY: 215.405, 560.105, 560.1091, 560.1092, 560.110, 560.1141, 560.118, 560.123, 560.126, 560.128, 560.142, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.309, 560.310, 560.403, 560.404 FS.

LAW IMPLEMENTED: 215.405, 560.103, 560.105, 560.109, 560.1091, 560.1092, 560.110, 560.111, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.126, 560.127, 560.128, 560.129, 560.140, 560.141, 560.142, 560.204, 560.205, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.304, 560.309, 560.310, 560.402, 560.403, 560.404 FS.

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

DATE AND TIME: July 21, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: The Larson Building, Room 116, 200 E. Gaines Street, Tallahassee, FL 32399

DATE AND TIME: July 23, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Office of Financial Regulation, First Floor Conference Room (Room A), 400 W. Robinson St., Hurston South Tower, Orlando, FL 32801-1799

DATE AND TIME: July 25, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: Florida Department of Transportation, Operations Auditorium, 5548 N.W. 9th Avenue, Ft. Lauderdale, FL 33309
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: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com. The preliminary draft will be posted on the Office of Financial Regulation’s website (www.flofr.com) once it becomes available

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

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:
59G-13.081

RULE TITLES:

Developmental Disabilities Waiver
Provider Rate Table

59G-13.084

Developmental Disabilities Waiver
Residential Habilitation Services in
a Licensed Facility Provider Rate
Table

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.081, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, July 1, 2008. The purpose of Rule 59G-13.084, F.A.C., 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, July 1, 2008. The rate tables were revised to comply with proviso language following Specific Appropriation 263 of the 2008-2009 General Appropriations Act. The effect of the amendment to Rule 59G-13.081, F.A.C., will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, July 1, 2008. The effect of Rule 59G-13.084, F.A.C., will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Residential Habilitation Services in a Licensed Facility Provider Rate Table, July 1, 2008.

SUMMARY: The purpose of the amendment to Rule 59G-13.081, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, July 1, 2008. The purpose of Rule 59G-13.084, F.A.C., 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, July 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: 393.0661, 409.906, 409.908 FS.

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

DATES AND TIMES: Tallahassee, Monday, July 21, 2008, 2:00 p.m.; Miami, Monday, July 21, 2008, 10:00 a.m.; Orlando, Monday, July 21, 2008, 1:00 p.m.

PLACE: Tallahassee: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida. Miami: Medicaid Program Office Area 11, 8355 NW 53 Street, Miami, Florida. Orlando: Medicaid Program Office Area 7, 400 West Robinson Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam 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 RULES IS:

59G-13.081 Developmental Disabilities Waiver Provider Rate Table.

(1) No change.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, July 1, 2008 ~~January 1, 2007~~, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's Web Portal website at <http://mymedicaid-florida.com> ~~floridamedicaid.acs-inc.com~~. Click on Provider Support, and then on Fees Schedules. Paper copies of the rate table may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History–New 5-29-06, Amended 11-15-07, _____.

59G-13.084 Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table.

(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, July 1, 2008, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Provider Support, and then on Fee Schedules. Paper copies of the rate table may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Kyllonen

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 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."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-160.110	Purpose, Scope and Applicability
62-160.120	Definitions and Standards
62-160.210	Approved Field Procedures
62-160.220	Approval of New and Alternative Field Procedures
62-160.240	Record Keeping and Reporting Requirements for Field Procedures
62-160.300	Laboratory Certification
62-160.320	Approved Laboratory Methods
62-160.330	Approval of New and Alternative Laboratory Methods
62-160.340	Record Keeping and Reporting Requirements for Laboratory Procedures

62-160.400	Sample Preservation and Holding Times
62-160.405	Electronic Signatures
62-160.650	Field and Laboratory Audits
62-160.670	Data Validation by the Department
62-160.700	Tables
62-160.800	Documents Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rulemaking is to update the Department’s Standard Operating Procedures (SOPs) for Field Activities (DEP-SOP-001/01) and Laboratory Activities (DEP-SOP-002/01). The majority of these updates are intended to clarify and/or correct procedures in the original documents, and should have minimal effect on a majority of laboratory or field operations. There are, however, a limited number of new Standard Operating Procedures for conducting and interpreting biological assessments, which represent recent advances in environmental science. As part of this rulemaking, the Department is also clarifying the process by which data usability is assessed in a new document, which will be incorporated by reference, titled “Department of Environmental Protection Process for Assessing Data Usability”, (DEP-EA-001/07).

SUMMARY: Changes in the rule include updating the reference dates of DEP-SOP-001/01 and DEP-SOP-002/01; clarifying the applicability of the rule to include all organizations that are a part of the sample collection/laboratory analysis process; identifying new and revised standard operating procedures for biological assessments in DEP-SOP-001/01 and DEP-SOP-002/01 (Qualitative Periphyton Sampling , Rapid Periphyton Survey, Lake Vegetation Index sampling and calculation, Stream Condition Index calculation and BioRecon index calculation); simplifying the accreditation requirements for laboratories needing certification in non-potable water for multiple methods of the same analytical technology; allowing use of drinking water methods for non-potable water analysis when no other methods exist; identifying additional tests for which certification is not required; adding more detail to the records to be maintained by laboratories; modifying the content requirements for laboratory reports; adding prohibitions against altering data that were originally generated by another party; adding performance criteria for electronic signatures; modifying Table 1 62-160.700, F.A.C., with clarifications and additions; and updating the documents incorporated by reference. The changes in the SOPs are intended to clarify the original intent of certain procedures, or to provide more detailed information. The new SOPs related to the various biological indices are necessary to ensure that these procedures for assessment, processing, and calculation are consistent among all parties performing them.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost was prepared and is available upon request. The

Department’s analysis concluded that the proposed rule will not result in net cost increases to the regulated public. Specifically, several revisions allow for increased laboratory certification flexibility and reduction of certification requirements for selected analytes, which could result in minor cost savings for affected parties. Provision of the performance standards for authentication of electronic signatures will also provide cost benefits to affected parties because they will facilitate use of electronic signatures, which are faster than a hard copy method. Several of the revisions are cost neutral changes, such as extensions/clarifications of existing requirements or descriptions of FDEP data evaluation procedures. The only proposed revisions that may increase costs slightly are those associated with the new biological index procedures, which require parties currently engaged in bioassessment activities to invest additional time to ensure that results submitted to the Department are scientifically reliable. Any person who wishes to provide additional information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 403.061, 403.0623, 668.006 FS.

LAW IMPLEMENTED: 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853, 668.006, 668.50 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: Wednesday, July 23, 2008, 3:00 p.m.

PLACE: Room A204, Bob Martinez Center, 2600 Blair Stone Road, 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: Bureau of Personnel Services at (850)245-2511. If you are hearing or speech impaired, please contact the agency by 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: Amanda Cantrell, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, Florida 32399-2400, (850)245-8065, amanda.cantrell@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-160.110 Purpose, Scope and Applicability.

(1) The purpose of this chapter is to assure that chemical, physical, biological, microbiological and toxicological data used by the Department are appropriate and reliable, and are

collected and analyzed by scientifically sound procedures. To this end, this chapter defines the minimum field and laboratory quality assurance, methodological and reporting requirements of the Department.

(2) Except as provided in subsection (3) of this section, this chapter shall apply to all programs, projects, studies or other activities that are required by the Department, and that involve the measurement, use or submission of environmental data or reports to the Department. This chapter shall apply to all entities that participate in the process of generating environmental data. This process includes, but is not limited to: field activities (sample collection, sample preservation, field measurements, and site evaluation); sample handling, storage and/or transport (except common carriers); laboratory activities (e.g., sample receipt, analysis, data review and data validation); additional data review, summaries or data presentation activities; and all activities that impact data quality such as providing sample containers, instrument calibration services, or reagents and standards (except commercial vendors).

(3) Programs, projects, studies or activities pertaining to air quality, meteorology, atmospheric radiation, atmospheric noise, electric and magnetic fields or air pollutant emissions, and having no requirements for monitoring contamination of soil, ~~or ambient water, or tissue~~ are excluded from the scope of this chapter. These excluded activities include those specified in Chapters 62-204, 62-210, 62-212, 62-213, 62-214, 62-252, 62-296 and 62-297 (Air Resources Management), F.A.C.

(4) through (5) No change.

(6) If specifically required by the United States Environmental Protection Agency (EPA) for activities conducted for or funded by EPA, Quality Assurance Project Plans (QAPPs) shall be prepared in accordance with "EPA Requirements for Quality Assurance Project Plans, EPA QA/R-5" (EPA/240/B-01/003 March 2001), ~~EPA/240B-01/003 March 2001~~, which is incorporated by reference in Rule 62-160.800, F.A.C. These QAPPs will be reviewed and approved by the appropriate EPA office or delegated authority.

(7) through (8) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.110, Amended 3-24-96, 4-9-02, 6-8-04, _____.

62-160.120 Definitions and Standards.

For purposes of this chapter:

(1) through (2) No change.

(3) "Common Carrier" is a business or agency that is available to the general public for the transportation of goods over a definite route and according to a regular schedule. ~~"Chemical Abstracts Service (CAS) Registry Number" is a unique number assigned to a chemical by the Chemical~~

~~Abstracts Service Registry. The CAS is a division of the American Chemical Society and is internationally recognized as the producer of the largest and most comprehensive database of chemical information. The CAS Registry Number provides an unambiguous way to identify a chemical substance or molecular structure.~~

(4) "Commercial Vendor" is a retail or wholesale company whose business is to sell commodities to customers and who is not a part of the process that generates environmental data. These businesses do not include organizations that purchase commodities with the intent of providing the commodities as a service to clients.

(5)(4) "Data quality objectives" are a set of qualitative and quantitative statements derived from a systematic planning process that clarify the purpose of the study, define the most appropriate type of information to collect, determine the most appropriate conditions from which to collect that information, and specify tolerable levels of potential decision errors requirements that environmental data must achieve to be acceptable for use in a specific program or project.

(5) through (8) renumbered (6) through (9) No change.

(10)(9) "Department of Health (DOH) Environmental Laboratory Certification Program (ELCP)" is the state of Florida's environmental laboratory certification program, authorized by Section 381.00591, F.S., and recognized by the National Environmental Laboratory Accreditation Program (NELAP) as an authority with responsibility and accountability for granting accreditation for specified fields of laboratory testing through Chapter 64E-1, F.A.C. The standards used by the DOH ELCP are those established by the National Environmental Laboratory Accreditation Conference (NELAC) or The NELAC Institute, as specified in Chapter 64E-1, F.A.C.

(11) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(10) through (12) renumbered (12) through (14) No change.

(15)(13) "Method-defined analyte" is defined by the U.S. Environmental Protection Agency as an analyte whose result is totally dependent on how the measurement is made. Any changes or modifications in the preparation or determinative techniques of these methods have the potential of changing the result. Examples are Carbonaceous Biological Oxygen Demand, Oil and Grease, and Toxicity Characteristic Leaching Procedure (TCLP).

(16)(14) "Method detection limit (MDL)" is an estimate of the minimum amount of a substance that an analytical process can reliably detect. An MDL is analyte- and matrix-specific and is laboratory-dependent the minimum concentration of an analyte of interest that can be measured and reported with 99% confidence that the analyte concentration is greater than zero.

The MDL for an analyte is determined from the preparation and analysis of a sample in a given matrix containing the analyte. MDLs shall be determined for each matrix/analytical technology/analyte combination reported by the laboratory. MDLs shall be calculated shall be determined following the procedures specified in “New and Alternative Analytical Laboratory Methods”, DEP-QA-001/01 (February 1, 2004) which is incorporated by reference in Rule 62-160.800, F.A.C., or by any other technically justifiable and scientifically sound method. A specific method must be used when mandated by a Department program unless otherwise specified by a mandated test method for which the laboratory is certified or seeking certification.

~~(17)~~(15) “Method modification” is any modification to an approved field procedure or analytical laboratory method that is specifically allowed by the approved field procedure or analytical laboratory method.

~~(18)~~(16) “NELAC Field of Accreditation Matrix” is defined in the Glossary of the 2001 NELAC Standards, which is incorporated by reference in Rule 62-160.800, F.A.C., standards and shall be used to determine matrices under which a laboratory must be certified:

(a) Drinking Water: any aqueous sample that has been collected from a water source designated by the Department as a potable or potential potable water source.

(b) Non-potable Water: any aqueous sample excluded from the definition of drinking water matrix including ~~includes~~ surface water, groundwater, effluents, water treatment chemicals, and toxicity characteristic leaching procedures (TCLP) or other extracts. To be considered as non-potable water, water treatment chemicals must be in an aqueous solution. If the laboratory receives the original environmental sample as a solid or chemical material for TCLP extraction, the laboratory must be certified for the TCLP extraction in the Solid and Chemical Material matrix. For the analytical tests to be performed on the TCLP extract, the laboratory be certified in the non-potable water matrix for at least one method for each analytical technology/analyte combination for each reported analyte and TCLP or other extracts must have been received by the laboratory as the extract, otherwise, the original environmental sample shall determine the field of accreditation matrix.

(c) through (d) No change.

~~(19)~~(17) “National Environmental Laboratory Accreditation Conference (NELAC)” was ~~is~~ a voluntary organization of state and federal environmental agencies, sponsored by the EPA, and formed to establish and promote mutually acceptable performance standards for the operation of environmental laboratories seeking NELAP accreditation. These standards cover both analytical testing of environmental samples and the laboratory accreditation process. The goal of NELAC is to foster the generation of environmental laboratory data of known and documented quality through the adoption of

~~national performance standards for environmental laboratories and other entities directly involved in the environmental field measurement and sampling process.~~

~~(20)~~(18) “National Environmental Laboratory Accreditation Program (NELAP)” is a ~~the~~ program that implements standards that have been found to be acceptable to the NELAP accrediting authorities the NELAC standards. NELAP is administered by the EPA.

(19) through (26) renumbered (21) though (28) No change.

(27) “Rejection” of data means the Department shall not use the data for the program or project for which they were generated. If the data do not comply with the validation criteria specified in subsection 62-160.670(1), F.A.C., they shall be subject to rejection in part or in whole for use by Department programs, as provided in subsections 62-160.670(2) and (3), F.A.C.

(28) through (29) renumbered (29) through (30) No change.

(31) “Secondary Use Data” means information submitted to the Department that is being considered for use for purposes other than that for which the data were originally generated.

~~(32)~~(30) “Site-specific sampling method” is a field method that is validated for the collection of environmental samples from a particular site, waste stream (e.g., facility location), or sample matrix (e.g., effluent, groundwater or drinking water). A site-specific sampling method is approved for use on a specific site by any field organization that is conducting field activities for that site. The approval of a site-specific sampling method does not apply to a sampling organization that wishes to use the method on other sites or intended for other projects. The alternate approval process is outlined in Sections FA 2100 and FA 2200 of FA 1000 of DEP-SOP-001/01 (March 31, 2008 February 1, 2004), which is incorporated by reference in Rule 62-160.800, F.A.C.

~~(33)~~(31) “Spike” is an environmental sample that has been fortified with a known chemical of interest, at a known concentration. The purpose of a spike is to determine the method recovery efficiency for the chemical of interest, at the fortified concentration level, in the particular environmental sample of interest.

~~(34)~~(32) “Statewide method” is a field procedure or analytical laboratory method that is validated for the collection or testing of environmental samples from similar sites or waste streams within the state of Florida by multiple field sampling organizations or laboratories, as applicable. The process for the validation of a statewide method is outlined in FA 2100 and FA 2200 of DEP-SOP-001/01 (March 31, 2008 February 1, 2004), and “New and Alternative Analytical Laboratory Methods”, DEP-QA-001/01 (February 1, 2004)” which are incorporated by reference in Rule 62-160.800, F.A.C.

~~(35)(33)~~ “Surrogate spikes” are samples fortified at known concentration(s) with a compound(s) having similar chemical characteristics to the compounds of interest, but which are not normally found in environmental samples.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.120, Amended 3-24-96, 4-9-02, 6-8-04, _____.

62-160.210 Approved Field Procedures.

(1) All entities that conduct or support field activities and field measurements ~~field sampling organizations~~ shall follow the applicable procedures ~~collection and quality control protocols~~ and requirements described in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~), which is incorporated by reference in Rule 62-160.800, F.A.C., unless specifically exempted by the rules of a particular Department program.

(2) Any party that wishes to apply for new or alternative field procedures other than those specified in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~) shall follow the requirements provided in Rule 62-160.220, F.A.C.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.210, Amended 3-24-96, 10-15-96, 4-9-02, 6-8-04, _____.

62-160.220 Approval of New and Alternative Field Procedures.

(1) Any party may apply for use of a field procedure other than those specified in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~). Any field procedure not included in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~) must be approved by the Department prior to use according to the requirements of Subsections FA 2100 and FA 2200 of FA 1000 ~~of in~~ DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~). Field procedures approved for use by a contract, order, or permit before the effective date of this chapter shall remain approved for the duration of the project. The documentation that approved the use of the procedure must be retained for at least five years after the last use of the procedure.

(2) Field procedures not included in DEP-SOP-001/01 (March 31, 2008 ~~February 1, 2004~~) or not specified by Department contracts, orders, or permits, fall into one of the following two categories:

(a) New – a field procedure that involves the collection of an analyte (chemical compound, component, microorganism, etc.) in a specified matrix where a Department-approved field procedure does not exist.

(b) Alternative – a field procedure that involves the collection of an analyte (chemical compound, component, microorganism, etc.) in a specified matrix where a

Department-approved procedure already exists. An alternative procedure is one intended to be used in place of an existing Department-approved field procedure. Alternative procedures cannot be approved for the following methods in DEP-SOP-001/01 ~~and DEP-SOP-002/01~~:

1. FS 7410, Rapid Bioassessment (Biorecon) Method;
2. FS 7420, Stream Condition Index (D-Frame Dipnet) Sampling;
3. FS 7460, Lake Condition Index (Lake Composite Sampling); ~~and~~
4. FT 3000, Aquatic Habitat Characterization Assessment; ~~and~~
5. FS 7220, Qualitative Periphyton Sampling;
6. FS 7230, Rapid Periphyton Survey; ~~and~~
7. FS 7310, Lake Vegetation Index Sampling (LVI).

(3) A ~~procedure~~ modification to an approved field procedure that is specifically allowed by the approved procedure ~~is~~ ~~are~~ not considered an alternative or new procedure and does ~~do~~ not require approval by the Department prior to use. However, the entity performing the modified procedure ~~field sampling organization~~ shall retain all data that demonstrate that the modification produces equivalent results when applied to the relevant sample matrix. These records shall be retained for at least five years after the last use of the modification.

(4) though (8) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History—New 1-1-91, Amended 2-4-93, Formerly 17-160.220, Amended 3-24-96, 10-15-96, 4-9-02, 6-8-04, _____.

62-160.240 Record Keeping and Reporting Requirements for Field Procedures.

(1) ~~The~~ ~~All~~ record keeping requirements for entities that conduct or support field activities and field measurements ~~field sampling organizations~~ are specified in DEP-SOP-001/01 ~~FD~~ 1000 (March 31, 2008 ~~February 1, 2004~~). The specified records shall contain sufficient information to allow independent reconstruction of all activities related to generating data that are submitted to the Department. These records shall be kept by the generator of the records for a minimum of five years after the date of project completion or permit cycle unless otherwise specified in a Department contract, order, permit, or Chapter Title 62 rules.

(2) When requested by the Department, if specified by the Department in a contract, order, permit, or other Title 62 rule, the following field sampling information shall be provided to the Department for each site/facility and sampling location, as applicable:

- (a) Project information including:
 1. Project and/or program identification or name; and
 2. Site and/or facility name, address and phone number.;

- (b) Site and/or facility locational information to include:
 1. through 3. No change.
 4. Spheroid – the ellipsoid used as a model for the surface of the Earth; and
 5. Geolocational collection information:
 - a. through e. No change.
 - f. Coordinate accuracy level – the measured, estimated or deduced degree of correctness of the measurement; and
 - g. Verification information including name of the person verifying the measurement, the date and the time when verification was performed; ~~;~~

- (c) Information about the collected samples:
 1. through 6. No change.
 7. Unambiguous identification of all field-generated quality control samples such as field or equipment blanks, replicate samples or split samples; and
 8. Any additional information from the field documentation records specified in DEP-SOP-001/01 (March 31, 2008 February 1, 2004).

- (d) Information about field measurement activities:
 1. through 3. No change.
 4. Any additional information from the field documentation records specified in DEP-SOP-001/01 (March 31, 2008 February 1, 2004).

- (e) Information about site conditions:
 1. Weather;
 2. Flow (including units); and
 3. Any additional information from the field documentation records specified in DEP-SOP-001/001/01 (March 31, 2008 February 1, 2004); ~~and;~~

(f) Any additional information specified by the Department in contracts, orders, permits or Chapter Title 62 rules.

(3) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History– New 4-9-02, Amended 6-8-04, _____.

62-160.300 Laboratory Certification.

(1) Except as provided in subsections 62-160.300(2), (3), (4) and (5), F.A.C., or other Chapter Title 62 rules, all laboratories generating environmental data for submission to the Department or for use in Department-regulated or Department-sponsored activities shall hold certification from the DOH ELCP.

(a) Certification shall be based on the matrix of the sample. The matrix of a sample is defined to be the condition under which the laboratory originally receives the sample, and

shall be classified according to the NELAC Field of Accreditation Matrix groups defined by subsection 62-160.120(18), F.A.C.

(b) For laboratories reporting data for drinking water compliance, such certification shall be for all matrix/test method/analyte(s) combinations being reported measured. The matrix of a sample is defined to be the condition under which the laboratory originally receives the sample, and shall be classified according to the NELAC Field of Accreditation Matrix groups defined by subsection 62-160.120(16), F.A.C.

(c) For the non-potable water matrix, laboratories shall apply for and receive certification in at least one method for each matrix/ analytical technology/analyte combination being measured. For informational purposes, the Department shall maintain a list of the acceptable equivalent matrix/analytical technology/analyte combinations and the methods associated with them.

1. When a Department contract, order, permit or Chapter 62, rule, requires a specific method to be reported, laboratories shall report only that method. Laboratories may report additional analytes not published in the reported method, if method(s) for the analyte(s) have not been specified by the Department and the laboratory has met the certification requirement of paragraph 62-160.300(1)(c), F.A.C.

2. Except as noted in subparagraph 62-160.300(1)(c)1., F.A.C., above, laboratories may report results by any method that is equivalent in technology to the method for which they hold certification, provided they are certified for the analyte that is reported. When laboratories report a method for which they do not hold certification, the laboratory shall ensure that all the requisite quality control and calibration requirements of the reported method are met.

3. If a laboratory is required to provide data for an analyte for which no method exists in the non-potable water matrix, but exists for the drinking water matrix, the laboratory is not required to obtain certification for the method-technology/analyte combination in the non-potable water matrix. However, the laboratory must be certified in the drinking water matrix for the reported method/analyte combination.

(d) For all other matrices, laboratories shall apply for and receive certification for all matrix/test method/analyte combinations that are reported to the Department.

(2) To the extent possible, a laboratory must be certified as specified in subsection 62-160.300(1), F.A.C., before reporting results for a given matrix/analytical technology or test method/analyte combination. However, if a laboratory makes a written request to the Department to use a method that is not certified, a Department program will may allow a laboratory to begin using a method before the certification process is complete if the laboratory wishes to add an analyte to a matrix/analytical technology or test method combination that is already certified; or if the laboratory is certified for a specific

matrix/analytical technology or test method/analyte combination and wishes to add the capability of analyzing samples using the same analytical technology or test method/analyte combination in a different matrix.

(a) The laboratory must have met all the requirements for certification except for the on-site visit by DOH ELCP inspectors. The laboratory must be prepared to provide to the Department copies of the relevant application, applicable performance test sample results and the initial demonstration of capability, ~~and~~

(b) The precision, accuracy and method detection limits generated by the laboratory must meet or exceed the project-specific data quality objectives.

(c) The laboratory shall notify the Department of the status of its certification application within 90 days of the on-site visit by DOH ELCP inspectors.

(3) No change.

(4) Except for drinking water compliance testing (see subsection 62-160.300(3), F.A.C.), laboratories are not required to be certified by the DOH ELCP when conducting the following test procedures:

(a) through (h) No change.

(i) Turbidity (~~when performed at the sampling location~~);

(j) Explosive gases (when monitoring for the Lower Explosive Limit);

(k) Sulfite (when performed at the sampling location);

(l) Sediment oxygen demand; ~~and~~

(m) Any other test with a specific holding time of fifteen minutes or less when performed at the sampling location; ~~and~~

(n) Any test in which the reported result is a calculation from the results of other tests for which the laboratory holds certification by the DOH ELCP. When conducting the analyses specified in paragraphs 62-160.300(4)(a) through (n), F.A.C., laboratories However, these laboratories shall follow the applicable standard operating procedures in DEP-SOP-001/01 (March 31, 2008 February 1, 2004). If a method is not listed in DEP-SOP-001/01, the laboratory shall use an approved laboratory method as identified in Rule 62-160.320, F.A.C. when conducting the analyses specified in paragraphs 62-160.300(4)(a) through (m), F.A.C.

(5) Certification is not required for:

(a) Any analyses related solely to internal process control;

(b) Geochemical parameters and bacteriological tests conducted at the sampling location for the purposes of evaluating remediation activities;

(c) through (e) No change.

(6) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.300, Amended 3-24-96, 4-9-02, 6-8-04, _____.

62-160.320 Approved Laboratory Methods.

(1) Approved laboratory methods are specified in the Department’s program rules, contracts, orders or permits. When methods are specified by a Department program, rule, contract, order or permit, only those methods shall be used. For informational purposes, the Department’s maintains a list of methods and method compendiums that have been recognized by various Departmental programs. However, this list shall not supersede or limit the use of other methods that are may be required by contract, order, permit or ~~Chapter Title~~ 62 rule. Upon request, this list will be provided by A copy of this list may be obtained from the Department, Florida Department of Environmental Protection, Environmental Assessment Section, 2600 Blair Stone Road, MS—6511, Tallahassee, Florida 32399-2400.

(a) On March 12, 2007, and March 26, 2007, the Environmental Protection Agency published updated lists of methods to be used by laboratories reporting data under the Clean Water Act and Safe Drinking Water Act (Federal Register, Vol. 72, No. 47 and Vol. 72, No. 57, respectively), which are incorporated by reference in Rule 62-160.800, F.A.C. These lists withdrew many older methods.

(b) Laboratories that are certified under the withdrawn method(s) shall apply for and receive certification for a method to take the place of the withdrawn method(s). Laboratories shall be certified for the replacement method(s) within six (6) months after the effective date of this rule.

(2) Laboratories performing taxonomic identification for periphyton or macrobenthic invertebrates shall use DEP-SOP-002/01, Method LQ 7000 (found in LQ 1000), which is incorporated by reference in Rule 62-160.800, F.A.C.

(3) Laboratories calculating the Stream Condition Index (SCI), the Lake Condition Index, the Lake Vegetation Index or making a Bioecon determination shall follow DEP-SOP-002/01, Methods LD 7000 and LT 7000 found in LD 1000 and LT 1000 respectively, which are incorporated by reference in Rule 62-160.800, F.A.C.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History—New 4-9-02, Amended _____.

62-160.330 Approval of New and Alternative Laboratory Methods.

(1) No change.

(2) All laboratory methods that support a Department contract, order, permit or ~~Chapter Title~~ 62 rule must be approved by the Department prior to use. These methods fall into one of two categories:

(a) New – an analytical laboratory method that tests for an analyte (chemical compound, component, microorganism, etc.) in a specified matrix where a Department-approved method does not exist;

(b) Alternative – an analytical laboratory method that tests for an analyte (chemical compound, component, microorganism, etc.) in a specified matrix where a Department-approved method does exist. An alternative method is one intended to be used in place of an existing Department-approved method. Alternative procedures cannot be approved for:

1. Alternatives to methods that the United States Environmental Protection Agency has designated as “method-defined analyte”; and

2. The following methods from DEP-SOP-002/01, LT 1000:

- a. LT 7100, Biorecon Determination;
- b. LT 7200, Stream Condition Index (SCI) Determination; ~~and~~
- c. LT 7300, Lake Condition Index (LCI) Determination; ~~and~~
- d. LT 7500, Lake Vegetation Index (LVI) Determination.

(3) No change.

(4) New and alternative methods shall be demonstrated as appropriate for use according to the requirements in New and Alternative Analytical Laboratory Methods, DEP-QA-001/01 (February 1, 2004) unless otherwise specified in a Department contract, order, permit or Chapter Title 62 rule. A new or alternative laboratory method shall be evaluated based on its intended use:

(a) Limited-Use Method – the laboratory method is intended only for testing environmental samples from a particular site, waste stream (e.g., facility location) or sample matrix (e.g., effluent, groundwater or drinking water). A limited-use method is validated by a single laboratory and ~~shall~~ may only be used by that laboratory.

(b) Statewide-Use Method – the laboratory method is intended for testing environmental samples from similar sites or waste streams within the state of Florida by multiple laboratories. For a statewide method, the Department requires an interlaboratory collaborative study following the specifications in Appendix D of the Official Methods of Analysis of the Association of Official Analytical Chemists (1995), incorporated by reference in Rule 62-160.800, F.A.C. Alternatively, an interlaboratory collaborative study that is designed based on procedures published by a nationally recognized consensus-based standards organization (e.g., American Society for Testing and Materials) may be used. Specifications for these studies are provided in DEP-QA-001/01 (February 1, 2004), ~~incorporated by reference in Rule 62-160.800, F.A.C.~~

(5) No change.

(6) Applicants who are analyzing discharges regulated under the National Pollutant Discharge Elimination System (NPDES) permit system shall comply with applicable provisions of the United States Environmental Protection Agency regulations in 40 CFR Part 136 paragraphs 136.4 and

136.5 as updated by the Federal Register, Vol. 72, No. 47 (2000). Applicants shall submit the application to the Department, which shall forward the application to the United States Environmental Protection Agency Administrator of Region 4 for review and approval. The determination for approval or rejection shall be made by the United States Environmental Protection Agency.

(7) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History– New 4-9-02, Amended 6-8-04, _____.

62-160.340 Record Keeping and Reporting Requirements for Laboratory Procedures.

(1) Laboratory record keeping requirements shall follow those specified by the DOH ELCP Chapter 64E-1, F.A.C., and this Chapter. Records shall be retained for a minimum of five years after the date of project completion or permit cycle unless otherwise specified in a Department contract, order, permit or Chapter Title 62 rules. The laboratory records shall contain sufficient information to allow independent reconstruction of all activities related to generating data that are submitted to the Department. In addition, the laboratory shall ensure that its records include all information necessary to support the analytical report (subsection 62-160.340(2), F.A.C.). When requested by the Department, the laboratory shall provide applicable records or copies of the records to the Department. These records shall include, but are not limited to:

(a) Laboratory and project information including:

1. Signed and dated final report as specified in paragraph (2) below;

2. Project information such as client name, site name, client project number, or client project name;

3. When applicable, the quality assurance project plan associated with the project;

4. Client or field identification number for each sample;

5. Date and time of sample collection;

6. Sample matrix (e.g., groundwater, effluent, waste, soil, etc.);

7. Sample type (e.g., environmental sample, field blank, matrix spike); and

8. Identification of all laboratories providing analytical results in the report and the appropriate laboratory certification numbers from the DOH ELCP (if applicable) for each laboratory.

(b) Sample receipt, preparation and analysis information including:

1. Laboratory identification number for each sample fraction;

2. Sample receipt conditions such as proper and intact custody seals;

3. Positive verification of chemical and/or physical sample preservation during sample receipt and/or before sample analysis. The information shall include the preservation acceptance criteria, an indication of acceptability, and the value(s) if the criteria are not met;

4. Sample preparation information, if applicable, including method, date of sample preparation and time of sample preparation if the holding time specified in Rule 62-160.400, F.A.C., is less than or equal to 72 hours;

5. Sample analysis information including analytical method, date of sample analysis, and time of sample analysis if the holding time specified in Rule 62-160.400, F.A.C., is less than or equal to 72 hours; and

6. Original analysis records such as strip chart recordings, laboratory notebooks, chromatograms, etc.

(c) Sample result information including:

1. Analyte or organism name as applicable;

2. Test result with all applicable data qualifiers, as specified in Table 1: Data Qualifier Codes;

3. Test result units;

4. Other sample characteristics such as percent moisture or fraction (i.e., total or dissolved); and

5. Textual comments, if applicable, that specify any deviations (such as failed quality control), additions to, or exclusions from, the analytical method, and any non-standard conditions (such as sample matrix or environmental conditions) that have affected the quality of results.

(d) Laboratory quality control information including:

1. Identification that unambiguously links groups of samples to a specified set of activities such as preparation, analysis, shipping, reporting, or quality control;

2. Laboratory blank results (results for any laboratory blank analysis as required by the DOH ELCP certification or the analytical method); and

3. Information pertaining to replicate sample analysis including an unambiguous designation of the replicate sample (e.g., sample duplicate, sample matrix spike duplicate, laboratory control spike duplicate, etc.); result of laboratory replicate analysis; replicate precision expressed in terms required by the reported method or as Relative Percent Difference or Percent Relative Standard Deviation (defined in DEP-QA-001/01 (February 1, 2004)); and acceptance limits for controlling replicate precision (in-house control limits used by the data generator when control limits are not specified by the reported method or data quality objectives identified by the Department).

(e) Instrument Calibration/Verification including:

1. Number of standards;

2. Acceptability requirements for initial calibration, and initial and continuing calibration verifications; and

3. Origin, and preparation (if applicable) for all standards used for calibration.

(f) For chemical testing:

1. When applicable, indication that a sample was filtered in the laboratory;

2. For each analyte, records to support:

a. When applicable, determination of method detection limit(s) and practical quantitation limit(s) including the method by which each are determined; the raw and processed data supporting the determination(s); and effective dates; and

b. Dilution factor (if applicable).

3. Matrix or laboratory control spike information including concentration level (level of analyte added to a spiked sample), matrix or laboratory control spike recovery (results for matrix spike/duplicate sample analysis including those required by methods) and matrix or laboratory control spike recovery limits (in-house recovery limits used by the data generator when control limits are not specified by the reported method or data quality objectives identified by the Department); and

4. When performed, surrogate spike information including concentration level (level of analyte added to the sample), surrogate spike recovery, and surrogate recovery limits (in-house recovery limits used by the data generator when control limits are not specified by the reported method or data quality objectives identified by the Department).

(g) For microbiological testing:

1. Results of all applicable reagent or dilution water quality or suitability test associated with samples;

2. Results of all media quality control tests; and

3. Sample ID of sample used to verify positive results and results of such verifications.

(h) For toxicity (bioassay) testing:

1. Test type (acute or chronic);

2. Test organism(s) used;

3. Age(s) of test organism(s);

4. Test result(s);

5. Statistical method used to generate the result(s);

6. Control data (mortality/weight/reproduction, etc.) as appropriate to test type;

7. Test end points and confidence intervals;

8. Standard reference toxicant data associated with batch of test organisms; and

9. Physical and chemical measures that are associated with the test (pH, temperature, dissolved oxygen, etc.).

(i) For benthic invertebrate taxonomic identification:

1. Sorting efficiency, as percent (%);

2. Number and identity of taxa in sample;

3. Percent agreement between or among identifications performed by two or more independent taxonomists associated with the period when results were generated;

4. Indication of which organisms were verified against standard reference collection; and

5. Indication of whether the organism range includes Florida.

(j) For algal taxonomic identification:

1. Percent agreement between or among identifications performed by two or more independent taxonomists associated with the period when results were generated;

2. Number and identity of taxa in the sample;

3. Microscope magnification;

4. Dilution factor;

5. Surface area sampled (periphyton) or volume sampled (phytoplankton);

6. Number of fields counted; and

7. Counting chamber dimensions.

(k) Field quality control results including trip blanks, field blanks, equipment blanks, and field replicates as required by DEP-SOP-001/01 (March 31, 2008) or the applicable contract, order, permit, or Chapter 62 rule; and

(l) Any additional elements specified by the Department in contracts, orders, permits, or Chapter 62 rules.

(2) Except as noted in Subsection (3) below, a laboratory shall generate an analytical report that is consistent with the requirements of the DOH ELCP Chapter 64E-1, F.A.C. and 5.5.10.5 and 5.5.10.6 of 2003 NELAC Standards (incorporated by reference in Rule 62-160.800, F.A.C.), contains all applicable reporting elements specified in Sections 5.5.10.3 and 5.5.10.4 of the 2003 NELAC Standards, and uses the applicable qualifiers as defined in Table 1: Data Qualifier Codes (Rule 62-160.700, F.A.C.). In addition to the stated requirements, laboratories shall ensure that the following requirements are met or reported:

(a) All results that are less than the laboratory's practical quantitation limit shall be reported using the applicable data qualifiers.

(b) Except for tests in which a method detection limit is not required, non-detected analytes shall be indicated by the method detection limit value, followed by the code "U".

(c) For tests that do not require a method detection limit study, values below the reporting limit attributed to the test shall be reported as the reporting limit value followed by the code "U".

(d) When the holding time for a preparation step is specified, the date of sample preparation shall be reported. The time shall also be reported if the holding time for sample preparation is equal to or less than 72 hours.

(e) Any additional information specified by the Department in contracts, orders, permits or Chapter 62 rules shall be reported.

(2) A laboratory shall issue an analytical report that is consistent with the requirements of the DOH ELCP and using applicable qualifiers as defined in Table 1: Data Qualifiers Codes. In addition, when specified by the Department in a contract, order, permit or other Title 62 rule, the following

~~laboratory information shall be provided in reports issued to the client for Department related work or in reports issued directly to the Department:~~

~~(a) Laboratory name, address and phone number;~~

~~(b) Project information such as client name, site name, client project number, or client project name;~~

~~(c) Client or field identification number for each sample;~~

~~(d) Date and time of sample collection;~~

~~(e) Sample matrix (e.g., groundwater, effluent, waste, soil, etc.);~~

~~(f) Sample type (e.g., environmental sample, field blank, matrix spike);~~

~~(g) Laboratory identification number for each sample fraction;~~

~~(h) Sample receipt conditions such as proper and intact custody seals, or receipt temperature;~~

~~(i) Type of chemical and/or physical sample preservative and if intact at sample receipt/analysis;~~

~~(j) Sample analysis method;~~

~~(k) Sample preparation method, if applicable;~~

~~(l) Date of sample preparation, if applicable;~~

~~(m) Time of sample preparation if the holding time specified in Rule 62-160.400, F.A.C., is less than or equal to 48 hours;~~

~~(n) Date of sample analysis;~~

~~(o) Time of sample analysis if the holding time specified in Rule 62-160.400, F.A.C., is less than or equal to 48 hours;~~

~~(p) Identification of all laboratories providing analytical results in the report and the appropriate laboratory certification numbers from the DOH ELCP (if applicable) for each laboratory;~~

~~(q) Textual comments, if applicable, that specify any samples failing to meet preservation, container or holding time as determined by laboratory at sample receipt;~~

~~(r) Textual comments, if applicable, that specify any deviations (such as failed quality control), additions to, or exclusions from, the analytical method (such as environmental conditions), and any non-standard conditions that may have affected the quality of results;~~

~~(s) Batch identifiers that unambiguously link groups of samples to a specified set of activities such as preparation, analysis, shipping, reporting, or quality control;~~

~~(t) For chemical testing:~~

~~1. Analyte name;~~

~~2. Analyte CAS registry number or NELAP parameter code, if available;~~

~~3. The analytical result for each analysis with applicable Data Qualifiers, as specified in Table 1: Data Qualifiers Codes;~~

~~a. Non-detected analytes shall be indicated by the method detection limit value, followed by the code "U";~~

b. Laboratories may report a non-detected analyte whose method detection limit is two orders of magnitude below the target criterion with a value no greater than one order of magnitude below the target criteria. Such values shall be reported with a "U" qualifier.

4. Result units;
 5. Sample lab filtered? (Yes or No — was the sample filtered in the laboratory?);
 6. Method detection limit(s);
 7. Practical quantitation limit(s);
 8. Dilution factor;
 9. Batch ID (unambiguous reference linking samples prepared or analyzed together);
 10. Replicate sample reference (an unambiguous reference to laboratory replicate samples);
 11. Matrix spike concentration level (level of analyte added to a spiked sample);
 12. Matrix spike recovery (results for matrix spike/duplicate sample analysis required by methods);
 13. Matrix spike duplicate recovery (results for matrix spike/duplicate sample analysis as required by the method);
 14. Matrix spike precision (results for matrix spike/duplicate sample analysis as required by methods expressed as Relative Percent Difference or % Relative Standard Deviation, as defined in DEP-QA-001/01 (February 1, 2004));
 15. Matrix spike recovery limits (in-house recovery limits used by the data generator to control their process);
 16. Matrix spike precision limits (in-house recovery limits used by the data generator to control their process);
 17. Results for laboratory replicate samples (results for duplicate/replicate sample analysis as required by the method);
 18. Laboratory blank results (results for any laboratory blank analysis as required by the method and DEP-SOP-001/01 (February 1, 2004));
 19. Field quality control results including trip blanks, field blanks, equipment blanks, and field replicates as required by DEP-SOP-001/01 (February 1, 2004) or the applicable contract, order, permit or Title 62 rule.
 20. Surrogate spike concentration level (level of analyte added to the sample);
 21. Surrogate spike recovery (if surrogate spikes are required by the method);
 22. Surrogate recovery limits (if surrogates are required by the method);
 23. Other sample characteristics such as percent moisture or fraction (i.e., total or dissolved);
- (u) For toxicity (bioassay) testing:
1. Test type (acute or chronic);
 2. Test organism(s) used;
 3. Age(s) of test organism(s);
 4. Test result(s);

5. Statistical method used to generate the result(s);
 6. Control data (mortality/weight/reproduction, etc.) as appropriate to test type;
 7. Test end points and confidence intervals;
 8. Standard reference toxicant data associated with batch of test organisms;
 9. Physical and chemical measures (pH, temperature, dissolved oxygen, etc.);
- (v) For benthic invertebrate taxonomic identification:
1. Sorting efficiency, as percent (%);
 2. Number and identity of taxa in sample;
 3. Percent agreement between or among identifications performed by two or more independent taxonomists associated with period when results were generated;
 4. Were all organisms verified against standard reference collection? (Yes or No);
 5. Does organism range include Florida? (Yes or No).
- (w) For algal taxonomic identification:
1. Percent agreement between or among identifications performed by two or more independent taxonomists associated with period when results were generated;
 2. Number and identity of taxa in sample;
 3. Microscope magnification;
 4. Dilution factor;
 5. Surface area sampled (periphyton); volume sampled (phytoplankton);
 6. Number of fields counted;
 7. Counting chamber dimensions.
- (x) For microbiological testing:
1. Identity of test;
 2. Test result with applicable data qualifiers, as specified in Table 1: Data Qualifiers Codes;
 3. Test result units;
 4. Results for laboratory replicate samples (results for duplicate/replicate sample analysis as required by the method) and field replicate samples, if performed;
 5. Replicate sample reference (an unambiguous reference to laboratory replicate samples);
 6. Field and laboratory blank results (results for any field and laboratory blank analysis as required by the method and DEP-SOP-001/01 (February 1, 2004));
 7. Number of colonies in dilution water suitability test associated with samples;
 8. Optimal growth in media test? (Yes or No);
- (y) Any additional elements specified by the Department in contracts, orders, permits or Title 62 rules.

(3) Laboratories that are operated by a facility and whose sole function is to provide data to the facility management for compliance purposes (in-house or captive laboratories as described in 5.5.10.1 of the 2003 NELAC Standard) shall meet the requirements specified in 5.5.10.1 of the NELAC Standard.

~~(4)(3) If required requested by the Department in an applicable contract, order, permit or Chapter Title 62 rule, or requested by a Department program, laboratory data issued to a client(s) for Department-related work or directly to the Department shall be provided in the Department-specified paper format or in an electronic format meeting Department consistent with requirements for importing into Department databases or for other electronic submission requirements. ~~In addition, certain Department programs specify the submission of paper reports. Specific electronic and paper report format requirements shall be specified by the Department in the applicable contract order, permit or Title 62 rule.~~~~

(5) Once issued, a laboratory report is considered final and shall not be amended. Amendments or corrections to a final laboratory report shall be made in accordance with the requirements of 5.5.10.8 of the 2003 NELAC Standard.

(6) When data are provided to the Department in a document that is a summary, a re-published format or in a reduced form (e.g., report, table, report form), the document shall not change the original data, or delete any data qualifiers reported by the originating laboratory unless specified by Department contract, order, permit, or Chapter 62 rule. Copies of the original laboratory report(s) shall be submitted with all such reports unless directed to do otherwise by the Department.

(7) When data qualifiers are added through a validation or review process that is independent of the laboratory reporting process, the reason for the addition, the date of the addition, and the entity adding the qualifier(s) shall be included. These qualifiers shall be included in any documents that are summaries or re-published formats, as described in subsection (7) above.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History–New 4-9-02, Amended 6-8-04,_____.

62-160.400 Sample Preservation and Holding Times.

(1) Except as noted in subsection (2) below, or as otherwise provided for in the rules of a specific Department program, sample preservation methods, container types and holding times shall follow those requirements specified in DEP-SOP-001/01 (March 31, 2008 February 1, 2004), Section FS 1006 in FS 1000 ~~1070~~, which is incorporated by reference in Rule 62-160.800, F.A.C.

(2) Sample preservation procedures, container material and maximum allowable holding times for analytes not specified in DEP-SOP-001/01 (March 31, 2008 February 1, 2004) shall follow the method-specified requirements. If no method-specified requirements exist, the best available scientific knowledge shall be used as guidance for determining the appropriate procedures for use.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History–New 1-1-91, Amended 2-4-93, Formerly 17-160.400, Amended 3-24-96, 10-15-96, 4-9-02, 6-8-04,_____.

62-160.405 Electronic Signatures.

Laboratory and field documents signed with an electronic signature are acceptable as written signatures when:

- (1) The integrity of the electronic signature can be assured;
- (2) The signature is unique to the individual;
- (3) The organization using electronic signatures has written policies for the generation and use of electronic signatures; and
- (4) The organization using electronic signatures has written procedures for ensuring the security, confidentiality, integrity and auditability of each signature.

Specific Authority 668.006 FS. Law Implemented 668.006, 668.50 FS. History–New_____.

62-160.650 Field and Laboratory Audits.

(1) The Department and agencies or individuals with delegated authority from the Department shall conduct periodic audits of field and laboratory procedures and/or records to determine if approved protocols are being followed as required and to ensure data are being generated in compliance with the requirements of this chapter.

- (2) An audit shall consist of one or more of the following:
 - (a) An on-site assessment of field sampling and/or laboratory procedures;
 - (b) A review, assessment and/or validation of data associated with a Department program activity;
 - (c) The submission of performance samples (e.g., for example, blind, split and/or performance check samples) to an organization for subsequent use in the evaluation of that organization’s technical performance associated with a specific Department project or program activity; or
 - (d) Other relevant information as specified in a Department contract, order, permit, or Chapter Title 62 rule.

(3) through (4) No change.

(5) Within ninety (90) days of the audit, the Department shall provide a preliminary audit report to the audited party. The audited party shall have forty-five (45) days thereafter to respond with a detailed plan of corrective actions and an implementation schedule for the deficiencies that were noted in the preliminary audit report; justification for noted deficiencies that will not be addressed or corrected; and any corrections to the audit findings. A final audit report will be provided to the audited party within ninety (90) days of the audit unless the Department provides written request for additional information. In that case, the Department shall specify a date by which the audited party will receive the final audit report in the written request for additional information. Upon receipt of

~~the final audit report, the audited party shall have thirty (30) days thereafter to respond to the Department with a letter that addresses the corrective action and implementation schedule for any deficiency that may have been noted in the final report, and provides justification for noted deficiencies that will not be addressed or corrected.~~

~~(6) Failure to respond with a plan letter of corrective action or to additional requests by the Department for a plan of corrective action shall result in a recommendation to the affected program that the data not be used ~~the rejection by the Department of the associated project data until such time that the noted deficiencies are corrected. Rejection of data under this subsection shall follow the procedures set forth in subsection 62-160.670(3), F.A.C., and Chapter 120, F.S.~~~~

~~(7) Once a response has been received, the Department shall evaluate the response for technical applicability and completeness. The Department will issue a final response to the audited party that outlines acceptance or rejection of the audited party's plan of corrective actions, and any recommendations concerning the usability of the audited data.~~

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History—New 1-1-91, Formerly 17-160.650, Amended 3-24-96, 4-9-02, _____.

62-160.670 Data Validation by the Department.

~~(1) All data generated for Department activities are subject to data verification and data validation to determine if the data are suitable and usable for a specified purpose ~~data meet program or project data quality objectives. Data shall be verified and validated based on the assessment of the following:~~~~

~~(a) Completeness of the Department requested data package(s) and the response of involved parties to any Department requests for additional data;~~

~~(b) Integrity of samples as determined by complete and proper sample transmittal chain of custody documentation, and records that demonstrate adherence to proper preservation, transport or other sample handling protocols, as applicable;~~

~~(c) Proper use of sample collection methods and analysis methodology;~~

~~(d) Proper selection and use of analysis methods;~~

~~(e)(d) Sufficient Proper and sufficient use and routine evaluation of quality control measures to establish the precision, accuracy, sensitivity, selectivity, and potential bias associated with the analytical system and associated results ~~and criteria~~;~~

~~(f) Proper instrument calibration and verification procedures;~~

~~(e) through (g) renumbered (g) through (i) No change.~~

~~(j)(h) Status of the laboratory's certification through the DOH ELCP as provided in Chapter 64E-1, F.A.C., for any given analyte or category of analytes. Data associated with any given analyte or category of analytes generated during any period of suspension or revocation of laboratory certification as provided in Sections 403.0625(4) and (5) and 403.863, F.S., shall be subject to rejection unless certification requirements have been waived as provided in paragraph 62-160.300(5)(e), F.A.C.; and~~

~~(k)(i) Appropriateness of the collected data as related to the specific data quality objectives of the Department program activity or project for which they were collected including those data being considered for secondary use.~~

~~(2) The Department will evaluate data according to the criteria in paragraphs (a) through (k) above and determine if the data are usable.~~

~~(3) In addition to section (2) above, the Department shall also evaluate data according to the procedures outlined in the Department's document "Department of Environmental Protection Process for Assessing Data Usability (DEP-EA-001/07)," dated March 31, 2008, which is incorporated by reference in Rule 62-160.800, F.A.C.~~

~~(4) If the audited data are secondary use data, and the Department determines that the data do not meet the data quality objectives for the secondary use, the Department will recommend that the data not be used by the program that is considering the secondary use. The recommendation not to use secondary data does not impact the usability or validity of the data for the program for which the data were originally intended.~~

~~(2) If the Department determines that the data cannot be verified or validated based on one or more of the items in paragraphs 62-160.670(1)(a) through (i), F.A.C., or the Department determines that the affected data are not useable for their intended purpose, the data shall be rejected in whole or in relevant part by the Department.~~

~~(3) If the Department determines the data should be rejected, either in whole or in part for use by its programs or for a specified project, the Department shall issue a notice of intent to reject. A copy of the notice of intent to reject shall be provided, as applicable, to the affected permittee, facility owner/operator, laboratory and any field sampling consultant, as well as to any party who has submitted a specific request to receive such notice. Any substantially affected party (e.g., respondent, permittee, consultant, company or laboratory) may request an administrative hearing as provided in Chapter 120, F.S., within 21 days of receipt of the notice.~~

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.670, Amended 3-24-96, 4-9-02, _____.

62-160.700 Tables.

The following tables have been referenced in this chapter and are identified by this Chapter Title:

Table 1: Data Qualifier Codes.

Table 1

DATA QUALIFIER CODES

The following codes shall be used by laboratories and/or field organizations when reporting data values that either meet the specified description outlined below or do not meet the quality control criteria of the laboratory:

Symbol	Meaning
A	Value reported is the arithmetic mean (average) of two or more determinations. This code shall be used if the reported value is the average of results for two or more discrete and separate samples. These samples shall have been processed and analyzed independently. Do not use this code if the data are the result of replicate analysis on the same sample aliquot, extract or digestate.
B	Results based upon colony counts outside the acceptable range. This code applies to microbiological tests and specifically to membrane filter colony counts. The code is to be used if the colony count is generated from a plate in which the total number of coliform colonies is outside the method indicated ideal range. This code is not to be used if a 100 mL sample has been filtered and the colony count is less than the lower value of the ideal range.
F	When reporting species: F indicates the female sex.
H	Value based on field kit determination; results may not be accurate. This code shall be used if a field screening test (i.e., field gas chromatograph data, immunoassay, vendor-supplied field kit, etc.) was used to generate the value and the field kit or method has not been recognized by the Department as equivalent to laboratory methods.
I	The reported value is <u>greater than or equal to</u> between the laboratory method detection limit <u>but less than</u> and the laboratory practical quantitation limit.
J	Estimated value. A "J" value shall be accompanied by <u>a detailed explanation to justify the reason(s) for designating the value as estimated, narrative justification for its use.</u> Where possible, the organization shall report whether the actual value is <u>estimated to be less than or greater than</u> the reported value. A "J" value shall not be used as a substitute for K, L, M, T, V, or Y, however, if additional reasons exist for identifying the value as <u>an</u> estimate (e.g., matrix spiked failed to meet acceptance criteria), the "J" code may be added to a K, L, M, T, V, or Y. <u>Examples of situations in which a "J" code must be reported include: instances where a quality control item associated with the reported value failed to meet the established quality control criteria (the specific failure must be identified); instances when the sample matrix interfered with the ability to make any accurate determination; instances when data are questionable because of improper laboratory or field protocols (e.g., composite sample was collected instead of a grab sample); instances when the analyte was detected at or above the method detection limit in a blank other than the method blank (such as calibration blank or field-generated blanks and the value of 10 times the blank value was equal to or greater than the associated sample value); or instances when the field or laboratory calibrations or calibration verifications did not meet calibration acceptance criteria. The following are some examples of narrative descriptions that may accompany a "J" code:</u>
	No known quality control criteria exist for the component;
	The reported value failed to meet the established quality control criteria for either precision or accuracy (the specific failure must be identified);
	The sample matrix interfered with the ability to make any accurate determination;
	The data are questionable because of improper laboratory or field protocols (e.g., composite sample was collected instead of a grab sample);
	The field calibration verification did not meet calibration acceptance criteria.
K	Off-scale low. Actual value is known to be less than the value given. This code shall be used if: 1. The value is less than the lowest calibration standard and the calibration curve is known to be non-linear; or 2. The value is known to be less than the reported value based on sample size, dilution. This code shall not be used to report values that are less than the laboratory practical quantitation limit or laboratory method detection limit.
L	Off-scale high. Actual value is known to be greater than value given. To be used when the concentration of the analyte is above the acceptable level for quantitation (exceeds the linear range or highest calibration standard) and the calibration curve is known to exhibit a negative deflection.
M	When reporting chemical analyses: presence of material is verified but not quantified; the actual value is less than the value given. The reported value shall be the laboratory practical quantitation limit. This code shall be used if the level is too low to permit accurate quantification, but the estimated concentration is <u>greater than or equal to</u> the method detection limit. If the value is less than the method detection limit use "T" below.

N	Presumptive evidence of presence of material. This qualifier shall be used if: 1. The component has been tentatively identified based on mass spectral library search; or 2. There is an indication that the analyte is present, but quality control requirements for confirmation were not met (i.e., presence of analyte was not confirmed by alternative procedures).
O	Sampled, but analysis lost or not performed.
Q	Sample held beyond the accepted holding time. This code shall be used if the value is derived from a sample that was prepared or analyzed after the approved holding time restrictions for sample preparation or analysis.
T	Value reported is less than the laboratory method detection limit. The value is reported for informational purposes only and shall not be used in statistical analysis.
U	Indicates that the compound was analyzed for but not detected. This symbol shall be used to indicate that the specified component was not detected. The value associated with the qualifier shall be the laboratory method detection limit. Unless requested by the client, less than the method detection limit values shall not be reported (see "T" above).
V	Indicates that the analyte was detected <u>at or above the method detection limit</u> in both the sample and the associated method blank and the value of 10 times the blank value was equal to or greater than the associated sample value. Note: <u>unless specified by the method</u> , the value in the blank shall not be subtracted from associated samples.
X	<u>Indicates, when reporting results from a Stream Condition Index Analysis (LT 7200 and FS 7420), that insufficient individuals were present in the sample to achieve a minimum of 280 organisms for identification (the method calls for two aliquots of 140-160 organisms), suggesting either extreme environmental stress or a sampling error.</u>
Y	The laboratory analysis was from an improperly preserved sample. The data may not be accurate.
Z	Too many colonies were present <u>for accurate counting. Historically, this condition has been reported as "too numerous to count" (TNTC). The "Z" qualifier code shall be reported when the total number of colonies of all types is more than 200 in all dilutions of the sample. When applicable to the observed test results, a numeric value for the colony count for the microorganism tested shall be estimated from the highest dilution factor (smallest sample volume) used for the test and reported with the qualifier code,; the numeric value represents the filtration volume.</u>
?	Data are rejected and should not be used. Some or all of the quality control data for the analyte were outside criteria, and the presence or absence of the analyte cannot be determined from the data.
*	Not reported due to interference.

The following codes deal with certain aspects of field activities. The codes shall be used if the laboratory has knowledge of the specific sampling event. The codes shall be added by the organization collecting samples if they apply:

Symbol	Meaning
D	Measurement was made in the field (i.e., in situ). This <u>code</u> applies to any value (except <u>field measurements of pH, specific conductance, dissolved oxygen, temperature, total residual chlorine, transparency, turbidity or salinity</u>) that was obtained under field conditions using approved analytical methods. If the parameter code specifies a field measurement (e.g., "Field pH"), this code is not required.
E	Indicates that extra samples were taken at composite stations.
R	Significant rain in the past 48 hours. (Significant rain typically involves rain in excess of 1/2 inch within the past 48 hours.) This code shall be used when the rainfall might contribute to a lower than normal value.
!	Data deviate from historically established concentration ranges.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History—New 1-1-91, Amended 2-4-93, 2-27-94, Formerly 17-160.700, Amended 3-24-96, 4-9-02, 6-8-04,_____.

62-160.800 Documents Incorporated by Reference.

(1) Specific references to the documents listed below are made throughout this chapter and are incorporated by reference.

(a) Department of Environmental Protection Standard Operating Procedures for Field Activities, DEP-SOP-001/01 (March 31, 2008 February 1, 2004), Florida Department of Environmental Protection, Bureau of Laboratories,

Environmental Assessment Section. ~~This document is a compendium of standard operating procedures with the following major topics:~~

- ~~1. FA 1000: Regulatory Scope and Administrative Procedures for Use of FDEP SOPs;~~
- ~~2. FC 1000: Cleaning / Decontamination Procedures;~~
- ~~3. FD 1000: Documentation Procedures;~~
- ~~4. FM 1000: Field Planning and Mobilization;~~
- ~~5. FQ 1000: Field Quality Control Requirements;~~
- ~~6. FS 1000: General Sampling Procedures;~~
- ~~7. FS 2000: General Aqueous Sampling;~~
- ~~8. FS 2100: Surface Water Sampling;~~
- ~~9. FS 2200: Groundwater Sampling;~~
- ~~10. FS 2300: Drinking Water Sampling;~~

11. FS 2400: Wastewater Sampling;
 12. FS 3000: Soil Sampling;
 13. FS 4000: Sediment Sampling;
 14. FS 5000: Waste Sampling;
 15. FS 6000: General Biological Tissue Sampling;
 16. FS 7000: General Biological Community Sampling;
 17. FS 8100: Contaminated Surface Sampling;
 18. FS 8200: Clean Sampling for Ultratrace Metals in Surface Waters;
 19. FT 1000: General Field Testing and Measurement; and

20. FT 3000: Aquatic Habitat Characterization;

(b) Department of Environmental Protection Standard Operating Procedures for Laboratory Activities, DEP-SOP-002/01 (March 31, 2008 February 1, 2004), Florida Department of Environmental Protection, Bureau of Laboratories, Environmental Assessment Section:

1. LD 1000: Laboratory Documentation;
2. LQ 1000: Laboratory Quality Control; and
3. LT 7000: Determination of Biological Indices.

(c) New and Alternative Analytical Laboratory Methods, DEP-QA-001/01 (February 1, 2004), Florida Department of Environmental Protection, Bureau of Laboratories, Environmental Assessment Section.

(d) Department of Environmental Protection Process for Assessing Data Usability, DEP-EA-001/07, Florida Department of Environmental Protection, (March 31, 2008), Environmental Assessment Section, EPA Requirements for Quality Assurance Project Plans, EPA QA/R-5, (EPA/240/B-01/003, March 2001), United States Environmental Protection Agency.

(e) Interlaboratory Collaborative Study for Method Validation in the AOAC, Appendix D, Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC), 16th edition (1995), Association of Official Analytical Chemists.

(f) Closed System Purge and Trap and Extraction for Volatile Organics in Soil and Waste Samples, Method 5035, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW 846, Third Edition, November 1986 as amended by Update III, December 1996, United States Environmental Protection Agency.

(g) Standard Methods for the Examination of Water and Wastewater, 20th Edition (1999); American Public Health Association, American Water Works Association and Water Environment Federation. The following methods and tables are incorporated by reference:

1. Table 4500-H⁺-I: Preparation of pH Standard Solutions, Method 4500-H⁺-B, Electrode Method;
2. Method 2510, Conductivity;
3. Method 2520, Salinity;

4. Table 8010-III: Procedure for Preparing Reconstituted Seawater, Method 8010, Introduction to Toxicity;

5. Method 4500-O-C, Dissolved Oxygen, Azide Modification;

6. Method 2130, Turbidity;

7. Residual Chlorine:

a. Method 4500-Cl-B, Iodometric Method I

b. Method 4500-Cl-C, Iodometric Method II

c. Method 4500-Cl-D, Amperometric Titration Method

d. Method 4500-Cl-F, DPD Ferrous Titrimetric Method

e. Method 4500-Cl-E, Low Level Amperometric Titration Method

f. Method 4500-Cl-G, DPD Colorimetric Method

(f) EPA Requirements for Quality Assurance Project Plans, EPA QA/R-5, EPA/240/B-01/003, March 2001, United States Environmental Protection Agency.

(g) Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Analysis and Sampling Procedures, Final Rule, Federal Register, Volume 72, No. 47, Monday March 12, 2007 pp. 11200 – 11249.

(h) Guidelines Establishing Test Procedures for the Analysis of Pollutants; Analytical Methods for Biological Pollutants in Wastewater and Sewage Sludge; Final Rule, Federal Register, Volume 72, No. 57, Monday March 26, 2007 pp. 14220 – 14233. Methods for Chemical Analysis of Water and Wastes, Revised March 1983, United States Environmental Protection Agency. The following methods and tables are incorporated by reference:

1. Method 120.1, Conductance, Specific;

2. Method 330.1 Chlorine, Total Residual, Titrimetric, Amperometric;

3. Method 330.2 Chlorine, Total Residual, Titrimetric, Back, Iodometric;

4. Method 330.3 Chlorine, Total Residual, Titrimetric, Iodometric;

5. Method 330.4 Chlorine, Total Residual, Titrimetric, DPD-FAS;

6. Method 330.5, Chlorine, Total Residual, Spectrophotometric, DPD.

(i) Policy and Program Requirements for the Mandatory Agency Wide Quality System, EPA Order 5360.1 A2, May 5, 2000, United States Environmental Protection Agency.

(j) U.S. Environmental Protection Agency Office of Research and Development, ICR Microbial Laboratory Manual, EPA/600/R-95/178, Section VII, Part 9, April 1996.

(i)(k) U.S. Environmental Protection Agency Office of Water, Method 1623: *Cryptosporidium* and *Giardia* in Water by Filtration/IMS/FA, EPA-821-R-99-006, April 1999.

(j) 2003 NELAC Standards, EPA/600/R-04/003, June 5, 2003, United States Environmental Protection Agency.

(k) Glossary of the 2001 NELAC Standards, EPA/600/R-01/100, May 2001, United States Environmental Protection Agency.

(2) No change.

Specific Authority 403.061, 403.0623 FS. Law Implemented 373.026, 373.309, 373.409, 373.413, 373.414, 373.416, 373.4592, 376.303, 376.305, 376.3071, 403.0623, 403.0625, 403.087, 403.088, 403.0881, 403.504, 403.704, 403.707, 403.722, 403.783, 403.853 FS. History—New 4-9-02, Amended 6-8-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Daryll Joyner, Chief, Bureau of Standards and Special Projects
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-520.200	Definitions for Ground Water
62-520.300	Purpose and Intent for Ground Water
62-520.310	General Provisions for Ground Water
62-520.410	Classification of Ground Water, Usage, Reclassification
62-520.420	Standards for Class G-I and Class G-II Ground Water
62-520.465	Dimensions of Zones of Discharge for Class G-II Ground Water
62-520.470	Modification Procedures for Zones of Discharge or Monitoring Requirements
62-520.500	Water Quality Criteria Exemptions for Installations Discharging Into Class G-I or G-II Ground Water
62-520.510	Water Quality Criteria Exemptions for Installations Discharging Into Class G-III and G-IV Ground Water
62-520.520	Exemptions from Secondary Drinking Water Standards Outside a Zone of Discharge in Class G-II Ground Water
62-520.600	Ground Water Monitoring Requirements and Exemptions
62-520.700	Ground Water Corrective Action
62-520.900	Ground Water Forms

PURPOSE AND EFFECT: The combination of Chapters 62-520 and 62-522, F.A.C., into this one chapter will facilitate finding the rule requirements more easily. Also to update requirements for ground water monitoring plans, better describe procedures for obtaining water quality criteria exemptions, include two new guidance documents, and update a form.

SUMMARY: Combining Chapters 62-520 and 62-522, F.A.C., into this one chapter, updating monitoring plan requirements, deleting Environmental Regulation Commission directives because the statute deleted this under the Commission's powers many years ago, deleting the 1992 drinking water standards grandfathering because it is now outdated, updating the procedures for obtaining an enlarged zone of discharge and water quality criteria exemptions, including two new guidance manuals for ground water monitoring plan design and monitoring well design and construction, and modifying two ground water forms.

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

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

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, 403.0875, 403.0877, 403.088, 403.502, 403.702 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: July 25, 2008, 9:00 a.m.

PLACE: Conference room 609, Department of Environmental Protection, 2600 Blair Stone Rd., Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Linda Clemens, telephone (850)245-8647. 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: Linda Clemens, DEP, MS 3580, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400; telephone (850)245-8647

THE FULL TEXT OF THE PROPOSED RULES IS:

62-520.200 Definitions for Ground Water.

(1) through (8) No change.

(9) "Effluent Limitation" means any restriction established by the Department on quantities, rates or concentrations of chemical, physical, biological or other constituents ~~that~~ ~~which~~ are discharged from sources into waters of the State.

(10) "Existing Installation" means, for the purposes of this chapter, any installation which had filed a complete application for a water discharge permit on or before January 1, 1983, or which submitted a ground water monitoring plan no later than six months after the date required for that type of installation as

listed in Rule 17-4.245, F.A.C. (1983), and a plan was subsequently approved by the Department; or which was in fact an installation reasonably expected to release contaminants into the ground water on or before July 1, 1982, and operated consistently with statutes and rules relating to ground water discharge in effect at the time of the operation.

(a) The chart in (b) below contains the types of discharge and the dates in former Rule 17-4.245, F.A.C. (1983), by which a written ground water monitoring plan was required to be submitted to the Department.

(b) Monitoring Plan Deadlines:

<u>Organic Waste</u>	<u>January 1983</u>
<u>Inorganic Waste</u>	<u>April 1983</u>
<u>Landfills (domestic and industrial)</u>	<u>May 1983</u>
<u>Industrial Septic Tanks</u>	<u>August 1983</u>
<u>Pulp and Paper</u>	<u>August 1983</u>
<u>Phosphogypsum Stacks and Pond</u>	<u>September 1983</u>
<u>Laundries</u>	<u>October 1983</u>
<u>Oil and Gas Producers</u>	<u>December 1983</u>
<u>Citrus</u>	<u>December 1983</u>
<u>Food and Beverages</u>	<u>January 1984</u>
<u>Domestic Waste</u>	<u>February 1984</u>
<u>Power Plants</u>	<u>February 1984</u>
<u>Mining and Materials</u>	<u>March 1984</u>
<u>Others</u>	<u>March 1984</u>

(11) "Extractable Semivolatile Organics" means any number of synthetic organic compounds that are isolated using an organic solvent and analyzed by chromatographic techniques (gas or liquid).

~~(12)(10)~~ No change.

~~(13)(11)~~ "Installation" means any structure, equipment, facility, or appurtenances thereto, operation or activity ~~that~~ which may be a source of pollution.

(12) through (17) renumbered (14) through (19) No change.

(20) "Spring" means a point where ground water emerges onto the earth's surface, including under any surface water of the state, excluding seeps. The term "spring" shall include karst windows, a depression opening that reveals portions of a subterranean flow or the unroofed portion of a cave.

~~(21)(18)~~ No change.

~~(22)(19)~~ "Unconfined Aquifer" means an aquifer ~~that~~ which has a water table.

(23) "Volatile Organics" means any number of compounds listed in analytical methods that use a purge and trap technique for sample introduction.

~~(24)(20)~~ "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances ~~that~~ which may pollute or tend to pollute any waters of the State.

(21) through (24) renumbered (25) through (28) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061 FS. History--New 9-8-92, Amended 4-14-94, Formerly 17-520.200, Amended _____.

62-520.300 Purpose ~~and~~, Intent ~~and~~ General Provisions for Ground Water Classes, Standards, and Exemptions.

(1) Purpose.

(a) through (e) No change.

~~(f) The Commission requests~~ The Department shall Secretary to seek and uses the best environmental information available when making decisions on the effects of chronically and acutely toxic substances and carcinogenic, mutagenic, and teratogenic substances. Additionally, the Department shall Secretary is requested to seek and encourages innovative research and development in waste treatment alternatives that might better preserve environmental quality and ~~at the same time~~ reduces the energy and dollar costs of operation.

(g) No change.

(h) The criteria set forth in this chapter are minimum levels ~~that~~ which are necessary to protect the designated use of ground waters. ~~It is the intent of the Commission that~~ Permit applicants ~~shall~~ should not be penalized because of a low detection limit associated with any specific criterion.

(2) History of Intent.

(a) through (c) No change.

(d) Paragraphs (a) through (c) encompass an even-handed and balanced approach to attainment of water quality objectives. The Commission specifically recognized that the social, economic, and environmental costs may, under certain circumstances, outweigh the social, economic, and environmental benefits if the numerical criteria are enforced statewide. It is for that reason that the Commission provided for zones of discharge, exemptions, and other provisions in chapters of Title 62, F.A.C. Furthermore, the continued availability of moderating provisions is a vital factor providing a basis for the Commission's determination that water quality standards applicable to ground water classes in this chapter are attainable, taking into consideration environmental, technological, social, economic, and institutional factors. The companion provisions of Chapter 17-4 (now in Chapter 62-520~~2~~) and 17-6 (now in Chapters 62-600, 62-601, 62-610, 62-611, 62-660, and 62-670), F.A.C., originally approved simultaneously with the water quality standards contained in this chapter are a substantive part of the state's comprehensive program for the control, abatement, and prevention of water pollution.

(e) No change.

(3) No change.

~~(4) This chapter contains criteria which are applicable to ground water.~~

~~(5) To determine if the ground water criteria in this Chapter are being met, ground water quality shall be monitored in accordance with this rule and Chapter 62-522, F.A.C.~~

~~(6) A violation of any ground water criterion contained in this chapter constitutes pollution.~~

~~(7) In addition to any technology-based effluent limitations required by Department rule, the Department shall also specify water quality-based effluent limitations when necessary to assure that the water quality criteria will be met.~~

~~(8) Notwithstanding the classification and criteria for ground water set forth in this Chapter, discharge to ground water shall not impair the designated use of contiguous surface waters.~~

~~(9) Compliance with ground water standards shall be determined by analyses of unfiltered ground water samples, unless a filtered sample is as or more representative of the particular ground water quality, as described in the Department's technical document, "Determining Representative Ground Water Samples, Filtered or Unfiltered," January 1994, hereby incorporated and adopted as a reference. This document is available from the Department's Bureau of Drinking Water and Ground Water Resources, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.~~

~~(10) For owners of installations having filed a complete application for a Chapter 403, F.S., permit covering water discharges as of January 1, 1983, or discharging pollutants to ground water as of July 1, 1982, compliance with the minimum criteria set forth in Rule 62-520.400, F.A.C., shall be determined by analysis of the constituents of the waste stream of the installation causing the discharge; provided, however, that the installation owner may, at his option, place a monitoring well immediately outside the site boundary to measure compliance with the minimum criteria, as long as the discharge poses no danger to the public health, safety or welfare.~~

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.502, 403.702 FS. History—Formerly 17-3.071, Amended and Renumbered 1-1-83, Formerly 17-3.401, Amended 9-8-92, 4-14-94, Formerly 17-520.300, Amended 12-9-96,

62-520.310 General Provisions for Ground Water.

(1) A violation of any ground water standard or criterion contained in this chapter constitutes pollution.

(2) Notwithstanding the classification and criteria for ground water set forth in this chapter, discharge to ground water shall not impair the designated use of contiguous surface waters.

(3) In addition to any technology-based effluent limitations required by Department rule, the Department shall also specify water quality-based effluent limitations when necessary to assure that water quality criteria will be met.

(4) This chapter contains the ground water provisions generally applicable unless other rule chapters for specific types of installations have other requirements for ground water discharges applicable to those installations.

(5) Compliance with ground water standards shall be determined by analyses of unfiltered ground water samples, unless a filtered sample is as or more representative of the particular ground water quality, as described in the Department's technical document, "Determining Representative Ground Water Samples, Filtered or Unfiltered," January 1994, hereby incorporated and adopted as a reference. This document is available from the Department's Bureau of Water Facilities Regulation, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(6) For owners of an existing installation, compliance with the minimum criteria set forth in Rule 62-520.400, F.A.C., shall be determined by analysis of the constituents of the waste stream of the installation causing the discharge; provided, however, that the installation owner may, at his option, place a monitoring well immediately outside the site boundary to measure compliance with the minimum criteria, as long as the discharge poses no danger to the public health, safety or welfare.

(7) Unless exempted by Rule 62-520.500, 62-520.510, or 62-520.520, F.A.C., no installation shall directly or indirectly discharge into ground water any contaminant that causes a violation of the water quality standards or minimum criteria for the receiving ground water as established in this chapter, except within a zone of discharge established by permit or Rule 62-520.465, F.A.C.

(8) Zones of discharge shall be allowed for projects or facilities that allow direct contact with ground water listed in paragraphs (a) through (c) below, and that provide beneficial discharges through wells to ground water as described herein or in the cited rules.

(a) Projects designed to recharge aquifers with surface water of comparable quality, or projects designed to transfer water across or between aquifers of comparable quality for the purpose of storage or conservation;

(b) Facilities permitted under Rule 62-610.466, F.A.C., for aquifer storage and recovery of reclaimed water, subsection 62-610.560(3), F.A.C., for ground water recharge by injection of reclaimed water, or subsection 62-610.562(4), F.A.C., for creation of salinity barrier systems by injection of reclaimed water; and

(c) Department-approved aquifer remediation projects that use Class V, Group 4, underground injection control wells as described in paragraph 62-528.600(2)(d), F.A.C. A zone of discharge shall be allowed for the primary standards for ground water for closed-loop re-injection systems and for the prime constituents of the reagents used to remediate site contaminants, and for the secondary standards for ground

water, as specified in a Department-approved remedial action plan that addresses the duration and size of the zone of discharge, and ground water monitoring requirements.

(9) Other discharges through wells or sinkholes that allow direct contact with Class G-I, Class F-I, or Class G-II ground water shall not be allowed a zone of discharge.

(10) Discharges that may cause an imminent hazard to the public or the environment through contamination of underground supplies of drinking water or surface water affected by the ground water shall not be allowed a zone of discharge.

(11) Installations operated to render water fit for human consumption and that dispose of non-hazardous concentrates from membrane separation technologies, such as reverse osmosis, membrane softening, ultra-filtration, and electro dialysis, through land application operations are exempt from meeting the primary and secondary drinking water standards, provided the applicant demonstrates that the receiving unconfined aquifer exhibits a natural background total dissolved solids concentration exceeding 1500 mg/L. Installations discharging to such aquifers shall not cause a violation of primary or secondary drinking water standards at any private or public water supply well outside of the installation's property boundary.

(12) It is the intent of the Department whenever possible to incorporate ground water discharge considerations into other Department permits as appropriate, and not to require a separate permit for discharges to ground water. However, any published notice of proposed agency action on an application for a permit shall contain notice, when appropriate, that ground water considerations are being incorporated into such permits.

(13) The purpose of monitoring is to ensure that the permitting of zones of discharge, or the granting of exemptions, will not cause a violation of ground water standards. Ground water monitoring is intended to allow predictions to be made of the movement and composition of the discharge plume and compliance with applicable state ground water standards at the boundary of the zone of discharge. Efforts shall be made to minimize the number and cost of monitoring wells, consistent with the ability to obtain useful and reliable information.

(14) Existing installations discharging to Class G-II ground water are exempt from compliance with secondary standards outside of a zone of discharge obtained by Department permit or rule, except where compliance is required under Rule 62-520.520, F.A.C.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.502, 403.702 FS. History—New

62-520.410 Classification of Ground Water, Usage, Reclassification.

(1) All ground water of the State is classified according to designated uses as follows:

Class F-I Potable water use, ground water in a single source aquifer described in Rule 62-520.460, F.A.C., ~~with which~~ has a total dissolved solids content of less than 3,000 mg/L and was specifically reclassified as Class F-I by the Commission.

Class G-I Potable water use, ground water in a single source aquifers ~~that which~~ has a total dissolved solids content of less than 3,000 mg/L and was specifically reclassified by the Commission.

Class G-II Potable water use, ground water in aquifers ~~with which~~ has a total dissolved solids content of less than 10,000 mg/L, unless otherwise classified by the Commission.

Class G-III Non-potable water use, ground water in unconfined aquifers ~~with which~~ has a total dissolved solids content of 10,000 mg/L or greater; or ~~with a which~~ has total dissolved solids content of 3,000-10,000 mg/L and either has been reclassified by the Commission as having no reasonable potential as a future source of drinking water, or has been designated by the Department as an exempted aquifer pursuant to Rule 62-528.300(3), F.A.C.

Class G-IV Non-potable water use, ground water in confined aquifers ~~with which~~ has a total dissolved solids content of 10,000 mg/L or greater.

(2) through (3) No change.

(4) Ground water quality classifications are arranged in order of the degree of protection required, with Class G-I and F-I ground water ~~requiring having~~ generally the most stringent water quality criteria and Class G-IV the least.

(5) Reclassification of ground water as provided in subsection (1) above shall be accomplished in the following manner:

(a) Any substantially affected person or a water management district may seek reclassification of any ground water of the State by filing a petition with the ~~Department's agency clerk in the Office of General Counsel, MS 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 Secretary in the form required by Rule 28 103.006, F.A.C.~~ In addition, the Department, ~~on its own initiative or at the direction of the Commission,~~ may seek reclassification by initiating rulemaking under Section 120.54, F.S. pursuant to Rule 62-110.103, F.A.C.

(b) A petition for reclassification shall contain the information necessary to support the affirmative findings required in this rule.

(c) ~~Before any ground water can be reclassified. All reclassifications of ground water of the State shall be adopted after~~

1. If a petition for reclassification is the impetus for such reclassification, the Department shall provide the petitioner with the public notice, to be published, at least 21 days before the Environmental Regulation Commission's rule adoption public hearing, in the legal advertising section of a newspaper of general circulation in the area of the proposed reclassified ground water. The proposed reclassification will establish the present and future most beneficial use of the ground water; and

2. If the Department seeks reclassification without a petition being filed, the Department shall provide for newspaper publication as described above. Such a reclassification is clearly in the public interest.

3. In addition, the Department, through its rulemaking notice, shall publish the proposed rule as required under Chapter 120, F.S., and the Department will provide written notification to local governments whose jurisdiction overlies includes any portion of the ground water proposed to be reclassified, and public hearing, only upon an affirmative finding by the Commission that:

(d) ~~Reclassification of ground water of the State which establishes more stringent or less stringent criteria than presently established by this Chapter shall be adopted only upon additional affirmative findings by the Commission that:~~

1. The proposed reclassification will establish the present and future most beneficial use of the ground water;

2. Such a reclassification is clearly in the public interest; and

3. The proposed designated use is attainable, upon consideration of environmental, water quality, technological, social, economic, and institutional factors.

(6) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061 FS. History—Formerly 28-5.06, 17-3.06, 17-3.081, Amended and Renumbered 1-1-83, Formerly 17-3.403, Amended 9-8-92, Formerly 17-520.410, Amended _____.

62-520.420 Standards for Class G-I and Class G-II Ground Water.

(1) In addition to the minimum criteria provided in Rule 62-520.400, F.A.C., ~~waters classified as Class G-I and Class G-II ground water shall meet the primary and secondary drinking water quality standards for public water systems established pursuant to the Florida Safe Drinking Water Act, which are listed in Rules 62-550.310 and 62-550.320, F.A.C., shall apply to Class G-I and Class G-II ground water. Exceptions are for existing installations not having to meet secondary standards~~ as provided in Rule 62-520.520, F.A.C.,

and subsections (4) ~~and (5) below; and except that the total coliform bacteria standard shall be four (4) per 100 milliliters; and that. In addition,~~ the primary drinking water standard for public drinking water systems for asbestos shall not apply as a ground water standard.

(2) through (3) No change.

(4) These primary and secondary standards shall not apply within a permitted zone of discharge as provided in Rule 62-520.465 Chapter 62-522, F.A.C. The minimum criteria specified in Rule 62-520.400, F.A.C., shall apply within the zone of discharge.

~~(5) Installations legally discharging or permitted to discharge to Class G-I, Class G-II, and Class F-I ground water on or before August 1, 1992, shall not be required to comply with the additional or more stringent drinking water standards approved for adoption by the Commission on July 27, 1992, and effective January 1, 1993, until January 1, 1995. However, all installations discharging to these ground waters are prohibited from causing a violation of such standards at any private or public water supply well outside the zone of discharge.~~

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History—Formerly 17-3.101, Amended and Renumbered 1-1-83, Formerly 17-3.404, Amended 9-8-92, 10-6-92, 4-14-94, Formerly 17-520.420, Amended _____.

62-520.465 Dimensions of Zones of Discharge for Class G-II Ground Water.

Upon affirmative demonstration by an applicant or installation owner that a ground water discharge will not impair the designated uses of contiguous waters outside a zone of discharge, the Department shall establish a zone of discharge for Class G-II ground water, in one (1) of the following ways:

(1) No change.

(2) A zone of discharge for any installation that is not an existing installation ~~as defined herein~~ shall be established in accordance with paragraph (a) or (b) below, and paragraph (c) if applicable, at the permit applicant's option, but the zone of discharge shall not extend beyond the applicant's property boundary:

(a) No change.

(b) The Department shall establish a zone of discharge larger than that provided in paragraph (a) above upon an affirmative demonstration by the applicant that:

1. The ~~size and shape of the~~ requested zone of discharge will not cause violations of applicable ground water standards in present and future potable water supplies; and

2. The ~~size and shape of the~~ requested zone of discharge will not interfere with existing or designated uses of contiguous waters, or cause a violation of applicable surface water quality criteria of contiguous waters outside a permitted mixing zone; and

3. The economic and social benefits of a zone of discharge of larger dimensions than those in ~~subparagraph (a)†~~ above outweigh the economic, environmental, and social costs resulting from the larger zone of discharge.

(c) No change.

(3) Unless otherwise required by Department rule, the following installations shall not be required to obtain a permit establishing a zone of discharge. These installations shall have a zone of discharge of 100 feet from the site or to the installation's property boundary, whichever is less, unless a different zone is specified in any appropriate Department permit. If the discharge from the installation threatens to violate ground water standards at the boundary of the zone of discharge, violates minimum criteria, or otherwise threatens to impair the designated use of contiguous waters, the Department shall require the installation owner to obtain a permit ~~that which~~ addresses the ground water discharge if the installation ~~he~~ has none, define an appropriate zone of discharge or modify it if a permit exists, and institute appropriate monitoring plans pursuant to Rule 62-520~~522~~.600, F.A.C.

(a) through (c) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History—New 9-8-92, Amended 4-14-94, Formerly 17-522.410, 62-522.410, Amended _____.

62-520.470 ~~Permit Renewal and Modification Procedures for Zones of Discharge or Monitoring Requirements Installations Discharging to Ground Water.~~

(1) At any time, including the time of permit renewal, the Department may order or a permittee may petition for modification of the zone of discharge or monitoring requirements for any of the following reasons, or reasons contained in Rule 62-4.080, F.A.C.

(a) through (d) No change.

(e) The monitoring data provided by the installation owner are inadequate to allow a determination of compliance with applicable zone of discharge limitations ~~and the owner fails to provide reasonable additional data requested by the Department;~~ or

(f) No change.

(2) No change.

(3) If a modification is requested pursuant to subsection (1) above, a zone of discharge shall be established as follows:

(a) The zone of discharge modification described in subsection (1) above shall be based upon a showing that one ~~(†)~~ or more of the conditions in paragraphs (1)(a) through (f) above has occurred.

(b) Once the party seeking the modification has established that one ~~(†)~~ or more of the conditions in paragraphs (1)(a) through (f) above has occurred, the Department shall modify the zone of discharge or monitoring requirements to assure that none of the conditions in paragraphs (1)(a) through

(c) above will continue to occur, based upon the monitoring data received from the monitoring program implemented pursuant to this chapter Rule 62-522.600, F.A.C.

(c) No zone of discharge shall be modified to allow it to extend beyond the limits of the installation owner's property boundary line except as provided in paragraph (d) below.

(d) An owner of an existing installation may petition the Department in writing for a permit modification to extend its zone of discharge for certain specified water quality parameters, ~~and~~ The Department shall modify the installation's permit to include such extension if the owner affirmatively demonstrates that conditions 1. through 4. below are met. The permit modification procedures for an extension of a zone of discharge, including those of newspaper notice publication, shall be the same as any other permit modification procedure except that condition 5. below shall also apply.

1. No change.

2. The discharge shall not in the foreseeable future result in a violation of applicable ground water standards in a currently used source of drinking water outside the zone of discharge; ~~and~~

3. through 4. No change.

5. The permittee ~~Department~~ shall provide a copy of the petition written notice to the property owners of the property underlain by the proposed extended zone of discharge by certified mail return receipt requested within 10 days from submitting the petition to the Department. A copy of each certified mail return receipt shall be provided to the appropriate permitting program in the Department District office where the permit was issued.

(e) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History—New 9-8-92, Amended 4-14-94, Formerly 17-522.500, 62-522.500, Amended _____.

62-520.500 Water Quality Criteria Exemptions for Installations Discharging Into Class G-I or G-II Ground Water.

(1) In order for a specific installation to seek an exemption from water quality criteria, which include the primary and secondary standards and minimum criteria set forth in this chapter, the permittee or permit applicant must file a petition with the agency clerk in the Department's Office of General Counsel, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000. The petitioner must provide the fee of \$6000 per parameter with the petition. The petition shall include alternative compliance levels for the parameters from which an exemption is being sought. The petitioner must affirmatively demonstrate each of the following: The Secretary shall, upon petition of an affected person or permit applicant and after public notice in the Florida Administrative Weekly, and in a newspaper of general circulation in the area of the exemption placed by the petitioner, and after opportunity for public hearing pursuant to Sections 120.569 and 120.57, F.S.,

~~issue an order, which shall be included as a permit modification, for the duration of the permit specifically exempting an installation discharging or designed to discharge into Class G-I or G-II ground water from the standards contained in Rule 62-520.420, F.A.C., or the minimum criteria contained in Rule 62-520.400, F.A.C., upon affirmative demonstration by the petitioner of the following:~~

~~(1) through (6) renumbered (a) through (f) No change.~~

~~(2) The Department shall enter an order granting the petition, denying the petition, or granting the petition in part. The Department will provide public notice of its intended action in the Florida Administrative Weekly along with an opportunity for an administrative hearing under Sections 120.569 and 120.57, F.S. The petitioner shall, on or about the same time that notice is published in the Florida Administrative Weekly, publish this same notice in a newspaper of general circulation in the area affected.~~

~~(3) If an exemption is granted, either in whole or in part, the permit shall be conditioned or modified to include the exemption. The exemption shall be effective for the duration of the permit, unless it is applied for renewal at the same time that the permit is renewed. A petition for renewal of the exemption shall follow the same procedures as would a petition for a new exemption.~~

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-520.500, Amended.

62-520.510 Water Quality Criteria Exemptions for Installations Discharging Into Class G-III and G-IV Ground Water.

~~(1) Class G-III ground water.~~

~~(a) The procedures of Rule 62-520.500, F.A.C., apply, except that the six findings in paragraphs 62-520.500(1)(a)-(f), F.A.C., are replaced with the four findings below. The Secretary shall, upon petition of an affected person or permit applicant and after public notice in the Florida Administrative Weekly and in a newspaper of general circulation in the area of the waters affected and after opportunity for public hearing pursuant to Sections 120.569 and 120.57, F.S., issue an order specifically exempting an installation discharging or designed to discharge into Class G-III ground water from the criteria contained in Rule 62-520.400, F.A.C., upon affirmative demonstration by the petitioner of the following:~~

~~1. through 4. renumbered (1) through (4) No change.~~

~~(b) The petitioner shall affirmatively demonstrate those standards which the petitioner believes more appropriately apply to the waters for which the exemption is sought.~~

~~(c) The Secretary shall specify, by order, only those criteria which the Secretary determines to have been demonstrated by the preponderance of competent substantial evidence to be more appropriate.~~

~~(d) The Department shall modify the petitioner's permit consistent with the Secretary's order.~~

~~(2) Exemptions for discharge to Class G-IV ground water shall be governed by the provisions of Chapter 62-528, F.A.C.~~

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-520.510, Amended.

62-520.520 Exemptions from Secondary Drinking Water Standards Outside a Zone of Discharge in Class G-II Ground Water.

~~(1) through (3) No change.~~

~~(4) Upon determination by the Department that an existing installation must comply with one (1) or more secondary standards, the Department shall revoke the exemption and require compliance or corrective action considering the factors in subsection 62-520.700(2), F.A.C. Such revocation shall be included in an appropriate Department permit as a specific condition after February 1, 1988.~~

~~(5) through (7) No change.~~

~~(8) Existing cooling ponds approved by the Department for treatment of thermal discharges to surface water as defined in Rule 62-302.520, F.A.C., are exempt from secondary standards so long as the cooling pond waters are monitored pursuant to Department permit to ensure that the pond does not impair the designated use of contiguous ground waters and surface waters. In addition, the Department Secretary may order such monitoring of ground waters as may be reasonably necessary to ensure that the designated use of affected ground waters and surface waters is not impaired.~~

Specific Authority 403.061, 403.087 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History–New 9-8-92, Formerly 17-520.520, Amended.

62-520.600 Ground Water Monitoring Requirements and Exemptions.

~~(1) The purpose of a ground water monitoring plan is to provide the data needed to evaluate an installation's compliance with the ground water requirements contained in this chapter. Unless otherwise exempted by the Department rule, any installation discharging into ground water shall establish a monitoring program as described in subsection (3) below. If requested by the permittee, a monitoring program instituted under some other state, federal, or local government regulation or permit shall be substituted for this program if it is in substantial compliance with subsection (3) below. All field and laboratory activities performed under a monitoring program and shall meet the quality assurance requirements in Chapter 62-160, F.A.C. category 2e described in subsection 62-160.300(7), F.A.C., and the Department's reference, "Standard Operating Procedures for Laboratory Operations and Sample Collection Activities," DER-QA-001/92, September 30, 1992, hereby incorporated and adopted as a reference. Copies of the reference are available from the Department's~~

~~Quality Assurance Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. However, a monitoring program instituted under some other state, federal, or local governmental regulation or permit shall be substituted for this program if it is in substantial compliance with subsection (3) below.~~

~~(2) Plan Submission and Timetable.~~

~~(a) New installations shall submit to the Department monitoring plans in conjunction with its initial construction permit applications.~~

~~(b) Existing installations shall have submitted to the Department an acceptable monitoring plan on or before March 1984.~~

~~(c) Installations that were not required to submit monitoring plans by March 1984, but were thereafter required by rule to submit monitoring plans must do so in accordance with the applicable rule.~~

~~(d)(e) Installations exempt from obtaining permits to discharge to ground water shall develop a monitoring plan only upon Department order that the installation owner obtain a permit defining ground water discharge.~~

~~(3) Monitoring Plan Contents. Unless otherwise specified in program-specific Department rules, Using part or all of the information listed from paragraphs (a) through (m) below, the installation owner shall provide the Department with a plan containing findings and recommendations for ground water monitoring derived from site-specific information. Any information submitted as part of a permit application does not have to be resubmitted as part of the ground water monitoring plan. The plan shall evaluate facility operations, discharges, actual and potential environmental risk, and provide a design that ensures compliance with applicable rules and water quality criteria. The design shall be such that the permittee can detect and monitor adverse impact upon ground water and upon surface waters affected by ground water by facility activities. Design of a ground water monitoring plan is variable and dependant on the complexity of the site hydrogeology, type of facility, and method and characteristics of the discharge. The Department's document, Guidance for Ground Water Monitoring Plan Design, 2008, is adopted as guidance to assist permittees and installation owners in designing and placing monitoring wells to demonstrate whether compliance with the requirements in this chapter are being achieved. Copies of this document are available from the Department of Environmental Protection, Bureau of Water Facilities Regulation, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or at the Department Internet site at <http://www.dep.state.fl.us/water/groundwater/pubs.htm>. Pursuant to Chapters 492 and 471, F.S., the ground water monitoring plan shall be signed and sealed by the professional geologist or professional engineer who prepared or approved it. The Department shall evaluate the adequacy of the plan upon submittal; however, the applicant should arrange a pre-application meeting with the~~

~~Department to resolve the needed information at an early stage. The plan shall show the locations of the proposed background and downgradient monitor wells, construction details of the monitor wells, and a water sampling and chemical analysis protocol. The plan shall indicate how to determine background or natural background (where available) quality of the ground water in the vicinity of the site and any deviations in the quality of the receiving ground water in the downgradient monitor wells. The Department shall evaluate the adequacy of the plan upon submittal; however, the applicant should arrange a pre-application meeting with the Department to resolve the needed information at an early stage. The following information is generally required for detailed assessment of the most complex plans unless otherwise specified in other Department rules. Less complex plans will need less detailed information. The plan shall:~~

~~(a) Describe the physical and hydrogeologic characteristics of the facility and surrounding area including: Hydrogeological, physical and chemical data for the site, such as:~~

~~1. Direction and rate of ground water flow and ambient ground water characteristics, background ground water quality (all field verified) and natural background ground water quality where available;~~

~~2. Primary and secondary porosity, and horizontal and vertical permeability for the receiving aquifer(s);~~

~~3. The depth to, and lithology of, the first confining bed(s);~~

~~4. Vertical permeability, thickness, competence, and extent of any confining beds;~~

~~5. Topography, soil information, and surface water drainage systems surrounding the site;~~

~~6. Fracture trace analysis;~~

~~7. Geophysical methods such as ground penetrating radar surveys;~~

~~(b) Show the locations of the proposed monitoring wells labeled as background, intermediate, or compliance well Waste disposal rate and frequency, chemical composition, method of discharge, pond volume, spray field dimension or other applicable site specific information;~~

~~(c) Provide construction and development details of the monitoring wells Toxicity of waste;~~

~~(d) Provide a water sampling and chemical analysis protocol Present and anticipated discharge volume and seepage rate to the receiving ground water; and physical, chemical, and microbiological characteristics of the leachate;~~

~~(e) Provide a water sampling schedule Disposal system water balance;~~

~~(f) Demonstrate the quality of the receiving ground water prior to discharge Present and reasonably expected future pollution sources located within one (1) mile radius of the site;~~

~~(g) Indicate how to determine natural background (where available) or background quality of the ground water in the vicinity of the site and any deviations in the quality of the~~

receiving ground water in the downgradient monitoring wells inventory depth, construction details, and cones of depression of water supply wells or wellfields and monitor wells located within one (1) mile radius of the site or potentially affected by the discharge;

(h) Show the locations of all surface waters and their classifications including springs within a one mile radius of the site, and on-site sinkholes with depths exceeding the seasonal high water table or that are perched; and Site specific economic and feasibility considerations;

(i) Identify the location and use of all wells within 500 feet of the site and all wells within the installation's property boundary. Chronological information on water levels in the monitor wells and water quality data on water supplies collected from the water supply and monitor wells;

(j) Type and number of waste disposal facilities within the installation;

(k) Chronological information on surface water flows and water quality upstream and downstream from the site;

(l) Construction and operation details of disposal facilities;

(m) History of construction and land development in the vicinity of the site.

(4) Plan Approval. If the plan is approved, it will become part of the permit. If a permit is not associated with the plan, a letter of approval, denial, or request for modification will be sent to the applicant. A letter of approval or denial shall have a notice of rights for an administrative hearing under Sections 120.569 and 120.57, F.S. Within ninety (90) days of the date of the Department's receipt of a completed monitoring plan from existing installations described in paragraph (2)(b) above, or at the time of permit issuance or denial, whichever is appropriate, the Department shall either approve or deny the monitoring plan.

(5) Implementation of Monitoring Program. The installation owner shall begin the monitoring program based upon the plan within ninety (90) days of the date an appropriate permit is issued. In the case of an existing installation, the owner shall begin within ninety (90) days after submission and Department approval pursuant to the timetable in paragraph (2)(b) above. If the Department determines from the monitoring plan that the discharge will not impair the designated use of the underlying ground water, the Department may exempt the installation owner from implementing a monitoring program.

(a) The following apply except for installations already discharging to ground water that are later required to install ground water monitoring wells:

1. All ground water monitoring wells shall be installed before the application of waste or wastewater; and

2. After well installation and well development, but before the application of the waste or wastewater for which the ground water monitoring plan was required, the permittee shall sample one or more of the ground water monitoring wells

specified in the Department-approved monitoring plan or permit for the primary and secondary drinking water parameters included in Chapter 62-550, F.A.C., (excluding asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site). In addition, volatile organics and extractable semivolatile organics shall be analyzed. Results of this sampling shall be submitted to the Department within 60 days after sampling.

(b) With the application for permit renewal, the permittee shall submit, to the Department's office that issued the permit, the results of sampling monitoring wells specified in the Department-approved monitoring plan for the primary and secondary drinking water parameters included in Chapter 62-550, F.A.C., (excluding asbestos, acrylamide, Dioxin, butachlor, epichlorohydrin, pesticides, and PCBs, unless reasonably expected to be a constituent of the discharge or an artifact of the site). Additional volatile and semivolatile parameters as specified in the ground water monitoring plan or permit shall be analyzed. Sampling shall occur no sooner than 180 days before submittal of the renewal application.

(6) Location, Design, and Construction of Monitoring Wells to Detect Migration of Contaminants. Unless the installation owner can demonstrate that detection can be obtained by a methodology other than the use of monitoring wells, wells shall be located as follows:

(a) One (1) upgradient well located as close as possible to the site, without being affected by that site's discharge, to determine the background, or natural background quality where available, or background of the ground water (background well);

(b) One well downgradient from the site and within the zone of discharge designed to detect the chemical, physical, and microbiological characteristics of the discharge plume (intermediate well); and; One (1) well at the edge of the zone of discharge downgradient from the site (compliance well);

(c) One well at the edge of the zone of discharge downgradient from the site (compliance well) One (1) well downgradient from the site and within the zone of discharge designed to detect the chemical, physical, and microbiological (if applicable) characteristics of the discharge plume (intermediate well); and;

(d) Such other wells as are dictated by the complexity of the hydrogeology of the site, the magnitude and direction of the plume, or the likelihood of threat to the public health, to ensure adequate and reliable monitoring data in generally accepted engineering or hydrogeological practice. The Department shall exempt a facility from installing a background or intermediate well when not practicable or necessary because of site hydrogeology, effluent quality, site location, or surrounding land use;

(e) The Department's Monitoring Well Design and Construction Guidance Manual, (2008), is adopted as guidance to assist permittees and installation owners in monitoring well design and construction. Copies of this document are available from the Department of Environmental Protection, Bureau of Water Facilities Regulation, MS 3580, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 or at the Department's Internet site: <http://www.dep.state.fl.us/water/groundwater/pubs.htm>;

(f) Monitoring well design shall be submitted to the Department;

(g) Before construction of new ground water monitoring wells, a soil boring shall be made at each new monitoring well location to properly determine monitoring well specifications such as well depth, screen interval, screen slot, and filter pack;

(h) Before the installation of any monitoring well, the permittee shall give at least 72 hours notice to the appropriate permitting program at the Department's District office that issued the permit;

(i) Within 30 days after installation of any monitoring well, a properly scaled figure depicting monitoring well locations (active and abandoned) with identification numbers shall be submitted to the appropriate permitting program at the Department's District office that issued the permit. The figure also shall include the monitoring well, top of casing, and ground surface elevations referenced to the National Geodetic Vertical Datum (NGVD) of 1929 or to the North American Vertical Datum (NAVD 1988) and measured to the nearest 0.01 foot, along with monitoring well location latitude and longitude to the nearest 0.1 seconds;

(j) Within 30 days after installation of the monitoring wells, well completion reports and soil boring/lithologic logs shall be sent to the Department's District office that issued the permit. The information is to be submitted for each well on DEP Form 62-520.900(3), Monitoring Well Completion Report, incorporated herein and listed in Rule 62-520.900, F.A.C.;

(k) Within 60 days after completion of construction of the monitoring wells, all piezometers and wells that are not reasonably expected to be used are to be plugged and abandoned in accordance with subsection 62-532.500(4), F.A.C. The permittee shall submit a written report to the Department's office that issued the permit providing verification of the plugging including the well abandonment log when available;

(l) If any monitoring well becomes inoperable or damaged to the extent that sampling or well integrity may be affected, the permittee shall notify the Department's office that issued the permit within two business days and a detailed written report shall follow within seven days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent recurrence or request approval for

replacement of the monitoring well. All monitoring well design and replacement shall be approved by the Department before installation.

(7) ~~Special~~ Monitoring Requirements for Class G-III Ground Water. Discharges to Class G-III ground water shall be analyzed ~~monitored~~ to assure compliance with the standards in Rule 62-520.400, F.A.C.; alternatively, the permittee may institute a ground water monitoring program, which shall demonstrate that the criteria in Rule 62-520.400, F.A.C., are not violated.

(8) ~~Special~~ Monitoring Requirements for Class G-IV Ground Water. The Department shall specify applicable monitoring criteria as part of an underground injection control well permit issued under Chapter 62-528, F.A.C. ~~on a case-by-case basis for installations which discharge to Class G-IV waters in confined aquifers.~~

(9) Monitoring Exemptions. The Department shall exempt the following installations that ~~which~~ discharge to ground water from ground water monitoring requirements:

(a) Domestic sewage treatment installations with less than 100,000 gallons per day (gpd) design capacity except those described in subsection (10) below; stormwater facilities; agricultural fields, ditches and canals; and waste management systems for animal feeding operations exempted from ground water monitoring permitting under Chapter 62-670, F.A.C.; as long as the discharges present no potential hazard to human health or the environment, or do not endanger a source of drinking water; and as long as the facilities do not discharge directly to ground water.

(b) No change.

(10) New domestic wastewater facilities that ~~which~~ discharge to ground water with less than 100,000 gpd design capacity (excluding on-site sewage disposal systems), which have filed a complete permit application after July 1, 1994, shall install and analyze samples (as described below) from one ~~(4)~~ downgradient monitoring well designed to evaluate the impact of such facilities ~~to~~ ~~on~~ the ground water quality. One ~~(4)~~ ground water sample from within the upper 20 feet of the zone of saturation shall be collected and analyzed semiannually for the ground water monitoring parameters listed in Chapter 62-601, F.A.C.

(11) Reporting Requirements. Installations required to monitor shall submit the following reports:

(a) The permittee shall, ~~w~~Within ninety (90) days after the permittee has begun the discharge that is expected to result in a discharge to ground water, ~~implemented the plan approved by the Department, the permittee shall~~ submit a report stating the volume, and chemical, physical, and microbiological composition of the discharge unless otherwise specified in the installation's permit or ground water monitoring plan.

(b) On a quarterly basis thereafter, or such other frequency specified in the permit, the permittee shall submit reports on all monitoring wells indicating the type, number and

concentration of discharge constituents or parameters ~~indicated by the report in paragraph (a) above~~ that have been approved by the Department as appropriate criteria to monitor in the monitoring program based upon their potential to exceed the minimum criteria contained in Rule 62-520.400, F.A.C., and the appropriate standards for the particular class of water adjacent to the zone of discharge as described in Rules 62-520.420 through 62-520.4760, F.A.C. ~~The report shall also state what is the current nature of the discharge plume relative to the previous report with regard to its size, direction, and rate of movement.~~

(c) Water levels shall be recorded before evacuating wells for sample collection. Elevation shall be referenced to the National Geodetic Vertical Datum (NGVD) of 1929 or to the North American Vertical Datum (NAVD 1988) and measured to a precision of plus or minus 0.01 foot. When there is a change in the permitted volume, location, or chemical, physical, and microbiological composition of the discharge plume, the permittee shall notify the Department and, if requested by the Department, submit a new report containing the information required in paragraph (a) above.

(d) In order to obtain representative seasonal variations in the ground water, there shall be a minimum of 45 days between any two consecutive quarterly sampling events, a minimum of 90 days between consecutive semi-annual sampling events, and a minimum of 180 days between consecutive yearly sampling events.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.0877, 403.088 FS. History–New 9-8-92, Amended 4-14-94, Formerly 17-522.600, 62-522.600, Amended _____.

62-520.700 Ground Water Corrective Action.

Whether or not an installation is operating under a currently valid Department permit, the Department has the authority to ~~may~~ order the installation owner to take corrective action under the following circumstances:

(1) ~~Whenre~~ the installation is discharging into the ground water in a manner that which represents an imminent hazard to public health, the Department shall require the installation owner to take immediate action to remove or reduce the hazard in such a way as to prevent any threat to the public health and the environment. Such action may include ~~but not be limited to~~ clean up of the aquifer, halting the discharge, or confinement or containment of the waste plume.

(2) ~~Whenre~~ no imminent hazard exists, but the plume has extended beyond the zone of discharge or otherwise threatens or is likely to threaten in the foreseeable future to impair the designated use of an underground source of drinking water or surface water immediately affected by the ground water, the Department shall require the installation owner to take appropriate action to clean up, increase the degree of treatment

prior to discharge, contain or otherwise correct the violation of water quality standards. The type of corrective action shall be based upon the following factors:

(a) through (g) No change.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.121, 403.141, 403.161 FS. History–New 9-8-92, Formerly 17-522.700, 62-522.700, Amended _____.

62-520.900 Ground Water Forms.

The forms used by the Department for ground water permitting and monitoring are adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Water Facilities Regulation, MS 3580, Information Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Application for Monitoring Plan Approval, (_____) April 14, 1994.

(2) No change.

(3) Monitoring Well Completion Report, (_____) April 14, 1994.

Specific Authority ~~403.061~~, 403.061 FS. Law Implemented ~~403.061~~, 403.0875, 403.0877 FS. History–New 11-30-82, Amended 1-1-83, Formerly 17-1.216, Amended 9-8-92, Amended 4-14-94, Formerly 17-522.900, Formerly 62-522.900, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Drew, Chief, Bureau of Water Facilities Regulation
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary of Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2008

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-522.200	Definitions for Ground Water Permitting and Monitoring
62-522.300	General Provisions for Ground Water Permitting and Monitoring
62-522.400	Dimensions of Zones of Discharge for Class G-I Ground Water

PURPOSE AND EFFECT: The purpose is to combine these rules into Chapter 62-520, F.A.C., to consolidate and make finding the ground water rules more easily.

SUMMARY: The three remaining rules are being repealed here and are being added through rulemaking to Chapter 62-520, F.A.C., whose notice of rulemaking appears contemporaneously with 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: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088 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: July 25, 2008, 9:00 a.m.

PLACE: Conference Room 609, Department of Environmental Protection, Bob Martinez Building, 2600 Blair Stone Rd., Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Linda Clemens, (850)245-8647. 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: Linda Clemens, DEP, MS 3580, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400; telephone (850)245-8647

THE FULL TEXT OF THE PROPOSED RULES IS:

62-522.200 Definitions for Ground Water Permitting and Monitoring.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History—New 9-8-92, Amended 4-14-94, Formerly 17-522.200, Repealed.

62-522.300 General Provisions for Ground Water Permitting and Monitoring.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History—New 9-8-92, Amended 4-14-94, Formerly 17-522.300, Repealed.

62-522.400 Dimensions of Zones of Discharge for Class G-I Ground Water.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.061, 403.087, 403.088 FS. History—New 9-8-92, Amended 4-14-94, Formerly 17-522.400, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Drew, Chief, Bureau of Water Facilities Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary of Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2008

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:

RULE TITLE:

62-528.200

Underground Injection Control: Definitions

PURPOSE AND EFFECT: The definition for “municipal injection well” is being amended to be clear that only fluids that had first passed through the head of the permitted domestic wastewater treatment facility may be injected through the well in order for the injection well to be classified as a municipal injection well.

SUMMARY: The definition for “municipal injection well” is being amended to be clear that only fluids that had first passed through the head of the permitted domestic wastewater treatment facility may be injected through the well in order for the injection well to be classified as a municipal injection well.

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

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

SPECIFIC AUTHORITY: 373.309, 403.061, 403.087 FS.

LAW IMPLEMENTED: 373.308, 403.021, 403.061, 403.087 FS.

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

DATE AND TIME: July 22, 2008, 1:00 p.m.

PLACE: Conference Room 609, Bob Martinez Building, 2600 Blair Stone Rd., Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donnie McLaugherty, (850)245-8645. 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: Donnie McClaugherty, Ground Water Regulatory Section, MS 3580, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400; telephone (850)245-8645

THE FULL TEXT OF THE PROPOSED RULE IS:

62-528.200 Underground Injection Control: Definitions.

When used in this Chapter, the following words shall have the indicated meanings unless the context clearly indicates otherwise:

(1) through (44) No change.

(45) "Municipal injection well" means an injection well, publicly or privately owned, which is used to inject only fluids that have passed through the head of a permitted domestic wastewater treatment facility and received at least secondary treatment pursuant to Rule 62-600.420, F.A.C.

(46) through (74) No change.

Specific Authority 373.309, 403.061, 403.087, 403.704, 403.721 FS. Law Implemented 373.308, 403.021, 403.031, 403.061, 403.062, 403.087, 403.702, 403.721 FS. History—New 4-1-82, Amended 8-30-82, 5-8-85, Formerly 17-28.12, 17-28.120, 62-28.120, Amended 8-10-95, 6-24-97, 11-20-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Drew, Chief, Bureau of Water Facilities Regulation
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary, Regulatory Programs and Energy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2007

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-5.001
 RULE TITLE: Requirements for Reactivation of an Inactive or Retired License

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of the requirements for reactivation of an inactive or retired license.

SUMMARY: The rule amendment will specify the number of continuing professional education credit hours needed for reactivation of an inactive or retired license.

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

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

SPECIFIC AUTHORITY: 456.036, 486.025, 486.085(2), (4)(a), 486.108(2) FS.

LAW IMPLEMENTED: 456.036, 486.085, 486.108 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-5.001 Requirements for Reactivation of an Inactive or Retired License.

Depending upon the time of reactivation, an inactive or retired license shall be reactivated upon demonstration that the licensee has paid the reactivation fee, the biennial renewal fee for an active license or the difference between the inactive or retired status renewal fee and the active status renewal fee, and if applicable, a change of status and/or delinquency fee, provided that the licensee has:

(1) through (2) No change.

(3) Documented completion of 2 hours of continuing education specifically related to Physical Therapy laws and rules within one year prior to reactivation.

~~(4)(3)~~ Documented proof of completion of 24 hours of approved continuing education as provided in Rule 64B17-9.001, F.A.C., including medical errors prevention for the preceding biennium during which the licensee held an active license.

~~(4) Documented successful passage of the Laws & Rules examination.~~

Specific Authority 456.036, 486.025, 486.085(2), (4)(a), 486.108(2) FS. Law Implemented 456.036, 486.085, 486.108 FS. History—New 8-6-84, Formerly 21M-8.11, Amended 9-22-87, 12-30-87, 6-20-89, Formerly 21M-8.011, Amended 3-24-93, Formerly 21MM-5.001, 61F11-5.001, Amended 12-22-94, 4-4-95, 8-16-95, 7-1-97, Formerly 59Y-5.001, Amended 8-9-04, 7-19-06, 1-8-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2007

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-8.002
 RULE TITLE: Requirements for Prevention of Medical Errors Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow credit for medical errors education courses approved by the MQA.

SUMMARY: The rule amendment will allow credit for medical errors education courses approved by the MQA.

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

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

SPECIFIC AUTHORITY: 456.013(7) FS.

LAW IMPLEMENTED: 456.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-8.002 Requirements for Prevention of Medical Errors Education.

(1) through (4) No change.

(5) Medical errors education courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.003, Florida Statutes, are approved by this Board.

Specific Authority 456.013(7) FS. Law Implemented 456.013(7) FS. History—New 10-8-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.:	RULE TITLES:
64D-3.028	Definitions
64D-3.029	Diseases or Conditions to be Reported
64D-3.030	Notification by Practitioners
64D-3.031	Notification by Laboratories
64D-3.040	Procedures for Control of Specific Communicable Diseases
64D-3.041	Epidemiological Investigations
64D-3.046	Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

PURPOSE AND EFFECT: The purpose of the rule amendments was to clarify current rule language and amend the list of reportable diseases or conditions. These changes will enhance communicable disease reporting efficiency and clarify reporting and testing requirements for health care providers, laboratories, hospitals and other entities required to report communicable diseases or conditions that may affect public health.

SUMMARY: The proposed rule amendments:

Add to the list of notifiable diseases or conditions “Amebic Encephalitis”, “Arsenic”, “Carbon monoxide poisoning”, “Staphylococcus aureus-community associated mortality”, and “Staphylococcus aureus isolated from a normally sterile site”.

Delete from the list of notifiable diseases or conditions Clostridium perfringens, epsilon toxin (disease due to).

Modify within the list of notifiable diseases or conditions “Any disease outbreak in a community, hospital or other institution or a foodborne or waterborne outbreak”, “Any grouping or clustering of patients having similar disease, symptoms or syndromes that may indicate the presence of a disease outbreak including those of biological agents associated with terrorism”, “Erlchiosis”, “Herpes simplex virus (HSV) in infants up to six (6) months of age with disseminated infection with involvement of liver, encephalitis and infections limited to skin, eyes and mouth”, “Human immunodeficiency virus (HIV) Exposed Newborn- infant < 18 months of age born to a HIV infected woman”, “Human papilloma virus (HPV) associated laryngeal papillomas or recurrent respiratory papillomatosis in children <6 years of age”, “HPV cancer associated strains”, “Lead poisoning”, and “Poliomyelitis”.

Update several other sections, which include Definitions, Notification by Practitioners, Notification by Laboratories, Procedures for Control of Specific Communicable Diseases, Epidemiological Investigations, and Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes.

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: 381.0011(6), 381.0011(7), 381.0011(13), 381.003(1), 381.003(2), 381.0031(5), 381.0031(6), 381.005(2), 381.006(16), 383.06, 384.25(1), 384.25(2), 384.33, 392.53(1), 392.53(2), 392.66, 1003.22 FS.

LAW IMPLEMENTED: 381.0011, 381.003, 381.0031, 381.005(1)(i), 383.06, 384.23, 384.25, 384.26, 384.27, 385.202, 392.52, 392.53, 392.54, 1003.22 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: July 21, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Health, Building 4052, Room 301, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kimberly Quinn, Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A19, Tallahassee, FL 32399, (850)245-4604, Kimberly_Quinn@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64D-3.028 Definitions.

When used in Chapter 64D-3, F.A.C., the following terms shall mean:

(1) “15 Digit Spoligotype (Octal Code)” – Spoligotyping (spacer oligonucleotide typing) is an amplification-based genotyping method that determines the presence or absence of 43 spacer sequences in the direct repeat region in the *M. tuberculosis* chromosome. The complement of spacers is initially recorded in binary code and then converted to the reportable 15 digit octal code commonly referred to as the ‘spoligotype’.

(2) “Authorized Representative” – An employee of the Department or personnel assigned to the Department by another state or federal agency supervised and approved by the Department.

(3) “BED” – The BED HIV-1 Capture EIA is the assay currently used in STARHS for performing HIV incidence surveillance. The FDA has labeled the assay for surveillance use not for diagnostic or clinical use.

(4) “Carrier” –

(a) A person who harbors pathogenic organisms of a communicable disease but who does not show clinical evidence of the disease; or

(b) A person to whom evidence points as the source of one (1) or more cases of any communicable disease but who refuses to submit clinical specimens to the Department or county health department for examination; or

(c) A person who, in the judgment of the State Health Officer or county health department director or administrator or their designee, is suspected to be a carrier and who refuses to submit to examination when ordered to do so for good cause shown by the State Health Officer or county health department director or administrator or their designee; or

(d) A person reported to the Department or the county health department to be a carrier by the health authorities of any municipality, county, or state in the United States, of any foreign nation or of any international organization of which the United States is a member; or

(e) An animal which, in the judgment of the State Health Officer or county health department director or administrator or their designee, is suspected to harbor pathogenic organisms of a communicable disease without presentation of clinical evidence of disease.

(5) “Case” – An instance of a suspected or diagnosed disease or condition in a person or animal.

(6) “Communicable Disease” – An illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from a reservoir to a susceptible host either directly as from an infected person or animal or indirectly, through an intermediate plant or animal host, vector or the inanimate environment.

(7) “Contact” – A person or animal that has been in such association with an infected person or animal or a contaminated environment as to have had opportunity to acquire the infection. This will include household members or persons who frequent the dwelling of the case or carrier. For sexually transmitted diseases contact means a sex/needle sharing partner.

(8) “County Health Department” – A public health department created under Part I, Chapter 154, F.S.

(9) “Department” – The State of Florida, Department of Health.

(10) “Electronic Data Transfer” – The sending and receiving of messages via standard electronic formats and established file transfer protocols, which contain data elements that would normally be contained on a typical business document or form.

(11) “Enteric Disease” – An infection or condition transmitted by ingestion of such agents as *Campylobacter jejuni*, *Cyclospora cayetanensis*, *Cryptosporidium parvum*, *Escherichia coli* O157:H7 and other pathogenic *E. coli*, hepatitis A, *Giardia lamblia*, *Salmonella* species, *Shigella* species and *Vibrio cholerae*.

~~(12)~~ “Epidemic or Outbreak” – The occurrence in persons in a community, institution, region or other defined area of one or more cases of an illness of similar nature clearly in excess of normal expectancy.

~~(12)~~~~(13)~~ “Epidemiological Investigations” – An inquiry into the incidence, distribution and source of diseases or conditions to determine its cause, means of prevention or control, and efficacy of control measures.

~~(13)~~~~(14)~~ “Epizootic” – The occurrence in animals in a community, institution, region or other defined area of a group of cases of an illness of similar nature in excess of normal expectancy.

~~(14)~~~~(15)~~ “Exposure to Rabies” – Any bite, scratch or other situation in which saliva or nervous tissue of a potentially rabid animal enters an open or fresh wound, or comes in contact with mucous membranes by entering the eye, mouth or nose of another animal or person.

~~(15)~~ “Fasta Files” – Standard text-based format for representing nucleic acid sequences that are generated when performing a genotype.

~~(16)~~ “Health Authorities” – The State Health Officer or any local county health department director or administrator or their designee; any chief health official of any municipality, county, or state in the United States, of any foreign nation or of any international organization of which the United States is a member.

~~(17)~~ Health Level 7(HL7) – An industry standard for electronic data exchange between healthcare entities.

~~(18)~~ “Human Immunodeficiency Virus (HIV) Exposed Newborn” – An infant 18 months of age or younger born to a HIV infected woman.

~~(19)~~ “Outbreak” – An increase in the number of cases of a disease or condition compared to the expected number in a particular period of time and geographical area. For diseases where the expected number is zero, a single case constitutes an outbreak.

~~(20)~~~~(19)~~ “Practical Method of Quarantine” – A location where a person infected with or exposed to an infectious agent that threatens public health will have food, clothing and shelter as necessary while separated and restricted from contact with people who have not been infected with that disease or immunized against that infection.

~~(21)~~~~(20)~~ “Probable” – A case that meets the clinical criteria for a communicable disease and the epidemiologic criteria for likely exposure to the infectious agent but is unable to be confirmed.

~~(22)~~~~(21)~~ “Sensitive Situation” – A setting in which the presence of a case would increase significantly the probability of spread of the diagnosed or suspected disease or condition and would, therefore, constitute a public health hazard. Examples of such settings are: schools, child-care facilities, hospitals and other patient-care facilities, food storage, food processing establishments or food outlets.

~~(23)~~~~(22)~~ “Sexually Transmissible Disease” – Acquired Immune Deficiency Syndrome (AIDS), Chancroid, Chlamydia trachomatis, Gonorrhoea, Granuloma Inguinale, Hepatitis A through D, Herpes simplex virus (HSV), Human immunodeficiency virus Infection (HIV), Human papillomavirus (HPV), Lymphogranuloma Venereum (LGV), and Syphilis.

~~(24)~~~~(23)~~ “Source of Infection” – The person, animal, object or substance from which an infectious agent passes directly or indirectly to the host.

~~(25)~~~~(24)~~ “STARHS” – Serologic Testing Algorithm for Recent HIV Seroconversion – A surveillance test performed on confirmed HIV positive specimens using the BED assay, approved by the Food and Drug Administration for surveillance purposes.

~~(26)~~~~(25)~~ “Suspect” or “Suspect Case” – A person or animal whose medical history and symptoms suggest the imminent development of a notifiable or other communicable disease or condition, or a person or animal with disease not yet diagnosed.

~~(27)~~~~(26)~~ “Terminal Disinfection” – Cleaning procedures designed to eradicate infectious agents or unsafe conditions from the physical environment.

~~(28)~~ “Urgent Public Health Significance” – A characteristic of a disease or condition that requires rapid public health response due to the:

- (a) Potential to cause significant morbidity or mortality;
- (b) Potential for infectiousness between humans or spread to humans; and
- (c) The number of cases.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031, 384.23, 392.52 FS. History–New 11-20-06, Amended 7-15-07,_____.

Editorial Note: History–Formerly 10D-3.61, 10D-3.061, 64D-3.001, 64D-3.014, 64D-3.015 and 64D-3.021.

64D-3.029 Diseases or Conditions to be Reported.

(1) Diseases or conditions listed in subsection (3) below are of public health significance identified by the Department as of the date of these rules which must be reported by the practitioner, hospital, laboratory, or other individuals via telephone (with subsequent written report within 72 hours, see Rule 64D-3.030 – 3.033, F.A.C.), facsimile, electronic data transfer, or other confidential means of communication to the County Health Department having jurisdiction for the area in which the office of the reporting practitioner, hospital, laboratory or patient’s residence is located consistent with the specific section and time frames in subsection (3) below relevant to the practitioners, hospitals and laboratories, respectively. Reporters are not prohibited from reporting diseases and/or conditions not listed by rule.

(2) Definitions to be used with subsection (3) below:

(a) “*Notifiable Diseases or Conditions*” – The definitions of “case” and “suspected case” for reportable diseases or conditions are set forth in “Surveillance Case Definitions for Select Reportable Diseases in Florida,” incorporated by reference, available online at: www.doh.state.fl.us/disease_ctrl/epi/topics/surv.htm. For any disease or condition for which Florida surveillance case definitions do not exist, the CDC case definitions set forth in Nationally Notifiable Infectious Diseases, Definition of Terms Used in Case Classification, incorporated by reference, available online at: www.cdc.gov/epo/dphsi/casedef/definition_of_terms.htm should be used. Also see the footnotes to subsection (3).

(b) “*Suspect Immediately*” – A notifiable condition or urgent public health importance. Report without delay upon the occurrence of any of the following: Initial suspicion, receipt of a specimen with an accompanying request for an indicative or confirmatory test, findings indicative thereof, or suspected diagnosis. Reports that cannot timely be made during the County Health Department business day shall be made to the

County Health Department after-hours duty official. If unable to do so, the reporter shall contact the Florida Department of Health after hours duty official at (850)245-4401.

(c) “*Immediately*” – A notifiable condition of urgent public health importance. Report without delay upon the occurrence of any of the following: An indicative or confirmatory test, findings indicative thereof, or diagnosis. Reports that cannot timely be made during the County Health Department business day shall be made to the County Health Department after-hours duty official. If unable to do so, the reporter shall contact the Florida Department of Health after hours duty official at (850)245-4401.

(d) “*Next Business Day*” – Report before the closure of the County Health Department’s next business day following suspicion or diagnosis.

(e) “*Other*” – Report consistent with the instruction in and footnotes to subsection (3) below.

(3) “*Table of Notifiable Diseases or Conditions to be Reported*”

Practitioner Reporting				Laboratory Reporting						
Notifiable Diseases or Conditions	Timeframes			Other	Evidence of current or recent infection with etiological agents	Submit isolates or specimens for confirmation*1	Timeframes			Other
	Suspect Immediately	Next Business Day	Next Business				Suspect Immediately	Next Business Day	Next Business	
<u>Any case, cluster of cases, or outbreak of a disease or condition found in the general community or any defined setting such as a hospital, school or other institution, not listed in this Rule that is of urgent public health significance. This includes those indicative of person to person spread, zoonotic spread, the presence of an environmental, food or waterborne source of exposure and those that result from a deliberate act of terrorism. Any disease outbreak in a community, hospital or other institution or a foodborne or waterborne outbreak.</u>	*	*	-		<u>Detection in one or more specimens of etiological agents of a disease or condition not listed in this Rule that is of urgent public health significance.</u> Any grouping or clustering of patients having similar etiological agents that may indicate the presence of a disease outbreak.		*	*		
Any grouping or clustering of patients having similar disease, symptoms or syndromes that may indicate the presence of a disease outbreak including those of biological agents associated with terrorism	X	X			Any grouping or clustering of patients having similar etiological agents that may indicate the presence of a disease outbreak including those of biological agents associated with terrorism.		X	X		
Acquired Immune Deficiency Syndrome (AIDS)				2 Weeks	Not Applicable					

<u>Amebic Encephalitis</u>		X			<u><i>Naegleria fowleri, Balamuthia mandrillaris, or Acanthamoeba spp.</i></u>			X		
Anthrax	X	X			Bacillus anthracis	X	X	X		
<u>Arsenic*2</u>			X		<u>Laboratory results as specified in the surveillance case definition for arsenic poisoning *2</u>				X	
Botulism, foodborne	X	X			<i>Clostridium botulinum</i> or botulinum toxin	X	X	X		
Botulism, infant			X		<i>Clostridium botulinum</i> or botulinum toxin	X			X	
Botulism, other (includes wound and unspecified)	X	X			<i>Clostridium botulinum</i> or botulinum toxin	X	X	X		
Brucellosis	X	X			<i>Brucella abortus, B. melitensis, B. suis, B. canis</i>	X	X	X		
California serogroup virus neuroinvasive and non-neuroinvasive disease			X		California encephalitis virus, Jamestown Canyon, Keystone, Lacrosse, snowshoe hare, trivittatus viruses	X			X	
Campylobacteriosis			X		<i>Campylobacter</i> species				X	
Cancer (except non-melanoma skin cancer, and including benign and borderline intracranial and CNS tumors) *3*2				6 Months	Pathological or tissue diagnosis of cancer (except non-melanoma skin cancer and including benign and borderline intracranial and CNS tumors)					6 Months
<u>Carbon monoxide poisoning</u>			X		<u>A volume fraction 0.09 (9%) of carboxyhemoglobin in blood</u>				X	
CD-4	Not Applicable				CD-4 absolute count and percentage of total lymphocytes*4*3					3 days
Chancroid			X		<i>Haemophilus ducreyi</i>				X	
Chlamydia			X		<i>Chlamydia trachomatis</i>				X	
Chlamydia in pregnant women and neonates			X		<i>Chlamydia trachomatis</i>				X	
Chlamydia in children < 12 years of age*5*4			X		<i>Chlamydia trachomatis</i>				X	
Cholera	X	X			<i>Vibrio cholerae</i>	X	X	X		
Ciguatera fish poisoning (Ciguatera)			X		Not Applicable					
<u><i>Clostridium perfringens, epsilon toxin (disease due to)</i></u>			X		<u><i>Clostridium perfringens, epsilon toxin</i></u>				X	
Congenital anomalies *6*5				6 Months	Not Applicable					
Conjunctivitis in neonates < 14 days old			X		Not Applicable					
Creutzfeld-Jakob disease (CJD) *7*6			X		14-3-3 protein from CSF or any brain pathology suggestive of CJD *7*6				X	
Cryptosporidiosis			X		<i>Cryptosporidium parvum</i>				X	
Cyclosporiasis			X		<i>Cyclospora cayetanensis</i>	X			X	
Dengue			X		Dengue virus	X			X	
Diphtheria –	X	X			<i>Corynebacterium diphtheriae</i>	X	X	X		
Eastern equine encephalitis virus neuroinvasive and non-neuroinvasive disease			X		Eastern equine encephalitis virus	X			X	
<u>Ehrlichiosis/Anaplasmosis</u>			X		<u><i>Anaplasma phagocytophilum, Ehrlichia chaffeensis, or E. ewingii Ehrlichia phagocytophila.</i></u>	X			X	
<u>Ehrlichiosis, human granulocytic (HGE)</u>			X		<u><i>Ehrlichia chaffeensis</i></u>				X	
<u>Ehrlichiosis, human monocytic (HME)</u>			X		<u><i>Ehrlichia chaffeensis</i></u>				X	
<u>Ehrlichiosis/Anaplasmosis – undetermined or unspecified</u>			X		<u><i>Ehrlichia or Anaplasma</i> species, other</u>	X			X	

Encephalitis, other (non-arboviral)			X		Isolation from or demonstration in brain or central nervous system tissue or cerebrospinal fluid, of any pathogenic virus				X	
Enteric disease due to <i>Escherichia coli</i> O157:H7		X			<i>Escherichia coli</i> O157:H7	X		X		
Enteric disease due to other pathogenic <i>Escherichia coli</i> *8#7		X			<i>Escherichia coli</i> *8#7			X		
Giardiasis (acute)			X		<i>Giardia</i> species				X	
Glanders	X	X			<i>Burkholderia mallei</i> ,	X	X	X		
Gonorrhea			X		<i>Neisseria gonorrhoeae</i>				X	
Gonorrhea in children < 12 years of age*5#4			X		<i>Neisseria gonorrhoeae</i>				X	
Gonorrhea in pregnant women and neonates			X		<i>Neisseria gonorrhoeae</i>				X	
Gonorrhea (Antibiotic Resistant)			X		<i>Neisseria gonorrhoeae</i> *9#8				X	
Granuloma Inguinale			X		<i>Calymmatobacterium granulomatis</i>				X	
<i>Haemophilus influenzae</i> , meningitis and invasive disease	X	X			<i>Haemophilus influenzae</i>	X	X	X		
Hansen disease (Leprosy)			X		<i>Mycobacterium leprae</i>				X	
Hantavirus infection		X			Hantavirus	X		X		
Hemolytic uremic syndrome		X			Not Applicable					
Hepatitis A*10#9		X			Hepatitis A*10#9				X	
Hepatitis B, C, D, E and G Virus*10#9			X		Hepatitis B, C, D, E and G Virus*10#9				X	
Hepatitis B surface antigen (HBsAg)-positive in a pregnant woman or a child up to 24 months old			X		Hepatitis B surface antigen (HBsAg)				X	
Herpes simplex virus (HSV) in infants up to 60 days old six (6) months of age with disseminated infection with involvement of liver, encephalitis and infections limited to skin, eyes and mouth*11#10			X		HSV 1 or HSV 2 by direct FA, PCR, DNA or Culture*11#10				X	
HSV – anogenital in children < 12 years of age*5*11#4#10			X		HSV 1 or HSV 2 by direct FA, PCR, DNA or Culture*11#10				X	
Human immunodeficiency virus (HIV)				2 Weeks	Repeatedly reactive enzyme immunoassay, followed by a positive confirmatory tests, (e.g. Western Blot, IFA): Positive result on any HIV virologic test (e.g. p24 AG, Nucleic Acid Test (NAT/NAAT) or viral culture). All viral load (detectable and undetectable) test results. *12*13#11					3 days
Human immunodeficiency virus (HIV) Exposed Newborn – infant < 18 months of age born to a HIV infected woman			X		<u>All HIV test results (e.g., positive or negative immunoassay, positive or negative virologic tests) for those < 18 months of age</u>					<u>3 days</u>
Human papillomavirus papilloma-virus (HPV) associated laryngeal papillomas or recurrent respiratory papillomatosis in children <6 years of age*5#4			X		HPV DNA				X	
HPV – anogenital in children <12 years of age*5#4			X		HPV DNA	X			X	

HPV cancer associated strains*12 Human papillomavirus ONLY physicians licensed as pathologists need report as directed under Laboratory Reporting*14			X		DNA typing of HPV strains 16, 18, 31, 33, 35, 36, 45 Abnormal histologies consistent with Bethesda 2001 Terminology*13 1) Positive test for any high risk human papillomavirus (HPV) type (e.g., 16, 18, 31, 33, 35, 39, 45, 51, 52, 56, 59, 68, etc)*15 2) Abnormal cervical and anogenital cytologies consistent with "Bethesda 2001 Terminology"*15 3) Abnormal histologies including*15: a. cervical vaginal intraepithelial neoplasia (CIN 1, 2, or 3) b. vulvar intraepithelial neoplasia (VIN 1, 2, or 3) c. vaginal intraepithelial neoplasia (VAIN 1, 2, or 3) d. anal intraepithelial neoplasia (AIN 1, 2, or 3)				X	
Influenza due to novel or pandemic strains	X	X			Isolation of influenza virus from humans of a novel or pandemic strain	X	X	X		
Influenza-associated pediatric mortality in persons aged < 18 years			X		Influenza virus – associated pediatric mortality in persons aged <18 years (if known)	X		X		
Lead poisoning*16*14			X		All blood lead test results 16* tests with detectable blood lead values 14*				X	
Legionellosis			X		Legionella species				X	
Leptospirosis			X		Leptospira interrogans				X	
Listeriosis		X			Listeria monocytogenes			X		
Lyme disease			X		Borrelia burgdorferi				X	
Lymphogranuloma Venereum (LGV)			X		Chlamydia trachomatis				X	
Malaria			X		Plasmodium falciparum, P. vivax, P. ovale, P. malariae	X			X	
Measles (Rubeola)	X	X			Measles virus 17*15*	X	X	X		
Melioidosis	X	X			Burkholderia pseudomallei	X	X	X		
Meningitis, bacterial, cryptococcal and mycotic (other than meningococcal or H. influenzae or pneumococcal)			X		Isolation or demonstration of any bacterial or fungal species in cerebrospinal fluid				X	
Meningococcal Disease, includes meningitis and meningococcemia	X	X			Neisseria meningitidis (serogroup needed)	X	X	X		
Mercury poisoning			X		Laboratory results as specified in the surveillance case definition for mercury poisoning				X	
Mumps			X		Mumps virus				X	
Neurotoxic shellfish poisoning		X			Laboratory results as specified in the surveillance case definition for Neurotoxic shellfish poisoning				X	
Pertussis		X			Bordetella pertussis			X		
Pesticide-related illness and injury			X		Laboratory results as specified in the surveillance case definition for pesticide related illness and injury				X	
Plague	X	X			Yersinia pestis	X	X	X		
Poliomyelitis, paralytic and non-paralytic	X	X			Poliovirus	X	X	X		
Psittacosis (Ornithosis)			X		Chlamydophila psittaci (formerly known as Chlamydia psittaci)	X			X	

Q Fever			X	<i>Coxiella burnetii</i>	X			X	
Rabies, animal		X		Rabiesvirus		X	X		
Rabies, human		X		Rabiesvirus		X	X		
Rabies, possible exposure*18#16	X	X		Not Applicable					
Ricin toxicity	X	X		Ricin toxin (from <i>Ricinus communis</i> castor beans)	X	X	X		
Rocky Mountain spotted fever			X	<i>Rickettsia rickettsii</i>	X			X	
Rubella, including congenital	X	X		Rubella virus*17#15	X	X	X		
St. Louis encephalitis (SLE) virus neuroinvasive and non-neuroinvasive disease			X	St. Louis encephalitis virus	X			X	
Salmonellosis			X	<i>Salmonella</i> species by species serogroup and serotype				X	
Saxitoxin poisoning including Paralytic shellfish poisoning (PSP)			X	Saxitoxin				X	
Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV) disease	X	X		SARS-associated Coronavirus (SARS-CoV)	X	X	X		
Shigellosis			X	<i>Shigella</i> species by species serogroup				X	
Smallpox	X	X		Variola virus (orthopox virus)	X	X	X		
<u>Staphylococcus aureus – community associated mortality*19</u>			X	<u>Staphylococcus aureus – community associated mortality*20</u>	X				
Not Applicable				<u>Staphylococcus aureus isolated from a normally sterile site *21</u>				X	
<i>Staphylococcus aureus</i> with intermediate or full resistance to vancomycin (VISA, VRSA)		X		<i>Staphylococcus aureus</i> with intermediate or full resistance to vancomycin (VISA, VRSA); Laboratory results as specified in the surveillance case definition.*22	X		X		
Staphylococcus enterotoxin B		X		Staphylococcus enterotoxin B	X		X		
Streptococcal disease, invasive, Group A			X	<i>Streptococcus pyogenes</i> , Group A, isolated from a normally sterile site (does not include throat specimens)				X	
<i>Streptococcus pneumoniae</i> , invasive disease	Not Applicable			<i>Streptococcus pneumoniae</i> isolated from a normally sterile site*23				X	
<i>Streptococcus pneumoniae</i> , invasive disease in children < 5 years, drug sensitive and resistant			X	<i>Streptococcus pneumoniae</i> isolated from a normally sterile site*23				X	
Syphilis			X	<i>Treponema pallidum</i>				X	
Syphilis in pregnant women and neonates		X		<i>Treponema pallidum</i>			X		
Tetanus			X	<i>Clostridium tetani</i>				X	
Toxoplasmosis, acute			X	<i>Toxoplasma gondii</i>				X	
Trichinellosis (Trichinosis)			X	<i>Trichinella spiralis</i>				X	
Tuberculosis (TB)*24#17			X	<i>Mycobacterium tuberculosis</i> complex*24#17				X	
Tularemia	X	X		<i>Francisella tularensis</i>	X	X	X		
Typhoid fever		X		<i>Salmonella typhi</i>	X		X		
Typhus fever (epidemic) (outbreak)	X	X		<i>Rickettsia prowazekii</i>	X	X	X		
Typhus fever (endemic)			X	<i>Rickettsia typhi</i> , <i>R. felis</i>	X			X	
Vaccinia disease	X	X		Vaccinia virus	X	X	X		
Varicella (ChickenPox)*25#18			X	Varicella virus				X	
Varicella mortality			X	Varicella virus				X	
Venezuelan equine encephalitis virus neuroinvasive and non-neuroinvasive	X	X		Venezuelan equine encephalitis virus	X	X	X		

Vibriosis (Vibrio infections, other than Cholera)			X		All non-cholera <i>Vibrio</i> species including, <i>V. alginolyticus</i> , <i>V. damsela</i> , <i>V. fluvialis</i> , <i>V. furnissii</i> , <i>V. hollisae</i> , <i>V. mimicus</i> , <i>V. parahaemolyticus</i> , <i>V. vulnificus</i>	X			X	
Viral hemorrhagic fevers	X	X			Ebola, Marburg, Lassa, Machupo viruses	X	X	X		
West Nile virus neuroinvasive and non-neuroinvasive disease			X		West Nile virus	X			X	
Western equine encephalitis virus neuroinvasive and non-neuroinvasive disease			X		Western equine encephalitis virus	X			X	
Yellow fever	X	X			Yellow fever virus	X		X		

*1 – Submission of isolates or specimens for confirmation:

a. Each laboratory that obtains a human isolate or a specimen from a patient shall send specimens (such as isolates, ~~sera, serums~~, slides or diagnostic preparations) to the Florida Department of Health, Bureau of Laboratories for confirmation or additional characterization of the organism. ~~Contact 1(866)352-5227 for the address of your regional laboratory, which will maintain a record indicating the date that these specimens were submitted to the laboratory.~~

b. Persons submitting specimens for reportable laboratory tests to the Florida Department of Health, Bureau of Laboratories, pursuant to subsection 64D-3.003(4), F.A.C., are required to supply the laboratories with sufficient information to comply with the provisions of this section.

~~c. For the address of your closest regional Florida Department of Health laboratory location, contact 1(866)352-5227. This location will receive isolates or specimens and maintain a record to indicate the date that these specimens were submitted to the laboratory.~~

~~d. Laboratories shall submit isolates or specimens to the Florida Department of Health, Bureau of Laboratories for confirmation or additional characterization of the organism for any notifiable disease as requested by the county health department director or administrator or their designee. Some additional information regarding such requests can be found in the document “Surveillance Case Definitions for Select Reportable Diseases in Florida”.~~

~~e. Laboratories are not prohibited from submitting isolates or specimens from a patient for a disease or condition that is not designate in the Table of Notifiable Diseases or Conditions to be Reported in this Rule.~~

*2 – Special reporting requirements for Arsenic: Test results should only be reported if the test occurred 72 hours after the patient’s consumption of seafood.

*3 – Notification within six months of diagnosis and within six months of each treatment.

Exceptions are located in Rule 64D-3.007, F.A.C.

*4 – All CD4s, with or without confirmed HIV infection.

*5 – Child abuse should be considered by a practitioner upon collection of a specimen for laboratory testing in any person 12 years of age or under, excluding neonates. Reporting of a STD case to a county health department does not relieve the practitioner of their mandatory reporting responsibilities regarding child abuse pursuant to Section 39.201, F.S.

*6 – Exceptions are located in Rule 64D-3.035, F.A.C.

*7 – Practitioners should contact the Department of Health, Bureau of Epidemiology at (850)245-4401 to arrange appropriate autopsy and specimen collection.

*8 – Non-O:157:H7, including enterotoxigenic, enteroinvasive, enteropathogenic, enterohemorrhagic, enteroaggregative strains and shiga toxin positive strains.

*9 – Special reporting requirements for Antibiotic Resistant *Neisseria gonorrhoeae*:

- a. Report susceptibility test results (zone sizes for disk diffusion; MICs for E-test or agar dilution) for the following antibiotics: Azithromycin, Cefixime, Ceftriaxone, Ciprofloxacin, Erythromycin, Ofloxacin, Penicillin, Spectinomycin, and Tetracycline.

*10 – Special reporting requirements for Hepatitis:

- a. Positive results should be accompanied by any hepatitis testing conducted: and
- b. All serum aminotransferase levels.

*11 – A 4-fold titer rise in paired sera by various serological tests confirmatory of primary infection; presence of herpes-specific IgM suggestive but not conclusive evidence of primary infection.

*12 – Special requirements for STARHS (Serologic Testing Algorithm for Recent HIV Seroconversion):

- a. Each laboratory that reports a confirmed positive HIV test in persons 13 years of age and older must also report a serologic testing algorithm for recent HIV seroconversion (STARHS) test result.
- b. In lieu of producing this test result, each laboratory that reports a confirmed positive HIV test must submit a sample for additional testing using STARHS (Serologic Testing Algorithm for Recent HIV Seroconversion). The laboratory is permitted to send the remaining blood specimen or an aliquot of at least

0.5 ml to the Florida Department of Health, Bureau of Laboratories, 1217 Pearl Street, Jacksonville, Florida 32202-3926.

c. Laboratories electing to send a blood specimen will contact the Florida Department of Health, Bureau of Laboratories at (904)791-1500 to receive specimen maintenance and shipping instructions.

d. Nationally based laboratories with an existing contract to ship specimens directly to a STARHS laboratory designated by the National Centers for Disease Control and Prevention will not be required to send a specimen to the Florida Department of Health Laboratory.

*13 – If a genotype is performed, the fasta files containing the nucleotide sequence data, including the protease and reverse transcriptase regions must be reported.

~~*12 – Practitioners need only to report the presence of cancer associated strains, not abnormal cytologies to the Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A-19, Tallahassee, Florida 32399-1712, (850)245-4303.~~

*14 – Practitioners need not report, unless licensed as a pathologist.

~~*13 – Special reporting requirements for abnormal histologies:
a. Report only classifications consistent with Bethesda 2001 Terminology of ASC-US, ASC-H, HSIL, LSIL, CIN 1, CIN 2, CIN 3 and AGC to the Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A-19, Tallahassee, Florida 32399-1712, (850)245-4303.~~

~~b. All such reports must be received by the Department electronically in HL-7 format.~~

*15 – Special reporting requirements for laboratories and pathologists:

a. Report to the Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A-19, Tallahassee, Florida 32399-1716, (850)245-4303.

b. Paper reports are not required. In accordance with paragraph 64D-3.031(5)(b), F.A.C., once Electronic Laboratory Reporting is initiated with the Department, all reports should be made electronically.

*16*14 – Special reporting requirements for reporting blood lead tests:

a. All blood lead tests are considered evidence of a suspected case and are to be reported to the Florida Department of Health, Bureau of Community Environmental Health, Childhood Lead Poisoning Prevention Program, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1712, (850)245-4277. This reporting requirement pertains to: 1) laboratories and

2) practitioners that conduct on site blood lead analysis (i.e., practitioners that use portable lead care analyzers or other devices to perform blood lead analysis).

b. All such reports must be received by the Department electronically.

~~*17*15 – IgM serum antibody or viral culture test orders for measles (rubeola) or rubella should be reported as suspect immediately, but not IgG results.~~

~~*18*16 – Includes a bite or other significant exposure to a human or domestic animal (including all pets and livestock) by an animal:~~

~~a. That results in rabies prophylaxis for the person exposed, rabies testing and/or quarantine of the animal causing the exposure; or~~

~~b. That is capable of transmitting herpes B viruses (includes exposures from nonhuman primates).~~

*19 – As specified in the surveillance case definition for mortality in a person infected with community associated *Staphylococcus aureus*. For *S. aureus* mortality cases, a *S. aureus* culture shall be sent to the Florida Department of Health, Bureau of Laboratories, 1217 Pearl Street, Jacksonville, Florida 32202-3926, (904)791-1500. When pneumonia was present, a suitable respiratory specimen for viral testing should be submitted if available.

*20 – Laboratories that have an isolate from a patient known to have died from community associated *Staphylococcus aureus* must submit isolates to Florida Department of Health, Bureau of Laboratories, 1217 Pearl Street, Jacksonville, Florida 32202-3926, (904)791-1500.

*21 – Special reporting requirements for *Staphylococcus aureus*:

a. Antibiotic sensitivities must be included.

b. Paper reports are not required. In accordance with paragraph 64D-3.031(5)(b), F.A.C., once Electronic Laboratory Reporting is initiated with the Department, all reports should be made electronically.

*22 – Special reporting requirements for *Staphylococcus aureus* with intermediate or full resistance to vancomycin (VISA, VRSA):

a. Antibiotic sensitivities must be included.

*23 – Special reporting requirements for *Streptococcus pneumoniae*:

a. Antibiotic sensitivities must be included.

*24*17 – Special reporting requirements for Tuberculosis:

a. Test results must also be submitted by laboratories to the Department of Health, Bureau of Tuberculosis and Refugee Health, 4052 Bald Cypress Way, Bin A20, Tallahassee, Florida 32399-1717, (850)245-4350;

b. The 15-digit spoligotype (octal code) must be reported. If the spoligotyping is not available, the isolate must be submitted to the Department of Health, Bureau of Laboratories, 1217 Pearle Street, Jacksonville, Florida 32202-3926, (904)791-1500. The Department will provide the mailing materials and pay mailing costs.

*25*18 – Special reporting requirements for Varicella (chickenpox) – Besides the information required to be reported in subsection 64D-3.030(3) F.A.C., practitioners shall also provide date of vaccination.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.53(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (2), (6), 383.06, 384.23, 384.25, 385.202, 392.53 FS. History–New 11-20-06, Amended 7-15-07,_____.

Editorial Note: History–Formerly 10D-3.62, 10D-3.062, and 64D-3.002.

64D-3.030 Notification by Practitioners.

(1) Each practitioner licensed under Chapters 458, 459, 460, 462, 464, 467 and 474, F.S., and medical examiner appointed pursuant to Chapter 406, F.S., who diagnoses, treats or suspects a case, or who suspects an occurrence of a disease or condition listed in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C., including in persons who at the time of death were so affected, shall report or cause to be reported all such diagnoses or suspicions per this rule. Reporting of specimen results by a laboratory to a county health department director, administrator or designee does not nullify the practitioner’s obligation to report said disease or condition.

(2) Any request for laboratory test identification shall be considered a suspicion of disease. However, practitioners need only to report suspected cases if indicated in the “suspect immediately” column under practitioners in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C.

(3) Any report of a notifiable disease or condition required by this rule, except for cancer, congenital anomalies and HIV/AIDS, shall be reported on the Florida Department of Health Disease Report Form (DH Form 2136, 3/06), incorporated by reference, available at the Department of Health, Division of Disease Control, 4052 Bald Cypress Way, Bin A-09, Tallahassee, FL 32399-1714, or on a form supplied by the provider that includes the following:

- (a) The patient’s:
 1. First and last name, including middle initial;
 2. Address, including city, state and zip code;
 3. Telephone number, including area code;
 4. Date of birth;
 5. Sex;
 6. Race;
 7. Ethnicity (specify if of Hispanic descent or not of Hispanic descent);

- 8. Pregnancy status if applicable;
- 9. Social Security number;
- 10. Date of onset of symptoms;
- 11. Diagnosis.

(b) Type of diagnostic tests (for example culture, IgM, serology, Mantoux TB skin test, nucleic acid amplification test or Western Blot);

(c) Type of specimen (for example stool, urine, blood, mucus, etc.);

(d) Date of specimen collection;

(e) Site (for example cervix, eye, etc., if applicable);

(f) Diagnostic test results including: reference range, titer when quantitative procedures are performed, and all available results concerning additional characterization of the organism;

(g) For Tuberculosis, the 15-digit spoligotype (octal code) must be reported;

(h) Treatment given;

(i) Name, address and telephone number of the attending practitioner;

(j) Other necessary epidemiological information as well as additional specimen collection or laboratory testing requested by the county health department director or administrator or their designee.

(4) The practitioner who first authorizes, orders, requests or submits a specimen to a licensed laboratory for testing for any agent listed in Rule 64D-3.029, F.A.C., shall obtain ~~is responsible for obtaining and provide~~ providing the information required by sub-subparagraphs 64D-3.031(3)(a)1.-10., F.A.C., at the time the specimen is sent ~~to or received by the laboratory.~~

(5) Special reporting requirements for HIV and AIDS:

(a) All cases of HIV or AIDS, which meet the Centers for Disease Control and Prevention (CDC) case definitions set forth in CDC Guidelines for National Human Immunodeficiency Virus Case Surveillance, Including Monitoring for Human Immunodeficiency Virus Infection and Acquired Immunodeficiency Syndrome, published in Morbidity and Mortality Weekly Report (MMWR) Vol. 48 [RR-13, December 10, 1999], incorporated by reference, available online at: www.cdc.gov/mmwr/PDF/RR/RR4813.pdf, shall be reported on the Adult HIV/AIDS Confidential Case Report, ~~CDC 50.42A Rev. 01/2003~~, incorporated by reference, or the Pediatric HIV/AIDS Confidential Case Report, ~~CDC 50.42B Rev. 01/2003~~, incorporated by reference, along with the Department of Health Addendum for Adult HIV/AIDS Confidential Case Report, DH Form 2134, incorporated by reference. All forms are available at county health departments or at the Department of Health, Bureau of HIV/AIDS, 4052 Bald Cypress Way, Bin A-09, Tallahassee, Florida 32399-1715, (850)245-4334.

(b) HIV exposed newborns shall be reported on the Pediatric HIV/AIDS Confidential Case Report, ~~CDC 50.42B Rev. 01/2003~~, incorporated by reference in paragraph 64D-3.030(5)(b), F.A.C.

(7) Each practitioner who makes a diagnosis of or treats any notifiable disease or condition shall make their patient medical records for such diseases or conditions available for on-site inspection by the Department or its authorized representatives.

Specific Authority 381.0011(13), 381.003(2), 381.0031(5), 381.0031(6), 383.06, 384.25(1), 384.33, 392.53(1), 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (2), (6), 384.23, 384.25, 385.202, 392.53 FS. History—New 11-20-06, Amended 7-15-07, _____.

Editorial Note: History—Formerly 10D-3.097, 64D-3.016 and 64D-3.022.

64D-3.031 Notification by Laboratories.

(1) Each person or designee who is in charge of a public, federal, private, military or hospital laboratory responsible for receiving the initial order to perform serologic, immunologic, microscopic, biochemical, molecular or cultural tests on specimens derived from a human body or an animal or for collecting the specimen shall report or cause to be reported any laboratory test suggestive of or diagnostic of diseases or conditions listed in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C., per this rule.

(2) Receipt of a laboratory test order requesting the identification of reportable agents shall be considered by the laboratory as an indication of suspected diagnosis. However, laboratories need only to report suspected cases if indicated in the “suspect immediately” column under laboratories in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C.

(3) To allow follow-up of laboratory findings suggestive of or diagnostic of diseases or conditions in the Table of Notifiable Diseases or Conditions, the form upon which the information will be reported shall be furnished by the laboratory that includes the following information:

(a) The Patient’s:

1. First and last name, including middle initial;
2. Address including street city, state and zip code;
3. Phone number, including area code;
4. Date of birth;
5. Sex;
6. Race;
7. Ethnicity (specify if of Hispanic descent or not of Hispanic descent);
8. Pregnancy status if applicable;
9. Social Security number;

(b) The Laboratory

1. Name, address and telephone number of laboratory performing test;

2. Type of specimen (for example stool, urine, blood, mucus, etc.);

3. Date of specimen collection;

4. Site (for example cervix, eye, etc., if applicable);

5. Date of report;

6. Type of tests performed and results, including reference range, titer when quantitative procedures are performed, and including all available results on speciating, grouping or typing of organisms;

7. Submitting provider’s name, address including street, city, zip code and telephone number, including area code;

8. National Provider Identification (NPI) Number.

(4) Laboratories located out of state, licensed under Part 1, Chapter 483, F.S., who collect specimens in Florida or who receive the initial order for testing from a practitioner, blood bank, plasmapheresis center or other health care provider located in Florida, shall report in the same way as if the findings had been made by a laboratory located in Florida.

(5) Upon the Department’s implementation of its Electronic Laboratory Reporting System (ELR) for laboratory findings suggestive of or diagnostic of diseases or conditions, reports will be submitted electronically to the Department using Health Level Seven (HL7) version 2.3.1 format or ASCII delimited flat files which reflect comparable content to HL7 version 2.3.1. utilized by the Department of Health. The CDC Implementation Guide for Transmission of Laboratory-Based Reporting of Public Health Information using version 2.3.1 of the Health Level Seven (HL7) Standard Protocol, incorporated by reference, is available at the Department of Health, ELR Project, 4052 Bald Cypress Way, Bin A-12, Tallahassee, Florida 32399-1715.

(a) The Department’s ELR System shall include:

1. The initial contact with the reporting laboratory;
2. A content review and testing of the laboratories’ HL7 transmissions; and
3. The transition from testing to production for the HL7 laboratory transmissions.

(b) The Department and laboratory will agree on a date of implementation

(c) Laboratories reporting electronically through ELR and the Department shall agree to a date that the transmission of findings suggestive of or diagnostic of diseases or conditions listed in the Table of Notifiable Disease or Conditions, Rule 64D-3.029 F.A.C., electronically in HL7 version 2.3.1 format to the Department is acceptable and considered good faith reporting and the laboratory will no longer be required to submit paper forms pursuant to subsection 64D-3.031(3), F.A.C.;

(d) The Department shall ensure access to the laboratory findings suggestive of or diagnostic of disease or conditions listed in the Table of Notifiable Diseases or Conditions to authorized representatives of the department.

(6) This section does not prohibit a laboratory from making a report by telephone, in writing, or facsimile to the county health department having jurisdiction for the area in which the office of the submitting practitioner or the patient's residence is located.

(7)(a) In order to study disease incidence, each laboratory licensed to perform tests for any notifiable disease or condition shall report the test volume for each related diagnostic test performed for the notifiable diseases listed in Rule 64D-3.029, F.A.C.

(b) Reports are to be filed annually on or before April 1 of each year to the Department electronically in a format agreed upon by the department and the laboratory with the following information:

1. Type of diagnostic test;
2. Patient's date of birth;
3. Patient's sex;
4. Race;
5. Ethnicity (specify if of Hispanic descent or not of Hispanic descent).

(8) Each laboratory licensed to perform tests for any reportable disease or condition shall make its records for such diseases or conditions available for on-site inspection by the Department or its authorized representatives.

Specific Authority 381.0011(7), 381.0011(13), 381.003(2), 381.0031(5), 381.0031(6), 384.33, 392.66 FS. Law Implemented 381.0011, 381.003, 381.0031, 384.25(1), 392.53(1) FS. History—New 11-20-06, Amended 7-15-07, _____.

Editorial Note: History—Formerly 10D-3.66, 10D-3.066, 64D3.003, 64D-3.017 and 64D-3.023.

64D-3.040 Procedures for Control of Specific Communicable Diseases.

(1) Psittacosis (Ornithosis).

(a) All cases and suspected cases of psittacosis in people or birds shall be reported to the county health department director or administrator or their designee.

(b) Birds suspected of being infected or having been associated with infected birds shall not be removed from any premises until the State Health Officer or the county health department director or administrator or their designee, has investigated the situation and issued orders which may include quarantine, laboratory examination or prescribed treatment according to recommendations of the National Association of State Public Health Veterinarians, Inc., published in the Compendium of Measures to Control *Chlamydophila psittaci* (formerly *Chlamydia psittaci*) Infection Among Humans (Psittacosis) and Pet Birds (Avian Chlamydiosis), 2008 ~~2006~~,

incorporated by reference, available from the Department of Health, Division of Environmental Health, 4052 Bald Cypress Way, Bin A-08, Tallahassee, Florida 32399-1720.

(2) Rabies Control in Humans.

(a) Reporting of Suspected Human Exposure to Rabies – Any person having knowledge of an incident in which a person is bitten by or otherwise exposed to any known or suspected rabid animal shall notify the county health department director or administrator or their designee where the bite occurred immediately by telephone, facsimile, electronic data transfer or other confidential means.

(b) Prevention in Humans – Persons bitten or otherwise exposed to suspect rabid animals shall be evaluated for post-exposure treatment by the county health department director or medical director or their designee according to recommendations of Human Rabies Prevention-United States, 2008 ~~1999~~, Recommendations of the Advisory Committee on Immunization Practices (ACIP), published in the Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report, Vol. 57 ~~48~~ No. RR-13, May 26, 2008, ~~January 8, 1999~~; incorporated by reference, available online at: <http://www.cdc.gov/mmwr/PDF/rr/rr5703.pdf> ~~www.cdc.gov/mmwr/PDF/rr/rr4801.pdf~~.

(3) Rabies Control in Animals.

(a) The county health department director or administrator or their designee shall promptly investigate reported bites or exposures by suspected rabid animals.

(b) The county health department director or administrator or their designee shall cause to be captured, confined or seized suspected rabid animals and isolate and quarantine or humanely euthanize and provide for laboratory examination, as outlined in the guidebook, Rabies Prevention and Control in Florida 2008 ~~2006~~, incorporated by reference, available at: www.myfloridaeh.com/community/arboviral/Zoonoses/Rabies/guideUpdated.pdf. This includes animals involved in human exposure (bite and non-bite) and animals exposed to rabid or suspected rabid animals. Other methods of controlling rabies in domestic or wild animals shall be administered by order of the county health department director or administrator or their designee according to recommendations of the Florida Rabies Advisory Committee.

(c) Upon official request from the health agency of another state or country, the appropriate county health department designee shall provide assistance in locating and placing in quarantine the suspect animal as required for proper completion of investigation of a potential rabies exposure incident.

(d) Epizootic Rabies. The State Health Officer, or the county health department director or administrator or their designee shall declare an area wide quarantine when prevalence of rabies so indicates. The conditions of the quarantine shall control the movement, sale, impoundment or

required euthanasia of animals in the quarantine area as specified by departmental policy and procedure guidelines as defined in paragraph 64D-3.040(3)(b), F.A.C.

(4) *Shigella* and *salmonella* infections other than enteric disease outbreaks in child care settings, for which see subsection 64D-3.040(5), F.A.C., and Typhoid Fever, for which see subsection 64D-3.040(6), F.A.C.

(a) Sensitive Situations

1. Persons with laboratory-confirmed or probable cases of *Shigella* and *Salmonella* infections (excluding typhoid fever) shall be prohibited from being present in sensitive situations until they are determined by the county health department director or administrator or their designee no longer to be a public health hazard. Release as no longer a public health hazard may be obtained by order of the director/administrator as provided for in subsections 64D-3.040(3), (4), F.A.C., for *Salmonella*, or by the infected person's submitting a minimum of two (2) stool specimens in satisfactory condition to one of the Department's laboratories or other clinical laboratory acceptable to the Department and meeting the following conditions:

- a. The specimens are negative for these organisms.
- b. The first specimen shall not be obtained sooner than forty-eight (48) hours after the cessation of any antibiotic therapy for those cases receiving antibiotics.
- c. The second and subsequent specimen shall not be obtained sooner than at 24-hour intervals.

2. Persons who are contacts to probable or confirmed cases of *shigella* and *salmonella* infections (excluding typhoid fever);

a. Who have symptoms of an enteric illness or who have had such symptoms during the past two (2) weeks shall be presumed to be infected and shall be managed as a case as outlined in subparagraph 64D-3.040(4)(a)1., F.A.C.; or

b. Persons who are contacts to probable or confirmed cases of *Shigella* and *Salmonella* infections (excluding typhoid fever) and who do not have symptoms of an enteric illness or who have not had those symptoms during the past two (2) weeks may be permitted to continue in their sensitive situation at the discretion of the county health department director or administrator or their designee.

3. Persons infected with *Salmonella* (excluding typhoid fever) without symptoms may attend schools or child care settings at the discretion of the county health department director or administrator or their designee, provided adequate sanitary facilities and hygienic practices exist.

(b) Non-sensitive Situations

Cases, Contacts, and Carriers of *Salmonella* or *Shigella* who are not in non-sensitive situations should be counseled regarding disease transmission, food preparation and hand washing practices. Follow-up or release based on stool culture results is not required.

(5) Enteric disease outbreaks in child care settings [for typhoid fever, see subsection 64D-3.040(6), F.A.C.]. In the event of an outbreak in a child care setting of one of these diseases, the county health department director or administrator or their designee shall implement control procedures as defined in "Guidelines for Control of Outbreaks of Enteric Disease in Child Care Settings," dated March 2000, incorporated by reference, available online at: www.doh.state.fl.us/disease%5Fctrl/epi/surv/enteric.pdf.

(6) Typhoid Fever.

(a) Cases: Enteric isolation procedures are required for all cases during the acute stages of illness. The patient shall be under the supervision of the county health department director or administrator or their designee until bacteriologic cultures are obtained from feces and are negative in no less than three consecutive specimens taken at least 24 hours apart and not earlier than 1 month after onset of illness, provided the patient has been off antibiotic therapy for a period of 1 week. If any one specimen of this series yields typhoid organisms, then at least an additional three negative consecutive specimens of feces taken at least 24 hours apart are required for release of the case.

(b) Household contacts of a typhoid case who may be excreting *S. typhi* as determined by the county health department director or administrator or their designee and who are involved in food processing, food preparation or food service for public consumption or in any occupation bringing them in contact with children, ill persons, or the elderly or are present in other sensitive situations, as defined in subsection 64D-3.028(21), F.A.C., are prohibited from returning to such occupation or situation until no less than three specimens of feces taken at least 24 hours apart are negative for typhoid organisms. In addition, other appropriate tests may be required at the discretion of the county health department director or administrator or their designee.

(7) Perinatal Hepatitis B.

(a) Infants born to HBsAg-positive mothers ~~The following infants shall receive hepatitis B immune globulin and hepatitis B vaccine once they are physiologically stable, preferably within 12 hours of birth, and shall complete the hepatitis B vaccine series according to the recommended vaccine schedule. Testing infants for HBsAg and antibody to hepatitis B surface antigen (anti-HBs) six (6) months after the completion of the hepatitis B vaccine series is recommended to monitor the success or failure of therapy.~~

- ~~1. Infants born to HBsAg-positive mothers;~~
- ~~2. All infants of mothers born in areas of high endemicity for hepatitis B infection. These areas include China, Southeast Asia, Africa, Middle East, Pacific Islands and the Amazon Basin;~~
- ~~3. Alaskan Native infants;~~

(b) Household members, sexual and needle-sharing partners of HBsAg-positive prenatal/postpartum hepatitis B women should be tested to determine susceptibility to the hepatitis B virus, and, if susceptible should receive the hepatitis B vaccine series.

(8) **Vibrio Infections.** All food service establishments serving raw oysters shall display, either on menus or on table placards, the following notice: “Consumer Information: There is risk associated with consuming raw oysters. If you have chronic illness of the liver, stomach or blood or have immune disorders, you are at greater risk of serious illness from raw oysters, and should eat oysters fully cooked. If unsure of your risk, consult a physician.”

Specific Authority 381.0011(6), (13), 381.003(2), 381.006(16), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), (6), (8), 381.003(1), 381.0031, 384.25, 384.27 FS. History—New 11-20-06, Amended 7-15-07, _____.

Editorial Note: History—Formerly 10D-3.91, 10D-3.091, and 64D-3.013.

64D-3.041 Epidemiological Investigations.

(1) The Department and its authorized representatives, when deemed necessary to protect the public’s health, may conduct epidemiological investigations and follow-up to confirm the diagnosis, treatment and causes of any disease or condition to determine appropriate methods of outbreak ~~epidemic~~ and communicable disease control. Such investigations shall be considered official duties of the Department and may include, but are not limited to:

(a) Review of pertinent, relevant medical records by authorized representatives of the Department, if necessary to confirm the diagnosis; to investigate causes; to identify other related cases in an area, community, or workplace; to determine if a person with a reportable notifiable disease or condition has received adequate treatment to render themselves non-infectious or if exposed has received prophylaxis, if appropriate. Such review of records may occur without patient consent and shall be conducted at reasonable times and with such notice as is deemed reasonable under the circumstances.

(b) Perform interviews with an infected person or persons knowledgeable about the case to collect pertinent and relevant information about the cause(s) of or risk factors for the notifiable disease or condition.

(c) Conduct notification services by authorized Department representatives to inform persons who may have been in such association with an infected person or animal or a contaminated environment and who have had opportunity to acquire the infection. These will include, but are not limited to: household contacts, sexual partners, correctional facilities inmates and employees, patrons, employees ~~and~~ or owners of business establishments, preschool staff and students, school

staff and students, and other individuals who may have been in an infected persons’ social, business or environmental network.

(d) Medical examination ~~and~~ or testing of persons exposed to or at risk of the notifiable disease or condition.

(e) Obtain from public or private businesses or institutions the identities and locating information of persons, travelers, passengers or transportation crews with a similar or common potential exposure to the infectious agent as a reported case (such exposure may be current or have occurred in the past).

(f) Interview or administer questionnaires confidentially to any resident of a community or any agent, owner, operator, employer, employee or client of a public or private business or institution, that is either epidemiologically associated with an outbreak, or with the reported case or has had similar exposure as the reportable case.

(g) Collect environmental samples of substances or measurements of physical agents that may be related to the cause of an outbreak or notifiable disease or condition.

(h) Enter a place of employment for the purpose of conducting epidemiological investigations of those processes, conditions, structures, machines, apparatus, devices, equipment, records and materials within the place of employment which are relevant, pertinent and necessary to the investigation of an outbreak of notifiable diseases or conditions during regular working hours or at other reasonable times with such notice as is reasonable under the circumstances.

(2) Information ~~All information~~ gathered in the course of an epidemiological investigation and follow-up shall be confidential to the degree permitted under ~~and subject to~~ the provisions of Sections 119.0712, 381.0031(4), 384.29, and 392.65, F.S.

Specific Authority 381.0011(7), 381.0011(13), 381.003(2), 381.0031(6), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), 381.003(1) (c), 384.26, 392.54 FS. History—New 11-20-06, Amended 7-15-07, _____.

Editorial Note: History—Formerly 10D-3.100, and 64D- 3.018.

64D-3.046 Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes.

(1)(a) Immunization and Documentation Requirements –

(b) A student may attend a public or non-public school, grades preschool through 12 or an adult education class if younger than 21, if prior to admittance, attendance or transfer, they present one of the following for inspection for validity by an authorized school official:

1. DH Form 680, Florida Certification of Immunization (July 2008 ~~January 2007~~), incorporated by reference, available from Department of Health (DOH) county health departments (CHDs) or physicians’ offices.

2. Documentation of receipt of or exemption from must be noted for the following immunizations: diphtheria, tetanus, pertussis, poliomyelitis, measles (rubeola), rubella, mumps, varicella and hepatitis B. The manner and frequency of administration of the immunizations shall conform to recognized standards of medical practice.

(2) Specific immunization requirements by grade, in addition to those in paragraph (1)(a), which must be documented prior to admittance, attendance or transfer:

(a) Preschool – Completion of Haemophilus influenzae type b vaccination.

(b) Preschool or kindergarten effective with the 2001/2002 school year – completion of varicella vaccination. Each subsequent year thereafter the next highest grade will be included in the requirement so that students transferring into Florida schools are added to the varicella immunized cohort.

1. 7th Grade – Completion of a tetanus-diphtheria booster.

2. Effective with the 2009/2010 school year, all immunizations required for entry and attendance in school, pre K, childcare facilities and family daycare homes will be referenced in the current Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes (incorporated by reference).

~~3.2.~~ Additional Documentation Requirements for Exemptions.

~~4.3.~~ For exemption from the rubeola immunization the practitioner must include with DH Form 680, Florida Certification of Immunization, incorporated by reference in subsection 64D-3.046(1), F.A.C., documentation on their own stationery of the physician's request for exemption, asserting that the student had an illness comprised of a generalized rash lasting three or more days, a fever of 101 degrees Fahrenheit or greater, a cough, and/or coryza, and/or conjunctivitis and, in the physician's opinion, has had the ten-day measles (rubeola) or serologic evidence of immunity to measles.

(c) Forms are to be fully executed by a practitioner licensed under Chapters 458, 459, 460, F.S., or their authorized representative (where permitted in the particular certification) per instructions for the appropriate school year as provided in DH Form 150-615, Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes (~~July 2008 March 2007~~), incorporated by reference, available online at: www.doh.state.fl.us/disease_ctrl/immune/schoolguide.pdf.

(d) Florida SHOTS (State Health Online Tracking System) Electronically Certified DH Form 680 produced by a CHD or a physician's office, as provided in (7), may be utilized.

(e) DH Form 681, Religious Exemptions for Immunizations (English/Spanish/Haitian-Creole) (February 2002), incorporated by reference, available at DOH CHDs, must be issued and signed by the local county health department medical director or designee.

(f) Otherwise, required immunizations not performed must be accounted for under the Temporary or Permanent Medical Exemptions, DH Form 680, Florida Certification of Immunization, Parts B and C, incorporated by reference in subsection 64D-3.046(1), F.A.C.

(3) Documentation Requirements for Schools:

(a) The original of the form(s) required under paragraph (1)(a) shall remain in the student's cumulative health record.

(b) Antigen doses by dates of immunization shall be transferred as data elements through the Florida Automated System for Transferring Education Records (FASTER).

(c) Compliance Reporting:

1. Each public and nonpublic school with a kindergarten ~~and~~ or seventh grade shall submit an annual compliance report. The report shall be completed on DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade (January 2007), incorporated by reference, available at DOH CHDs. The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the CHD director/administrator no later than October 1 of each school year where the data will be compiled on DH Form 685, Kindergarten and Seventh Grade Annual Report of Compliance County Summary (November 2006), incorporated by reference, available at DOH CHDs; or electronically generated by the Department of Education.

2. After consultation with the Department of Education, the Department of Health shall require compliance reports from public and nonpublic schools and preschools for selected grades (K-12 and preschool) in special situations of vaccine preventable disease outbreak control or identified need for monitoring through surveys for immunization compliance levels. Such reports shall include the status of all children who were attending school at the beginning of the school year. Reports shall be forwarded to the CHD director/administrator within a specified period, as determined by the DOH.

(4) Homeless, Transfers and Juvenile Justice – A temporary exemption to requirements of subsection (2) above not to exceed 30 days may be issued by an authorized school official for any of the following, consistent with the definitions in Section 1003.01, F.S.:

(a) A homeless child.

(b) A transfer student.

(c) A student who enters a juvenile justice education program or school.

(5) Notwithstanding subsection (2), the Department may:

(a) Designate any required immunization as unnecessary or hazardous, according to recognized standards of medical practice.

(b) Upon determination that a shortage of vaccine exists, approve issuance of temporary medical exemption with extended expiration dates by practitioners or authorized school

officials until such time as, in the DOH's opinion, vaccine will be available in sufficient quantity for such deferred vaccinations to be completed.

(6) Florida SHOTS (State Health Online Tracking System) Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by submitting a Florida SHOTS Notification and Opt Out Form to the DOH. The form, either a DH Form 1478 (English) or DH Form 1478S (Spanish) or DH Form 1478H (Haitian-Creole), incorporated by reference, is available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The immunization records of children whose parents choose to opt-out will not be shared with other entities that are allowed by law to have access to the child's immunization record via authorized access to Florida SHOTS.

(7) Florida SHOTS Private Provider Participation – Any health care practitioner licensed in Florida under Chapter 458, 459 or 464, F.S., may request authorization to access Florida SHOTS by filling out a DH Form 1479, Authorized Private Provider User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 1479 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

(8) Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DH Form 2115, Authorized School and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 2115 will be returned to the DOH for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

Specific Authority 381.0011(13), 381.003(1), (2), 381.005(2), 1003.22 FS. Law Implemented 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS. History–New 11-20-06, Amended 7-15-07,_____.

Editorial Note: History—Formerly 10D-3.88, 10D-3.088 and 64D-3.011.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Karla Schmitt, Chief, Bureau of STD Prevention and Control
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas Arnold, Deputy Secretary for Health, Public Health on behalf of Dr. Ana Viamonte Ros, State Surgeon General
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09942 RULE TITLE: State Uniform Transfer of Students in the Middle Grades

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 23, June 6, 2008 Florida Administrative Weekly has been continued from June 17, 2008 to August 19, 2008.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.043 RULE TITLE: Manufacturing

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. 12, March 21, 2008 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated April 10, 2008, the Department has changed the proposed amendments to paragraphs (d), (e), (f), and (g) of subsection (6) of Rule 12A-1.043, F.A.C., Manufacturing. When adopted, those paragraphs will read as follows:

(d)1. Materials and labor may be purchased tax-exempt when the purchaser extends an exemption certificate to the vendor or supplier certifying that the materials and labor will be used directly and solely for research or development purposes, as provided in Section 212.052, F.S. Any person, including affiliated groups, as defined in s. 1504 of the Internal Revenue Code, as amended, who manufactures, produces, compounds, processes, or fabricates in any manner tangible personal property for such taxpayer's own use directly and

solely in research or development shall not be subject to the tax upon the cost of the product so manufactured, produced, compounded, processed, or fabricated for the purpose of research and development. However, the tax shall be due on the purchase, rental, or repair of real property or tangible personal property employed in research or development.

2. The following is a suggested format for an exemption certificate for purchases of materials and labor:

EXEMPTION CERTIFICATE
ITEMS OF TANGIBLE PERSONAL PROPERTY
AND LABOR
USED IN RESEARCH OR DEVELOPMENT

This is to certify that purchases of tangible personal property or labor on or after (date) from (Selling Dealer's Business Name) will be directly and solely used in research or development activities, as provided in Section 212.052, Florida Statutes. These research or development activities are located at:

(Street)

(City and State)

I understand that if I fraudulently issue this certificate to evade the payment of tax, I will be liable for payment of the tax plus a penalty of 200% of the tax and 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 (Print or Type) Purchaser's Address

Signature and Title Florida Sales and Use Tax Number (if applicable)

Date Federal Employer's Identification Number (if applicable)

(e)1. Machinery and equipment, including materials and labor used in the self-fabrication of machinery and equipment, may be purchased or leased tax-exempt when the purchaser extends an affidavit to the vendor or supplier stating that the item(s) will be used predominantly for research or development purposes, as provided in Section 212.08(18), F.S.

2. The following is a suggested format of an affidavit to be provided to the selling dealer or lessor:

AFFIDAVIT
MACHINERY AND EQUIPMENT USED
IN RESEARCH OR DEVELOPMENT

I, the undersigned individual, hereby swear and affirm that the purchase(s) or lease(s) of machinery and equipment, including materials and labor used in the self-fabrication of machinery and equipment, on or after (date) from (Selling Dealer's Business Name), will be used predominantly in research or development activities, as provided in Section 212.08(18), Florida Statutes. These research or development activities are located at:

(Street)

(City and State)

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

Under the penalties of perjury, I swear or affirm that I have read the foregoing affidavit and that the facts stated herein are true to the best of my knowledge and belief.

Purchaser's Name (Print or Type)

Signature and Title

Date

Sworn to and subscribed before me this _____ day of _____ 20_____ BY _____ (name of person making statement).

Personally Known: _____

Or Produced Identification: _____ Signature of Notary

Type of Identification Produced: _____ (Print, Type, or Stamp

Commissioned Name of Notary)

(f) Instead of furnishing an exemption certificate, as provided in paragraph (d), or an affidavit, as provided in paragraph (e), any purchaser who holds a valid Sales and Use Tax Direct Pay Permit, as provided in Rule 12A-1.0911, F.A.C., may extend a copy of the permit to the selling dealer to make purchases tax-exempt under this subsection.

(g)(e) The tax imposed by Section 212.052, Florida Statutes shall apply to any product of research or development that is tangible personal property which is offered for sale. When a prototype or product of research or development is used by the developer for any purpose other than research or development, including being offered for sale, it is subject to tax shall be taxable.

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."

**EXECUTIVE OFFICE OF THE GOVERNOR
Office of Tourism, Trade and Economic Development**

RULE NOS.:	RULE TITLES:
27M-3.001	Definition and Forms
27M-3.002	Competitive Application Process
27M-3.003	Certification Decision

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.

27M-3.001 Definitions and Forms.

As used in this Rule Chapter 27M-3, F.A.C., the following capitalized terms have the meanings indicated. All referenced forms are available on the internet at http://www.flgov.com/florida_bibor may be obtained from the Office.

(1) through (3) No change

(4) "Application" means the standard "Application for Certification as Eligible Recipient of Funds under the Black Business Loan Program" form OTTED 7102-1 (6/08), which is hereby incorporated by reference.

(5) "Application Evaluation Form" means the standard "Black Business Loan Program Application Evaluation" form OTTED 7102-2 (6/08), which is hereby incorporated by reference.

(6) through (7) No change.

(8) "Certification and Allocation Decision Form" means the standard "Black Business Loan Program Certification Decision" form OTTED 7102-4 (6/08), which is hereby incorporated by reference.

(9) through (11) No change.

(12) "Recipient" means an Applicant that, after a certification process, the Office certifies to receive Program funds and that enters into an Agreement with the Office.

(13) "Summary Recommendation Form" means standard "Black Business Loan Program Summary Recommendation" form OTTED 7102-3 (6/08), which is hereby incorporated by reference.

Specific Authority 288.7102(6)(a) FS. Law Implemented 288.7094(2), 288.7102 FS. History--New_____.

27M-3.002 Application Process.

(1) through (4) No change.

(5) Within thirty (30) days after the close of the Application Period, the Board shall deliver to the Office the completed Summary Recommendation Form along with (a) the original and one copy of each Application and its related Application Evaluation Form and (b) the names and organizational affiliations of all persons who participated in the evaluation process.

Specific Authority 288.7102(6)(a) FS. Law Implemented 288.7094(2), 288.7102 FS. History--New_____.

27M-3.003 Certification Decision.

(1) Within ten (10) business days after receiving the Summary Recommendation Form and supporting materials, the Office shall decide which Applicants to certify as Recipients. The Office shall consider the following factors: the Board's recommendations, which shall not be binding; the amount of documented match raised; and the Applicant's past performance.

(2) The Office shall transmit its completed Certification Decision Form to the Board, and explain any differences with the Board's recommendations. The Office shall also issue a letter to each Applicant certified as a Recipient of program funds. Receipt of Program funds shall be conditioned upon their appropriation and availability, and upon the Recipient's execution of the Agreement. The Office shall notify in writing each Applicant whose Application is denied. The Office's certification decisions shall be subject to review under Chapter 120 of the Florida Statutes.

Specific Authority 288.7102(6)(a) FS. Law Implemented 288.7094(2), 288.7102 FS. History--New_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.055	County Health Department Clinic Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 24, June 13, 2008 issue of the Florida Administrative Weekly.

The date that the Proposed Rule Development was published in the FAW was March 7, 2008 not May 28, 2008.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:	RULE TITLE:
61D-11.012	Duties of Cardroom Operators

NOTICE OF WITHDRAWAL

Notice is hereby given that paragraph 61D-11.012(5)(d) of the above rule, as noticed in Vol. 34, No. 11, March 14, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-16.100	General
62-16.200	Definitions
62-16.300	Renewable Energy Technologies Grants Program
62-16.400	Renewable Energy Technologies Grants Program for Bioenergy
62-16.500	Solar Energy Systems Incentives Program
62-16.600	Renewable Energy Technologies Investment Tax Credit
62-16.700	Renewable Energy Technologies Sales Tax Program
62-16.900	Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 34, No. 21, May 23, 2008 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
690-144.007	Credit for Reinsurance from Eligible Reinsurers

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. 14, April 4, 2008 issue of the Florida Administrative Weekly.

These changes are being made to address concerns expressed The new rule reads, in its entirety:

690-144.007 Credit for Reinsurance from Eligible Reinsurers.

(1) Purpose. Paragraph (3)(e) of Section 624.610, F.S., gives the Commissioner the option to allow credit for reinsurance without full collateral for transactions involving assuming insurers not meeting the requirements of Section 624.610(3)(a)-(d), F.S. These rules implement that paragraph. This rule does not apply to reinsurers that meet the requirements of Section 624.610(3)(a)-(d), F.S. This rule is not an attempt to assert extraterritorial jurisdiction. Insurers that write in states other than Florida will need to comply with the laws of those states. This rule applies only to property and casualty insurance; it does not apply to life and health.

(2) Definitions. As used in this rule the following terms have the following meanings:

(a) "Ceding insurer" means a domestic insurer, as defined by paragraph (1) of Section 624.06, F.S.

(b) "Eligible reinsurer" means an assuming insurer which does not meet the requirements of paragraph (3)(a), paragraph (3)(b) or paragraph (3)(c) of Section 624.610, F.S., and which has been determined by the commissioner by order to have met the requirements set forth in subsections (6) and (7) of this rule.

(c) "Eligible jurisdiction" means a jurisdiction which has met the requirements set forth in subsection (8) of this rule.

(3) With respect to reinsurance contracts entered into or renewed on or after the effective date of this rule, a ceding insurer may elect to take credit, as an asset or deduction from reserves, for reinsurance ceded to an eligible reinsurer, provided that the eligible reinsurer holds surplus in excess of \$100 million and maintains, on a stand-alone basis separate from its parent or any affiliated entities, a secure financial strength rating from at least two of the rating agencies indicated in paragraphs (a) through (e) of this subsection. The credit is subject to the limitations set forth in this rule. The rating agencies are:

(a) Standard & Poor's;

(b) Moody's Investors Service;

(c) Fitch Ratings;

(d) A.M. Best Company; or

(4) The collateral required to allow 100% credit shall be no less than the percentage specified for the lowest rating as indicated below:

<u>Collateral Required</u>	<u>Best</u>	<u>S&P</u>	<u>Moody's</u>	<u>Fitch</u>
<u>0%</u>	<u>A++</u>	<u>AAA</u>	<u>Aaa</u>	<u>AAA</u>
<u>10%</u>	<u>A+</u>	<u>AA+, AA, AA-</u>	<u>Aa1, Aa2, Aa3</u>	<u>AA+, AA, AA-</u>
<u>20%</u>	<u>A, A-</u>	<u>A+, A, A-</u>	<u>A1, A2, A3</u>	<u>A+, A, A-</u>
<u>75%</u>	<u>B+, B+</u>	<u>BBB+, BBB, BBB-</u>	<u>Baa1, Baa2, Baa3</u>	<u>BBB+, BBB, BBB</u>
<u>100%</u>	<u>B, B-, C++, C+, C, C-, D, E, F</u>	<u>BB+, BB, B, B-, B+, B, B-, CCC, CC, C, D, R, NR</u>	<u>Ba1, Ba2, Ba3, B, 1, B2, B3, Caa, C, a, C</u>	<u>BB+, BB, BB, -B+, B, B-, C, CC+, CCC, C, CC-, DD</u>

For reinsurance ceded by Florida domestic property insurers for short-tailed lines as defined below, any collateral required to be posted may be subject to a one-year deferral from the date of the first instance of a liability reserve entry as a result of a catastrophic loss from a named Hurricane. For these purposes, a short-tailed line of business is defined as any one of the following lines of business as reported on the NAIC annual financial statement:

- Line 1 Fire
- Line 2 Allied Lines
- Line 3 Farmowners multiple peril
- Line 4 Homeowners multiple peril
- Line 5 Commercial multiple peril

- Line 9 Inland marine
Line 12 Earthquake
Line 21 Auto physical damage

(5) Nothing in this rule shall be construed to deny the ceding insurer the ability to take credit for reinsurance for the remainder of its liabilities with an eligible reinsurer so long as those amounts are secured with acceptable collateral pursuant to Section 624.610(4), F.S.

(6) In addition to the trust fund required under paragraph (3)(c) of Section 624.610, F.S., the commissioner may permit an assuming insurer that maintains a trust fund in a qualified United States financial institution, as that term is defined in paragraph (5)(b) of Section 624.610, F.S., for the payment of the valid claims of its United States cedent insurers and their assigns and successors in interest to also maintain in a qualified United States financial institution a trust fund constituting a trustee amount at least equal to the collateral required in accordance with subsection (4) of this rule to secure the liabilities attributable to United States cedent insurers under reinsurance policies (contracts) entered into or renewed by such assuming insurer on or after the effective date of this rule or such other date as may be established in other states for cedent insurers domiciled in such states.

(7) A ceding insurer may not take credit pursuant to this rule unless:

(a) The reinsurer has been determined, by order of the commissioner, to be an eligible reinsurer, pursuant to subsection (7) of this rule;

(b) The ceding insurer maintains satisfactory evidence that the eligible reinsurer meets the standards of solvency, including standards for capital adequacy, established by its domestic regulator;

(c) All reinsurance contracts between the ceding insurer and the eligible reinsurer must provide:

1. For an insolvency clause in conformance with Section 624.610(8), F.S.;

2. For a service of process clause in conformance with Section 625.610(3)(f)1. and 2., F.S.; and

3. For a submission to jurisdiction clause in conformance with Section 625.610(3)(f)1. and 2., F.S.

(8) Status as eligible reinsurer.

(a) Application for a determination as an eligible reinsurer under this rule shall be made by cover letter from the insurer requesting a finding of eligibility as a reinsurer pursuant to this rule. The cover letter shall be accompanied with the following:

1. Audited financial statements from inception or for the last 3 years, whichever is less, filed with its domiciliary regulator by the reinsurer or, in the case of a rated group, by the group, pursuant to or including a reconciliation to U.S. GAAP, U.S. Statutory Accounting Principles, or International Financial Property Standards (IFRS); the requirement for 3 years reconciliation shall be waived by the office if the

commissioner determines that other provided financial information will be as useful in the determination of financial health of the reinsurer;

2. Documentation that the applicant submits to the jurisdiction of the United States courts, appoints an agent for service of process in Florida, and agrees to post 100% collateral for its Florida liabilities if it resists enforcement of a valid and final judgment from a court in the United States, or if otherwise required by the Office pursuant to this rule;

3. A report that provides information to the office as to its ceded and ceding insurance; the information may be provided in the form of the NAIC Property and Casualty Annual Filing Blank Schedule F, or in any manner determined by the office to provide the information needed by the office in its determination as to whether the reinsurer should be made eligible;

4. A list of all disputed or overdue recoverables due to or claimed by ceding insurers, whether or not the claims are in litigation or arbitration;

5. A certification from the domiciliary regulator of the insurer that the company is in good standing and that the regulator will provide financial and operational information to the Office.

(b) The determination of eligibility will be made by order executed by the Commissioner.

(c) To become an eligible reinsurer, the reinsurer, at a minimum:

1. Shall hold surplus in excess of \$100 million;

2. Shall be authorized in its domiciliary jurisdiction to assume the kind or kinds of reinsurance ceded by the ceding insurer; and,

3. Shall be domiciled in an eligible jurisdiction as defined in subsection (8).

(d) If the Commissioner determines, based upon the material submitted, and any other relevant information, that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will find, by order, that the insurer is an eligible reinsurer and will set an amount of credit allowed for the reinsurer if lower than the amount set forth in subsection (4).

(e) Every eligible reinsurer shall file the following information annually with the Office, on the anniversary of the order granting it eligibility:

1. A statement certifying that there has been no change in the provisions of its domiciliary license or any of its financial strength ratings, or a statement describing such changes and the reasons therefore;

2. A copy of all financial statements filed with their domiciliary regulator;

3. Any change in its directors and officers;

4. An updated list of all disputed and overdue reinsurance claims regarding reinsurance assumed from U.S. domestic ceding insurers; and

5. Any other information that the Office may require to assure market stability and the solvency of ceding insurers.

(f) An eligible reinsurer must immediately advise the Office of any changes in its ratings assigned by rating agencies, or domiciliary license status.

(g) At any time, if the Commissioner determines that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will withdraw, by order, any determination of an insurer as an eligible reinsurer or require the reinsurer to post additional collateral.

(h) If the rating of an eligible reinsurer rises above that used by the Commissioner in his or her determination of the credit allowed for the reinsurer, an affected party may petition the Commissioner for a redetermination of the credit allowed. If it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner will raise the credit allowed for the reinsurer.

(9) Status as an eligible jurisdiction

(a) The determination of a jurisdiction as an eligible jurisdiction is to be made by the Commissioner. No jurisdiction shall be determined to be an eligible jurisdiction unless:

1. The insurance regulatory body of the jurisdiction agrees that it will provide information requested by the Office regarding its eligible domestic reinsurers;

2. The Office has determined that the jurisdiction has a satisfactory structure and authority with regard to solvency regulation, acceptable financial and operating standards for reinsurers in the domiciliary jurisdiction, acceptable transparent financial reports filed in accordance with generally accepted accounting principles, and verifiable evidence of adequate and prompt enforcement of valid U.S. judgments or arbitration awards;

3. The Office has determined that the history of performance by reinsurers in the jurisdiction is such that the insuring public will be served by a finding of eligibility;

4. For non-US jurisdictions, the jurisdiction allows U.S. reinsurers access to the market of the domiciliary jurisdiction on terms and conditions that are at least as favorable as those provided in Florida law and regulations for unaccredited non-U.S. assuming insurers; and

5. There is no other documented information that it would not serve the best interests of the insuring public and the solvency of ceding insurers to make a finding of eligibility.

(b) If the NAIC issues findings that certain jurisdictions should be considered eligible jurisdictions, the Commissioner shall, if it would serve the best interests of the insuring public and the solvency of ceding insurers, make a determination that jurisdictions on the NAIC list are eligible jurisdictions.

(c) If the Commissioner determines that it is in the best interests of market stability and the solvency of ceding insurers, the Commissioner shall withdraw, by order, the determination of a jurisdiction as an eligible jurisdiction.

(10)(a) If the rating of an eligible reinsurer is below or falls below that required in subsection (4) for the respective amount of credit, the existing credit to the ceding insurer shall be adjusted accordingly. Notwithstanding the change or withdrawal of a eligible reinsurer's rating, the Commissioner, upon a determination that the interest of ensuring market stability and the solvency of the ceding insurer requires it, shall, upon request by the ceding insurer, authorize the ceding insurer to continue to take credit for the reinsurance recoverable, or part thereof, relating to the rating change or withdrawal for some specified period of time following such change or withdrawal, unless the reinsurance recoverable is deemed uncollectible.

(b) If the ceding insurer's experience in collecting recoverables from any eligible reinsurer indicates that the credit to the ceding insurer should be lower, the ceding insurer shall notify the office of this.

(11) The ceding insurer shall give immediate notice to the Office and provide for the necessary increased reserves with respect to any reinsurance recoverables applicable, in the event:

(a) that obligations of an eligible reinsurer for which credit for reinsurance was taken under this rule are more than 90 days past due and not in dispute; or

(b) That there is any indication or evidence that any eligible reinsurer, with whom the ceding insurer has a contract, fails to substantially comply with the solvency requirements under the laws of its domiciliary jurisdiction.

(12) The Commissioner shall disallow all or a portion of the credit based on a review of the ceding insurer's reinsurance program, the financial condition of the eligible reinsurer, the eligible reinsurer's claim payment history, or any other relevant information when such action is in the best interests of market stability and the solvency of the ceding insurer. At any time, the Commissioner may request additional information from the eligible reinsurer. The failure of an eligible reinsurer to cooperate with the Office is grounds for the Commissioner to withdraw the status of the insurer as an eligible reinsurer or for the disallowance or reduction of the credit granted under this rule.

(13)(a) Upon the entry of an order of rehabilitation, liquidation, or conservation against the ceding insurer, pursuant to Chapter 631, Part I, F.S., or the equivalent law of another jurisdiction, an eligible reinsurer, within 30 days of the order, shall fund the entire amount that the ceding insurer has taken, as an asset or deduction from reserves, for reinsurance recoverable from the eligible reinsurer; provided, however, the commissioner may waive part or all of the foregoing requirement upon a showing of good cause.

(b) If an eligible reinsurer fails to comply on a timely basis with paragraph (a) of this subsection, the Commissioner shall withdraw the reinsurer's eligibility under this rule, or take such other steps as necessary in the best interests of market stability and the solvency of the ceding insurers.

(14) The Commissioner may, by order, determine that credit shall not be allowed to any insurer for reinsured risk pursuant to this rule if it appears to the Commissioner that granting of the credit to the ceding insurer would not be in the public interest or serve the best interests of the ceding insurer's solvency.

(15) Nothing in this rule prohibits a ceding insurer and a reinsurer from entering into agreements establishing collateral requirements in excess of those set forth in this rule.

Specific Authority 624.308, 624.610(14) FS. Law Implemented 624.307(1), 624.610 FS. History—New _____.

Section IV Emergency Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1SER08-2	Constitutional Amendment Initiative Petition; Submission Deadline: Signature Verification

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Section 120.54(4)(b), Florida Statutes, this emergency rule pertains to the public health, safety, and welfare as it involves the interpretation and implementation of the requirements of Chapters 97-102 and 105 of the Florida Election Code.

During the 2008 Legislative session, Senate Bill 866 was enacted and signed into law by the Governor. Effective July 1, 2008, the new law deleted the requirement for supervisors of elections to record verified signatures on initiative petition in the statewide voter registration system. Instead, the law requires the supervisors of elections to record initiative petition data in a manner prescribed by the Secretary of State.

The statewide voter registration system was designed for recording voter registrations, not signatures on initiative petitions. In the past, discrepancies have existed in the numbers of signatures being verified in the statewide voter registration system for initiative petitions. These discrepancies seriously undermined the reliability of the number of signatures recorded in the statewide voter registration system. The Secretary of State lacks confidence in the accuracy of signature verification numbers reported in the statewide voter registration system. The Secretary of State believes paper certifications from the county supervisors of elections reflect the most accurate

accounting of verified signatures; therefore, this emergency rule requires the supervisors of elections to submit paper certifications to the Division of Elections. The verification process instituted by this emergency rule is very similar to the process that existed in rule prior to January 2007, which was the date that the Legislature initially mandated that the verified signatures be recorded in the statewide voter registration system.

The Emergency Rule is necessary to bring the existing rule in compliance with the new requirements of Section 100.371, Florida Statutes, as amended by Senate Bill 866. There is insufficient time to amend Rule 1S-2.0091 through the normal rulemaking process prior to the law's July 1st deadline. Procedures must be in place on July 1st that will provide the supervisors of elections guidance for the proper recording and reporting of signature verifications on initiative petitions. This emergency rule is necessary to make the certification on initiative petitions proposing constitutional amendments comply with the amended statute. The rule helps to ensure and maintain the efficiency, integrity, and public confidence in the initiative process. Absent this emergency rule, there will be an adverse effect on the conduct of elections and the initiative process in the State of Florida. Based on the foregoing, the Department of State finds that the adoption of this rule is necessary to prevent an immediate danger to the public health, safety and welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Division of Elections is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes. That process requires advance notice to the general public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency's adoption of the rule. The time period for general rulemaking takes at least 60 days and the July 1, 2008 effective date of the amended statute will prevent the timely amendment and adoption of a rule needed to amend the method used by the supervisors of elections and the Secretary of State to record and verify the signatures on constitutional amendment initiative petitions. This emergency rule will permit the Secretary of State to make the most accurate determination whether the requisite number of signatures has been obtained. This emergency rule incorporates newly enacted amendments to Section 100.371, Florida Statutes, and represents a return to the way in which the Secretary of State determined by rule prior to January 2007 if the requisite number of signatures on initiatives has been obtained for ballot position. The Department of State will undergo the normal rulemaking process for this rule in the near future.

SUMMARY: Based upon statutory amendments, this emergency rule removes the requirement that the determination of the constitutionally requisite number of signatures verified by the supervisors of elections with respect to constitutional initiative petitions be based upon the number

of verified signatures recorded in the statewide voter registration system. The emergency rule establishes procedures for supervisors of elections to record and submit paper certifications of verified signatures on initiative petitions.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Gary J. Holland, Assistant General Counsel, Division of Elections, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER08-2 (1S-2.0091) Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification.

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

(2) Signature Verification.

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

1. Was, at the time of signing and verification of the petitions, a registered voter in the county in which the petition is submitted,
2. Had not previously revoked his or her signature on the petition,
3. Had not signed the petition form more than four years prior to the date the Supervisor verified the petition, and
4. Had not ever previously signed a petition form containing the identical initiative.

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

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

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

(4) Recordation of Verification. ~~No later than 24 hours after verification of signatures on submitted initiative petition forms, the Supervisor of Elections shall directly record into the statewide voter registration system each valid and verified signature.~~ The appropriate supervisor of elections for each respective voter whose signature is verified as valid shall record the date the form was received, the date of the signature, the date the signature was verified, and the assigned serial number for the applicable initiative petition. Upon completion of the verifications as set forth in subsection (2), the Supervisors of Elections shall promptly submit to the Division of Elections a certificate indicating the total number of signatures verified and the distribution by congressional district. The Division will provide appropriate forms to the Supervisors of Elections to be used for transmission of the required information. In conjunction with each certificate submitted, each Supervisor shall submit a copy of one petition showing the text of the constitutional amendment to which the verified signatures relate. Certificates may be submitted by the Supervisor via facsimile in order to meet the filing deadline, followed by the original certificates sent by mail.

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

~~(b) Effect of Revocation Petition. Prior to any determination that the constitutionally requisite number of signatures has been obtained for purposes of placing an amendment by initiative on the ballot, the Division shall determine in accordance with Rule 1S-2.0095, F.A.C., the number of verified petition revocations reported to the Division recorded no later than 5:00 p.m. on February 1 of the same year. The Division shall then deduct that number from the number of verified signatures reported recorded for the underlying applicable constitutional initiative amendment. Upon a determination that the constitutionally requisite number of signatures has been obtained, the Secretary of State shall issue a certificate of ballot position in accordance with Section 100.371, F.S., to the appropriate sponsoring political committee and assign a designating ballot number.~~

~~(e) For any constitutional amendment by initiative that obtained a certification of ballot position prior to the effective date of this rule, a determination shall be made whether the number of verified signatures for petition revocations recorded as of 5:00 p.m. on February 1 of the year in which the next general election is held is sufficient to reduce the number of verified signatures for the underlying initiative amendment below the constitutionally required number of signatures obtained for ballot placement. If the number of recorded verified petition revocations is sufficient, then the initiative amendment is removed or stricken from the ballot in accordance with subsection 1S-2.0011(3), F.A.C.~~

~~(6)(5) Limitation on Use of Verified Signatures.~~ Verified signatures used successfully to place a proposed amendment by initiative on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in support of any future initiative petition.

(7) Effective date. The effective date of this emergency rule is July 1, 2008.

Specific Authority 20.10(3), 97.012(1), 100.371(7) FS. Law Implemented 100.371 FS. History—New 1-6-80, Amended 12-20-83, Formerly 1C-7.091, 1C-7.0091, Amended 2-13-90, 3-5-96, 1-5-04, 3-16-06, 10-15-07, 7-1-08.

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: July 1, 2008

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1SER08-3	Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Section 120.54(4)(b), Florida Statutes, this emergency rule is a rule pertaining to the public health, safety, and welfare as it involves the interpretation and implementation of the requirements of Chapters 97-102 and 105 of the Florida Election Code.

During the 2008 Legislative session, Senate Bill 866 was enacted and signed into law by the Governor. Effective July 1, 2008, the new law deleted the requirement for supervisors of elections to record verified signatures on initiative revocation petitions in the statewide voter registration system. Instead, the law requires the supervisors of elections to record initiative petition revocation data in a manner prescribed by the Secretary of State. The law also directs that electors be able to use a standard petition-revocation form adopted by the

Division of Elections when no revocation form has been submitted and approved for revoking a signature on an underlying initiative petition.

The statewide voter registration system was designed for recording voter registrations, not signatures on initiative petitions. In the past, discrepancies have existed in the numbers of signatures being verified in the statewide voter registration system for initiative petitions. These discrepancies seriously undermined the integrity, accuracy, and reliability of the signatures recorded in the statewide voter registration system. The Secretary of State lacks confidence in the accuracy of signature verification numbers reported in the statewide voter registration system. The Secretary of State believes paper certifications from the county supervisors of elections reflect the most accurate accounting of verified signatures; therefore, this emergency rule requires the supervisors of elections to submit paper certifications of verified signatures on revocation petitions to the Division of Elections. Although revocation petition signature verifications did not come into existence until August 1, 2007, the verification process instituted by this emergency rule is very similar to the process that existed in rule prior to January 2007 and the system which currently is being reinstated for initiative petitions.

The Emergency Rule is necessary to bring the existing rule in compliance with the new requirements of Section 100.371, Florida Statutes, as amended by Senate Bill 866. There is insufficient time to amend Rule 1S-2.0095, F.A.C., through the normal rulemaking process prior to the law's July 1st deadline. Procedures must be in place on July 1st that will provide electors the ability to use a standard petition-revocation form and that will provide the supervisors of elections guidance for the proper recording and reporting of signature verifications on initiative revocation petitions. This emergency rule is also necessary to make the certification on initiative revocation petitions proposing constitutional amendments comply with the amended statute. The rule helps to ensure and maintain the efficiency, integrity, and public confidence in the initiative process. Absent this emergency rule, there will be an adverse effect on the conduct of elections and the initiative process in the State of Florida. Based on the foregoing, the Department of State finds that the adoption of this rule is necessary to prevent an immediate danger to the public health, safety and welfare.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Pursuant to Section 120.54(4)(b), Florida Statutes, this emergency rule is a rule pertaining to the public health, safety, and welfare as it involves the interpretation and implementation of the requirements of Chapters 97-102 and 105 of the Florida Election Code.

During the 2008 Legislative session, Senate Bill 866 was enacted and signed into law by the Governor. Effective July 1, 2008, the new law deleted the requirement for supervisors of elections to record verified signatures on initiative revocation

petitions in the statewide voter registration system. Instead, the law requires the supervisors of elections to record initiative petition revocation data in a manner prescribed by the Secretary of State. The law also directs that electors be able to use a standard petition-revocation form adopted by the Division of Elections when no revocation form has been submitted and approved for revoking a signature on an underlying initiative petition.

The statewide voter registration system was designed for recording voter registrations, not signatures on initiative petitions. In the past, discrepancies have existed in the numbers of signatures being verified in the statewide voter registration system for initiative petitions. These discrepancies seriously undermined the reliability of the number of signatures recorded in the statewide voter registration system. The Secretary of State lacks confidence in the accuracy of signature verification numbers reported in the statewide voter registration system. The Secretary of State believes paper certifications from the county supervisors of elections reflect the most accurate accounting of verified signatures; therefore, this emergency rule requires the supervisors of elections to submit paper certifications of verified signatures on revocation petitions to the Division of Elections. Although revocation petition signature verifications did not come into existence until August 1, 2007, the verification process instituted by this emergency rule is very similar to the process that existed in rule prior to January 2007 and the system which currently is being reinstated for initiative petitions.

The Emergency Rule is necessary to bring the existing rule in compliance with the new requirements of Section 100.371, Florida Statutes, as amended by Senate Bill 866. There is insufficient time to amend Rule 1S-2.0095, F.A.C., through the normal rulemaking process prior to the law's July 1st deadline. Procedures must be in place on July 1st that will provide electors the ability to use a standard petition-revocation form and that will provide the supervisors of elections guidance for the proper recording and reporting of signature verifications on initiative revocation petitions. This emergency rule is also necessary to make the certification on initiative revocation petitions proposing constitutional amendments comply with the amended statute. The rule helps to ensure and maintain the efficiency, integrity, and public confidence in the initiative process. Absent this emergency rule, there will be an adverse effect on the conduct of elections and the initiative process in the State of Florida. Based on the foregoing, the Department of State finds that the adoption of this rule is necessary to prevent an immediate danger to the public health, safety and welfare.

SUMMARY: Based upon statutory amendments, this emergency rule removes the requirement that the determination of signatures verified by the supervisors of elections with respect to initiative revocation petitions be based upon the number of verified signatures recorded in the statewide voter registration system. The emergency rule

establishes procedures for supervisors of elections to record and submit paper certifications of verified signatures on initiative revocation petitions. The emergency rule also incorporates by reference and prescribes procedures regarding a statutorily mandated standard revocation form for use by electors when no political committee has submitted and obtained approval of a revocation form for an initiative petition.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Gary J. Holland, Assistant General Counsel, Division of Elections, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER08-3 (1S-2.0095) Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Format of Petition Revocation Form.

1. The format of the initiative petition revocation form sponsored by a political committee and submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 19R (eff. 8/1/07), entitled "Petition Revocation Form." Form DS-DE 19R is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500; or by download from the Division of Elections' webpage at <http://election.dos.state.fl.us>.

2. Any voter desiring to revoke his or her signature on an initiative petition when a political committee has not submitted and obtained approval of a petition-revocation form for the petition, shall use Form DS-DE 19R-SF (eff. 7/1/08), entitled "Petition Revocation Standard Form." Form DS-DE 19R-SF is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500; by download from the Division of Elections' webpage at <http://election.dos.state.fl.us>.

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

(5) Assignment of a Serial Number. The Division shall assign a serial number to each approved petition revocation form sponsored by a political committee. The number shall be the serial number of the initiative petition form followed by an "R". For example, the serial number of the petition-revocation

form on petition 06-1 would be 06-1R. The serial number assigned must be printed in the lower right hand corner of the petition revocation form.

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

(7) Reproduction.

(a) Petition-Revocation Forms Sponsored by a Political Committee. Blank pPetition-revocation forms sponsored by a political committee may be reproduced in newspapers, magazines, other forms of printed mass media or made available via the Internet for download or printing, provided such forms are reproduced in the same format as approved by the Division. The blank petition revocation form may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.

(b) Form DS-DE 19R-SF. Reproduction of a blank Forms DS-DE 19R-SF may be reproduced by downloading from the Internet or photocopying another blank form, provided such forms are reproduced in the same format as produced by the Division. Only an employee of the Division of Elections or a Supervisor of Elections' office, the voter who intends to sign the form, or someone at the voter's request may download or provide the voter with a copy of Form DS-DE-19R-SF for submission to a Supervisor of Elections.

(8) Submission of Signed Petition Revocation Forms. All signed petition revocation forms, except for those properly submitted on Form DS-DE 19R-SF, shall be returned to the political committee sponsoring the revocation effort. Only the political committee sponsoring the revocation effort shall submit the signed petition revocation forms to the Supervisors of Elections for verification of signatures. When there is no sponsoring political committee, a voter shall submit the Form DS-DE 19R-SF directly to the Supervisor of Elections' office in person, through a person acting on the voter's behalf, or by mail, along with the signature verification fee required by Section 99.097(4), F.S. It is the responsibility of the political committee sponsoring the revocation effort to ensure that the signed petition revocation form is properly filed with, or if misfiled forwarded to, the supervisor of elections of the county in which the signee was a registered voter at the time of signing the underlying original initiative petition. In the case of a misfiled petition revocation form, the filing date of the petition revocation form is the date such petition is filed with the proper county.

(9) Signature Verification.

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

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

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

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

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

1. The voter's name;
2. The voter's residential street address (including city and county) that was recorded on the underlying original signature petition on which the voter desires to revoke his or her signature;
3. The voter's date of birth or voter registration number;
4. The voter's original signature; and
5. The date the voter signed the petition revocation form, as recorded by the voter.

(10) ~~Recordation of Verification. No later than 24 hours after verification of signatures on submitted petition revocation forms, the Supervisor of Elections shall record each valid and verified signature in the statewide voter registration system. The appropriate supervisor of elections for each respective voter whose signature is verified as valid shall record the date the petition revocation form was received, the date of signature, the date the signature was verified, and the assigned serial number for the applicable revocation petition. Upon completion of the verifications as set forth in subsection (9), the Supervisors of Elections shall submit to the Division of Elections a certificate indicating the number of verified revocations and the distribution by congressional district. The Division will provide appropriate forms to the Supervisors of Elections to be used for transmission of the required information. In conjunction with each certificate submitted, each Supervisor shall submit a copy of one revocation form to which the verified signatures relate. Certificates may be submitted by the Supervisor via facsimile in order to meet the deadline, followed by the original certificates sent by mail.~~

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

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

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

~~(14) Effective date. The effective date of this emergency rule is July 1, 2008. Applicability. Revocation of a voter's signature on an initiative petition may occur only on or after August 1, 2007 for a petition revocation form filed with the supervisor of elections not more than 150 days from the date the voter signed the underlying original initiative petition.~~

Specific Authority 20.10(3), 97.012, 100.371(7), 101.161 FS. Law Implemented Art. XI, Fla. Const., 100.371, 101.161 FS. History—New 10-15-07, Amended 7-1-08.

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: July 1, 2008

DEPARTMENT OF REVENUE

Miscellaneous Tax

<p>RULE NOS.:</p> <p>12BER08-14</p> <p>12BER08-15</p> <p>12BER08-16</p> <p>12BER08-17</p>	<p>RULE TITLES:</p> <p>Scope; Definitions; Index Price</p> <p>Imposition of the Gross Receipts Tax</p> <p>Registration for Gross Receipts Tax</p> <p>Purposes</p> <p>Payment of Gross Receipts Tax;</p> <p>Reports</p>
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SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2005-148, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules, and to renew such rules, to implement the provisions of that law. The promulgation of these emergency rules ensures that the appropriate procedures and forms are available for reporting and remitting gross receipts tax on utility service.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules, and the renewal of such rules, to ensure the prompt availability of procedures taxpayers can follow to comply with Chapter 203, F.S. (as amended by Chapters 2005-148 and 2007-60, Laws of Florida). The Department of Revenue previously sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements. The preliminary text of proposed rules regarding the imposition of the gross receipts tax on utility services was posted on the Department of Revenue web site. Rule development workshops were held on November 16, 2005, and March 15, 2007, to receive public comments regarding the

preliminary text. The public comments received were considered by the Department in preparation of these emergency rules.

SUMMARY: Emergency Rule 12BER08-14 (Scope; Definitions; Index Price): (1) provides that Emergency Rules 12BER08-14 through 12BER08-17, apply to the tax imposed under Chapter 203, F.S., on utility services delivered to a retail consumer in Florida; (2) defines the terms “cost price,” “distribution company,” “Department,” “electricity index price,” “gas index price,” “gross receipts,” “utility services,” and “person” for purposes of Emergency Rules 12BER08-14 through 12BER08-17; (3) provides that the gross receipts tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price; (4) provides how the Department will announce the annual index prices for electricity and for natural and manufactured gas; (5) provides that the index price applies to electricity only if the transportation of the electricity is sold independent of the sale of the electricity itself; and (6) provides when the calculation of the tax requires the use of an index price, the distribution company must use a reasonable methodology to apply the residential, commercial, and industrial classifications to its existing rate structure.

Emergency Rule 12BER08-15 (Imposition of the Gross Receipts Tax), provides: (1) that the 2.5 percent gross receipts tax is imposed on distribution companies’ gross receipts from the privilege of selling and transporting natural or manufactured gas to retail consumers in Florida; (2) how the tax is computed based on the index price; (3) that the sale or transportation of natural or manufactured gas to public or private utilities for use as a fuel in the generation of electricity or for resale is not subject to tax; (4) that the sale or transportation of natural or manufactured gas to persons eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material is not subject to tax and how to document such sales; (5) that the 2.5 percent gross receipts tax is imposed on distribution companies’ gross receipts from the privilege of selling and transporting electricity to retail consumers in Florida and how the tax is to be calculated; (6) that the tax does not apply to receipts from customers for purposes of resale; (7) that receipts from separately itemized charges for the connection, disconnection, suspension, or restoration of utility services are not subject to tax; (8) that receipts from separately itemized fees for returned checks, late payments, and interest due on late payments are not subject to the gross receipts tax; (9) that receipts from separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment are not subject to gross receipts tax; (10) that the gross receipts tax applies to charges for utility services separately itemized to customers as an amount for services based on a standard rate amount with a separate rate adjustment; (11) that each and every fee imposed by a political subdivision of the State of Florida that is passed on to the customer as a separately itemized charge is included

in the gross receipts subject to tax; (12) that any municipal public service tax and any sales tax separately itemized to the customer is not included in the gross receipts subject to tax; (13) that the sale or delivery of electricity as part of an electric interchange agreement or contract between utilities is not subject to tax and how to document such sale or delivery; (14) that wholesale sales of electric transmission services and the loss of electricity from the generation, transmission, or distribution of electricity are not subject to tax; (15) that separately itemized charges for gross receipts tax on a customer’s bill, invoice, statement, or other evidence of sale are a part of the gross receipts of a distribution company; (16) for the imposition of use tax on natural or manufactured gas imported into Florida for which the Florida gross receipts tax has not been paid; (17) the documentation requirements, including a suggested resale certificate for tax-exempt sales of utility services for purposes of resale; and (18) recordkeeping requirements for taxpayers who sell or deliver utility services.

Emergency Rule 12BER08-16 (Registration for Gross Receipts Tax Purposes), provides: (1) that prior to engaging in the business of selling, transporting, delivering, or importing utility services in Florida, every person is required to register with the Department; and (2) how to register with the Department.

Emergency Rule 12BER08-17 (Payment of Gross Receipts Tax; Reports), provides: (1) how to report and remit to the Department the gross receipts tax imposed on utility services; (2) when taxpayers may elect to pay the gross receipts tax on total billings for electricity each month or on the actual gross receipts for electricity received in that month; (3) adopt, by reference, Form DR-133, Gross Receipts Tax Return; and (4) that persons engaged in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year or post such a list on a publicly-accessible Internet web site.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Robert Babin, Deputy Director, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4842

THE FULL TEXT OF THE EMERGENCY RULE IS:

12BER08-14 Scope; Definitions; Index Price.

(1) SCOPE. Emergency Rules 12BER08-14 through 12BER08-17, apply to the tax imposed by Chapter 203, F.S., on utility services delivered to a retail consumer in Florida. Where any conflicting language exists between Emergency Rules 12BER08-14 through 12BER08-17, and Rules 12B-6.001, 12B-6.0021, and 12B-6.005, F.A.C., the provisions of these emergency rules are controlling.

(2) DEFINITIONS. For purposes of Rules 12BER08-14 through 12BER08-17:

(a) “Cost price” means the actual cost of articles of tangible personal property without any deductions therefrom on account of the cost of materials used, labor or service costs, transportation charges, or any expenses whatsoever.

(b) “Distribution company” means any person owning or operating local electric, or natural or manufactured gas, utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas. The term does not include natural gas transmission companies that are subject to the jurisdiction of the Federal Energy Regulatory Commission.

(c) “Department” means the Florida Department of Revenue.

(d) “Electricity index price” means the applicable residential, industrial, or commercial price per kilowatt hour for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Electric Power Monthly.

(e) “Gas index price” means the applicable residential, industrial, or commercial price per 1,000 cubic feet for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Natural Gas Monthly.

(f) “Gross receipts” means the total payments received in money, goods, services, or other consideration.

(g) “Person” includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit and also includes any political subdivision, municipality, state agency, bureau, or department and includes the plural as well as the singular number.

(h) “Utility services” means electricity for light, heat, or power; and natural or manufactured gas for light, heat, or power, including transportation, delivery, transmission, and distribution of the electricity or natural or manufactured gas. This paragraph does not broaden the definition of utility service to include separately stated charges for tangible personal property or services which are not charges for the electricity or natural or manufactured gas or the transportation, delivery, transmission, or distribution of electricity or natural or manufactured gas. Liquefied petroleum gas is sold in liquid form and transformed into gas when released from the container to be used for fuel. The term “utility services” does not include liquefied petroleum gas.

(3) INDEX PRICE. The calculation of the tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price.

(a) The Department will announce the residential, commercial, and industrial index prices for electricity and for natural and manufactured gas on June 1 of each year through issuance of a Taxpayer Information Publication and by posting the rates on the Department’s Internet web site located on the Internet at www.myflorida.com/dor/taxes. The index prices

announced by the Department on June 1 will be effective from the following July 1 through June 30, and will apply to any bill dated on or after July 1 in the year in which the change becomes effective. The index prices effective July 1, 2008, through June 30, 2009, have been announced by the Department in Tax Information Publication 08B06-01 and apply to any bill dated on or after July 1, 2008, until the new index prices become effective on July 1, 2009.

(b) The electricity index prices only apply if the transportation of electricity is sold independent of the sale of the electricity itself. If electricity is sold to a retail consumer in Florida for a price that includes both a charge for the electricity and a charge for the transportation of the electricity, the tax imposed by Chapter 203, F.S., is calculated by using the distribution company’s gross receipts, rather than through use of an index price.

(c) When the calculation of the tax imposed on utility services delivered to a retail consumer in Florida requires the use of an index price, the distribution company must use a reasonable methodology to apply the residential, commercial, and industrial classifications to its existing rate structure. This rule shall take effect on July 1, 2008.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 203.012 FS. History—New 7-1-08.

12BER08-15 Imposition of the Gross Receipts Tax.

(1) NATURAL OR MANUFACTURED GAS.

(a) A tax is imposed at the rate of 2.5 percent on distribution companies’ gross receipts from the privilege of selling or transporting natural or manufactured gas to a retail consumer in this state. The gross receipts tax on the sale or transportation of natural or manufactured gas is calculated as follows: (number of cubic feet of gas sold or transported) ÷ 1,000 × (the applicable gas index price) × (2.5 percent).

(b) The tax implemented in paragraph (1)(a) does not apply to:

1. The sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation, or agency thereof, or rural electric cooperative association for use as a fuel in the generation of electricity;

2. Subject to the documentation requirements outlined in subsection (5), the sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association for resale;

3. The sale or transportation to, or use of, natural or manufactured gas by any person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material. Possession by a seller of natural or manufactured gas or by any person providing transportation or delivery of natural or manufactured gas of a written certification by the purchaser, certifying the purchaser’s entitlement to the exclusion permitted by this paragraph.

relieves the seller or person providing transportation or delivery from the responsibility of remitting tax on the nontaxable amounts. The Department shall look solely to the purchaser for recovery of such tax if the Department determines that the purchaser was not entitled to the exclusion. The certification must include an acknowledgment by the purchaser that it will be liable for tax pursuant to Section 203.01(1)(f), F.S., if the requirements for exclusion are not met. The following is a suggested format of an exemption certificate to be issued by a manufacturer to a natural or manufactured gas distribution company:

CERTIFICATION

NATURAL OR MANUFACTURED GAS PURCHASED BY A PERSON ELIGIBLE FOR EXEMPTION UNDER INDUSTRIAL CLASSIFICATIONS IN SECTION 212.08(7)(ff)2., F.S.

This is to certify that I have purchased natural or manufactured gas for use as an energy source or raw material that is excluded from tax pursuant to Section 203.01(3)(d), Florida Statutes.

I certify that the applicable purchases were made by a company whose four-digit SIC Industry Number, as listed below, is classified under SIC Industry Major Group Number 10, 12 through 14, 20, or 22 through 39 or Group Number 212 in the Standard Industrial Classification (SIC) Manual, 1987, published by the Office of Management and Budget.

I acknowledge that I will be liable for tax pursuant to Section 203.01(1)(f), Florida Statutes, if the requirements for exclusion pursuant to Section 203.01(3)(d), F.S., are not satisfied.

I understand that if such purchases of natural or manufactured gas do not qualify for the exclusion as indicated on this certification, I must pay the applicable tax directly to the Department of Revenue.

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

Purchaser's Name (Print or Type) Date

Signature of Authorized Person Title

Federal Employer Identification Number (FEI No.)

(2) ELECTRICITY

(a) A tax is imposed at the rate of 2.5 percent on a distribution company's gross receipts from the privilege of selling electricity that is delivered to a retail consumer in this state when the charge to the consumer includes charges for both the electricity and the transportation of the electricity. Tax imposed pursuant to this subparagraph is calculated by multiplying the distribution company's gross receipts by 2.5 percent.

1. The tax implemented in paragraph (2)(a) does not apply to:

a. Receipts from customers for separately itemized charges for the connection, disconnection, suspension, or restoration of electricity;

b. Receipts from customers for separately itemized charges for returned checks or other forms of payment, late payments, or interest due on late payments; or

c. Receipts from customers for separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment.

2.a. When charges for utility services are separately itemized as an amount for services based on a standard rate amount with a separate rate adjustment on the same billing, invoice, statement, or other evidence of sale for services, gross receipts tax is due on the receipts for utility services after the application of the rate adjustment.

b. Example: A customer purchases electricity from an electric utility under an energy management program. The customer is billed the standard residential rate. In addition, the customer receives load management monthly credits for allowing specified electrical equipment to be interrupted at the option of the electric utility. The charge for electric service after the load management credits are applied against the charge at the standard residential rate is the amount subject to the gross receipts tax.

c. Example: A customer purchases electricity from an electric utility at the standard residential service rate. The electric utility charges each residential customer in this rate class an additional energy cost recovery factor, called "energy charges," on a per kilowatt hour basis. The customer is billed for electricity at the standard residential rate, plus the applicable energy charges. The amount charged to the customer at the standard residential rate, plus the amount of the energy charges, is the amount subject to the gross receipts tax.

3. Each and every fee imposed by a political subdivision of the State of Florida on the distribution company, such as a franchise fee, is included in the charge upon which the gross receipts tax is computed, when the fees are passed on to the customer and separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

4. Any municipal public service tax imposed under Section 166.231 or 166.232, F.S., or any sales tax imposed under Chapter 212, F.S., on the sale or purchase of electric power or energy is not included in the charge upon which the gross receipts tax is computed when the municipal tax or sales tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(b) Each distribution company that receives payment for the delivery of electricity to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph, unless the payment is subject to tax under paragraph (a). Under this paragraph, the gross receipts tax on

the delivery of electricity is calculated as follows: (number of kilowatt hours delivered) × (the applicable electricity index price) × (2.5 percent).

(c) The tax implemented in paragraphs (2)(a) and (b) does not apply to:

1. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, for resale subject to the documentation requirements outlined in subsection (5);

a. The electric utility is required to maintain a copy of the agreement or contract in its books and records and is not required to meet the provisions of this rule regarding sales for resale. 2. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, as part of an electric interchange agreement or contract between such utilities for the purpose of transferring more economically generated power.

b. The internal use, including interdepartmental transfers, of the purchased power is not subject to tax.

3. Wholesale sales of electric transmission service.

4. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(3) SEPARATELY ITEMIZED CHARGES. A distribution company may wholly or partially separately itemize the gross receipts tax on the customer's bill, invoice, statement, or other evidence of sale. However, the gross receipts tax is imposed on the privilege of doing business, and it is an item of cost to the distribution company. The distribution company remains fully and completely liable for the payment of the tax, even when the tax is wholly or partially separately itemized on the customer's bill, invoice, statement, or other evidence of sale. When the tax is wholly or partially separately itemized, every person, including governmental units and charitable and religious organizations, is liable for the payment of the tax to the distribution company.

(4) USE TAX.

(a) Gross receipts tax is levied upon a person's cost price of electricity, or natural or manufactured gas, imported into this state or severed within this state for the person's own use or consumption as a substitute for purchasing utility, transportation, or delivery services taxable under Chapter 203, F.S., and who cannot demonstrate payment of the tax imposed by Chapter 203, F.S. The tax implemented pursuant to this paragraph is calculated by multiplying the cost price of the utility service by 2.5 percent.

(b) The tax implemented pursuant to paragraph (4)(a) does not apply to:

1. The use of natural gas in the production of oil or gas, or the use of natural or manufactured gas by a person transporting natural or manufactured gas, when used and consumed in providing such services;

2. The use of natural gas or manufactured gas by a person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material;

3. The use of natural gas or manufactured gas by a public or private utility as fuel in the generation of electricity; or

4. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(5) SALES FOR RESALE. The sale, transportation, or delivery of utility services for resale is only exempt from the tax imposed under Chapter 203, F.S., if the sale, transportation, or delivery is documented in strict compliance with this rule. Distribution companies must document sales for resale by obtaining resale certificates from customers who purchase transportation, delivery, or utility services for the purposes of resale. The distribution company is only required to obtain one certificate for sales made for the purposes of resale from each customer making purchases for the purposes of resale. The certificate must contain the purchaser's name and address, the purchaser's gross receipts tax registration number and its effective date, a statement that the purchases are for the purpose of resale, the signature of the purchaser or an authorized representative of the purchaser, and the date of issuance. The following is a suggested format of a resale certificate:

RESALE CERTIFICATE FOR GROSS RECEIPTS TAX ON UTILITY SERVICES

This is to certify that the electricity for light, heat, or power or the natural or manufactured gas for light, heat, or power purchased after (date) from (seller's name) is purchased for the purpose of resale pursuant to Chapter 203, F.S.

I understand that if I fraudulently issue this certificate to evade the payment of gross receipts tax I will be liable for payment of the tax directly to the Department of Revenue and subject to the penalties imposed under Section 203.03(2), F.S.

I understand that I must disclose to the seller, or remit tax on, any purchase not for resale when tax was not paid to the seller and/or distribution company.

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

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Purchaser's Authorized Signature _____

Certificate of Registration Number _____

Effective Date Registration _____

By _____

(authorized signature)

Date _____

(6) RECORDKEEPING REQUIREMENTS. Distribution companies that sell, transport, or deliver utility services to retail consumers in Florida and taxpayers that import utility services into Florida for their own use must maintain electrical interchange agreements or contracts, resale certificates, exemption certificates, and other documentation required under the provisions of this rule chapter in their books and records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under Section 95.091, F.S. Electronic storage of required documentation through the use of imaging, microfiche, or other electric storage media will satisfy compliance with recordkeeping requirements.

This rule shall take effect on July 1, 2008.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 203.012, 213.37 FS. History—New 7-1-08.

12BER08-16 Registration for Gross Receipts Tax Purposes.

(1) Prior to engaging in the business of selling, transporting, delivering, or importing utility services, every person, distribution company, or other entity upon which the gross receipts tax is imposed is required to register with the Department.

(2) Registration with the Department for gross receipts tax purposes is available by using one of the following methods:

(a) Registering through the Department's "e-Services" system located on the Department's Internet site at www.myflorida.com/dor; or

(b) Filing an Application to Collect and/or Report Tax in Florida (R. 01/06) (Form DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.), with the Department as indicated on the form. Copies of this form are available, without cost, by one or more of the following methods: 1) downloading forms from the Department's Internet site at www.myflorida.com/dor; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

This rule shall take effect on July 1, 2008.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01 FS. History—New 7-1-08.

12BER08-17 Payment of Gross Receipts Tax: Reports.

(1)(a) Except as provided in Rule Chapter 12-24, F.A.C., and paragraph (c) below, all taxes imposed on utility services are due to the Department on or before the 20th day of the month following the date of the sale or transaction. The payment and return must either reach the Department or be postmarked on or before the 20th day of the month for receipts for utility services received in the preceding calendar month for a taxpayer to avoid penalty and interest for late filing. When the 20th day of the month falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day that is not a Saturday, a Sunday, or a legal holiday. A tax return is required to be filed on or before the 20th day of each month even when no tax is due. The report is required to be signed by an officer or a representative duly authorized to act by the taxpayer. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the 1986 Internal Revenue Code, as amended. A "legal holiday" pursuant to Section 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) Form DR-133, Gross Receipts Tax Return (R. 07/07, hereby incorporated by reference), is the return to be used to report the gross receipts tax imposed on utility services. Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to Section 203.01(1)(j), F.S., the tax is due on or before the 20th day of the month following the authorized reporting period and becomes delinquent on the next succeeding day that is not a Saturday, a Sunday, or a legal holiday.

(d) Payments and returns for reporting tax must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the tax is required to be made by electronic means;

2. Any return for reporting tax is required to be submitted by electronic means; or

3. No tax is due with a return for reporting tax.

(e)1. For taxes implemented pursuant to paragraph (2)(a) of Rule 12BER08-15, the taxpayer may elect to pay the gross receipts tax on total billings for electricity for each month or on the actual gross receipts for electricity received in that month.

2. When the taxpayer elects to pay gross receipts tax on total billings for electricity, the taxpayer may take a credit for net uncollectibles for which gross receipts tax has been previously paid to the Department. The credit must be reported on the taxpayer's return in accordance with the timing provisions of Section 215.26(2), F.S.

3. Instead of taking a credit for net uncollectibles, the taxpayer may seek a refund of tax previously paid by filing an Application for Refund (R. 07/06) (Form DR-26, hereby incorporated by reference) with the Department. The application for refund must be filed in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

4. Form DR-26, Application for Refund, must be filed with the Department within 3 years after the date the tax was paid. Credits for tax paid must be reported on the taxpayer's return within 3 years after the date the tax was paid.

(2) Persons who engage in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year. A person may satisfy the customer-reporting requirement by: 1) providing a written list of customers to the Department; or 2) maintaining a publicly-accessible customer list on the person's Internet web site. The person must provide the written list of customers or the Internet address of the publicly-accessible Internet web site by January 31 of each year to GTA Miscellaneous Tax Coordinator, c/o GTA Program Director, Florida Department of Revenue, 5050 W. Tennessee Street, Bldg D-1, Tallahassee, Florida 32399-0100. Persons who choose to satisfy the customer-reporting requirement by posting a list of customers on a publicly-accessible Internet web site must update the list by January 31 of each year. This reporting requirement does not apply to distribution companies. Any person required to furnish such a list may elect to identify only those customers who take direct delivery without purchasing interconnection services from a distribution company.

This rule shall take effect on July 1, 2008.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 203.06, 213.235(1), (2), (3), 213.37, 213.755, 215.26 FS. History--New 7-1-08.

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: July 1, 2008

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.: 53ER08-38
 RULE TITLE: Instant Game Number 754, EASY MONEY

SUMMARY: This emergency rule describes Instant Game Number 754, "EASY MONEY," 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:

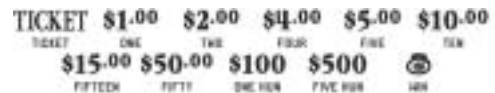
53ER08-38 Instant Game Number 754, EASY MONEY.

(1) Name of Game. Instant Game Number 754, "EASY MONEY."

(2) Price. EASY MONEY lottery tickets sell for \$1.00 per ticket.


(3) EASY MONEY 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 EASY MONEY lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

(4) The prize symbols and prize symbol captions are as follows:



(5) Determination of Prizewinners.

(a) A ticket having three like amounts and corresponding amount captions in the play area shall entitle the claimant to a

prize of that amount. A ticket having a "  " symbol in the play area shall entitle the claimant to \$25.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$50.00, \$100 and \$500. 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 an EASY MONEY 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.

(6) The estimated odds of winning, value and number of prizes in Instant Game Number 754 are as follows:

GAME PLAY	WIN	NUMBER OF	
		ESTIMATED	WINNERS IN
TICKET	\$1 TICKET	ODDS OF	56 POOLS OF
		1 IN	180,000 TICKETS
			PER POOL
\$1	\$1	10.00	1,008,000
\$2	\$2	25.00	403,200
\$4	\$4	18.75	537,600
\$5	\$5	50.00	201,600
\$5	\$5	60.00	168,000
\$10	\$10	300.00	33,600
\$15	\$15	300.00	33,600
\$25	\$25	300.00	33,600
(MONEYBAG)			
\$50	\$50	1,800.00	5,600
\$100	\$100	15,000.00	672
\$500	\$500	45,000.00	224

(7) The estimated overall odds of winning some prize in Instant Game Number 754 are 1 in 4.16. 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.

(8) For reorders of Instant Game Number 754, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing an EASY MONEY lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(10) Payment of prizes for EASY MONEY 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 6-13-08.

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: June 13, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-39
 RULE TITLE: Instant Game Number 758, HOT \$100's

SUMMARY: This emergency rule describes Instant Game Number 758, "HOT \$100's," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-39 Instant Game Number 758, HOT \$100's.

(1) Name of Game. Instant Game Number 758, "HOT \$100's."

(2) Price. HOT \$100's lottery tickets sell for \$2.00 per ticket.

(3) HOT \$100's lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning HOT \$100's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

(4) The "YOUR SYMBOLS" play symbols and play symbol captions are as follows:



(5) The "WINNING SYMBOLS" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:


TICKET	\$2.00	\$5.00	\$10.00
TWO	TWO	FIVE	TEN
\$50.00	\$100	\$500	\$10,000
FIFTY	ONE HUN	FIVE HUN	TEN THOU

(7) The legends are as follows:

YOUR SYMBOLS WINNING SYMBOLS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR SYMBOLS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING SYMBOLS" play area shall entitle the

claimant to the corresponding prize shown for that symbol. A ticket having a “” symbol in the “YOUR SYMBOLS” play area shall entitle the claimant to double the prize shown.

(b) The prizes are: TICKET, \$2.00, \$5.00, \$10.00, \$50.00, \$100, \$500 and \$10,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a HOT \$100’s lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 758 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 42 POOLS OF	
		ODDS OF	180,000 TICKETS PER POOL
TICKET	\$2 TICKET	12.50	604,800
\$2	\$2	15.00	504,000
\$2 x 2	\$4	37.50	201,600
\$5	\$5	18.75	403,200
\$2 x 5	\$10	150.00	50,400
\$10	\$10	75.00	100,800
\$5 x 5	\$25	150.00	50,400
\$5 x 10	\$50	1,200.00	6,300
\$10 x 5	\$50	600.00	12,600
\$50	\$50	1,200.00	6,300
\$100 (\$)	\$100	1,000.00	7,560
\$100 x 2	\$200	15,000.00	504
\$100 x 5	\$500	45,000.00	168
\$500	\$500	90,000.00	84
\$10,000	\$10,000	378,000.00	20

(10) The estimated overall odds of winning some prize in Instant Game Number 758 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 758, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a HOT \$100’s lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for HOT \$100’s lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 6-13-08.

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: June 13, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59GER08-2	Developmental Disabilities Waiver Provider Rate Table
59GER08-3	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: These rules implement legislatively mandated reductions of provider rates. Proviso language following Specific Appropriation 263 of the 2008-2009 General Appropriations Act requires the Agency for Persons with Disabilities to cut provider rates by \$43,544,549 effective July 1, 2008. The Legislature’s required rate reduction will result in a shortfall of funds available to continue critical services without full implementation of the rate reduction, as mandated, on July 1, 2008. In order to provide for the greatest possibility for continuation of all services and to avoid the danger to health, safety and welfare resulting from service disruption due to budget shortfalls, the Agency for Persons with Disabilities and the Agency for Health Care Administration have determined that there is an emergency as defined in Section 120.54, F.S., that supports adoption of Emergency Rules.

The Emergency Rules are necessary to ensure that funds are available for the continuation of critical, life sustaining services to persons with developmental disabilities who are among Florida’s most vulnerable. The purpose of the emergency rules is to manage the legislatively mandated rate reduction and appropriation for the protection of the public health, safety and welfare so that budget shortfalls do not force service disruptions.

The Agency for Persons with Disabilities (APD) administers the State of Florida’s Medicaid waiver programs for persons with developmental disabilities and advises the Agency for Health Care Administration (AHCA) on appropriate rates for waiver services. AHCA is designated as the “single state agency” for Medicaid with legislatively delegated authority to adopt the rates for Medicaid waiver services.

The Agency for Persons with Disabilities (APD) serves people diagnosed with mental retardation, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome that manifest before the age of 18. Many of these individuals have complex medical problems. Many require assistance with eating, supervision during waking hours, enteral nutrition, and multiple medications. APD's Medicaid waiver programs serve over 30,000 developmentally disabled persons. In addition, the Medicaid Developmental Disabilities Home and Community-Based Services Waiver has a waiting list of over 15,000 persons with disabilities who seek services that cannot be provided due to lack of available funds.

The proviso to the 2008 General Appropriations Act provides: Funds in Specific Appropriations 263 and 266 reflect a reduction of \$19,394,742 from the General Revenue Fund and \$24,149,807 from the Operations and Maintenance Trust Fund as a result of reducing provider rates, effective July 1, 2008. Personal Care Assistance is specifically excluded from this reduction target. The agency shall amend provider contracts, cost plans and rules as necessary to achieve this recurring reduction.

No reasonable rate reduction for any single provider group can generate the savings that rate reductions spread across most services will generate. Rates for some services are not governed by rule or rate schedule. Instead the rate is determined at the time of purchase depending on each situation. Consequently this rule does not reduce those rates. Rates for some other services have been recently reduced. The rate reduction in these rules for those services is 3 percent. The rate reduction in these rules for those services is 3 percent. The rates for the remaining services are reduced by 7.21 percent.

No one will be removed from the Medicaid Developmental Disabilities Home and Community-Based Services Waiver Program as a result of the Emergency Rules. Instead, effective July 1, 2008, the Emergency Rules reduce the rates paid to providers of Case Management Services (Limited Support Coordination), Daily Habilitation Services (Residential Habilitation Behavior Focus), Monthly Residential Care (Residential Habilitation Standard), Waiver Support Coordination, and Residential Habilitation services by 3 percent from the current rates. These rules do not change rates for Adult Dental Services, Consumable Medical Supplies, Durable Medical Equipment, and Environmental Modifications. All other rates for services are reduced by 7.21 percent.

The Agency for Persons with Disabilities (APD) and the Agency for Health Care Administration (AHCA) have determined that these rate reductions are necessary to meet the legislative requirement to reduce rates by amounts sufficient to achieve savings of \$43,544,549, while providing funds to maintain services necessary to protect health, safety and welfare.

Without the savings achieved by the immediate implementation of the legislatively mandated rate reductions, APD will sustain a budget deficit of approximately \$3.6 million for each month the rate reductions are delayed. The potential for this deficit creates an immediate danger to the public health, safety and welfare.

The danger results from future service disruptions that may be required in order for APD to remain within its approved budget. The potential service disruptions create an immediate and continuing danger to the persons with disabilities that APD serves. Thousands of Florida's most vulnerable would lose vital, ongoing services as a result.

Halting enrollment would affect individuals deemed to be in crisis. Clients in crisis are the most vulnerable of persons with disabilities. 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.

There is insufficient time to promulgate a rule through the regular rulemaking process as the amount reduced from the APD's budget due to legislatively mandated rate reductions was calculated assuming July 1, 2008 implementation. Since the \$43.5 million savings is a constant, anything less than full implementation over the entire fiscal year will require a larger percentage reduction to meet the Legislature's requirements in the proviso.

The Florida Constitution (Article VII, subsection 1[c]) prohibits expenditure of state funds except pursuant to Legislative appropriation. Section 216.221, Florida Statutes further provides that appropriations are the maximum amounts that an agency is authorized to expend. In order to remain within appropriations as required by law, APD is mandated to develop a plan and is authorized to use any means available to cure a projected deficit in its waiver programs.

More specifically, subsection 393.0661(4), F.S. (2007), states as follows: 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.

Subsection 393.0661(5), F.S. further requires (APD) to develop a plan to eliminate any projected deficit in a waiver program. A budget deficit created by delayed implementation of the rate reduction required by the FY 2008-09, General Appropriations Act would be subject to this requirement.

Implementation of such a plan would likely result in greater rate reductions than currently contemplated in these emergency rules, service limitations, halting all new enrollment or some combination of these.

The Legislature specifically commanded (APD) to reduce provider rates to achieve a savings of \$43,544,549.00. These emergency rules fulfill that requirement.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The procedure for adoption of these emergency rules is "fair under the circumstances" as required by Section 120.54(4), F.S., and provides the procedural protection required for adoption of emergency rules. 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. The Conference Report on House Bill 5001, General Appropriations Act for Fiscal Year 2008-2009 specifically required APD to reduce services rates by \$43,544,549.00.

The Agency for Persons with Disabilities (APD) gave the provider community timely advance notice that the APD was considering rate adjustments to meet the Legislature's mandate. APD hosted an open meeting for providers of services on Friday May 9, 2008 for the purpose of identifying means of achieving the required reduction in rates. Along with staff from APD and AHCA, participants in the process included 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 summarizing the legislative requirement to reduce rates, APD received comments and suggestions from all who chose to speak or provide written information. (APD) also distributed information about rates and the effects of alternative rate reduction approaches. In developing these emergency rules, (AHCA) and (APD) have considered, and in some cases incorporated, suggestions from the provider community.

Constitutional and statutory due process requirements are met as an opportunity for judicial review of the emergency rules is provided by Section 120.54(4)(a)3., F.S., and an opportunity to contest the emergency rules is provided by Section 120.5615, F.S.

SUMMARY: The emergency rules implement the mandate of the Florida Legislature in the budget proviso requirements of the 2008 General Appropriations Act. They supersede any prior inconsistent rules. Funds in Specific Appropriations 263 and 266 reflect a reduction of \$19,394,742 from the General Revenue Fund and \$24,149,807 from the Operations and Maintenance Trust Fund as a result of reducing provider rates, effective July 1, 2008. Personal Care Assistance is specifically

excluded from this reduction target. The agency shall amend provider contracts, cost plans and rules as necessary to achieve this recurring reduction.

The Emergency Rules establish the rates paid to providers for services provided to developmentally disabled individuals enrolled in Medicaid waiver programs. The purpose of Rules 59GER08-2 and 59GER08-3 is to achieve the legislatively mandated reduction in rates to achieve the required total savings of \$43,544,549.00.

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:

59GER08-2 (59G-13.081) Developmental Disabilities Waiver Provider Rate Table.

(1) No change.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, July 1, 2008 ~~January 1, 2007~~, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's Web Portal website at <http://mymedicaid-florida.com>. ~~http://floridamedicaid.acs-inc.com~~. Click on Provider Support, and then on Fees Schedules. Paper copies of the rate table may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History—New 5-29-06, Amended 11-15-07, _____.

59GER08-3 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, July 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 Web Portal at <http://mymedicaid-florida.com>. Click on Provider Support, and then on Fee Schedules. Paper copies of the rate table may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History–New 6-30-08.

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: June 30, 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 COMMUNITY AFFAIRS
NOTICE IS HEREBY GIVEN THAT on June 11, 2008, the Department of Community Affairs, Division of Housing and Community Development, received a petition for waiver from the Village of Islamorada. The Petition has been assigned the number DCA08-WAI-170. The Petitioner seeks a permanent waiver of that portion of paragraph 9B-43.0051(7)(a), Florida Administrative Code, that states, "A penalty of five points per housing unit, up to a maximum of 50 points, for failure to address the number of housing units scored in the original Housing category application". Petitioner's request for a waiver is based upon the Petitioner only providing sewer service to 56 housing units instead of the 84 units promised in Petitioner's application. Petitioner alleges that it could not complete all the sewer connections because the Department did not allow an extension of the sub-grant agreement. The petition for waiver is being applied for under Section 120.542, F.S.
A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency 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."

WATER MANAGEMENT DISTRICTS
NOTICE IS HEREBY GIVEN THAT on June 10, 2008, the Governing Board of the Suwannee River Water Management District has issued an order.

This Order (2008-0003) denied variance under Section 120.542, F.S., to Stephen Buckles for a Work of the District existing non-permitted residence (ERP06-0661M). The petition for variance was received by SRWMD on January 23, 2008. Notice of the receipt of petition requesting variance was published in the F.A.W., Vol. 34, No. 6, on February 8, 2008. No public comment was received. This Order denies a variance of SRWMDs criteria for paragraph 40B-4.3030(12)(b), F.A.C., to the 75-foot setback requirements and subsection 40B-4.3030(9), F.A.C., to the zero-rise certification requirements within Township 4 South, Range 11 East, Section 36, Lafayette County. SRWMD denied the petition because the petitioner did not demonstrate that the underlying statute will be or has been achieved by other means.
A copy of the Order may be obtained by contacting: Robin Lamm, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on June 12, 2008, the Suwannee River Water Management District, received a petition for variance from Florida Department of Environmental Protection, 3540 Thomasville Road, Tallahassee, FL 32309, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from subsection 40B-4.3030(5), F.A.C., as to the requirements for unobstructions to the area below the first floor of elevated buildings. The permit applicant proposes to construct an elevator shaft to be below the lowest horizontal structural member to meet ADA criteria for handicap access in Township 4 South, Range 11 East, Section 21, Lafayette County. Comments on this petition should be filed with Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. This petition has been assigned ERP Number 01-0131M.
A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on June 12, 2008, the South Florida Water Management District has issued an order. South Florida Water Management District (SFWMD) Governing Board issued Order No. SFWMD 2008-265-DAO-ERP Granting Temporary Variance under Section 120.542(2), Florida Statutes (Order), dated June 12, 2008 to Riviera HFAH, LLC (Petitioner) for a project known as the Riviera Marina, located in Lee County, Section 13, Township 44 South, Range 24 East. The Petition for Temporary Variance (Application 080402-21) was received by the SFWMD on April 2, 2008. Notice of Receipt of the Petition requesting the temporary variance was published in the Florida

Administrative Weekly, Vol. 34, Number 17, on April 25, 2008. Specifically, the Order grants a temporary variance from subsection 40E-4.101(2), F.A.C., regarding content of permit applications. Generally, the Order sets forth the basis of the Governing Board decision to grant the temporary variance as follows: 1) the SFWMD has jurisdiction to consider the Petitioner's request; 2) the Petitioner has provided reasonable assurances that the purpose of the underlying statute will be achieved through other means by the Petitioner; and 3) the Order granting a temporary variance from the subject rule is necessary to prevent the Petitioner from suffering substantial hardship and is necessary to allow for principles of fairness as set forth in Section 120.542, Florida Statutes.

A copy of the Order may be obtained by contacting: Beth Colavecchio at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, by (561)682-6905, by e-mail bcolavec@sfwmd.gov or by accessing the SFWMD's website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on June 11, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 1, 2008, for an Emergency Variance for subsections 61C-1.004(1) and 61C-4.010(3), Florida Administrative Code, from Areas USA Inc. located in Miami. The above referenced F.A.C. references Chapters two and five of the 2001 FDA Food Code which deal with employee hygiene and adequate and proper handwashing. They are requesting a variance to not have hot running water at handsinks used by employees.

This variance request was not approved. Granting this variance in its current format would create an undesirable precedent upon which all concession stands could claim a variance. Granting this variance would be inconsistent with the principles of public safety and sanitation articulated in Section 509.032(e)(1), F.S., for public food service establishments enforced by this Division. Based on the foregoing, the Division concludes that the Petitioner's request for variance fails to meet the burden of demonstrating that required safety and sanitation safeguards have otherwise been met.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 1, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-1.004(1) and 61C-4.010(3), Florida Administrative Code, from Areas USA Inc. located in Miami. The above referenced F.A.C. references Chapters two and five of the 2001 FDA Food Code which deal

with employee hygiene and adequate and proper handwashing. They are requesting a variance to not have hot running water at handsinks used by employees.

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 June 11, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 27, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Chef John's Dockside Inn 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 public bathrooms located in a common area and have seating for thirty-five.

This variance was approved and is contingent upon the Petitioner ensuring the centrally located bathrooms have hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no more than thirty-five (35) seats which include inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 23, 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 Cuenelli's Rotisserie Chicken located in Riverview. 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 forty-two (42).

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 May 23, 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 Cuenelli's Rotisserie Chicken located in Riverview. 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 forty-two (42).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (42) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on May 29, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Petition for a Routine 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 Dippin Dots located in Tallahassee. 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 May 29, 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 Fritanga Nica #1 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 seven.

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 June 11, 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 JB's Blue Water Grill located in Coconut Creek. 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 June 11, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on May 21, 2008, for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code, from Mellow Mushroom located in Delray 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.

This variance request was approved and is for allowing exposed solid sealed joists and ties in the bar ceiling only. The joists shall be smooth, nonabsorbent, easily cleanable and maintained in good repair. Food preparation is limited to drink preparation only including the scooping of ice; there will be no other food service activities including slicing of fruit, shucking, peeling, warewashing, etc. If the surface of the joists, ties or metal tie downs become weathered and/or cracked rendering them uncleanable, the variance will be rescinded and a properly finished ceiling will be required. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on June 4, 2008, the Board of Accountancy, received a petition for Suzanne R. Aguilera, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours.

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."

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice of the withdrawal of the Petition Variance or Waiver for Ahmer Qamar. The Notice of Petition for Variance or Waiver was published in Vol. 33, No. 32, of the August 10, 2007, Florida Administrative Weekly. Petitioner has requested the Petitioner for Variance or Waiver be withdrawn.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT on June 17, 2008, the Board of Pharmacy, received a petition for Saikumar Amara, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on June 9, 2008, the Board of Pharmacy, received a petition for Louai Ibrahim, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or telephone (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on June 10, 2008, the Board of Psychology, received a petition for Susana Urbina, Ph.D., seeking a variance or waiver of Rule 64B19-12.0085, F.A.C., which requires a \$400.00 delinquency fee for an active or inactive license that is not renewed on time.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 or telephone (850)245-4373, ext. 3480. Comments on this petition should be filed with the Board of Psychology within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on June 10, 2008, the Department of Health, Bureau of Community Environmental Health, received a petition for Variance of Steven T. Cochran on behalf of Shaw Waste Solutions, L.L.C., which was received by the Department on October 29, 2007, and published on November 16, 2007, in the Florida Administrative Weekly, has been granted. Paragraph 64E-16.004(2)(f), Florida Administrative Code, prescribes a specific placement of microbiological indicators prior to each test run. The Petitioner requests a permanent variance from the rule to allow the Petitioner to vary from the rule requirement for specific placement of biological indicators in the treatment unit as prescribed in paragraph 64E-16.007(2)(f), Florida Administrative Code. The Petitioner proposes to use internal temperature monitoring and an alternative placement of biological indicators to verify the treatment unit provides a satisfactory level of treatment.

Comments on this Petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399, within 5 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399, Gina_Vallone@doh.state.fl.us or by calling (850)245-4273.

NOTICE IS HEREBY GIVEN THAT on June 13, 2008, the Department of Health, received a petition for Variance from or Waiver of Agency subsections 64F-12.012(6) and (10), F.A.C., from Invivo Corporation. The petition seeks a variance from or waiver of subsections 64F-12.012(6) and (10), F.A.C., regarding storage and retention of records related to device manufacturing activity. Specifically the Petition seeks a variance or waiver of the requirement for the company to store records on site or at a central location permitted pursuant to Sections 499.01-.081, F.S.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, R.Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399, (850)245-4294.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on June 10, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-58.020(6), Florida Administrative Code, from Community Housing Trust of Sarasota County, Inc. (Boulevard of the Arts Homeownership Project) (“Petition”). The Petition is seeking a waiver of the extension fee of one (1) percent required by the rule.

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.

NOTICE IS HEREBY GIVEN THAT on June 10, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-58.020(6), Florida Administrative Code, from Community Housing Trust of Sarasota County, Inc. (Hatton Street Homeownership Project) (“Petition”). The Petition is seeking a waiver of the extension fee of one (1) percent required by the rule.

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**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agricultural Horse Park and Agricultural Center Authority** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, July 8, 2008, 3:00 p.m. and 5:30 p.m.

PLACE: Wachovia Bank, 2001 Southwest 17th Street, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: The 3:00 p.m. meeting is for the various committees of the authority. The 5:30 p.m. meeting is a full board meeting to discuss general authority business.

A copy of the agenda may be obtained by contacting: Richard Gunnels at (850)488-3022 or gunnelr@doacs.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Richard Gunnels at (850)488-3022 or gunnelr@doacs.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The **Florida Education Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 10, 2008, 8:30 a.m. – 2:00 p.m. or upon adjournment

PLACE: Grand Bohemian Hotel – Downtown Orlando, 325 South Orange Avenue, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Foundation issues including, but not limited to: Approval of minutes from April 29, 2008, meeting; Commissioner’s report; program updates; financial report; executive director’s report; partnership proposals; and general discussion of Foundation.

A copy of the agenda may be obtained by contacting: Tatiana Fernandez, (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 the 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 the Foundation office at (850)245-9671.

The **Florida Conflict Resolution Consortium/FSU** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 1, 2008, 9:30 a.m. – 3:30 p.m.

PLACE: University of Central Florida, Millican Hall, 395E, 4000 Central Florida Blvd., Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Campus Master Plan 6C-21 Regulation Work Group.

A copy of the agenda may be obtained by contacting: Robert Jones at rmjones@fsu.edu or Allison Stribling at aestribling@earthlink.net.

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: aestribling@earthlink.net. 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 **University of North Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 8, 2008, 3:00 p.m. – 4:30 p.m.

PLACE: Brooks College of Health, Dean's Conference Room (Room 3036)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The University of North Florida's Art in State Buildings selection committee for the Brooks College of Health Addition will hold an image review meeting on Tuesday, July 8th from 3:00 p.m. – 4:30 p.m. The purpose of the meeting will be to select finalist to provide artwork for the Brooks College of Health Addition. For additional information contact Pam Niemczyk at (904)620-2810.

A copy of the agenda may be obtained by contacting: Pam Niemczyk at (904)620-2810.

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: Pam Niemczyk at (904)620-2810. 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 COMMUNITY AFFAIRS

The Training Task Force of the **State Emergency Response Commission (SERC) for Hazardous Materials** announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2008, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, Carr Building, Room 170M, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Training Task Force and other hazardous materials training issues.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 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: Bureau of Preparedness 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).

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 Local Emergency Planning Committees Chairpersons and Staff Contacts of the **State Emergency Response Commission (SERC) for Hazardous Materials** announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2008, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Carr Building, Room 170M, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 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: Bureau of Preparedness 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).

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 State Emergency Response Commission (SERC) for Hazardous Materials announces a public meeting to which all persons are invited.

DATE AND TIME: July 11, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Carr Building, Room 170M, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 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: Bureau of Preparedness 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).

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 REVENUE

The Florida **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: July 29, 2008, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the proposed amendments to Rule 12A-1.043, F.A.C. (Manufacturing). Notice of this proposed adoption was

published in the Florida Administrative Weekly on March 21, 2008 (Vol. 34, No. 12, pp. 1669-1671). A Notice of Change is published in this edition of the Florida Administrative Weekly. A copy of the agenda may be obtained by contacting: Larry Green.

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.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation** District 3 announces a hearing to which all persons are invited.

DATE AND TIMES: July 15, 2008, 5:30 p.m. – Open House; 6:00 p.m. – Presentation (Times Shown Are CDT)

PLACE: Santa Rosa County Auditorium, 4530 Spikes Way, Milton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of State Project Number 413062-3-22-01, otherwise known as the widening of Interstate 10. The limits of the project corridor are from the Escambia Bay Bridge to east of the Avalon Boulevard interchange in Santa Rosa County, Florida.

A copy of the agenda may be obtained by contacting: Peggy Kelley, Project Manager, Florida Department of Transportation, 1074 Highway 90, Chipley, Florida 32428.

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: Peggy Kelley, Project Manager for the Florida Department of Transportation, toll free at 1(888)638-0250 or via email at Peggy.Kelley@dot.state.fl.us at least 7 days prior to the 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 Transportation**, District Five announces a hearing to which all persons are invited.

DATE AND TIMES: Tuesday, July 22, 2008, 6:00 p.m. – Open House; 7:00 p.m. – Formal Presentation

PLACE: Votran Office, 950 Big Tree Road, South Daytona, Florida 32119-8815

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons an opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project ID Number: 242715-2-22-01 otherwise known as the I-95/ I-4/ U.S. 92 Interchange Project Development and Environment (PD&E) Study in Volusia County, Florida. The project involves the reconstruction of the interchanges of Interstate 95 with Interstate 4 and U.S. 92.

This project is being developed in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Mr. Lance Decuir at the address below or call (386)943-5383, at least seven days prior to the public hearing.

A copy of the agenda may be obtained by contacting: Mr. Lance Decuir, PE, Project Manager, Florida Department of Transportation, District Five, 719 South Woodland Boulevard, DeLand, Florida 32720.

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."

FLORIDDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 16, 2008, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450, (850)488-1293.

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 Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450, (850)488-3417. If

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

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: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450, (850)922-6137.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, July 11, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this Commission workshop is to provide the Commissioners and interested persons an opportunity to discuss issues relevant to the development and implementation of a Renewable Portfolio Standard for Florida pursuant to the provisions of HB 7135. Persons interested in participating in the development of an RPS are encouraged to attend the workshop and present their proposals and ideas for consideration by the Commission. Presentation materials should be provided to the Commission in writing, via Judy Harlow at the contact information listed below, no later than 5:00 p.m. on July 7, 2008. Undocketed.

A copy of the agenda may be obtained by contacting: Judy Harlow, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6842, Jharlow@psc.state.fl.us. A copy of the agenda will be available on the Commission's website: www.psc.state.fl.us, by July 3, 2008. If you wish to make comments but cannot attend the workshop please contact Judy Harlow.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (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 Judy Harlow at the contact information listed above.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: July 15, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing to: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website at <http://www.floridapsc.com> at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces its Internal Affairs meeting to which all interested persons are invited.

DATE AND TIME: July 15, 2008, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, July 16, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Undocketed Matter – the purpose of this workshop is to discuss CLEC intrastate access charges. All participants are requested to file an outline of their presentation, the approximate amount of time for the presentation, and the presenter's name with the Commission's Office of Commission Clerk, 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850, by July 9, 2008. Additionally, participants should be prepared to address the following questions on CLEC intrastate access charges: 1) What are the key factors that CLECs consider when determining how to set their access charge rates?; 2) Are the access rates being charged by Florida's CLECs cost-based?; 3) Should Florida's CLECs be allowed to set their intrastate access charge rates at any level they choose? Should their cost to provide access service be considered?; 4) Are Florida consumers harmed by CLECs charging access rates that are in excess of those charged by the ILEC in the area in which they compete? Are there other adverse effects?; 5) Is the market for the access service structured in a way that allows competitive pressures to effectively constrain access prices? Why or why not?; 6) Do market forces applicable to originating switched access differ from the market forces for terminating switched access? If so, how?; 7) Under what conditions, if any, can a carrier decline to terminate its traffic to another carrier?; 8) On what basis can it be determined if CLEC access rates are just and reasonable?; 9) If it is determined that CLEC access charges are not just and reasonable, does the Commission have authority to act to remedy this situation?; 10) Should the Commission establish caps on the intrastate access rates that CLECs can charge? If so, how should caps be determined?; 11) What would be the impact on Florida CLECs if this Commission were to cap CLEC access rates at the rates of the incumbent LEC in the area in which they serve?; 12) If the Commission opts to constrain allowable CLEC access rates through some means other than rate caps, what options are available? Notice of cancellation will also be provided on the

Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770.

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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (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: Timisha Brooks, Office of General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6212.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Agency for Enterprise Information Technology** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 7, 2008, 1:30 p.m. – 3:30 p.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussing the board of trustees chosen to manage the newly established Southwood Resource Center (SSRC), formerly the Shared Resource Center, and discussing SB 1892.

A copy of the agenda may be obtained by contacting: Amy Caldeia, Agency for Enterprise Information Technology at email: amy.caldeira@myflorida.com or call (850)410-1969.

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: Amy Caldeia, Agency for Enterprise Information Technology at email: amy.caldeira@myflorida.com or call (850)410-1969. 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: Amy Caldeia (850)410-1969 or Mike Russo (850)922-7502

The **Governor's Commission on Volunteerism and Community Service** (Volunteer Florida) announces a public meeting to which all persons are invited.

DATES AND TIME: Sunday, July 13, 2008 through Tuesday, July 15, 2008, 2:00 p.m.

PLACE: Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Meeting. General business which includes Committee Meetings and Planning. This meeting was previously noticed in the June 13, 2008, Vol. 34, No. 24 issue of the Florida Administrative Weekly (ID #5751632). A change has been made at to the start time of the annual meeting.

A copy of the agenda may be obtained by contacting: Kristin Mullikin at (850)414-0092 or kristin@volunteerflorida.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting. 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 **Children and Youth Cabinet** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 14, 2008, 8:00 a.m. – 4:00 p.m.

PLACE: Florida Gulf Coast University, Student Union Ballrooms A and B, 10501 FGCU Blvd., Ft. Myers, FL 33965

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Children and Youth Cabinet members will discuss information sharing between agencies and funding for services as well as other issues regarding child welfare in Florida. Updates from Cabinet Committees and Workgroup will be given. The Committee on Reports and Recommendations will meet before the regular meeting begins.

A copy of the agenda may be obtained by contacting: Sharon Read at (239)489.9331, sharon.read@myflorida.com or by visiting: www.flgov.com/youth_cabinet.

For more information, you may contact: Sharon Read at (239)489.9331, sharon.read@myflorida.com or visit: www.flgov.com/youth_cabinet.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2008, 12:00 Noon

PLACE: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, 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 **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 3, 2008, 8:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

For more information, you may contact: Angela Giles at (904)279-0880.

The **Northeast Florida Regional Council**, Personnel, Budget, and Finance Policy Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 3, 2008, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

For more information, you may contact: Angela Giles at (904)279-0880.

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 3, 2008, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Angela Giles at agiles@nefrc.org or (904)279-0880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Angela Giles at (904)279-0880.

The **Northeast Florida Regional Council** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, July 3, 2008, immediately following the monthly Board meeting

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive an update on the Statewide Regional Evacuation Study Program.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 3 days before the workshop/meeting by contacting: Angela Giles at (904)279-0880 or agiles@nefr.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Angela Giles at (904)279-0880.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 11, 2008, 10:00 a.m.

PLACE: Highlands County Agri-Civic Center, Room #2, 4509 George Boulevard, Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Comprehensive Economic Development Strategy.

A copy of the agenda may be obtained by contacting: Marcia Staszko, Program Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: July 8, 2008, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL 32060, (386)362-1001.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. A workshop will follow the Governing Board Meeting.

A copy of the agenda may be obtained by contacting: Lisa M. Cheshire, Governing Board Coordinator.

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: Lisa M. Cheshire. 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: Monday, July 7, 2008, 3:30 p.m.

PLACE: Southwest Florida Water Management District, Governing Board Room, 2379 Broad Street, Brooksville, Florida 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of task force business for the Hernando County Task Force of the Citrus/Hernando Waterways Restoration Council. Hernando County residents are encouraged to attend and provide suggestions for restoration projects to enhance fish and wildlife habitat.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4227.

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 (352)796-7211 or 1(800)423-1476 (Florida only), extension 4226, TDD: 1(800)231-6103 (Florida only), Fax: (352)797-5806. 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**, Industrial Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 8, 2008, 9:00 a.m.

PLACE: 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Industrial Advisory Committee to discuss committee business and issues.

A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899, 1(800)423-1476 (FL only) or (352)796-7211, ext. 4402.

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: General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Teri Hudson at the above address or phone number.

The **Southwest Florida Water Management District**, Public Supply Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 8, 2008, 1:30 p.m.

PLACE: 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Public Supply Advisory Committee to discuss committee business and issues.

A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899, 1(800)423-1476 (FL only) or (352)796-7211, ext. 4402.

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: General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Teri Hudson at the above address or phone number.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 10, 2008, 9:30 a.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: BASIN BOARD EDUCATION COMMITTEE: Consider Committee business. Ad Order 10470.

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: 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.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 10, 2008, 9:30 a.m.

PLACE: Nature's Classroom, 11301 Verges Road, Thonotosassa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: BASIN BOARD LAND RESOURCES COMMITTEE: Consider Committee business. Ad Order 10470.

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: 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.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: July 9, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: July 10, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No.

98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: July 9, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: July 10, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: July 9, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: July 10, 2008, 9:00 a.m. – completed

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2007), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, P. Huck, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Project & Lands Committee Meeting

DATE AND TIME: July 9, 2008, 10:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Workshop

DATE AND TIME: July 9, 2008, 1:00 p.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Regular Business Meeting

DATE AND TIME: July 10, 2008, 9:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the Business Meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. If Workshop items are not discussed on July 9, 2008, the items may be discussed on July 10, 2008.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and may include an amendment to the District's Fiscal Year 2008 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty at (561)682-2087 or at https://my.sfwmd.gov/portal/page?_pageid=2574,13014318&_dad=portal&_schema=POR TAL.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

LAND AND WATER ADJUDICATORY COMMISSION

The Florida **Land and Water Adjudicatory Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, July 29, 2008, 9:00 a.m.

PLACE: Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of an amendment to Rule 42AAA-1.002, F.A.C., Boundary, amending the boundary of the Palm Coast Park Community Development District. Proposed amendment of Rule 42AAA-1.002, F.A.C., addressing the boundary of the District, was published in the F.A.W. on April 18, 2008 (Vol. 34, No. 16).

A copy of the agenda may be obtained by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

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

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: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

DEPARTMENT OF VETERANS' AFFAIRS

The **Florida Veterans Foundation, Inc.** (FVF) announces a public meeting to which all persons are invited.

DATE AND TIME: July 9, 2008, 1:00 p.m.

PLACE: 4040 Esplanade Way, Suite 152, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: discuss organization, duties and responsibilities of the Board of Directors, appointments to the Executive Committee, and introduce the President of the FVF.

A copy of the agenda may be obtained by contacting: Florida Department of Veterans' Affairs at (850)487-1533, after July 1, 2008.

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: Florida Department of Veterans' Affairs. 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 ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Statewide Public Guardianship Office announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 13, 2008, 8:00 a.m. – 9:00 a.m.

PLACE: Callers within Tallahassee and outside of Tallahassee: 1(888)808-6959, When prompted, enter Conference Code number 4142381 followed by #

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting of the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting: Ms. Frankie D. Leland at (850)414-2381.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Frankie D. Leland at (850)414-2381. If you are

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

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 11, 2008, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 8504149707

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Panel on Excellence in Long-Term Care will be meeting to discuss new agenda items that include clarification of the rule, applications for the Gold Seal award and other business as determined by the Panel.

A copy of the agenda may be obtained by contacting: Tracy Weatherspoon at (850)488-5861.

The **Agency for Health Care Administration**, in conjunction with the **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 10, 2008, 10:30 a.m. – 12:00 Noon (Eastern)

PLACE: Brevard County Agricultural, University of Florida, Brevard County Extension, 3695 Lake Drive, Cocoa, FL 32926

GENERAL SUBJECT MATTER TO BE CONSIDERED: Section 409.912(5), Florida Statutes, provides authorization for the Agency for Health Care Administration, in partnership with the Department of Elder Affairs, to implement an integrated, fixed-payment delivery program for Medicaid beneficiaries who are 60 years of age or older, or 21 years of age or older and dually eligible for Medicare and Medicaid. The program shall be implemented initially on a pilot basis in Brevard, Orange, Osceola and Seminole counties; and Miami-Dade and Monroe counties. Enrollment in Florida Senior Care shall be on a voluntary basis. An overview of the program will be provided, as well as an opportunity for public comment and questions.

A copy of the agenda may be obtained by contacting: Stephanie L. Clarke, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)487-2618, e-mail: managediltc@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 7 days before the workshop/meeting by contacting: Stephanie L. Clarke, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)487-2618, e-mail: manage diltc@ahca.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).

For more information, you may contact: Stephanie L. Clarke, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)487-2618, e-mail: managediltc@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE OF CORRECTION – The **Department of Management Services**, Communications and Information Technology Services, E911 Board announces the following meeting schedule information.

UPDATED: E911 Board Meetings

DATE AND TIME: July 15, 2008, 2:00 p.m. – until conclusion of business

DATE AND TIME: July 16, 2008, 9:00 a.m. – until conclusion of business – this day is designated for Wireless Service Provider Cost Recovery Proposals, however if time permits Board could discuss other issues as public meeting.

DATE AND TIME: July 17, 2008, 9:00 a.m. – until conclusion of business

PLACE: Rosen Centre Hotel, Orlando, Florida

NEW: E911 Board Grant Committee Meetings

DATES AND TIMES: October 13, 2008, 2:00 p.m. – until conclusion of business; October 14-16, 2008 9:00 a.m. – until conclusion of business

PLACE: Embassy Suites Hotel, Altamonte Springs, Florida

If accommodation due to disability is needed in order to participate, please contact: Department of Management Services, Communications and Information Technology Services Office, E911 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, July 9, 2008, 2:00 p.m.; Thursday-Friday, June 10-11, 2008, 8:30 a.m.

PLACE: Sirata Resort and Conference Center, 5300 Gulf Boulevard, St. Pete Beach, FL 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, MS N-14, Tallahassee, FL, 32399-1039, (850)922-2701.

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: Andy Janecek, Construction Industry Licensing

Board, 1940 North Monroe Street, MS N-14, Tallahassee, FL 32399-1039, (850)922-2701. 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: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, MS N-14, Tallahassee, FL 32399-1039, (850)922-2701.

The **Department of Business and Professional Regulation, Board of Cosmetology** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 28, 2008, 9:00 a.m. or soon thereafter

PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular business.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Cosmetology, Robyn Barineau, Executive Director at (850)922-6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ann Cocheu, Assistant Attorney General, Department of Legal Affairs at (850)414-3300.

The **Board of Professional Surveyors and Mappers** announces a public meeting to which all persons are invited.

DATE AND TIME: July 8, 2008, 1:00 p.m.

PLACE: Four Seasons Resort, 2880 South Ocean Blvd., Palm Beach, FL 33480

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider Case #2001-07236 and Case #2003-073355.

A copy of the agenda may be obtained by contacting: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756.

The **Board of Accountancy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, July 15, 2008, 9:00 a.m. until all Board Meeting business is concluded

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to discuss possible rule changes and other general business.

A copy of the agenda may be obtained by contacting: June Carroll, 240 N. W. 76th Drive, Suite A, Gainesville Florida 32607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 June Carroll at (352)333-2505.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 14, 2008, 2:30 p.m. or soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

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: Division of Real Estate at (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Real Estate Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, July 15, 2008; Wednesday, July 16, 2007, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Chapter 61J2, Florida Administrative Code rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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 hours before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. 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: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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 series of public meetings to which all persons are invited.

Transportation and Land Use Technical Workgroup

DATE AND TIME: July 2, 2008, 1:00 p.m. – 3:00 p.m. or until completion of business

PLACE: The meeting will be held 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: July 18, 2008, 2:00 p.m. – 4:00 p.m. or until completion of business

PLACE: The meeting will be held at the Douglas Building in conference Room B 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: July 17, 2008, 9:00 a.m. – 11:00 a.m. or until completion of business

PLACE: The meeting will be held 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: July 18, 2008, 12:00 Noon – 2:00 p.m. or until completion of business

PLACE: The meeting will be held 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 **Department of Environmental Protection** announces a public meeting to which all persons are invited.

Action Team Meeting

DATES AND TIMES: July 9, 2008, 10:00 a.m. – 5:00 p.m.; July 10, 2008, 8:30 a.m. – 2:30 p.m. or until completion of business

PLACE: Room 412, Knott Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of 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 **Department of Environmental Protection** announces a series of public meetings to which all persons are invited.

Agriculture, Forestry and Waste Technical Workgroup

DATE AND TIME: July 15, 2008, 10:00 a.m. – 12:00 Noon or until completion of business

PLACE: The meeting will be held 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: July 30, 2008, 1:00 p.m. – 3:00 p.m. or until completion of business

PLACE: The meeting will be held 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: August 15, 2008, 2:00 p.m. – 4:00 p.m. or until completion of business

PLACE: The meeting will be held 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: August 14, 2008, 9:00 a.m. – 11:00 a.m. or until completion of business

PLACE: The meeting will be held 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: August 14, 2008, 10:00 a.m. – 12:00 Noon or until completion of business

PLACE: The meeting will be held 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 **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, July 15, 2008, 1:00 p.m. – close of business; Wednesday, July 16, 2008, 8:30 a.m. – close of business; Thursday, July 17, 2008, 8:30 a.m. – 12:00 Noon

PLACE: Florida Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: A draft metadata standard will be developed for the Groundwater scientific discipline. This is a continuation of workshops carried out by the Florida Water Resources Monitoring Council in support of the Florida Oceans and Coastal Council's Integrated Data Management (IDM) program for the Florida Department of Environmental Protection, Total Maximum Daily Load Program to define and document metadata elements. The goal is improved storage, sharing, and assessment of research and monitoring data.

A copy of the agenda may be obtained by contacting: Becky Panebianco at (850)245-2094 or Becky.Panebianco@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Becky Panebianco at (850)245-2094 or Becky.Panebianco@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a series of public meetings to which all persons are invited.

Transportation and Land Use Technical Workgroup

DATE AND TIME: July 16, 2008, 1:00 p.m. – 3:00 p.m. or until completion of business

PLACE: The meeting will be held 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: July 29, 2008, 2:00 p.m. – 4:00 p.m. or until completion of business

PLACE: The meeting will be held 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: July 24, 2008, 9:00 a.m. – 11:00 a.m. or until completion of business

PLACE: The meeting will be held at the in 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: July 28, 2008, 10:00 a.m. – 12:00 Noon or until completion of business

PLACE: The meeting will be held 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.

DEPARTMENT OF HEALTH

The **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, July 9, 2008, 3:30 p.m. – 5:00 p.m.

PLACE: Toll-Free Conference Call Number: 1(888)808-6959, Conference Code: 2454242

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a conference call for the Governor’s Task Force on Autism Spectrum Disorders Cost of Autism Committee. On this call, members will discuss the scope and prioritization of autism issues to be addressed as listed in Executive Order 08-36 for the development of a report of recommendations due to the Governor by March 20, 2009.

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: Lona Gibson-Taylor. 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: <http://www.healthyfloridians.com/autism.html>.

The **Nursing Workforce Ad Hoc Advisory Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, July 21, 2008, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call Number 1(888)808-6959, Code 1454444

GENERAL SUBJECT MATTER TO BE CONSIDERED: Delineate major issues related to the Florida nursing workforce shortage and to identify potential solutions and strategies to address the shortage.

A copy of the agenda may be obtained by contacting: Katie Hammond at (850)245-4259 or katie_hammond@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 2 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Clinical Laboratory Personnel**, Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 10, 2008, 9:00 a.m.

PLACE: Embassy Suites, 10450 Corkscrew Commons Drive, Estero (Ft. Myers), Florida, (239)949-4222

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Rule Chapter 64B3, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/clinlab/index.html.

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.

The Probable Cause Panel of the Florida **Board of Massage Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 16, 2008, 2:30 p.m. or soon there after

PLACE: Conference Call Number: 1(888)808-6959, Conference Code 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)245-4161 at least five calendar days prior to the meeting. Persons who are hearing or speech

impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and 1 (800)955-8771 (TDD).

The Florida **Board of Medicine** announces a public meeting to which all persons are invited.

DATES AND TIME: Saturday-Sunday, July 19-20, 2008, 9:00 a.m.

PLACE: Hyatt Regency Jacksonville, 225 East Coastline Drive, Jacksonville, FL 32202. Hotel phone #: (904)588-1234
GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board. Please check the Board Web Site at www.flhealthsource.com for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Whitney Bowen at whitney_bowen@doh.state.fl.us or call (850)245-4131, ext. 3517.

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: Whitney Bowen at whitney_bowen@doh.state.fl.us or call (850)245-4131, ext. 3517. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, July 9, 2008, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 2454144

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues related to the physician component of the Healthcare Practitioner Workforce Ad Hoc Committee.

This is a public meeting. If you would like to participate, have questions, or require further information, please contact Jessica Swanson at (850)245-4444, ext. 2711 or Jessica_swanson@doh.state.fl.us.

A copy of the agenda may be obtained by contacting: Jessica Swanson at (850)245-4444, ext. 2711 or Jessica_swanson@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 2 days before the workshop/meeting by contacting: Jessica Swanson at (850)245-4444, ext. 2711 or Jessica_swanson@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: Jessica Swanson at (850)245-4444, ext. 2711 or Jessica_swanson@doh.state.fl.us.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, July 8, 2008, 1:00 p.m. – 3:00 p.m. (CST)

PLACE: Florida State University, Panama City Campus, Auditorium, 4750 Collegiate Drive, Panama City, FL 32405

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to obtain input from livery operators regarding safety materials and training procedures. This is to establish size and contents of boating safety information to be displayed for all non-PWC liveries and establish size requirements of boating safety information to be displayed at PWC liveries.

A copy of the agenda may be obtained by contacting: Captain Richard Moore or Ms. Shelly Gurr, Boating and Waterways Section, FWC Division of Law Enforcement, 620 South Meridian Street, Tallahassee, FL 32399-1600.

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: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Captain Richard Moore or Ms. Shelly Gurr, Boating and Waterways Section, FWC Division of Law Enforcement, 620 South Meridian Street, Tallahassee, FL 32399-1600.

The Florida **Fish and Wildlife Conservation Commission** (FWC), Division of Law Enforcement announces the following public workshop regarding possible amendments to the Boating Safety Rule in Martin County (Rule 68D-24.143, F.A.C). FWC is holding a fourth workshop which the public is welcome and encouraged to attend.

PUBLIC WORKSHOP

DATE AND TIME: Wednesday, July 9, 2008, 2:00 p.m. – 5:00 p.m.

PLACE: Blake Library, 2351 S. E. Monterey Road, Stuart, Florida (Martin Co., 68D-24.143 FAC) Directions to Blake Library: Take SR 707 south to A-1-A, head east on A-1-A to Monterey Road, turn right onto Monterey Road (SR 704) library is on left. Telephone: (772)288-5702

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed changes to rules within this chapter are to: (1) correct and update locations of boating safety zones along the Florida

Intracoastal Waterway (ICW) in Martin County, based upon our findings of the Martin County Vessel Traffic Study; (2) improve clarity and consistency of language and definitions; (3) remove or revise obsolete locations of zones; and (4) respond to requests for revisions received from stakeholders and governmental entities.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the respective location at least five (5) calendar days before the meeting by contacting the ADA Coordinator, see numbers listed above. If you are hearing or speech impaired, please contact the agency by calling the numbers listed above.

The **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, July 9, 2008, 6:30 p.m. – 8:30 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Conference Room, 3200 N. E. 151 Street, North Miami, FL 33181

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to obtain input from livery operators regarding safety materials and training procedures. This is to establish size and contents of boating safety information to be displayed for all non-PWC liveries and establish size requirements of boating safety information to be displayed at PWC liveries.

A copy of the agenda may be obtained by contacting: Captain Richard Moore or Ms. Shelly Gurr, Boating and Waterways Section, FWC Division of Law Enforcement, 620 South Meridian Street, Tallahassee, FL 32399-1600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Captain Richard Moore or Ms. Shelly Gurr, Boating and Waterways Section, FWC Division of Law Enforcement, 620 South Meridian Street, Tallahassee, FL 32399-1600.

The **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, July 10, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: South Florida Water Management District Office, Shingle Creek Conference Room, 1707 Orlando Central Parkway, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to obtain input from livery operators regarding safety materials and training procedures. This is to establish size and contents of boating safety information to be displayed for all non-PWC liveries and establish size requirements of boating safety information to be displayed at PWC liveries.

A copy of the agenda may be obtained by contacting: Captain Richard Moore or Ms. Shelly Gurr, Boating and Waterways Section, FWC Division of Law Enforcement, 620 South Meridian Street, Tallahassee, FL 32399-1600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Captain Richard Moore or Ms. Shelly Gurr, Boating and Waterways Section, FWC Division of Law Enforcement, 620 South Meridian Street, Tallahassee, FL 32399-1600.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: July 29, 2008, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-157.004, .104, .114, .117, Florida Administrative Code, published on April 18, 2008 in Vol. 34, No. 16, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Gerry Smith, L&H Product Review at E-mail gerry.smith@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-157.004 Out-of-State Group Long-Term Care Insurance.

(1) No group long-term care insurance coverage may be offered to a resident of this state under a group policy issued in another state to a group described in Section 627.9405(1)(c) or

(d), F.S., unless this state or such other state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in this state has made a determination that such requirements have been met. Evidence to this effect shall be filed by the insurer with the department pursuant to the procedures specified in Section 627.410, F.S. Such evidence shall consist of:

(a) Filing of policy and certificate forms, including rates and rate development information, which demonstrate that the requirements of Sections 627.9401-.9408, Florida Statutes, and these rules have been met, except Section 627.9405(2) F.S; or

(b)1. Filing of a truthful certification by an officer of the insurer that another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida has made a determination that such requirements have been met; and

2. Filing of the policy and certificate forms to be issued and delivered, including rates and rate development information, which demonstrate that the requirements of another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida have been met.

(2) In order for a state to be deemed to have statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida, such state must require that long-term care policies meet at least all of the following requirements:

(a) A minimum period of coverage of at least 24 consecutive months for each covered person; This provision is not applicable to coverage issued or renewed after July 1, 2006.

(b) Minimum loss ratio standards at levels at which benefits are reasonable in relation to premiums and calculated in a manner which provides for adequate reserving of the long-term care insurance risk;

(c) A 30-day "free look" period, or longer, within which individual certificateholders have the right to return the certificate after its delivery and to have the premium refunded for any reason;

(d) A prohibition or limitation on pre-existing condition exclusions at least as favorable to a policyholder as that specified in Section 627.9407(4), Florida Statutes;

(e) A prohibition against a policy or certificate excluding or using waivers or riders of any kind to exclude, limit, or reduce coverage or benefits for specifically named or described pre-existing diseases or physical conditions beyond any pre-existing condition waiting period;

(f) A prohibition or limitation on prior institutionalization provisions at least as favorable to a policyholder as that specified in Section 627.9407(5), Florida Statutes, including the mandatory offer provisions of paragraph (5)(c) of such section;

(g) A prohibition or limitation on policy cancellations or nonrenewals at least as favorable to a policyholder as that specified in Section 627.9407(3)(a), Florida Statutes; and

(h) A prohibition against a policy restricting its coverage to care only in a nursing home or providing significantly more coverage for such care than coverage for lower levels of care;

(i) A requirement that policies prominently disclose that the policy may not cover all of the costs associated with long-term care which may be incurred by the buyer during the period of coverage and that the buyer is advised to periodically review the policy in relation to the changes in the cost of long-term care.

(j) Except for nonpayment of premiums and as provided by Section 627.94076, F.S., provide all insureds an endorsement that provides that upon renewal of a policy on or after July 1, 2008, the coverage shall be incontestable after it has been in force during the lifetime of the insured for a period of 2 years after its date of issue.

(3) Unless a group policy issued in another state has been filed for approval in Florida, no such policy or certificate issued thereunder shall contain a statement that the policy has been approved as a long-term care policy meeting the requirements of Florida law or words of similar meaning.

(4)(a) All changes to rates, together with an actuarial memorandum developing and justifying the rate change, shall be filed with the Office pursuant to the procedures specified in Section 627.410, F.S., and Rule Chapter 69O-149, F.A.C., as though the policy had been issued in Florida.

(b) For those policies which have been determined to be regulated by a state with substantially similar long term care insurance requirements, pursuant to paragraph 69O-157.004(1)(b), F.A.C., form and rate changes shall be filed for informational purposes at least 30 days prior to use.

Specific Authority 624.308(1), 627.9407(1) FS. Law Implemented 624.307(1), 627.410, 627.9403, 627.9406, 627.9407(1), (8) FS. History—New 5-17-89, Formerly 4-81.004, Amended 1-13-03, Formerly 4-157.004.

69O-157.104 Policy Practices and Provisions.

(1) through (3) No change.

(4) Minimum Coverage.

(a) All long-term care policies shall provide coverage for at least 24 consecutive months for each covered person for care in a nursing home. This provision is not applicable to coverage issued or renewed after July 1, 2006.

(b) All long-term care policies shall provide coverage for at least one type of lower level of care, in addition to coverage for care in a nursing home.

(c)1.a. No long-term care policy shall provide significantly more coverage for care in a nursing home than coverage for lower levels of care. In furtherance of this requirement, benefits for all lower levels of care in the aggregate, as determined by the insured for each policy, shall provide a level

of benefits equivalent to at least 50 percent of the benefits provided for nursing home coverage; i.e., if the nursing home benefit amount is \$100 per day then the required lower level of care benefit amount shall be at least \$50 per day.

b. For the purposes of applying this 50 percent equivalency requirement to a policy benefit period, the lower level of care shall be, in the aggregate, at least 50 percent of the benefit period provided for nursing home coverage.

c. If a long-term care policy provides nursing home coverage for an unlimited duration, the lower level of care shall be payable for at least 3 years in the aggregate.

2. A long-term care policy may use an overall lifetime benefit maximum, in lieu of the specific coverage identified by paragraph (c), above, which may be exhausted by any combination of benefits provided the overall lifetime benefit maximum is at least 150 percent of the minimum coverage required by paragraph 69O-157.104(4)(a), F.A.C., times the amount of daily nursing home benefit purchased.

(d) For the purposes of this rule, “lower level(s) of care” means the following:

1. Nursing service;
2. Assisted living facility;
3. Home health services;
4. Adult day care center;
5. Adult foster home;
6. Community care for the elderly; and
7. Personal care and social services.

(5) through (11) no change.

Specific Authority 624.308(1), 627.9407(1), (6), 627.9408 FS. Law Implemented 624.307(1), 627.410(6), 627.603, 627.646, 627.9402, 627.9405(2), 627.9407 FS. History—New 1-13-03, Formerly 4-157.104.

69O-157.114 Filing Requirement – Out of State Groups.

(1) No group long-term care insurance coverage may be offered to a resident of this state under a group policy issued in another state to a group described in Section 627.9405(1)(c) or (d), F.S., unless this state or such other state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in this state has made a determination that the requirements have been met. Evidence to this effect shall be filed by the insurer with the Office pursuant to the procedures specified in Section 627.410, F.S. The evidence shall consist of:

(a) Filing of policy and certificate forms, including rates and rate development information, as though the policy/certificate were issued in this state, which demonstrate that the requirements of Sections 627.9401-627.9408, F.S., and these rules have been met; or

(b)1. Filing of a truthful certification by an officer of the insurer that another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida has made a determination that such requirements have been met; and

2. Filing of the policy and certificate forms to be issued and delivered, including rates and rate development information, which demonstrate that the requirements of another state having statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida have been met.

(2) In order for a state to be deemed to have statutory and regulatory long-term care insurance requirements substantially similar to those adopted in Florida, that state shall require that long-term care policies meet at least all of the following requirements:

(a) A minimum period of coverage of at least 24 consecutive months for coverage in a nursing home for each covered person and an additional coverage of 50 percent for lower levels of care as provided in subsection 690-157.104(4), F.A.C. The minimum 24 month nursing home coverage is not applicable to coverage issued or renewed after July 1, 2006.

(b) The standards of Rules 690-157.108 and 690-157.113, F.A.C.;

(c) A 30-day “free look” period, or longer, within which individual certificateholders have the right to return the certificate after its delivery and to have the premium refunded for any reason;

(d) A prohibition or limitation on pre-existing condition exclusions at least as favorable to a policyholder as that specified in Section 627.9407(4), F.S.;

(e) A prohibition against a policy or certificate excluding or using waivers or riders of any kind to exclude, limit, or reduce coverage or benefits for specifically named or described pre-existing diseases or physical conditions beyond any pre-existing condition waiting period;

(f) A prohibition or limitation on prior institutionalization provisions at least as favorable to a certificateholder as that specified in Section 627.9407(5), F.S., including the mandatory offer provisions of paragraph (5)(c) of that section;

(g) A prohibition or limitation on certificate cancellations or nonrenewals at least as favorable to a certificateholder as that specified in Section 627.9407(3)(a), F.S.;

(h) A requirement that a policy and certificate prominently disclose that the policy and certificate may not cover all of the costs associated with long-term care which may be incurred by the buyer during the period of coverage and that the buyer is advised to periodically review the certificate in relation to the changes in the cost of long-term care;

(i) A minimum 30 day grace period for nonpayment of premium with notice and protection requirements as provided by Section 627.94073, F.S.;

(j) Pursuant to Section 627.94072, F.S., a mandatory offer to the potential insured policyholder or certificateholder, as applicable, of a nonforfeiture provision meeting the standards of Rule 690-157.118, F.A.C.;

(k) Pursuant to Section 627.94072, F.S., a mandatory offer to the potential insured policyholder or certificateholder, as applicable, of an inflation protection provision:

(l) Contain a contingent benefit upon lapse provision at least as favorable to the insured as that in Rule 690-157.118, F.A.C.;

(m) Disclosure of rating practices to consumers as outlined in Rule 690-157.107, F.A.C.;

(n) A conversion or continuation privilege at least as favorable as subsection 690-157.104(8), F.A.C.; ~~and~~

(o) A prohibition or limitation on an elimination period in excess of 180 days; and

(p) Pursuant to Section 627.94076, F.S., provide that the policy shall be incontestable after it has been in force during the lifetime of the insured for a period of 2 years after its date of issue except for nonpayment of premiums. For any long-term care insurance policy issued prior to July 1, 2006, the provisions of Section 627.94076, F.S., shall apply to such policy only upon renewal of such policy on or after July 1, 2008, and the policy shall so provide by endorsement to the policy.

(3) Unless a group policy issued in another state has been filed for approval in Florida, no such policy or certificate issued thereunder shall contain a statement that the policy has been approved as a long-term care policy meeting the requirements of Florida law or words of similar meaning.

(4)(a) All changes to rates, together with an actuarial memorandum developing and justifying the rate change, shall be filed with the Office pursuant to the procedures specified in Section 627.410, F.S., and this rule chapter as though the policy had been issued in Florida.

(b) For those policies which have been determined to be regulated by a state with substantially similar long term care insurance requirements pursuant to paragraph 690-157.114(1)(b), F.A.C., form and rate changes shall be filed for informational purposes at least 30 days prior to use.

Specific Authority 624.308(1), 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 627.410, 627.9402, 627.9406, 627.9407(1), (3), (4), (8), (9), 627.94076, 627.9408 FS. History—New 1-13-03, Formerly 4-157.114.

690-157.117 Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates.

If a long-term care insurance policy or certificate replaces another long-term care policy or certificate, the replacing insurer shall waive any time periods applicable to time limit on certain defenses, preexisting conditions and probationary

periods in the new long-term care policy for similar benefits to the extent that similar exclusions have been satisfied under the original policy.

Specific Authority 624.308(1), 626.9611, 627.9407(1), 627.9408 FS. Law Implemented 624.307(1), 626.9541(1)(a), (g), 627.9402, 627.9407(1), 627.94076, 627.9408 FS. History—New 1-13-03, Formerly 4-157.117.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: July 29, 2008, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-167.004, Florida Administrative Code, published on February 8, 2008 in Vol. 34, No. 6, of the Florida Administrative Weekly. Two notices of change were published on April 18, 2008 in Vol. 34, No. 16, and May 30, 2008 in Vol. 34, No. 22.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Brian Bogner at E-mail brian.bogner@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-167.004 Required Preinsurance Inspection of Private Passenger Motor Vehicles.

(1) Private passenger motor vehicle insurers providing physical damage coverage, including collision or comprehensive coverage, shall comply with Section 627.744, Florida Statutes, regarding preinsurance inspection requirements. Certain preinsurance inspections are excluded as prescribed by Sections 627.744(2)(a)-~~(1)(b)~~, Florida Statutes.

(a) through (f) No change.

(2) through (3) No change.

(4) Suspension of insurance coverage applies only to the physical damage coverage and is defined as a discontinuance of physical damage coverage immediately following the thirtieth ~~seventh~~ calendar day if the inspection has not been completed and until the physical damage coverage is reinstated by completion of the inspection. During the period of suspension there is no physical damage coverage.

~~(5) The inspection shall be performed at no cost or charge to the applicant.~~

~~(5)(6)~~ The inspection shall be recorded on Form OIR-B1-507. An insurer may, however, use its own form(s) and any additional information deemed necessary by the insurer as long as the form(s) used by each insurer has substantially the same information as that contained in Form OIR-B1-507. The insurer may also attach photographs of the inspected vehicle evidencing whether there is pre-existing damage to the vehicle.

~~(6)(7)~~ The preinsurance inspection form, or an electronically or photographically reproduced copy, shall be retained by the insurer with the insured's policy records at the insurer's home office, regional office, or district office for a period of three (3) years. When the insurer is a surplus lines company, these records shall be kept in the Florida office of the surplus lines agent for that insurer. The original signed preinsurance inspection form shall be maintained by the insurer/surplus lines agent and shall be made available to the Office upon request. A copy of the inspection form, without any optional accompanying photographs, shall be made available to the insured upon request.

~~(7)(8)~~ The preinsurance inspection form, or an electronically or photographically reproduced copy, shall be completed by a person or organization authorized by the insurer other than the applicant or insured. Such person or organization may be an employee of the insurer, the agent/producer or employee thereof, or an inspection service, including employees thereof. The competency and trustworthiness of the person or organization authorized by the insurer to conduct preinspections shall be the responsibility of the insurer.

~~(8)(9)~~ In addition to the inspection form, the preinsurance inspection shall include at least paragraph (a), (b), or (c) as follows, which will be for the purpose of positively identifying the vehicle to be insured:

(a) The taking of a physical imprint of the vehicle identification number (VIN) of the motor vehicle by a representative of the insurer other than the applicant or insured. A physical imprint is defined as a tracing or a mold of the actual VIN label (normally located on the dash of the motor vehicle and seen through the windshield from the outside looking into the vehicle).

(b) The taking of a close-up photograph of the VIN label (where the VIN label is usually located on the dash of the vehicle) or the photographing of the Environmental Protection Agency/Federal Certification (EPA) sticker (usually found on the operator's side door jamb). Such close-up photograph shall be taken by a representative of the insurer other than the applicant or insured. The photograph shall be of a sufficient clarity and quality that the information contained on the dash VIN label or the EPA sticker, including the VIN, is legible and

easily readable. The VIN recorded on the preinsurance inspection form shall be obtained from a location on the vehicle other than the location being photographed.

(c) The attesting to the authenticity of the VIN by both the insured and the insurer's representative, who shall not be the insured. If this option is selected, each inspector shall individually observe the VIN (usually imprinted on a label on the dash) of the vehicle and record same on Form OIR-B1-507, or a form which contains substantially the information on Form OIR-B1-507. Each inspector shall also individually observe and attest to the VIN as displayed on the EPA sticker (usually affixed to the operator side door jamb), and the VIN as recorded on the vehicle registration form. Such attestation shall be accomplished by signing the statement appearing on the space provided on the vehicle inspection form. If discrepancies are noted, such as a missing VIN, a defaced VIN, or an inconsistency in the VINs, such discrepancies shall be noted on the motor vehicle preinsurance inspection form.

~~(9)(10)~~ An insurer may defer an inspection for thirty (30) seven ~~(7)~~ calendar days following the effective date of coverage for a new policy or the actual notice to the insurer or its agent of additional or replacement vehicle(s) to an existing policy, as permitted by Section 627.744(6), F.S. ~~if an inspection at the time of the request for coverage would create a serious inconvenience for the applicant.~~ The insurance file shall contain information necessary to identify those circumstances justifying the deferral. ~~resulting in serious inconvenience.~~

(a) through (g) No change.

~~(10)(11)~~(a) In addition to the notice requirements as set forth in subsection ~~(9)(10)~~, the insurer or agent/producer shall furnish the applicant, at the time coverage is effected, with an up-to-date list of inspection sites where the inspection can be conducted, provided that inspection service is not available at the originating agent's place of business.

(b) The list shall include the names, addresses, and business phone numbers of persons or organizations authorized by the insurer that are reasonably convenient to the insurer.

(c) In the case of telephonic binders, the location of reasonably convenient inspection sites may be provided by telephone, provided documentation of verbal notice is contained in the applicant's policy record.

(d) The consequences of the applicant's failure to obtain a timely inspection shall be furnished promptly to the applicant by providing Form OIR-B1-506, or a form which contains substantially the information in Form OIR-B1-506. Documentation of such notice, including the name of the person giving the notice and the identity of the site(s) provided, shall be contained in the applicant's policy record.

(e) The insurer shall make a list of all persons or organizations authorized by the insurer available to the Office upon request.

~~(11)(12)~~ Inspections required or permitted pursuant to this regulation shall be made by a person or organization authorized by the insurer at a time and place reasonably convenient to the applicant and should not subject the insured/applicant to an unreasonable delay.

~~(12)(13)~~ Any preinsurance inspection forms issued by the insurer to the applicant for presentation to a person or organization authorized by the insurer shall not contain the Vehicle Identification Number (VIN) of the vehicle to be inspected.

~~(13)(14)~~ Any decision to defer or not to defer an inspection pursuant to this regulation shall not be based on the age, race, sex, or marital status of the applicant or the customary operators of the vehicle, the principal place of garaging, or the fact that a policy has been placed in the Florida Joint Underwriting Association FJUA.

~~(14)(15)~~ The insurer or the insured's authorized representative who performs the inspection shall maintain a control system or office procedures reasonably designed to prevent the use of forms to fraudulently indicate the performance of inspections which have not in fact occurred, which may include the use of sequentially numbered reports.

~~(15)(16)~~(a) The inspection report, or the relevant data therefrom, shall be reviewed by the insurer to compare previous damage, prior condition, options, and mileage of the motor vehicle on physical damage claims which occur within three (3) years of the issuance of the policy whenever:

1. The appraisal indicates prior damage;
2. The vehicle is a total loss or unrecovered theft; or
3. The damage exceeds \$2,000 for all claims.

(b) A copy, which may be an electronically or photographically reproduced copy, of the inspection report, or the relevant data therefrom, shall be utilized in the settlement of all claims referenced in paragraph ~~(15)(a)(16)(a)~~ above.

~~(16)(17)~~ A person or organization authorized by the insurer shall not be deemed trustworthy if there exists any conflict of interest which may prevent him or her from conducting a thorough and accurate inspection. It shall be a conflict of interest for a person or organization authorized by the insurer to accept, in connection with an inspection, anything of value from any source other than the insurer.

~~(17)(18)~~ When a private passenger automobile insured for physical damage coverage has been in an accident or otherwise damaged, an insurer may require that the vehicle be made available for inspection prior to continuing physical damage coverage.

~~(18)(19)~~ Forms OIR-B1-505, "Notice of Mandatory Preinsurance Inspection Requirement" ~~(07/2000)(7/91)~~, OIR-B1-506, "Notice of Suspended Insurance Coverage" ~~(01/2008)(7/91)~~, OIR-B1-507, "Florida Motor Vehicle Preinsurance Inspection Form" ~~(07/2000)(10/90)~~, and OIR-B1-508, "Acknowledgement of Requirement for

Preinsurance Inspection" (05/2008)(7/94), are adopted and incorporated by reference and shall become effective upon adoption of this rule.

(19)(20) Form OIR-B1-505, Form OIR-B1-506, Form OIR-B1-507, and Form OIR-B1-508 may be obtained from:

(a) The Office's website located at <http://www.flor.com>, by clicking on search and entering the form number; or

(b) by writing the Bureau of Property and Casualty Product Review Forms and Market Conduct Review, Division of Insurer Services, 200 East Gaines Street, Tallahassee, Florida 32399-03300, (850)413-3146.

Specific Authority 624.308(1), 627.744(5) FS. Law Implemented 624.307(1), 627.744 FS. History—New 1-23-91, Formerly 4-28.006, Amended 4-28-92, Formerly 4-167.004, Amended _____.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: July 29, 2008, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-203.070, Florida Administrative Code, published on April 18, 2008 in Vol. 34, No. 16, of the Florida Administrative Weekly, No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Marie Bachman, L&H Financial Oversight at email marie.bachman@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-203.070 Annual and Quarterly Reports.

(1)(a) Pursuant to Section 636.043, F.S., ~~e~~Each PLHSO shall furnish to the Office an annual report by April 1, or within 3 months after the end of the reporting period at the time specified in Section 636.043, F.S., on NAIC Annual Statement Health Blanks, forms OIR-1131 and OIR-1132 as adopted which are incorporated by reference in Rule 69O-137.001 69O-203.100, F.A.C.

(b) The completed annual statement form shall be accompanied by the items required in Section 636.043, F.S., and as well as an organization chart of the PLHSO identifying

ownership and affiliated parent and subsidiary companies, ~~and shall be submitted by April 1, or within three months after the end of its reporting period.~~

(2) Each PLHSO or applicant shall notify the Office of any legal proceeding, excluding traffic infractions, involving any person subject to providing biographical information. This shall include, but not be limited to, any and all criminal, civil, and administrative actions entered by any state or federal entity and to include pending but yet unresolved actions.

(3) Any PLHSO which has operations in states other than Florida shall file its annual report based upon its total operations. In addition, the PLHSO shall file a separate schedule of all financial statements specified in the annual report form, including the audited financial statement, which covers the Florida operations only.

(4) If a PLHSO constitutes a portion of or a division of a certificated entity, the entity shall file its annual report based upon its total operations. In addition, the entity shall file a separate schedule of all financial statements specified in the annual report form, including the audited financial statement, which covers the PLHSO operation only.

(5) The annual report shall include disclosure of material transactions between the PLHSO and a related party. The disclosure shall include:

(a) The nature of the relationship(s) involved.

(b) A description of the transaction, including transactions to which no amounts or nominal amounts were ascribed, for each of the periods for which income statements are presented, and such other information deemed necessary to an understanding of the effects of the transaction on the financial statements.

(c) The dollar amounts of transactions for each of the periods for which income statements are presented and the effects of any change in the method of establishing the terms from that used in the preceding period.

(d) Amounts due from or to related parties as of the date of each balance sheet presented and, if not otherwise apparent, the terms and manner of settlement.

(6) Quarterly reports shall be submitted to the Office within forty-five (45) days following the end of each operating quarter. The initial operating quarter commences after the issuance of a ~~C~~certificate of ~~A~~authority. Quarterly reports shall be submitted in accordance with Section 636.043, F.S., on NAIC Quarterly Statement Health Blanks, form OIR-1136 as adopted in Rule 69O-137.001, incorporated by reference in Rule 69O-203.100, F.A.C., and shall contain the following supplemental schedules:

(a) A complete identification and dollar value breakdown of all short term investments with individual balances greater than 10% of total short term investments;

(b) A complete list of all debtors with account balances greater than 10% of total prepaid expenses;

(c) An aging analysis on all premium receivables;

(d) A complete aging, identification, and dollar value breakdown of all prepaid expenses with individual balances greater than 10% of total prepaid expenses;

(e) A complete identification and dollar value breakdown of all restricted assets and restricted funds with individual balances greater than 10% of the respective account balance total;

(f) A complete identification and dollar value breakdown of all long term investments with individual balances greater than 10% of total long term investments;

(g) A complete identification and dollar value breakdown of other assets with individual balances greater than 10% of total other assets;

(h) All surplus notes shall be identified by a complete identification and dollar value breakdown and shall be accompanied by a copy of the surplus note agreement. Each PLHSO is required to submit four (4) quarterly reports in addition to an annual report each fiscal year.

Specific Authority 636.067 FS. Law Implemented 636.009(1)(f), 636.043, 626.058 FS. History—New 11-15-94, Formerly 4-203.070, Amended_____.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

FLORIDA LOCAL ADVOCACY COUNCIL

The **Florida Local Advocacy Council in Service Area 9** announces meetings for all Local Advocacy Council members, including the Chair and Vice-Chair, and administrative office staff. Parts of the meetings are open to the public. announces a public meeting to which all persons are invited.

MULTI-PROGRAM COUNCIL

DATES AND TIME: First Tuesday of each month, July 1, 2008, August 5, 2008, September 2, 2008, October 7, 2008, November 4, 2008, December 2, 2008, January 6, 2009, February 3, 2009, March 3, 2009, April 7, 2009, May 5, 2009, June 2, 2009, 10:00 a.m.

PLACE: Department of Children and Family Services Building, Room 809, 9393 N. Florida Avenue, Tampa, FL. Please call 1(800)342-0825 to confirm the time and place of the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Council Meeting.

A copy of the agenda may be obtained by calling 1(800)342-0825.

The **Florida Local Advocacy Council in Service Area 15** announces meetings for all Local Advocacy Council members, including the Chair and Vice-Chair, and administrative office staff. Parts of the meetings are open to the public. announces a public meeting to which all persons are invited.

MULTI-PROGRAM COUNCIL

DATES AND TIME: Second Thursday of each month, July 10, 2008, August 14, 2008, September 11, 2008, October 9, 2008, November 13, 2008, December 11, 2008, 10:00 a.m.

PLACE: Room 165D

Meeting Open Session

DATES AND TIME: January 8, 2009, February 12, 2009, March 12, 2009, April 9, 2009, May 14, 2009, June 11, 2009, 1:00 p.m.

PLACE: Room 123

DEVELOPMENTAL DISABILITIES COUNCIL

DATES AND TIME: Third Thursday of each month, July 17, 2008, August 21, 2008, September 18, 2008, October 16, 2008, November 20, 2008, December 18, 2008, January 15, 2009, February 19, 2009, March 19, 2009, April 16, 2009, May 21, 2009, June 18, 2009, 10:00 a.m.

MENTAL HEALTH COUNCIL

DATES AND TIME: First Monday of each month, August 4, 2008, September 8, 2008, October 6, 2008, November 3, 2008, December 1, 2008, 10:00 a.m.

PLACE: Room 165D

DATES AND TIME: January 5, 2009, February 2, 2009, March 2, 2009, April 6, 2009, May 4, 2009, June 1, 2009, 10:00 a.m.

PLACE: Room 123

SARASOTA MULTI-PROGRAM COUNCIL

DATES AND TIME: First Thursday of each month, July 8, 2008, August 7, 2008, September 4, 2008, October 2, 2008, November 6, 2008, December 4, 2008, January 1, 2009, February 5, 2009, March 5, 2009, April 2, 2009, May 7, 2009, June 4, 2009, 10:00 a.m.

PLACE: Multi-Program Council, Developmental Disabilities Council, and Mental Health Council, Joseph P. D'Alessandro Office Complex, 2295 Victoria Avenue, Ft. Myers, FL. Please call 1(800)342-0825 to confirm the time and place of the meetings. Sarasota Multi-Program Council, Special Olympics Gene Whipp Center, 910 Gulf Coast Blvd., Venice, FL. Please call 1(800)342-0825 to confirm the time and place of the meetings.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Council Meeting.

A copy of the agenda may be obtained by calling 1(800)342-0825.

The **Florida Local Advocacy Council in Service Area 10** announces meetings for all Local Advocacy Council members, including the Chair and Vice-Chair, and administrative office staff. Parts of the meetings are open to the public. announces a public meeting to which all persons are invited.

MULTI-PROGRAM COUNCIL

DATES AND TIME: Fourth Wednesday of each month, July 23, 2008, August 27, 2008, September 24, 2008, October 22, 2008, November 26, 2008, December 24, 2008, January 28, 2009, February 25, 2009, March 25, 2009, April 22, 2009, May 27, 2009, June 24, 2009, 10:00 a.m.

MENTAL HEALTH COUNCIL

DATES AND TIME: Fourth Wednesday of each month, July 23, 2008, August 27, 2008, September 24, 2008, October 22, 2008, November 26, 2008, December 24, 2008, January 28, 2009, February 25, 2009, March 25, 2009, April 22, 2009; May 27, 2009, June 24, 2009, 2:00 p.m.

PLACE: Mary Grizzle Building, Room 142B, 11351 Ulmerton Road, Largo, FL. Please call 1(800)342-0825 to confirm the time and place of the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Council Meeting.

A copy of the agenda may be obtained by calling 1(800)342-0825.

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, July 2, 2008, 8:00 a.m.

PLACE: USDA Okeechobee Service Center

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: July 2, 2008, 5:00 p.m.

PLACE: 6191 Orange Drive, Suite 6181-P, Davie, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District Board.

A copy of the agenda may be obtained by contacting: (954)584-1306 or Russell.Setti@browardswcd.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 3 days before the workshop/meeting by contacting: (954)584-1306 or Russell.Setti@browardswcd.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.

TREASURE COAST EDUCATION AND RESEARCH DEVELOPMENT AUTHORITY

The Construction, Development and Infrastructure Committee of the **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 10, 2008, 12:00 Noon

PLACE: Room 113, University of Florida Indian River Research and Education Center, 2199 Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of June 12, 2008 meeting and such other business as the Authority may deem appropriate.

A copy of the agenda may be obtained by contacting: Treasure Coast Education, Research and Development Authority (“Authority”) at (772)467-3107.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Authority at (772)467-3107. 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 **Treasure Coast Education and Research Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 10, 2008, 1:30 p.m.

PLACE: Room 219 West, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of June 12, 2008 meeting, committee reports and such other business as the Authority may deem appropriate.

A copy of the agenda may be obtained by contacting: Treasure Coast Education, Research and Development Authority (“Authority”) at (772)467-3107.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Authority at (772)467-3107. 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.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT Florida Building Commission has received the petition for declaratory statement from James Paula, on behalf of St. Johns Building Department, on June 2, 2008, regarding whether the Florida Building Code requires that stairs and decks that are attached to a structure located seaward of the Coastal Construction Control Line (CCCL) must have a pile foundation, and if so, what the pile spacing must be and what the elevation of the lowest horizontal structural member must be if a portion of the structure is located landward of the CCCL. It has been assigned the number DCA08-DEC-150.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT Florida Building Commission has received the petition for declaratory statement from Leonard R. Terry, on behalf of Omnicrete, on June 10, 2008, regarding whether the Petitioner's products, a line of autoclaved aerated concrete building materials marketed under the trade name Omnicrete, are within the scope of Chapter 9B-72, F.A.C. It has been assigned the number DCA08-DEC-168.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs, Division of Community Planning has received the petition for declaratory statement from Hernando County, pertaining to Seville Development. It has been assigned case number DCA08-DEC-153. The petition seeks the agency's opinion as to the applicability of Section 380.06(20), Florida Statutes and Section 163.3167(8), Florida Statutes as it applies to the petitioner.

The petition relates to the application of Section 380.06(20), Florida Statutes, and Section 163.3167(8), Florida Statutes, as applied to the vesting concurrency for a project that has

received a Binding Letter of Interpretation exempting it from undergoing the Development of Regional Impact ("DRI") Review process, but has not received DRI development order authorizing it as a development of regional impact, or a final local development order providing for the project to actively proceed with development in good faith.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula Ford, Agency 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 on June 12, 2008, the Board of Chiropractic Medicine has received the petition for declaratory statement from Gary Greenwood on behalf of Medical Diagnostic Network, Inc. The petition seeks the agency's opinion as to the applicability of Section 460.4167(6), Florida Statutes as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 460.4167(6), Florida Statutes, concerning the validity of the contract of the medical director of Medical Diagnostic Network, Inc., after July 1, 2008.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT on May 15, 2008, the Board of Psychology has received the petition for declaratory statement from Michael Hershorn, Ph.D. The petition seeks the agency's opinion as to the applicability of Section 490.014(e)(5), F.S., as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 490.014(e)(5), F.S., and whether Petitioner may avail himself of the exemptions of Section 490.014, F.S., and obtain employment in the described jobs, despite having his license to practice psychology revoked.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project: UF-331, Southwest Recreational Center Expansion (Gainesville, FL)

The project consists of proposed project is for a 37,000 GSF addition, and renovation of 6,600 GSF to the Southwest Recreational Center. The construction/renovation of the facilities is necessary to fulfill a growing demand for intramural sports, personal training, and other recreation sports uses. The current facilities are used extensively with daily overcrowding and lines formed for use of the equipment and facilities. The proposed project will alleviate the immediate problem and establish a framework for future growth and ultimate build-out of the complete recreation sports center complex.

The estimated construction budget is approximately \$11M. The project will be delivered using the Construction Manager At-Risk method. A minimum of Silver LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, location, related experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided, consecutively-numbered pages OR 20 double-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).

4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant and all engineering and landscape architecture consultants from the appropriate governing board.
5. Proof of the applicant's and all engineering consultants' ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific PQS form, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), on Friday, July 25, 2008. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)392-1256
FAX: (352)392-6378
Internet: www.facilities.ufl.edu

W-1 BUILDING (ACCESS ROAD)

NORTH SITE IMPROVEMENTS, FM-040203

Florida International University, Purchasing Services Department will receive sealed bids for the following: ITB 78-046 W-1 BUILDING (ACCESS ROAD) NORTH SITE IMPROVEMENTS, FM-040203, estimated budget: \$330,759.59 to be opened August 28, 2008, 2:00 p.m., in Purchasing Services, 11200 S. W. 8 ST., CSC 410, Miami, Florida 33199. Scope of Work: The project consists on the furnishing of all labor, material, supervision and equipment required to improve the existing W-1 building site. The project includes clearing, grading, sidewalks, asphalt pavement, drainage system, lighting, irrigation system and landscaping.

Mandatory Pre-Bid Meeting will be held July 15, 2008, 3:30 p.m., in Campus Support Complex Building, Purchasing Services, Room CSC410, University Park Campus, 11200 S. W. 8 Street, Miami FL. Bid Documents are available in Purchasing Services, University Park CSC 414, 11200 S. W. 8 Street, Miami, FL, (305)348-2161, Website: www.finance.fiu.edu/purchasing.

AMERICANS WITH DISABILITY ACT OF 1990 – If special accommodations are needed in order to attend the pre-bid meeting or bid opening, contact Purchasing at (305)348-2161 or purchasing@fiu.edu within three (3) days of the event.

NOTICE TO ARCHITECT-ENGINEER FIRMS

OFFICE OF FACILITIES DESIGN AND CONSTRUCTION
Duval County Public Schools Request for Qualifications (RFQ) for Asbestos Consulting Services on an Annual Contract Basis June 10, 2008. The Office of Facilities Design and Construction announces that Asbestos Consulting Services are required for a Project entitled Asbestos Consulting Services on an Annual Contract Basis, DCPS Project No. M-86900 for Duval County Public Schools. This will be a multiple year contract to one firm for an initial period of one year with an option to renew for two additional one-year periods. The firm selected under an annual contract will be responsible for assigned projects having estimated costs not exceeding the threshold amounts of \$1,000,000 (Construction) or \$50,000 (Planning/Study) provided for in Section 287.055 Florida Statutes. The firm selected will be responsible for comprehensive asbestos consulting services generally including: 3-year AHERA Resurveys; 6-Month Surveillance updates; demolition surveys, abatement design and associated air-monitoring; bulk sampling; database maintenance; and other miscellaneous asbestos related projects. The full scope of work is available in the Selection of the Asbestos Consultant Booklet, Appendix G (Scope of Services). Duval County Public Schools reserves the right to negotiate and award multiple projects to the firm selected for annual contract services. Some of the assigned projects may exceed the construction threshold amount provided in Section 287.017, F.S., for Category Five (\$250,000) or Category Two (\$25,000) for planning or study activity. Proposal information for Award Selection may be obtained at www.duvalschools.org under About DCPS, DCPS Departments, Facilities Design and Construction Services, Selection Booklets, Selection of the Asbestos Consultant.

Applications are to be sent to: Bruce Ackerman Facilities Design and Construction, 1701 Prudential Drive, 5th Floor, Jacksonville, FL 32207-8182, PROJECT MANAGER: Bruce Ackerman, Phone No.: (904)390-2279.

RESPONSE DUE DATE: RFQ'S ARE DUE ON OR BEFORE July 22, 2008 AND WILL BE ACCEPTED UNTIL 4:30 p.m. MBE GOALS: 5% overall. Applicants are advised

that all plans, drawings and specifications for this project may be reused by the Owner as a prototype for future projects in the District.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS

**REQUEST FOR INFORMATION (RFI)
BUILDING UPGRADE**

The Northeast Florida Regional Council (NEFRC) is seeking information on the construction requirements to replace an existing flat roof with a pitch metal roof for a 28,000 square foot building. No award is intended with this advertisement.

Please submit the request for information not later than June 30, 2008 at 12:00 p.m. (Noon) to Ms. Joyce Rhodes, 6850 Belfort Oaks Place, Jacksonville, Florida 32216. For additional information or concerns, please phone (904)279-0885, ext. 148 or email JRhodes@nefrc.org.

The Northeast Florida Regional Council is a regional governmental entity that was formed in 1977 by an inter-local agreement between Baker, Clay, Duval, Flagler, Nassau, Putnam and St. Johns County pursuant to Chapter 186, Florida Statutes. The governing body of the Council consists of local elected officials and gubernatorial appointees. We receive funding from state, federal and local agencies. The Council provides a wide scope of services and programs including strategic planning, regional transportation, economic development, human services and emergency preparedness.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses that do not meet the RFI requirements.

**NOTICE OF INTENT TO AWARD
ENGINEERING CONTRACTS**

Notice is hereby given by Treasure Coast Regional Planning Council ("Treasure Coast") in accordance with Section 120.57(3)(a), F.S., of its intent to award continuing engineering contracts (the "contracts") related to brownfield sites contaminated with hazardous substances to TBE Group, Inc., E Sciences, Incorporated, and EE&G Environmental Services, LLC. The engineering services under the contracts are to be performed in connection with Treasure Coast's EPA Grant pertaining to brownfield sites contaminated with hazardous substances.

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**NOTICE OF INVITATION TO BID
BID NO. BDC 90-07/08**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Oscar Scherer State Park – New modular ranger residence

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials to provide and install a single family modular home on a permanent foundation with accessible features, other collateral amenities include connection to existing water, construction of a new on-site sewage disposal system, underground electricity and a driveway in accordance with Sarasota County, Florida, local permitting requirements, plans and specifications.

PARK LOCATION: Oscar Scherer State Park, on U.S. 41 2 miles south of Osprey, 1843 S. Tamiami Trail, Osprey, Florida 34229.

PROJECT MANAGER: Suzannah Ray, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, (850)488-5372, Fax: (850)488-1141.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose bid is governed by Chapter 399, 455, 489, or 633 Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the

Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on June 27, 2008 at: Oscar Scherer State Park, 1843 S. Tamiami Trail, Osprey, FL 34229, Attention: John Roche, Park Manager, (941)650-4680, Fax: (941)483-5941.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800) 955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m. (ET), Tuesday, July 22, 2008, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, attention Michael Renard, Construction Projects Administer, Bureau of Design and Construction, (850)488-3572. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m., Friday, July 25, 2008, unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2242, Fax (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Rule 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

**NOTICE OF PUBLIC OPPORTUNITY TO COMMENT ON
GEOLOGICAL AND GEOPHYSICAL PERMIT
APPLICATION FOR FEDERAL WATERS IN THE GULF
OF MEXICO**

Interested persons are hereby given notice that a U.S. Department of the Interior, Minerals Management Service, Geological and Geophysical Permit Application submitted by TGS-NOPEC to collect 3-D seismic data in deep waters of the Gulf of Mexico was received by the State of Florida.

The permit application 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 July, 11, 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.

FLORIDA LEGISLATURE

NOTICE OF REQUEST FOR PROPOSALS

Statement of Work: The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) is requesting proposals from an independent enrolled actuary, as defined in Section 112.625(3), Florida Statutes, to assist OPPAGA in the determination of compliance of the Florida Retirement System with the provisions of the Florida Protection of Public Employee Retirement Benefits Act, Chapter 112, Part VII, Florida Statutes, as directed in Section 112.658, Florida Statutes. This work entails review of the actuarial valuation of the Florida Retirement System pension plan for Fiscal Years ending June 30, 2008 through June 30, 2010. Interested and qualified firms may submit a proposal to conduct this review annually for a contract period of three years. The purpose of the actuarial analysis is to inform the Florida Legislature about whether the Department of Management Services' consulting actuary conducted annual actuarial valuations of the Florida Retirement System pension plan using generally accepted and statutorily required standards, methods, and procedures; whether the valuation results were reasonable; and whether the plan continued to have sufficient assets to pay future benefits when due.

Proposals: Proposals must be submitted in accordance with the content set forth in the "Request for Proposals for an Annual Review of the Fiscal Year 2007-08, Fiscal Year 2008-09, and Fiscal Year 2009-10 Actuarial Valuations of the Florida Retirement System Pension Plan," dated June 27, 2008. Copies of this document are available electronically from the contact person.

Contact Person: Ms. Debra Waters, Office of Program Policy Analysis and Government Accountability, 111 West Madison Street, Suite 312, Tallahassee, Florida 32399-1475, (850)487-0577, email: waters.debra@oppaga.fl.gov.

Dates: All interested actuarial firms are required to submit a mandatory but non-binding letter of intent to propose, which must be received by OPPAGA no later than 3:30 p.m. (Eastern Time), Tuesday, July 8, 2008. OPPAGA will have further communications after that date only with those persons who indicate their initial intent to submit a proposal on this project. The closing date and time to receive proposals is 3:30 p.m. (Eastern Time), Monday, July 21, 2008. The contact person must receive the written proposal prior to the closing date and time. Proposals that for any reason are not so received will not be considered. OPPAGA reserves the right to reject all proposals. Unless all proposals are rejected, it is anticipated the contract will be awarded in early August 2008.

NOTICE OF REQUEST FOR PROPOSALS

Statement of Work: The Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) is requesting proposals from management consulting firms for analyses to help determine the most appropriate means of providing human resources and e-procurement services for the State of Florida, in preparation for the end of the current contracts. Interested and qualified firms may submit a proposal to conduct one or both of these reviews, which were directed by the Florida Legislature in proviso to Specific Appropriations 2853 and 2874 of the 2008 General Appropriations Act.

The purpose of these analyses is to inform the Florida Legislature about a range of issues, including but not limited to staffing requirements, costs, and other important considerations for all post-contract options available to the State of Florida for the next generation human resources and e-procurement systems.

Proposals: Proposals must be submitted in accordance with the content set forth in the "Request for Proposals for an Analysis of the State of Florida's People First and/or E-Procurement Systems," dated June 27, 2008. Copies of this document are available electronically from the contact person.

Contact Person: Ms. Susan Dusoe, Office of Program Policy Analysis and Government Accountability, 111 West Madison Street, Suite 312, Tallahassee, Florida 32399-1475, (850)487-9161, email: dusoe.susan@oppaga.fl.gov.

Dates: All interested consultants are required to submit a mandatory but non-binding letter of intent to propose, which must be received by OPPAGA no later than 3:30 p.m. (Eastern Time), Tuesday, July 8, 2008. OPPAGA will have further communications after that date only with those persons who indicate their initial intent to submit a proposal on this project. The closing date and time to receive proposals is 3:30 p.m. (Eastern Time), Monday, July 21, 2008. The contact person must receive the written proposal prior to the closing date and time.

Proposals that for any reason are not so received will not be considered. OPPAGA reserves the right to reject all proposals. Unless all proposals are rejected, it is anticipated the contract will be awarded in early August 2008.

FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION

REQUEST FOR PROPOSALS EXTERNAL AUDIT SERVICES

The First Florida Governmental Financing Commission, an interlocal governmental bond issuing agency comprised of the Cities of Boca Raton, Gainesville, Hollywood, Sarasota, St. Petersburg; and Broward County, Florida, is accepting proposals from qualified firms for external audit services. Deadline for submissions is July 18, 2008. Copies of the RFP documents may be obtained by contacting the Program Administrator at (850)878-1874 or via email: ffgfc@embarq mail.com.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTION 163.31777(2), FLORIDA STATUTES – DCA DOCKET NO. 13-35

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") executed between the Miami-Dade County School Board and each of the following local governments: Miami Gardens, 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 Miami Gardens, 1515 N. W. 167 Street, Building 5, Suite 200, Miami Gardens, Florida 33169.

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, Miami Gardens. 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

**NOTICE OF INTENT TO FIND
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT
 INCONSISTENT WITH SECTIONS 163.3177(2) and (3),
 FLORIDA STATUTES – DCA DOCKET NO. 49-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Osceola County, Kissimmee, St. Cloud and Osceola County School Board, pursuant to Section 163.31777, F.S., to be inconsistent 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 Osceola County, Community Development, 1 Courthouse Square, Suite 4200, Kissimmee, Florida 34741-5488.

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 inconsistent with the minimum requirements of Sections 163.31777(2) and (3), 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 Osceola County, Kissimmee and St. Cloud and Osceola School Board. 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 and will be forwarded to the Administration Commission, which may impose sanctions pursuant to Section 163.31777(3)(c), F.S.

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

**NOTICE OF INTENT TO FIND
 PUBLIC SCHOOLS INTERLOCAL AGREEMENT
 CONSISTENT WITH SECTION 163.31777(2), FLORIDA
 STATUTES – DCA DOCKET NO. 53-12**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Polk County School Board and each of the following local governments: Lake Alfred, 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 Lake Alfred, 120 E. Pomelo Street, Lake Alfred, Florida 33850-2135.

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 Polk County School Board, Lake Alfred. 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

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 Pacific Cycle, Inc., intends to allow the establishment of Action Jet Sports, Inc., as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 2705 1st Street, Bradenton (Manatee County), Florida 34208, on or after June 17, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Jet Sports, Inc. are dealer operator(s): Jack O’Niell, 5650 Old Ranch Road, Sarasota, Florida 34241; principal investor(s): Jack O’Niell, 5650 Old Ranch Road, Sarasota, Florida 34241.

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: Mike Wolfgram, Pacific Cycle, Inc., 4902 Hammersley Road, Madison, Wisconsin 53711.

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 Keeway America, LLC, intends to allow the establishment of Affordable Auto Sales of Miami, Inc., as a dealership for the sale of motorcycles manufactured by

Zhejiang Qianjiang Motorcycle Co. Ltd. (ZHQM) at 1075 Southwest 67 Avenue, Miami (Dade County), Florida 33144, on or after June 12, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Affordable Auto Sales of Miami, Inc. are dealer operator(s): Manuel Binker, 1075 Southwest 67 Avenue, Miami, Florida 33144; principal investor(s): Manuel Binker, 1075 Southwest 67 Avenue, Miami, Florida 33144.

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: Zhong Zhuang, President, Keeway America, LLC, 2912 Skyway Circle North, Irving, Texas 75038.

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 Spiders Web, Inc. d/b/a Black Widow Harley-Davidson/Buell, as a dealership for the sale of Piaggio motorcycles (PIAG) at 2224 El Jobean Road, Port Charlotte (Charlotte County), Florida 33948, on or after June 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Spiders Web, Inc. d/b/a Black Widow Harley-Davidson/Buell are dealer operator(s): Armand Pinard, 2224 El Jobean Road, Port Charlotte, Florida 33948; principal investor(s): Armand Pinard, 2224 El Jobean Road, Port Charlotte, Florida 33948.

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, 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 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 Spiders Web, Inc. d/b/a Black Widow Harley-Davidson/Buell, as a dealership for the sale of Vespa motorcycles (VESP) at 2224 El Jobean Road, Port Charlotte (Charlotte County), Florida 33948, on or after June 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Spiders Web, Inc. d/b/a Black Widow Harley-Davidson/Buell are dealer operator(s): Armand Pinard, 2224 El Jobean Road, Port Charlotte, Florida 33948; principal investor(s): Armand Pinard, 2224 El Jobean Road, Port Charlotte, Florida 33948.

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, 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 Harley-Davidson Motor Company, intends to allow the establishment of Fort Lauderdale Harley-Davidson, Inc. d/b/a Bruce Rossmeyer's Fort Lauderdale Harley-Davidson d/b/a Bruce Rossmeyer's Fort Lauderdale Buell, as a dealership for the sale of Buell motorcycles (BUEL) at 2871 North Federal Highway, Fort Lauderdale (Broward County), Florida 33306, on or after June 13, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Fort Lauderdale Harley-Davidson, Inc. d/b/a Bruce Rossmeyer's Fort Lauderdale Harley-Davidson d/b/a Bruce Rossmeyer's Fort Lauderdale Buell are dealer operator(s): Bruce Rossmeyer, 2871 North Federal Highway, Fort Lauderdale, Florida 33306; principal investor(s): Bruce Rossmeyer, 2871 North Federal Highway, Fort Lauderdale, Florida 33306.

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: Deb Mueller, Harley-Davidson Motor Company, 3700 West Juneau Avenue, Milwaukee, Wisconsin 53208.

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 Harley-Davidson Motor Company, intends to allow the establishment of Fort Lauderdale Harley-Davidson, Inc. d/b/a Bruce Rossmeyer's Pompano Harley-Davidson Shop d/b/a Bruce Rossmeyer's Pompano Buell Shop, as a dealership for the sale of Buell motorcycles (BUEL) at 2900 Center Port Circle, Pompano Beach (Broward County), Florida 33064, on or after June 13, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Fort Lauderdale Harley-Davidson, Inc. d/b/a Bruce Rossmeyer's Pompano Harley-Davidson Shop d/b/a Bruce Rossmeyer's Pompano Buell Shop are dealer operator(s): Bruce Rossmeyer, 2900 Center Port Circle, Pompano Beach, Florida 33064; principal investor(s): Bruce Rossmeyer, 2900 Center Port Circle, Pompano Beach, Florida 33064.

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: Deb Mueller, Harley-Davidson Motor Company, 3700 West Juneau Avenue, Milwaukee, Wisconsin 53208.

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 Vento North America, LLC, intends to allow the establishment of B & L Champion Motors, LLC d/b/a Champion Moto-World, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group (QINJ) at 5354 Normandy Boulevard, Jacksonville (Duval County), Florida 32205, on or after July 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of B & L Champion Motors, LLC d/b/a Champion Moto-World are dealer operator(s): Gregory Loucks, 5354 Normandy Boulevard, Jacksonville, Florida 32205; principal investor(s): Gregory Loucks, 5354 Normandy Boulevard, Jacksonville, Florida 32205.

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: Alma Gonzalez, Vento North America, LLC, 6190 Cornerstone Court E, Suite #200, San Diego, California 92121.

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 Tank Sports, Inc., intends to allow the establishment of Commercial & Industrial Vehicles, Inc., as a dealership for the sale of KTMEX motorcycles (KTM) at 6515 B Adamo Drive, Tampa (Hillsborough County), Florida 33619, on or after May 20, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Commercial & Industrial Vehicles, Inc. are dealer operator(s): Steven Richards, 6515 B Adamo Drive, Tampa, Florida 33619; principal investor(s): Steven Richards, 6515 B Adamo Drive, Tampa, Florida 33619.

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: Mike Turber, Tank Sports, Inc., 10925 Schmidt Road, El Monte, California 91733.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Lifan Industry, Inc., intends to allow the establishment of Country Comfort, Inc. d/b/a Lakeland Motorcycle & ATV, as a dealership for the sale of Chongqing Lifan Industry Group (CHOL) at 3705 U.S. Highway 98, South, Suite 1, Lakeland (Polk County), Florida 33812, on or after June 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Country Comfort, Inc. d/b/a Lakeland Motorcycle & ATV are dealer operator(s): Mike Highsmith, 3705 U.S. Highway 98 South, Suite 1, Lakeland, Florida 33812; principal investor(s): Mike Highsmith, 3705 U.S. Highway 98, South, Suite 1, Lakeland, Florida 33812.

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: 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 Verucci Motorcycles, LLC, intends to allow the establishment of Country Comfort, Inc. d/b/a Lakeland Motorcycle & ATV, as a dealership for the sale of Chongqing Lifan Industry Group (CHOL) at 3705 U.S. Highway 98, South, Suite 1, Lakeland (Polk County), Florida 33812, on or after June 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Country Comfort, Inc. d/b/a Lakeland Motorcycle & ATV are dealer operator(s): Mike Highsmith, 3705 U.S. Highway 98, South, Suite 1, Lakeland, Florida 33812; principal investor(s): Mike Highsmith, 3705 U.S. Highway 98, South, Suite 1, Lakeland, Florida 33812.

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: Joyce Haddad, Verucci Motorcycles, LLC, 7836 Northwest 46 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 Keeway America, LLC, intends to allow the establishment of Evolution Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co. Ltd. (ZHQM) at 2629 North Magnolia Avenue, Ocala (Marion County), Florida 34475, on or after June 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Evolution Motorsports, LLC are dealer operator(s): Kathy Parks, 2629 North Magnolia Avenue, Ocala, Florida 34475; principal investor(s): Kathy Parks, 2629 North Magnolia Avenue, Ocala, Florida 34475.

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: Zhong Zhuang, President, Keeway America, LLC, 2912 Skyway Circle North, Irving, Texas 75038.

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 Keeway America, LLC, intends to allow the establishment of Fast Trixx Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co. Ltd. (ZHQM) at 2386 Allen Road, Tallahassee (Leon County), Florida 32312, on or after June 12, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Fast Trixx Powersports, Inc. are dealer operator(s): Danny Maddox, 2386 Allen Road, Tallahassee, Florida 32312; principal investor(s): Danny Maddox, 2386 Allen Road, Tallahassee, Florida 32312.

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, 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: Zhong Zhuang, President, Keeway America, LLC, 2912 Skyway Circle North, Irving, Texas 75038.

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 Finish Line Scooters, LLC, as a dealership for

the sale of motorcycles manufactured by Deceleste, S.A. (DECE) at 19707 Gulf Boulevard, Indian Shores (Pinellas County), Florida 33785, on or after June 12, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Finish Line Scooters, LLC are dealer operator(s): John Leonard, 19707 Gulf Boulevard, Indian Shores, Florida 33785; principal investor(s): John Leonard, 19707 Gulf Boulevard, Indian Shores, Florida 33785.

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 Finish Line Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 19707 Gulf Boulevard, Indian Shores (Pinellas County), Florida 33785, on or after June 12, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Finish Line Scooters, LLC are dealer operator(s): John Leonard, 19707 Gulf Boulevard, Indian Shores, Florida 33785; principal investor(s): John Leonard, 19707 Gulf Boulevard, Indian Shores, Florida 33785.

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 Finish Line Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group (ZONG) at 19707 Gulf Boulevard, Indian Shores (Pinellas County), Florida 33785, on or after June 12, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Finish Line Scooters, LLC are dealer operator(s): John Leonard, 19707 Gulf Boulevard, Indian Shores, Florida 33785; principal investor(s): John Leonard, 19707 Gulf Boulevard, Indian Shores, Florida 33785.

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 A & A Scooter, Inc., intends to allow the establishment of G Kordis Auto Transport, Inc. d/b/a Quality Cars & Trucks, as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 5799 54th Avenue North, Kenneth City (Pinellas County), Florida 33709, on or after June 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of G Kordis Auto Transport, Inc. d/b/a Quality Cars & Trucks are dealer operator(s): George Kordis, 5799 54th Avenue North, Kenneth City, Florida 33709; principal investor(s): George Kordis, 5799 54th Avenue North, Kenneth City, Florida 33709.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, 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: Leah Jordan, A & A Scooter, Inc., 2533 Royal Lane, #505, Dallas, Texas 75229.

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 A & A Scooter, Inc., intends to allow the establishment of G Kordis Auto Transport, Inc. d/b/a Quality Cars & Trucks, as a dealership for the sale of motorcycles manufactured by Chongqing Lifan Industry Group Co. Ltd. (CHOL) at 5799 54th Avenue North, Kenneth City (Pinellas County), Florida 33709, on or after June 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of G Kordis Auto Transport, Inc. d/b/a Quality Cars & Trucks are dealer operator(s): George Kordis, 5799 54th Avenue North, Kenneth City, Florida 33709; principal investor(s): George Kordis, 5799 54th Avenue North, Kenneth City, Florida 33709.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, 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: Leah Jordan, A & A Scooter, Inc., 2533 Royal Lane, #505, Dallas, Texas 75229.

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 A & A Scooter, Inc., intends to allow the establishment of G Kordis Auto Transport, Inc. d/b/a Quality Cars & Trucks, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 5799 54th Avenue North, Kenneth City (Pinellas County), Florida 33709, on or after June 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of G Kordis Auto Transport, Inc. d/b/a Quality Cars & Trucks are dealer operator(s): George Kordis, 5799 54th Avenue, North, Kenneth City, Florida 33709; principal investor(s): George Kordis, 5799 54th Avenue, North, Kenneth City, Florida 33709.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, 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: Leah Jordan, A & A Scooter, Inc., 2533 Royal Lane, #505, Dallas, Texas 75229.

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 Big Dog Motorcycles, LLC, intends to allow the establishment of PMA Customs, LLC d/b/a Haus of Trikes and Bikes, as a dealership for the sale of Big Dog motorcycles (BDMC) at 4607 A Fowler Street, Fort Myers (Lee County), Florida 33907, on or after June 20, 2008.

The name and address of the dealer operator(s) and principal investor(s) of PMA Customs, LLC d/b/a Haus of Trikes and Bikes are dealer operator(s): Paul Skrzyniarz, 4601 Fowler Street, Fort Myers, Florida 33907, Deborah Skrzyniarz, 4601 Fowler Street, Fort Myers, Florida 33907, Axel Schulz, 4601 Fowler Street, Fort Myers, Florida 33907 and Manfred Glanzner, 4601 Fowler Street, Fort Myers, Florida 33907; principal investor(s): Paul Skrzyniarz, 4601 Fowler Street, Fort Myers, Florida 33907, Deborah Skrzyniarz, 4601 Fowler Street, Fort Myers, Florida 33907, Axel Schulz, 4601 Fowler Street, Fort Myers, Florida 33907 and Manfred Glanzner, 4601 Fowler Street, Fort Myers, Florida 33907.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Doug Stuhlsatz, Big Dog Motorcycles, LLC, 1520 East Douglas Avenue, Wichita, Kansas 67214.

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 Keeway America, LLC, intends to allow the establishment of House of Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co. Ltd. (ZHQM) at 1313 North State Road 7, Hollywood (Broward County), Florida 33021, on or after June 12, 2008.

The name and address of the dealer operator(s) and principal investor(s) of House of Scooters, Inc. are dealer operator(s): Orestes Nunez, 1313 North State Road 7, Hollywood, Florida 33021; principal investor(s): Orestes Nunez, 1313 North State Road 7, Hollywood, Florida 33021.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Zhong Zhuang, President, Keeway America, LLC, 2912 Skyway Circle North, Irving, Texas 75038.

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 WITHDRAWAL

Notice is hereby given that the publication of Hunt for Cars, Inc., as a new point for Roketa (RKTA) motorcycle franchise dealership in Volusia County by Goldenvale, Inc., published in Vol. 34, No. 24, pps. 3166-3167 of the Florida Administrative Weekly on June 13, 2008, has been withdrawn.

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 Verucci Motorcycles, LLC, intends to allow the establishment of Jealse Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Lifan Industry Group (CHOL) at 512 East Osceola Parkway, Kissimmee (Osceola County), Florida 34744, on or after June 16, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Jealse Scooters, Inc. are dealer operator(s): Fabio Alzate, 512 East Osceola Parkway, Kissimmee, Florida 34744; principal investor(s): Fabio Alzate, 512 East Osceola Parkway, Kissimmee, Florida 34744.

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, 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: Joyce Haddad, General Manager, Verucci Motorcycles, LLC, 7836 Northwest 46 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 Vento North America, LLC, intends to allow the establishment of Morland Marine International, Inc., as a dealership for the sale of Jialing motorcycles (JIAL) at 5347 Gulf Drive, Unit #6, Holmes Beach (Manatee County), Florida 34217, on or after July 17, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Morland Marine International, Inc. are dealer operator(s): Brian T. Quartermain, 5347 Gulf Drive, Unit #6, Holmes Beach, Florida 34217; principal investor(s): Brian T. Quartermain, 5347 Gulf Drive, Unit #6, Holmes Beach, Florida 34217.

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: Alma Gonzalez, Vento North America, LLC, 6190 Cornerstone Court E, Suite #200, San Diego, California 92121.

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 Vento North America, LLC, intends to allow the establishment of Morland Marine International, Inc., as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corp. (QINJ) at 5347 Gulf Drive, Unit #6, Holmes Beach (Manatee County), Florida 34217, on or after July 7, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Morland Marine International, Inc. are dealer operator(s): Brian T. Quartermain, 5347 Gulf Drive, Unit #6, Holmes Beach, Florida 34217; principal investor(s): Brian T. Quartermain, 5347 Gulf Drive, Unit #6, Holmes Beach, Florida 34217.

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: Alma Gonzalez, Vento North America, LLC, 6190 Cornerstone Court E, Suite #200, San Diego, California 92121.

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 United Motors of America, intends to allow the establishment of Navitas Financial Group, Inc., as a dealership for the sale of motorcycles manufactured by United Motors of America (UNMO) at 2075 South Woodland Boulevard, Deland (Volusia County), Florida 32724, on or after June 17, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Navitas Financial Group, Inc. d/b/a Pompano Parts are dealer operator(s): Sheri Cruz, 2075 South Woodland Boulevard, Deland, Florida 32724; principal investor(s): Patrick Johnson, 2075 South Woodland Boulevard, 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: Melissa Bell, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

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 United Motors of America, intends to allow the establishment of Navitas Financial Group, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 2075 South Woodland Boulevard, Deland (Volusia County), Florida 32724, on or after June 17, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Navitas Financial Group, Inc. d/b/a Pompano Parts are dealer operator(s): Sheri Cruz, 2075 South Woodland Boulevard, Deland, Florida 32724; principal investor(s): Patrick Johnson, 2075 South Woodland Boulevard, 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: Melissa Bell, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

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 Lance Powersports, Inc., intends to allow the establishment of New Smyrna Beach Scooter Sales & Rentals, Inc., as a dealership for the sale of motorcycles manufactured

by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 323 B Flagler Avenue, New Smyrna Beach (Volusia County), Florida 32169, on or after June 18, 2008.

The name and address of the dealer operator(s) and principal investor(s) of New Smyrna Beach Scooter Sales & Rentals, Inc. are dealer operator(s): Lawrence Johnson, 323 B Flagler Avenue, New Smyrna Beach, Florida 32169; principal investor(s): Lawrence Johnson, 323 B Flagler Avenue, New Smyrna Beach, Florida 32169.

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: Gene Chang, Lance Powersports, Inc., 5200 Ontario Mills Parkway, Suite 100, Ontario, California 91764.

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 Irbit Motorworks of America, Inc., intends to allow the establishment of Orange Park Powersports, Inc., as a dealership for the sale of Ural motorcycles (URAL) at 1510 Wells Road, Orange Park (Clay County), Florida 32073, on or after March 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Orange Park Powersports, Inc. are dealer operator(s): Chris Henderson, 1510 Wells Road, Orange Park, Florida 32073; principal investor(s): Chris Henderson, 1510 Wells Road, Orange Park, Florida 32073.

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, 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: Madina Merzhoyeva, Irbit Motorworks of America, Inc., 15411 Northeast 95th Street, Redmond, Washington 98052.

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 Italica Motors, Inc., intends to allow the establishment of Pampa Motors, Inc., as a dealership for the sale of Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 3148 Southwest 8th Street, Miami (Dade County), Florida 33135, on or after June 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Pampa Motors, Inc. are dealer operator(s): Pablo Foreiter, 3148 Southwest 8th Street, Miami, Florida 33135; principal investor(s): Pablo Foreiter, 3148 Southwest 8th Street, Miami, Florida 33135.

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: Adriana De Lima, President, Italica Motors, Inc., 5001 Southwest 135 Avenue, Miramar, Florida 33027.

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 Carter Brothers Manufacturing Co., Inc., intends to allow the establishment of Poppy's of Northwest Florida, Inc. d/b/a The Stockyard at Pensacola, as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (SANY) at 5461 Pensacola Boulevard, Pensacola (Escambia County), Florida 32505, on or after June 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Poppy's of Northwest Florida, Inc. d/b/a The Stockyard at Pensacola are dealer operator(s): Thomas W. Holland, 648 Gerhardt Drive, Pensacola, Florida 32503; principal investor(s): Thomas W. Holland, 648 Gerhardt Drive, Pensacola, Florida 32503.

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: Jack Mullinax, Carter Brothers Manufacturing Co., Inc., 1871 Highway 231, Brundidge, Alabama 36010.

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 Auto Easy Finance, Inc. d/b/a Daelim Motor USA, intends to allow the establishment of Prestige Scooters, as a dealership for the sale of Daelim (DAEL) motorcycles at 1734 West Military Trail, West Palm Beach (Palm Beach County), Florida 33409, on or after June 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Prestige Scooters are dealer operator(s): Harod Plotkin, 1734 West Military Trail, West Palm Beach, Florida 33409; principal investor(s): Harod Plotkin, 1734 West Military Trail, West Palm Beach, Florida 33409.

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: Sebastian Farias, Auto Easy Finance, Inc. d/b/a Daelim Motor USA, 6500 Northwest 72 Avenue, Suite 301, 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 Flyscooters, LLC., intends to allow the establishment of Retro Unlimited, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 3200 Dr. Martin Luther King, Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after March 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Retro Unlimited, Inc. are dealer operator(s): Edward Dreyer, 3200 Dr. Martin Luther King, Jr., Street North, St. Petersburg, Florida 33704; principal investor(s): Edward Dreyer, 3200 Dr. Martin Luther King, 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: Daniel Pak, 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 WITHDRAWAL

Notice is hereby given that the publication of Road Power USA, LLC, as a new point for Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) motorcycle franchise dealership in Duval by A & A Scooter, Inc., published in Vol. 34, No. 24, pp. 3173 of the Florida Administrative Weekly on June 13, 2008, has been withdrawn.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Joel Ilesanmi African Art, Inc. d/b/a Sanmi Auto Express, as a new point for Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) motorcycle franchise dealership in Hillsborough County by A & A Scooter, Inc., published in Vol. 34, No. 24, pp. 3167 of the Florida Administrative Weekly on June 13, 2008, has been withdrawn.

**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 Zongshen, Inc., intends to allow the establishment of Scooter Nation, Inc., as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group (ZONG) at 3399 Northwest 72nd Avenue, Suite 126, Miami (Dade County), Florida 33122, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Nation, Inc. are dealer operator(s): Nestor J. Triana, 3399 Northwest 72nd Avenue, Suite 126, Miami, Florida 33122; principal investor(s): Nestor J. Triana, 3399 Northwest 72nd Avenue, Suite 126, Miami, Florida 33122.

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: Rose Perez, Zongshen, Inc., 3511 Northwest 113th Court, Miami, Florida 33178.

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 Scooters in Paradise, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 2109 Main Street, Suite E1, Dunedin (Pinellas County), Florida 34698, on or after June 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooters in Paradise are dealer operator(s): Nolan Reif, 2109 Main Street, Suite E1, Dunedin, Florida 34798; principal investor(s): Nolan Reif, 2109 Main Street, Suite E1, Dunedin, Florida 34798.

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: Daniel Pak, Flyscoters, 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 Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that A & A Scooter, Inc., intends to allow the establishment of Steve Kelly d/b/a AllStar ATV, as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 820 35th Court Southwest, Vero Beach (Indian River County), Florida 32968, on or after June 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Steve Kelly d/b/a AllStar ATV are dealer operator(s): Steve Kelly, 820 35th Court Southwest, Vero Beach, Florida 32968; principal investor(s): Steve Kelly, 820 35th Court Southwest, Vero Beach, Florida 32968.

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, 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: Leah Jordan, A & A Scooter, Inc., 2533 Royal Lane, #505, Dallas, Texas 75229.

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 A & A Scooter, Inc., intends to allow the establishment of Steve Kelly d/b/a AllStar ATV, as a dealership for the sale of motorcycles manufactured by Chongqing Lifan Industry Group Co. Ltd. (CHOL) at 820 35th Court Southwest, Vero Beach (Indian River County), Florida 32968, on or after June 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Steve Kelly d/b/a AllStar ATV are dealer operator(s): Steve Kelly, 820 35th Court Southwest, Vero Beach, Florida 32968; principal investor(s): Steve Kelly, 820 35th Court Southwest, Vero Beach, Florida 32968.

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, 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: Leah Jordan, A & A Scooter, Inc., 2533 Royal Lane, #505, Dallas, Texas 75229.

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 A & A Scooter, Inc., intends to allow the establishment of Steve Kelly d/b/a AllStar ATV, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. (POPC) at 820 35th Court Southwest, Vero Beach (Indian River County), Florida 32968, on or after June 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Steve Kelly d/b/a AllStar ATV are dealer operator(s): Steve Kelly, 820 35th Court Southwest, Vero Beach, Florida 32968; principal investor(s): Steve Kelly, 820 35th Court Southwest, Vero Beach, Florida 32968.

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, 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: Leah Jordan, A & A Scooter, Inc., 2533 Royal Lane, #505, Dallas, Texas 75229.

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 Keeway America, LLC, intends to allow the establishment of Swamp Cycles, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co. Ltd. (ZHQM) at 524 Southwest 4th Avenue, Gainesville (Alachua County), Florida 32601, on or after June 12, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Swamp Cycles, LLC are dealer operator(s): Tom Glasser, 524 Southwest 4th Avenue, Gainesville, Florida 32601; principal investor(s): Tom Glasser, 524 Southwest 4th 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, 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: Zhong Zhuang, President, Keeway America, LLC, 2912 Skyway Circle North, Irving, Texas 75038.

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 Keeway America, LLC, intends to allow the establishment of Travanna Management, Inc. d/b/a KC Cycle Sport, as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co. Ltd. (ZHQM) at 313 Commerce Center Drive, St. Cloud (Osceola County), Florida 34769, on or after June 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Travanna Management, Inc. d/b/a KC Cycle Sport are dealer operator(s): B. Chad Smith, 313 Commerce Center Drive, St. Cloud, Florida 34769 and Kristine Smith, 313 Commerce Center Drive, St. Cloud, Florida 34769; principal investor(s): B. Chad Smith, 313 Commerce Center Drive, St. Cloud, Florida 34769 and Kristine Smith, 313 Commerce Center Drive, St. Cloud, Florida 34769.

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, 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: Zhong Zhuang, President, Keeway America, LLC, 2912 Skyway Circle North, Irving, Texas 75038.

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 A & A Scooter, Inc., intends to allow the establishment of AC Pro-Tect, LLC d/b/a Triple A Scootertown, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 12228 US Highway 19, Hudson (Pasco County), Florida 34667, on or after June 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of AC Pro-Tect, LLC d/b/a Triple A Scootertown are dealer operator(s): Bill Shuert, 12228 Highway 19, Hudson, Florida 34667; principal investor(s): Bill Shuert, 12228 Highway 19, Hudson, Florida 34667.

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: Leah Jordan, A & A Scooter, Inc., 2533 Royal Lane, #505, Dallas, Texas 75229.

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 Carter Brothers Manufacturing Co., Inc., intends to allow the establishment of Wala 2 Corporation d/b/a Scooter Jax, as a dealership for the sale of motorcycles manufactured

by Sanyang Industry Co. Ltd. (SANY) at 1636 Hendricks Avenue, Jacksonville (Duval County), Florida 32207, on or after June 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wala 2 Corporation d/b/a Scooter Jax are dealer operator(s): Tom Bolc, 935 North Grandview Avenue, Daytona Beach, Florida 32118; principal investor(s): Tom Bolc, 935 North Grandview Avenue, Daytona Beach, Florida 32118.

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: Jack Mullinax, Carter Brothers Manufacturing Co., Inc., 1871 Highway 231, Brundidge, Alabama 36010.

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."

REGIONAL PLANNING COUNCILS

NOTICE OF INTENT TO AWARD ENGINEERING CONTRACTS

Notice is hereby given by Treasure Coast Regional Planning Council ("Treasure Coast") in accordance with Section 120.57(3)(a), F.S., of its intent to award continuing

engineering ontracts (the "contracts") related to brownfield sites contaminated with hazardous substances to TBE Group, Inc., E Sciences, Incorporated, and EE&G Environmental Services, LLC. The engineering services under the contracts are to be performed in connection with Treasure Coast's EPA Grant pertaining to brownfield sites contaminated with hazardous substances.

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

DECISION ON BATCHED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Hospital Beds and Facilities batching cycle with an application due date of March 12, 2008:

County: Marion Service District: 3
 CON # 10009 Decision Date: 6/13/2008 Decision: A
 Facility/Project: HealthSouth Rehabilitation Hospital of Ocala, LLC

Applicant: HealthSouth Rehabilitation Hospital of Ocala, LLC
 Project Description: Establish a comprehensive medical rehabilitation with 40 beds
 Approved Cost: \$19,620,449.00

County: Pasco Service District: 5
 CON # 10010 Decision Date: 6/13/2008 Decision: A
 Facility/Project: Ten Broeck Tampa, Inc.
 Applicant: Ten Broeck Tampa, Inc.

Project Description: Establish a 35 bed adult inpatient psychiatric hospital
 Approved Cost: \$15,730,804.00

County: Pasco Service District: 5
 CON # 10011 Decision Date: 6/13/2008 Decision: D
 Facility/Project: Morton Plant North Bay Psychiatric Hospital
 Applicant: Morton Plant Hospital Association d/b/a Morton Bay North Bay Hospital

Project Description: Establish a 40 bed adult inpatient psychiatric hospital
 Approved Cost: \$0

County: Pasco Service District: 5
 CON # 10012 Decision Date: 6/13/2008 Decision: D
 Facility/Project: Morton Plant North Bay Psychiatric Hospital

Applicant: Morton Plant Hospital Association d/b/a Morton Bay North Bay Hospital

Project Description: Establish a 10 bed child/adolescent inpatient psychiatric hospital

Approved Cost: \$0

County: Pasco Service District: 5

CON # 10013 Decision Date: 6/13/2008 Decision: A

Facility/Project: Ten Broeck Tampa, Inc.

Applicant: Ten Broeck Tampa, Inc.

Project Description: Establish a five bed adult substance abuse hospital

Approved Cost: \$15,730,804.00

County: Pasco Service District: 5

CON # 10014 Decision Date: 6/13/2008 Decision: D

Facility/Project: Morton Plant North Bay Psychiatric Hospital

Applicant: Morton Plant Hospital Association d/b/a Morton Bay North Bay Hospital

Project Description: Establish a 20 bed adult substance abuse hospital

Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

DECISION ON EXPEDITED APPLICATION

The Agency for Health Care Administration made the following decision on Certificate of Need application for expedited review:

County: Sumter Service District: 3

CON#: 10015 Decision Date: 6/4/2008 Decision: A

Facility/Project: Construct a 72 sheltered bed skilled nursing facility

Applicant: ARC Villages IL, LLC

Project Description: Construct a 72 sheltered bed skilled nursing facility as part of Freedom Pointe at the Villages

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative weekly pursuant to Chapter 120, Florida Statutes and Chapter 59C-1, Florida Administrative Code.

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 INTENT TO ISSUE PROPOSED

MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Crystal River Units 4 & 5, Power Plant Siting Application No. PA77-09, OGC Case No. 08-0597. On April, 4, 2008 the Department received an application to modify the Conditions of Certification for Crystal River Units 4 & 5 from Progress Energy Florida pursuant to Section 403.516(1)(c), Florida Statutes, to construct and operate a truck wash facility, and to increase wellfield withdrawals due to the addition of new air pollution control equipment on Units 4 & 5. A copy of the proposed modification may be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida, 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On June 16, 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 Tania G. Kocher, L.M.T., license number MA 51032. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 11, 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 Tanya E. Jones, C.N.A., license number CNA 74602. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 11, 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 Victoria Lee Knisley, R.N., license number RN 2167662. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 11, 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 Josephine Hair Littleton, L.P.N., license number PN 518341. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 11, 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 Rebecca Jane Taber, R.N., license number RN 9238918. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 11, 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 Kimberly Lynn Walker, R.N., license number RN 9269973. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 11, 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 Brian Bulfer, R.Ph., license number PS 21587. 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.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Request for Information on Conservation Needs and Social and
Economic Factors to be Considered in Managing Peregrine
Falcons in Florida

The Florida Fish and Wildlife Conservation Commission, having considered a biological status report, independent scientific reviews, and public comments regarding biological status, determined at its June 11-12, 2008 meeting that the peregrine falcon (*Falco peregrinus*) warranted removal from the State's imperiled species list, thereby ending Phase 1 of the

imperiled species listing process (Rule 68A-27.0012, Florida Administrative Code). The delisting of the peregrine falcon will occur upon completion and approval of a species-specific management plan to guide conservation and management of peregrine falcons in Florida (Phase 2). To assist in management plan development, the Commission requests information on the conservation needs of the peregrine falcon and any economic and social factors that should be considered in managing the species in Florida. Comments should be sent to: Peregrine Falcon Management Plan Comments, Florida Fish and Wildlife Conservation Commission, Northeast Region, 1239 S.W. 10th Street, Ocala, FL 34471-0323 or e-mailed to peregrine@MyFWC.com by 5:00 p.m., Tuesday, August 12, 2008.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN June 9, 2008
 and June 13, 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 Marketing and Development

5H-26.001	6/12/08	7/2/08	34/4	34/19
5H-26.002	6/12/08	7/2/08	34/4	34/19
5H-26.003	6/12/08	7/2/08	34/4	34/19
5H-26.004	6/12/08	7/2/08	34/4	34/19

DEPARTMENT OF ELDER AFFAIRS

Administration of Federal Aging Programs

58A-5.0191	6/11/08	7/1/08	34/13	34/19
58A-5.035	6/11/08	7/1/08	34/13	34/19

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

61D-11.017	6/12/08	7/2/08	34/11	
61D-11.023	6/12/08	7/2/08	34/11	
61D-12.001	6/12/08	7/2/08	34/11	34/17

Florida Building Code Administrators and Inspector

61G19-9.001	6/11/08	7/1/08	34/11	34/19
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-210.370	6/13/08	7/3/08	34/19	
62-210.900	6/13/08	7/3/08	34/19	