

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-4.01796 Specialization Requirements for
 Endorsement in Autism Spectrum
 Disorders – Academic Class

PURPOSE AND EFFECT: The purpose of this rule development is to change references from “autism” to “autism spectrum disorder” consistent with changes made to terminology referencing students with disabilities during the 2008 legislative session. The effect will be a rule that conforms to recently revised statutory language.

SUBJECT AREA TO BE ADDRESSED: Autism Endorsement.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1003.01 1012.54, 1012.55, 1012.56 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: Ms. Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 W. Gaines Street, Suite 614, Tallahassee, FL 32399

TO REQUEST A RULE DEVELOPMENT WORKSHOP, PLEASE CONTACT: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-4.01796 Specialization Requirements for Endorsement in Autism Spectrum Disorders – Academic Class.

(1) A bachelor’s or higher degree with certification in any exceptional student education area; and

(2) Twelve (12) semester hours to include:

(a) Nature of autism spectrum disorders (to include student characteristics, appropriate learning goals, teaching approaches, environmental arrangements, etc.);

(b) Use of assistive and instructional technology and natural, alternative and augmentative communication systems for students with autism spectrum disorders;

(c) Behavior management and positive behavior supports for students with autism spectrum disorders;

(d) Assessment and diagnosis of autism spectrum disorders; and

(e) Field-based experience with students with autism spectrum disorders.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1003.01, 1012.54, 1012.55, 1012.56 FS. History–New 7-1-02, Amended.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-7.099 Challenge Grant Program for the
 Gifted

PURPOSE AND EFFECT: The purpose of this rule development is to reflect the correct statutory references and to ensure that criteria used to judge proposals is included in the rule. The effect will be a rule that includes the correct statutory references and applicable criteria for selection.

SUBJECT AREA TO BE ADDRESSED: Funding proposals for the Challenge Grant Program for the Gifted.

SPECIFIC AUTHORITY: 1001.02(1), 1001.42(4)(1), 1003.57 FS.

LAW IMPLEMENTED: 1011.75 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: Ms. Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 W. Gaines Street, Suite 614, Tallahassee, FL 32399

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-7.099 Challenge Grant Program for the Gifted.

(1) The purpose of the Challenge Grant Program for the Gifted shall be to encourage public schools to implement exemplary programs which challenge gifted students.

(2) As provided by Section 1011.75(2) ~~236.1225(2)~~, Florida Statutes, the Commissioner shall cooperate and consult with associations and organizations concerned with the education of the gifted in administering this grant program. Such associations and organizations shall include at least the Florida Association for the Gifted ~~and the Florida Federation Council for Exceptional Children~~.

(3) Annually the Commissioner shall invite district school boards to submit up to five (5) a program proposals consistent with the requirements of Section 1011.75(3) 236.1225, Florida Statutes. Funds shall be awarded by the Department pursuant to a competitive grant proposal solicitation in the form of a Request for Proposals. In addition to the criteria required by Section 1011.75(3), Florida Statutes, the proposals shall be judged by the following criteria:

(a) The proposed program will improve the quality of existing programs;

(b) The proposed program will initiate a model or demonstration program; or

(c) The proposed program evidences an intent for collaboration between gifted students or teachers and other students, colleagues, or agencies;

(d)(e) The proposed program will expand student participation in existing programs.

(e) The proposed program will identify the Sunshine State Standards and other required imperatives to be addressed.

(4) Based on the criteria in subsection (3) above, applications submitted by eligible recipients shall be ranked beginning with the application with the highest score, followed by applications with the next highest scores. The Department shall award available grants according to the highest scores. Each project funded shall, as provided by Section 236.1225(3)(d), Florida Statutes, contain provisions for the submission of an evaluation of the program and shall meet all requirements of law.

(5) Each project funded shall contain provisions for the submission of an evaluation of the program and shall meet all requirements of law.

Specific Authority 1001.02(1), 1001.42(4)(l), 1003.57 229.053(1), 230.23(4)(m), 236.1225 FS. Law Implemented 1011.75 236.1225 FS. History—New 1-6-83, Amended 5-3-83, Formerly 6A-7.99, Amended _____.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

RULE NO.: 15-1.012 RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: To allow the Executive Director to settle claims against the Department without prior approval of the Governor or Cabinet.

The Executive Director will continue to report such settlements to the Governor of Cabinet at least quarterly.

The amendments also conform the rule to the amendments to Section 120.54, F.S., that were enacted by CS for CS for Senate Bill 704.

To raise the limit for the Executive Director to make purchases from \$25,000.00 to \$100,000.00.

SUBJECT AREA TO BE ADDRESSED: Rule 15-1.012, F.A.C., Delegation of Authority.

SPECIFIC AUTHORITY: 20.05(5), 120.53(1)(a), 320.011 FS. LAW IMPLEMENTED: 20.05(1)(b), 120.53(1)(a), 120.54 FS. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 2, 2008, 12:00 Noon – 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Executive Conference Room #A436, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Michael J. Alderman, Senior Assistant General Counsel, (850)617-3101. If you are 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: Michael J. Alderman, Senior Assistant General Counsel, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A432, Tallahassee, Florida 32399, (850)617-3101

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

15-1.012 Delegation of Authority.

Authority to take the following action is hereby delegated by the Governor and Cabinet acting as the head of the Department to the Executive Director of the Department of Highway Safety and Motor Vehicles or the Executive Director’s designee:

(1) through (5) No change.

(6) To expend appropriated funds and make purchases including operating capital outlay to carry out the day-to-day operations of the Department. However, all purchases over \$100,000 which are not made from a state contract established by the Department of Management Services shall be reported at least quarterly.

(7) through (11) No change.

(12) To settle claims, actions, causes of action and legal proceedings brought against the Department or its employees acting within the scope of his/her employment.

(13) through (14) No change.

(15) To act on behalf of the agency in carrying out the provisions of Chapter 120, F.S., unless prohibited by law or by directives issued by the Governor and Cabinet acting as the head of the Department. This delegation specifically includes, but is not limited to the following:

(a) To initiate rulemaking by publishing a notice of Rule Development.

(b) through (g) No change.

(16) No change.

~~(17) To initiate rule making.~~

(18) through (25) renumbered (17) through (24) No change.

Specific Authority 20.05(5), 120.53(1)(a), 320.011 FS. Law Implemented 20.05(1)(b), 120.53(1)(a) FS. History–New 6-26-80, Amended 11-6-80, Formerly 15-1.12, Amended 6-6-93, 11-17-98,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.101
 RULE TITLE: Canteen Operations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to give the Department the flexibility to change the amount that inmates may spend each week in the canteen as needed, up to the statutory limit of \$100, without requiring a rule amendment.

SUBJECT AREA TO BE ADDRESSED: Canteen operations.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215, 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:

33-203.101 Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase ~~\$65.00~~ of canteen merchandise on a weekly basis in an amount not to exceed \$100. A weekly limit will be recommended by the Canteen Review Team based upon current canteen product mix and current resale prices, and approved by the Secretary. A two week notice of any changes to the weekly limit will be posted on inmate bulletin boards and at each canteen.

(3) through (8) No change.

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History–New 1-20-86, Formerly 33-3.035, Amended 11-21-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-2-03, 12-14-04, 6-16-05, 11-29-06,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.1031
 RULE TITLE: Correctional Probation Officers – Appointment and Responsibility

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow officers to utilize a motorcycle or other two-wheeled vehicle to travel to and from work and court appearances.

SUBJECT AREA TO BE ADDRESSED: Correctional probation officers travel.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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:

33-302.1031 Correctional Probation Officers – Appointment and Responsibility.

(1) Officers are appointed by the State of Florida under the authority of the Department of Corrections and are responsible for supervision and control of offenders, including the enforcement of conditions of supervision, conducting investigations and initiating arrest of offenders under their supervision as appropriate with or without warrant. Officers will notify the sentencing or releasing authority whenever the officer has reasonable grounds to believe that a willful violation of any condition of supervision has occurred.

(2) Officers may utilize a motorcycle or other two-wheeled vehicle to travel to and from work and court appearances. Officers shall utilize an enclosed four-wheeled or greater vehicle in the field.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 8-23-07, Amended_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.111
 RULE TITLE: Early Termination of Supervision

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove the requirement that an offender complete at least eighteen months of their supervision period and the requirement that approval for early termination of supervision be obtained from the circuit administrator.

SUBJECT AREA TO BE ADDRESSED: Early termination of supervision.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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:

33-302.111 Early Termination of Supervision.

(1) Before a correctional probation officer considers recommending an offender for early termination of supervision, the following criteria shall be met:

(a) Completion of one-half of the supervision period ~~or at least eighteen months, whichever is greater;~~

(b) through (d) No change.

(e) A Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) records check reveals no new arrest during the course of supervision of which the sentencing or releasing authority has not been previously notified; and

(f) No violations of supervision are pending; ~~and~~

~~(g) The offender has made satisfactory adjustment under supervision and is no longer in need of supervision.~~

(2) In order for an officer to request an early termination of supervision from the sentencing or releasing authority, approval must be obtained from the officer's supervisor, ~~the circuit administrator~~, the State Attorney's Office, and the victim, if the offense involved a victim. If the State Attorney's office denies the request, or the victim opposes the early termination, the department will not proceed with the early termination recommendation. The officer shall not disclose a victim's objection to the offender.

(3) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 11-26-01, Amended 6-29-03, 12-2-04, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.314
 RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow inmates transferring an item to another inmate, which is prohibited as the item becomes contraband when passed to another inmate, to receive 15 days in disciplinary confinement and 30 days loss of gain time.

SUBJECT AREA TO BE ADDRESSED: Prohibited conduct and penalties for infractions.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Section 1 through Section 2 No change.

Section 3 – CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED

Section 3-12 Possession of any other contraband or transfer of item to another inmate resulting in item becoming contraband
 15 DC + 30 GT

Section 3-1 through Section 3-11 No change.

Section 3-14 through Section 3-15 No change.

Section 4 through Section 11 No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, 10-12-06, 11-8-07, 5-18-08,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.719
 RULE TITLE: Visiting By Former and Current Department and Contract Employees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to require approval for visitation from the warden of the institution housing the inmate to be visited and the (warden, circuit administrator, regional director, or Assistant Secretary of Institutions) employing the current or contract employee.

SUBJECT AREA TO BE ADDRESSED: Visitation by department and contract employees.

SPECIFIC AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.719 Visiting By Former and Current Department and Contract Employees.

(1) No change.

(2) Current Department and Contract Employees. ~~The warden or designee shall consider approving~~ Current department employees and employees of a contractor currently under contract with the department shall only be granted ~~for~~ visiting privileges under the following conditions:

(a) No change.

(b) The employee has not violated the conditions ~~stipulated~~ in subsection 33-601.719(1), F.A.C.;

(c) Approval for visitation in writing is required from:

1. The ~~employing~~ warden, warden of the institution housing the inmate to be visited and

2. The employing:

a. Warden (for institution staff).

b. Circuit administrator (for community corrections sStaff),

c. Regional director (for regional office staff), or and
d. Assistant Secretary of Institutions (for central office staff).

(d) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03,_____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-4.2020
 RULE TITLE: Content of Environmental Resource Permit Application

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-4, Florida Administrative Code, to amend the required content of environmental resource permit applications. The effect of the proposed rule amendments will be to incorporate additional language that is required by Section 373.413, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will incorporate additional of language that is required by Section 373.413, Florida Statutes.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.084, 373.085, 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

Suwannee River Water Management District

RULE NO.: 40B-400.215
 RULE TITLE: General Conditions for All Noticed General Permits

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-400, Florida Administrative Code, to correct the authorized permit duration for a noticed general environmental resource permit. The effect of the proposed rule amendments will be to change the permit duration for a noticed general environmental resource permit from five years to three years.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will correct the authorized permit duration for a noticed general environmental resource permit from five years to three years.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 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

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-26.011	Policy and Purpose
40D-26.021	Definitions
40D-26.091	Publications Incorporated by Reference
40D-26.101	Conditions of Eligibility
40D-26.201	Program Application
40D-26.301	Eligibility Determination
40D-26.401	Cost-Share Rates

PURPOSE AND EFFECT: The District is initiating rulemaking to adopt the Facilitating Agricultural Resource Management Systems (FARMS) Program, a cost share reimbursement program with the purpose of implementing agricultural best management practices that will result in water resource benefits. The effect of this rule would be reduced groundwater withdrawals and improvements to water quality, water resources and ecology.

SUBJECT AREA TO BE ADDRESSED: Facilitating Agricultural Resource Management Systems Program.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.083 FS.

LAW IMPLEMENTED: 373.0831(3), 373.196(1), 373.196(3), 373.1961 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: Mary Beth McNeil, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

RULE NOS.:	RULE TITLES:
58L-1.001	Confidentiality and Disclosure
58L-1.005	Access
58L-1.006	Conflict of Interest
58L-1.007	Complaint Procedures
58L-1.008	Administrative Assessments

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to add additional language; incorporate conflict of interest language into this rule chapter, which is currently included in Rule Chapter 58L-2, F.A.C.; and develop two new rules for complaint procedures and administrative assessments, including two forms incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments and new rules address confidentiality and disclosure of information, access to information, conflict of interest, complaint procedures, and administrative assessments, including two forms incorporated by reference.

SPECIFIC AUTHORITY: 400.0071, 400.0077(5), 400.0081(2) FS.

LAW IMPLEMENTED: 400.0071, 400.0073, 400.0075, 400.0077, 400.0081 FS.

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

DATE AND TIME: September 10, 2008, 9:00 a.m. – 1:00 p.m. EST.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000; Email address: crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of

Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000; Email address: crochethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 58L-1.001 follows. See Florida Administrative Code for present text).

58L-1.001 Confidentiality and Disclosure.

(1) Policy and Procedure.

Pursuant to Section 400.0077(5), F.S., the Department of Elder Affairs, in consultation with the Office of the State Long-Term Care Ombudsman, hereby adopts, and incorporates by reference, the following as policy and procedure for the confidentiality and disclosure of information by an ombudsman and ombudsman council members:

(a) Section 400.0077(1) through (4), F.S., (2007); and

(b) Title VII, Chapter 2, Section 712(D) of the Older Americans Act of 1965, as amended in 2006, 42 USC 3058g.

(2) Applicability.

The confidentiality and disclosure of information procedure applies to the files maintained by the following entities established under Chapter 400, Part I, F.S.:

(a) The staff of the Office of the State Long-Term Care Ombudsman;

(b) Members of the State Long-Term Care Ombudsman Council, representatives and employees; and

(c) Members of the long-term care ombudsman district councils, representatives and employees.

(3) Complaint Case Files.

Case files involving complaints cannot be released by the Long-Term Care Ombudsman Program until the case is closed as defined in subsection (1) of Rule 58L-1.007, F.A.C.

Specific Authority 400.0077(5) FS. Law Implemented 400.0077 FS. History—New 7-25-95, Amended _____.

(Substantial rewording of Rule 58L-1.005 follows. See Florida Administrative Code for present text).

58L-1.005 Access.

(1) Definitions:

In addition to the terms defined in Section 400, Part I, F.S., the following term are defined in this rule:

(a) Access: The ability to investigate complaints pursuant to Section 400.0073, F.S. The denial of access constitutes an interference in the performance of official duties and is a violation of Section 400.0083, F.S.

(b) Administrative records, policies, and documents to which the residents, or the general public, have access: Records maintained by the facility which includes information about the resident's health, safety, or welfare.

(2) Policy and Procedure.

(a) Pursuant to Section 400.0081(2), F.S., the Department of Elder Affairs, in consultation with the Office of the State Long-Term Care Ombudsman, hereby adopts, and incorporates by reference, the following as policy and procedure to ensure access to long-term care facilities:

1. Section 400.0081(1), F.S., (2007); and

2. Title VII, Chapter 2, Section 712(D) of the Older Americans Act of 1965, as amended in 2006, 42 USC 3058g.

(b) The policy and procedure is intended to ensure access by:

1. The Office of the State Long-Term Care Ombudsman;

2. The State Long-Term Care Ombudsman Council;

3. The district long-term councils; and

4. Representatives of the entities outlined in subparagraphs 1. through 3. of this paragraph.

(c) This policy and procedure ensures access to:

1. Long-term care facilities as defined in subsection (1) of Rule 58L-1.006, F.A.C.:

2. Facility residents;

3. Facility records;

4. Resident records as defined in subsection (1) of this rule; and

5. Facility licensure and certification records maintained by the state.

Specific Authority 400.0081(2) FS. Law Implemented 400.0081 FS. History—New 7-31-95, Formerly 58L-3.001, Amended _____.

58L-1.006 Conflict of Interest.

This rule incorporates conflict of interest language that was formerly included under Rule Chapter 58L-2, F.A.C., Long-Term Care Ombudsman Conflict of Interest, F.A.C., specifically Rules 58L-2.001, 58L-2.003, 58L-2.005, and 58L-2.007, F.A.C. These rules have been repealed.

(1) Definitions.

In addition to the terms defined in Chapter 400, Part I, Florida Statutes, the following terms are defined in this rule:

(a) Conflict of Interest:

1. Having a direct involvement in the licensing or certification of a long-term care facility or of a long-term care service provider;

2. Having an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service provider;

3. Having employment with, or participating in the management of, a long-term care facility in the state of Florida; or

4. Receiving, or having the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility.

(b) Department: The Department of Elder Affairs.

(c) District: A geographic area in which the ombudsman program is administered and services are delivered.

(d) Immediate family: Father, mother, husband, wife, son, daughter, brother, sister, or any other individual residing in the household.

(e) Indirectly: Receiving remuneration from a company providing a service to a long-term care facility, such as a consulting pharmacist.

(f) Long-term care facility: A nursing home facility, assisted living facility, or an adult family-care home as those terms are defined in Chapters 400 and 429, F.S.

(g) Long-term care services: Services provided by a long-term care facility, home health agency, adult day care center, hospice, intermediate care facility, home for special services, or transitional living facility as those terms are defined in Chapters 400 and 429, F.S. Long-term care services also include services provided to residents by geriatric care managers, guardians or representative payees who are not immediate family members.

(h) Program: The Office of the State Long-Term Care Ombudsman, its representatives and employees, the State Long-Term Care Ombudsman Council, and the district long-term care ombudsman councils as established in Chapter 400, Part I, Florida Statutes.

(2) Purpose.

The purpose of this rule is to ensure that every effort is made to minimize any perception of conflicts of interest affecting the ombudsman program, including the public perception of the program's independence. It is promulgated to further the ability of ombudsmen to independently and fully carry out their functions. The department shall monitor the program in this regard to ensure that the program and its representatives have the objectivity and independence required to qualify for federal funding under the Older Americans Act of 1965, as amended in 2006, and to comply with state laws, rules and regulations relating to the program.

(3) Prohibitions.

(a) No officer, employee or representative of the Office of State Long-Term Care Ombudsman or of the state or district long-term care ombudsman councils, nor any member of the immediate family of such officer, employee, or representative, may have a conflict of interest pursuant to Section 400.070, F.S., and this rule.

(b) No employee of the Agency for Health Care Administration, the Department of Business and Professional Regulation, the Department of Children and Family Services, the Department of Health, the Department of Elder Affairs, or the medical director of a long-term care facility shall be a member of the State Long-Term Care Ombudsman Council or district councils.

(4) Procedures.

(a) Upon approval, recertification, employment or affiliation with the program, each appointee, officer, employee or representative shall sign and date a conflict of interest statement that includes the following:

1. Acknowledgement that the individual has reviewed Section 400.070, F.S., and this rule;

2. Acknowledgement that the individual understands the prohibitions defined in Section 400.070, F.S., and this rule; and

2. A statement that the individual has no conflict of interest as defined in Section 400.070, F.S., and this rule.

(b) All acknowledgements referenced in paragraph (a) of this subsection must be submitted to the Office of the State Long-Term Care Ombudsman at the following address: Department of Elder Affairs, Office of the Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The Office of the State Long-Term Care Ombudsman must keep the statements on file.

(c) The State Long-Term Care Ombudsman shall receive and review all violations and allegations of conflict of interest and, if appropriate, shall:

1. Request that the individual be removed from the council; or

2. Request that the individual remove the conflict of interest.

(d) If the individual does not comply with the recommendation to remove the conflict of interest pursuant to paragraph (c) of this rule, the State Long-Term Care Ombudsman shall disqualify the individual from carrying out any authorized ombudsman duty or responsibility, or shall terminate for cause any such employee.

(e) Deliberate failure to disclose any conflict of interest, either upon affiliation with the program or which subsequently develops, or the violation of any prohibition set forth in Section 400.070, F.S., or this rule, shall be considered sufficient grounds for disqualifying the individual from carrying out any authorized ombudsman duty or responsibility, or terminating for cause such employee.

Specific Authority 400.070 FS. Law Implemented 400.070 FS. History—New _____.

58L-1.007 Complaint Procedures.

This rule outlines the procedures for conducting complaints against a long-term care facility or facility employee.

(1) Definitions. The following definitions apply to this rule:

(a) Case: An allegation consisting of one or more complaints brought to the attention of, or initiated by, the Long-Term Care Ombudsman Program on behalf of a long-term care facility resident or residents, which requires conducting an investigation.

(b) Closed Case: A situation where each complaint in a case requires no further action on the part of the ombudsman, each complaint has been assigned the appropriate disposition code, and each complaint has been reviewed by the local ombudsman council.

(c) Complaint: An allegation of a problem with resident care, rights, health, safety, or welfare that is made by a long-term care facility resident or someone on behalf of a resident. One or more complaints constitute a case as defined in paragraph (a) of this subsection.

(d) Resolved: The resolution of the complaint has been addressed to the satisfaction of the resident or the resident's legal representative pursuant the National Ombudsman Reporting System published by the U.S. Department of Health and Human Services, Administration on Aging.

(e) Visit: The onsite presence of the ombudsman at a facility to listen to, observe, and interact with residents.

(2) Receiving Complaints.

(a) Any person may make a written or verbal complaint to the Office of State Long-Term Care Ombudsman or its representatives (hereafter referred to as "ombudsman program" or "program").

1. A complaint may also be generated by a representative of the ombudsman program.

2. A complaint may be anonymous.

(b) All complaints made to the program will be directed to the ombudsman manager in the district where the facility involved in the complaint is located. The receipt of a complaint by the district ombudsman manager triggers the opening of a case.

1. The district ombudsman manager, or designee, must code complaints based on federal standards included in the National Ombudsman Reporting System published by the U.S. Department of Health and Human Services, Administration on Aging.

2. The district ombudsman manager, or designee, must initiate and submit DOEA Form LTCOP-001 to the ombudsman conducting the investigation. DOEA Form LTCOP-001, Case Investigation, 2008, is hereby incorporated by reference and available from the Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The form may also be obtained at the following Web site: (Web site TBA).

(3) Investigative Protocol.

(a) An investigation is initiated when an ombudsman makes contact with the complainant or resident. The investigation shall be initiated within 5 business days after the district ombudsman manager receives the complaint.

(b) The ombudsman must visit the resident or residents on whose behalf the complaint was filed.

(c) The complaint investigation must focus on the rights, health, safety and welfare of the resident or residents and may include direct observation, interviews with residents and other individuals, and record reviews.

(d) Investigations must be closed within 90 calendar days after receiving the complaint. The local council may grant a request for extension if it determines that 90 calendar days is not sufficient time to close the case.

(e) At the conclusion of a case investigation, the ombudsman must:

1. Complete DOEA Form LTCOP-0001, using disposition codes referenced in subparagraph (2)(b)1. of this rule.

2. Contact the resident or the resident's legal representative, if possible, to inform him or her of the disposition.

3. Conduct an exit interview with the facility administrator or his or her designee to present the findings.

(f) The quality assurance review team of the local council must review the investigative process and the case information upon completion of the investigation.

(g) Within 20 business days after the case investigation closure, the district ombudsman manager must submit a written summary of the case disposition to the resident or the resident's legal representative.

(h) If the ombudsman determines that an issue is resolvable but the issue remains unresolved at the conclusion of the investigation, the ombudsman, the local council and the state council will proceed with actions pursuant to Section 400.0075, F.S., in consultation with the State Ombudsman, or designee.

Specific Authority 400.0071 FS. Law Implemented 400.0071, 400.0073, 400.0075 FS. History--New _____.

58L-1.008 Administrative Assessments.

This rule outlines procedures for conducting administrative assessments of long-term care facilities.

(1) All long-term care facilities must have at least one onsite administrative assessment conducted during each federal reporting year, which is October 1 through September 30.

(2) In addition to the administrative assessment, the ombudsman program must conduct at least 3 additional onsite visits for long-term care facilities during the federal reporting year pursuant to the minimum requirements as detailed in the National Ombudsman Reporting System published by the U.S. Department of Health and Human Services, Administration on Aging.

(3) By October 1 of each year, the district ombudsman manager must assign all facilities within his or her district to individual members of the local council for administrative assessments to be completed by September 30 of the following year.

(4) Prior to the onsite administrative assessment, the ombudsman must review available Agency for Health Care Administration facility survey records.

(5) Administrative assessments may include observations, interviews with residents and other individuals, and review of facility records. The assessment must focus on issues from the resident's perspective, including:

- (a) Resident rights;
- (b) Resident care;
- (c) Quality of life;
- (d) Administration of the facility; and
- (e) Disaster preparedness.

(6) At the conclusion of the assessment, the ombudsman must conduct an exit interview with the facility administrator or his or her designee to discuss the assessment findings.

(7) Problems identified during the administrative assessment must be provided in writing to the facility administrator. The district ombudsman manager may decide to code assessment findings as complaints and assign them to an ombudsman for further investigation and disposition pursuant to Rule 58L-1.007, F.A.C.

(8) The results of an administrative assessment must be recorded on the DOEA Form LTCOP-0002, 2008, Administrative Assessment, which is incorporated by reference and available from the Department of Elder Affairs, Office of the State Long-Term Care Ombudsman, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The form may also be obtained from the following Website: (Web site TBA).

(9) The district ombudsman manager must keep original assessment forms in the district office and forward copies to the facility administrator and the local Agency for Health Care Administration field office within 30 business days after receipt.

(10) If issues discovered during an assessment remain unresolved, the ombudsman, the local council and the state council will proceed with actions pursuant to Section 400.0075, Florida Statutes in consultation with the State Ombudsman.

Specific Authority 400.0071 FS. Law Implemented 400.0071, 400.0073 FS. History—New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-4.103	Licensure, Administration and Fiscal Management
59A-4.106	Facility Policies
59A-4.107	Physician Services
59A-4.1075	Medical Director
59A-4.108	Nursing Services
59A-4.109	Resident Assessment and Care Plan
59A-4.110	Dietary Services

59A-4.112	Pharmacy Services
59A-4.118	Medical Records
59A-4.122	Physical Environment
59A-4.123	Risk Management and Quality Assurance
59A-4.1235	Liability Claims
59A-4.126	Disaster Preparedness
59A-4.128	Evaluation of Nursing Homes and Licensure Status
59A-4.1285	Respite Care
59A-4.1288	Exception
59A-4.1295	Additional Standards for Homes That Admit Children 0 Through 20 Years of Age
59A-4.130	Fire Prevention, Fire Protection, and Life Safety
59A-4.133	Plans Submission and Review and Construction Standards
59A-4.134	Plans Submission and Fee Requirements
59A-4.150	Geriatric Outpatient Nurse Clinic
59A-4.165	Nursing Home Guide
59A-4.166	Nursing Home Consumer Satisfaction Survey

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate changes in the authorizing statute and revise technical errors and update references.

SUBJECT AREA TO BE ADDRESSED: This proposed rule includes provisions for recent changes in licensure regulations and disaster preparedness, incorporates new laws regarding alternate bed placement and inactive licenses, reinstates provisions for respite care and amends technical errors and updates references throughout the Chapter.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.011, 400.022, 400.141, 400142, 400.23 FS.

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

DATE AND TIME: September 16, 2008, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room B, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Terrosa Buie, Agency for Health Care Administration, 2727 Mahan Drive, MS #33, Tallahassee, FL 32308; (850)488-5861

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

AGENCY FOR HEALTH CARE ADMINISTRATION**Health Facility and Agency Licensing**

RULE NOS.:	RULE TITLES:
59A-35.020	Applicability
59A-35.030	Definitions
59A-35.040	License Required; Display
59A-35.050	Fees Required; Adjustments
59A-35.060	Licensure Application Process
59A-35.070	Change of Ownership
59A-35.080	License Categories
59A-35.090	Background Screening; Prohibited Offenses
59A-35.100	Minimum License Requirements
59A-35.110	Reporting Requirements; Electronic Submission
59A-35.120	Right of Inspection; Copies; Inspection Reports
59A-35.130	Unlicensed Activity
59A-35.140	Administrative Fines
59A-35.150	Moratorium; Emergency Suspension
59A-35.160	License or Application Denial; Revocation
59A-35.170	Injunctions
59A-35.180	Administrative Proceedings
59A-35.190	Health Care Trust Fund
59A-35.200	Rules
59A-35.210	Exemptions
59A-35.230	Denial, Suspension or Revocation of a License, Registration, Certificate or Application
59A-35.235	Emergency Preparedness and Response
59A-35.240	Conflicts

PURPOSE AND EFFECT: Chapter 59A-35, Florida Administrative Code, is being developed to establish uniform procedures for licensure of health care facilities as authorized in Chapter 408, Part II, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Licensure requirements, application procedures and administrative proceedings for all health care providers regulated by the Agency for Health Care Administration.

SPECIFIC AUTHORITY: Chapter 408, Part II FS.

LAW IMPLEMENTED: Chapter 408, Part II FS.

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

DATE AND TIME: September 10, 2008, 1:30 p.m. – 5:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, FL 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 7 days before the workshop/meeting by

contacting: Erin Smith, Bureau of Long Term Care Services, 2727 Mahan Drive, Tallahassee, Florida, (850)414-9707. If you are 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: Erin Smith, Bureau of Long Term Care Services, 2727 Mahan Drive, Tallahassee, Florida, (850)414-9707

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**Board of Professional Surveyors and Mappers**

RULE NO.:	RULE TITLE:
61G17-4.001	Written Examination Designated; General Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to delete the essay portion of the examination.

SUBJECT AREA TO BE ADDRESSED: Deletion of the essay portion of the examination.

SPECIFIC AUTHORITY: 455.217(1), 472.008 FS.

LAW IMPLEMENTED: 455.217(1), 472.013, 472.015 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G17-4.001 Written Examination Designated; General Requirements.

(1) The examination shall consist of the following:

(a) Principles and Practice Examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES);

(b) Fundamentals Examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES);

(c) Florida Jurisdictional Multiple Choice Examination prepared by the Department or Board designee, and given prior to the NCEES examinations;

~~(d) Florida Jurisdictional Essay Examination, prepared by the Department, will be given following the Florida Jurisdictional Multiple Choice Examination.~~

(2) through (3) No change.

(4) National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the NCEES Principles and Practice Examination and the NCEES Fundamentals Examination. Examination security requirements as set forth by the Department in Rule 61-11.014, F.A.C., shall be followed throughout the administration of the Florida Jurisdictional Multiple Choice Examination ~~and the Florida Jurisdictional Essay Examination.~~

Specific Authority 455.217(1), 472.008 FS. Law Implemented 455.217(1), 472.013, 472.015 FS. History--New 1-3-80, Amended 6-9-80, 1-25-84, 5-22-85, Formerly 21HH-4.01, Amended 9-16-87, 8-30-92, Formerly 21HH-4.001, Amended 5-30-95, 11-15-95, 4-16-96, 8-10-97, 7-27-00,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-3.001 RULE TITLE: Application for Initial License

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the application for initial licensure.

SUBJECT AREA TO BE ADDRESSED: Application for initial licensure.

SPECIFIC AUTHORITY: 484.044 FS.

LAW IMPLEMENTED: 456.013, 484.0447(4), (5), 484.045 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-7.007 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language for dishonored checks to citations and providing for a fine.

SUBJECT AREA TO BE ADDRESSED: Citations for dishonored checks.

SPECIFIC AUTHORITY: 456.077, 484.044 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-11.0011 RULE TITLE: Mandatory HIV/AIDS and Prevention of Medical Errors Education for Initial Licensure and Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify timing and required hours for HIV/AIDS and medical errors courses.

SUBJECT AREA TO BE ADDRESSED: Timing and required hours for HIV/AIDS and medical errors courses.

SPECIFIC AUTHORITY: 456.033(7) FS.

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

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

DEPARTMENT OF HEALTH**Board of Nursing Home Administrators**

RULE NO.: RULE TITLE:

64B10-12.010 Inactive Status

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase inactive status fees.

SUBJECT AREA TO BE ADDRESSED: Fees for inactive status.

SPECIFIC AUTHORITY: 468.1685(1), 468.1725(2) FS.

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

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

DEPARTMENT OF HEALTH**Board of Nursing Home Administrators**

RULE NO.: RULE TITLE:

64B10-12.011 Temporary License

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase the temporary license fees.

SUBJECT AREA TO BE ADDRESSED: Temporary license fees.

SPECIFIC AUTHORITY: 468.1685(1) FS.

LAW IMPLEMENTED: 456.025, 468.1705(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH**Board of Nursing Home Administrators**

RULE NO.: RULE TITLE:

64B10-12.012 Preceptor Certification and Recertification Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase the preceptor initial certification fee.

SUBJECT AREA TO BE ADDRESSED: Preceptor initial certification fee.

SPECIFIC AUTHORITY: 468.4685(1), 468.1695(5) FS.

LAW IMPLEMENTED: 468.1695(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH**Board of Nursing Home Administrators**

RULE NO.: RULE TITLE:

64B10-12.016 Delinquency Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language increase the delinquency fee.

SUBJECT AREA TO BE ADDRESSED: Delinquency fees.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-2.003 RULE TITLE: Fees; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify the rule and to modify the application for licensure as an occupational therapist.

SUBJECT AREA TO BE ADDRESSED: Fees and applications for licensure as an occupational therapist.

SPECIFIC AUTHORITY: 468.204, 468.221 FS.

LAW IMPLEMENTED: 468.209(1), 468.221 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 Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-3.001 RULE TITLE: Fees; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify the rule and to modify the application for licensure as an occupational therapy assistant.

SUBJECT AREA TO BE ADDRESSED: Fees and application for licensure as an occupational therapy assistant.

SPECIFIC AUTHORITY: 468.204, 468.221 FS.

LAW IMPLEMENTED: 468.209(1), 468.221 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 Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #5, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-4.005 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to the rule for citation for failure to timely respond to a continuing education audit request: and to add the requirement for licensee to provide documents showing compliance within 10 days.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 468.204 FS.

LAW IMPLEMENTED: 456.072, 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 Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-3.012 RULE TITLE: Standards of the National Fire Protection Association and Other Standards Adopted

PURPOSE AND EFFECT: The rule was amended effective May 18, 2008, to update the Florida Fire Prevention Code ("Code") as required by Section 633.0215(1), Florida Statutes, by adopting current National Association of Fire Protection Standards. The Code is updated once every three years, together with the Florida Building Code. The Florida Building Commission recently voted to extend the effective date of the new Florida Building Code to December 31, 2008; therefore, the Department is extending the effective date of the updated Code to the same date for consistency.

SUBJECT AREA TO BE ADDRESSED: Effective date of updated Florida Fire Prevention Code.

SPECIFIC AUTHORITY: 633.01, 633.022, 633.0215 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215 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: Friday, September 5, 2008, 9:00 a.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Belinda Chukes, (850)413-3619. If you are 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: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342; Phone: (850)413-3171; Fax: (850)414-6119

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted.

(1) through (5) No change.

(6) Proposed Effective Date is changed from May 18, 2008 to December 31, 2008.

Specific Authority 633.01(1), 633.022, 633.0215 FS. Law Implemented 633.01, 633.022, 633.0215 FS. History—New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended 8-7-05, 5-18-08, 12-31-08.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-60.002	Scope; Description of Florida Fire Prevention Code
69A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2006 Edition, Adopted
69A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2006 Edition, Adopted
69A-60.005	Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code

PURPOSE AND EFFECT: The rule was amended effective May 18, 2008, to update the Florida Fire Prevention Code (“Code”) as required by Section 633.0215(1), Florida Statutes, by adopting current National Association of Fire Protection Standards. The Code is updated once every three years, together with the Florida Building Code. The Florida Building

Commission recently voted to extend the effective date of the new Florida Building Code to December 31, 2008; therefore, the Department is extending the effective date of the updated Code to the same date for consistency.

SUBJECT AREA TO BE ADDRESSED: Effective date of updated Florida Fire Prevention Code.

SPECIFIC AUTHORITY: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.025 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: Friday, September 5, 2008, 10:00 a.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Belinda Chukes, (850)413-3619. If you are 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: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342; Phone: (850)413-3171; Fax: (850)414-6119

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-60.002 Scope; Description of Florida Fire Prevention Code.

(1) through (3) No change.

(4) Proposed Effective Date is changed from May 18, 2008 to December 31, 2008.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.002, Amended 11-28-04, 5-18-08, 12-31-08.

69A-60.003 Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2006 Edition, Adopted.

(1) through (2) No change.

(3) Proposed Effective Date is changed from May 18, 2008 to December 31, 2008.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Formerly 4A-60.003, Amended 11-28-04, 5-18-08, 12-31-08.

69A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2006 Edition, Adopted.

(1) through (2) No change.

(3) Proposed Effective Date is changed from May 18, 2008 to December 31, 2008.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New 11-15-01, Formerly 4A-60.004, Amended 11-28-04, 7-12-06, 5-18-08, 12-31-08.

69A-60.005 Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code.

(1) through (5) No change.

(6) Proposed Effective Date is changed from May 18, 2008 to December 31, 2008.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New 11-15-01, Formerly 4A-60.005, Amended 11-28-04, 5-18-08, 12-31-08.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.:	RULE TITLE:
69L-7.020	Florida Workers’ Compensation Health Care Provider Reimbursement Manual

PURPOSE AND EFFECT: To amend the rule to adopt the 2008 Edition of the Florida Workers’ Compensation Health Care Provider Manual and implement the 2008 conversion factors issued by the Centers for Medicare and Medicaid Services, as approved by the Three Member Panel, pursuant to Section 440.13(12), Florida Statutes. Additional proposed amendments to the rule will adopt the CPT® 2008 Current Procedural Terminology Professional Edition, Copyright 2007, American Medical Association and the “Healthcare Common Procedure Coding System, Medicare’s National Level II Codes, HCPCS 2008”, American Medical Association, Twentieth Edition, Copyright 2007, Ingenix Publishing Group. The 2008 Edition of the Florida Workers’ Compensation Health Care Provider Manual also provides new language addressing issues relating to co-payments, insurer reimbursement responsibilities, and reimbursement disputes. Specifically, it states that while health care providers are entitled to collect a \$10.00 co-payment from injured workers who have reached maximum medical improvement, such co-payments are not in addition to any maximum reimbursement allowance or fee agreement, and that the reimbursement amount otherwise payable by the insurer shall be reduced by the amount of the co-payment. It further specifies that such co-payments do not apply in cases involving

emergency care or service of injured employees. The 2008 Manual also provides new language recognizing National Correct Coding Initiative Edits as an appropriate resource for insurer use in the bill review process. On the subject of reimbursement disputes, new language provides that where an insurer has disallowed or adjusted payment for services rendered pursuant to an authorized workers’ compensation managed care arrangement, a health care provider may not elect to petition the Department of Financial Services pursuant to Section 440.13, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Reimbursement to health care providers for services performed for injured workers pursuant to Chapter 440, Florida Statutes.

SPECIFIC AUTHORITY: 440.13(14)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(7), (12), (14)(c) FS.

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

DATE AND TIME: Tuesday, September 9, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: 104J Hartman Bldg., 2012 Capital Circle S. E., 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: Sam Willis at (850)413-1898. If you are 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: Sam Willis, Office of Medical Services, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1898

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.020 Florida Workers’ Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2008~~7~~ Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The CPT® 2008~~7~~ Current Procedural Terminology Professional Edition, Copyright 2007~~6~~, American Medical Association; the Current Dental Terminology, CDT-2007/2008, Copyright 2006, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the “Healthcare Common Procedure Coding System, Medicare’s National Level II Codes, HCPCS 2008~~7~~”, American Medical Association, ~~Twentieth Nineteenth~~ Edition, Copyright 2007~~6~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2008~~7~~ Edition incorporated above, the provider must use a code contained in the CPT®-2008~~7~~, CDT-2007/2008 or HCPCS-2008~~7~~ as specified in this section.

(3) The Florida Workers’ Compensation Health Care Provider Reimbursement Manual, 2008~~7~~ Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department’s web site at <http://www.fldfs.com/wc>.

Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12), (14)(c) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, 11-16-06, 10-18-07, _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-163.0075	Term and Evidence of Insurance
690-163.009	Determination of Reasonableness of Benefits in Relation to Premium Charge
690-163.011	Credit Disability Insurance Rates

PURPOSE AND EFFECT: Credit Life and Credit Disability Insurance is being amended to address the statutory changes contained in House Bill 343, which the Governor approved on May 28, 2008. The bill removes the fifty thousand dollars (\$50,000) for credit life, but did not remove the ten (10) year limit that is still contained in Section 627.681, Florida Statutes. Similarly, the bill removed the ten (10) year limit for credit disability, but did not remove the fifty thousand dollar limit (\$50,000) that is still contained in Section 627.679, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The stipulation that a term of insurance shall not exceed ten years subject to certain restrictions under the term and evidence of credit life insurance is now gone. The revised rule effectuates a ten year cap for credit life insurance uniformly from the date of issue.

Also, the rule extinguishes the requirement of providing the lesser of 60 monthly payments or the number of monthly payments for the full term of the loan.

SPECIFIC AUTHORITY: 627.678, 627.6785 FS.

LAW IMPLEMENTED: 627.681, 627.682 FS.

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

DATE AND TIME: September 30, 2008, 1:30 p.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

690-163.0075 Term and Evidence of Insurance.

~~The term of insurance and evidence of insurance shall not exceed ten years subject to the following limitations:~~

~~(1) Credit life insurance shall not exceed ten years from the date of issue and provide coverage for at least 5 years or the term of the loan if the loan is for less than 5 years;~~

~~(2) Credit disability insurance shall provide for monthly payments which are the lesser of 60 monthly payments or the number of monthly payments for the full term of the loan.~~

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.681, 627.6785(3), 627.681(3) FS. History—New 2-11-03, Formerly 4-163.0075, Amended _____.

690-163.009 Determination of Reasonableness of Benefits in Relation to Premium Charge.

(1) Section 627.682, Florida Statutes, requires that benefits provided by credit insurance policies must be reasonable in relation to the premium charged. This requirement is satisfied if the premium rate charged develops or may be reasonably expected to develop a loss ratio of claims incurred to premiums earned of not less than:

- (a) 55% for credit life insurance, and
- (b) 50% for credit disability insurance.

(2) Use of rates not greater than those contained in Rules 690-163.010 and 690-163.011, F.A.C., (“prima facie rates”) shall be deemed premium rates reasonably expected to develop the required loss ratio. An insurer may only file and use rates with such forms which are greater than prima facie rates upon a

satisfactory ~~filing with the Office showing to the Director~~ that the use of such rates will not result on a statewide basis for that insurer of a ratio of claims incurred to premiums earned of less than the required loss ratio.

(3) If an actual rate is greater than the prima facie rates, the actual rate may not exceed the prima facie rates plus the difference between:

- (a) Claims which may be reasonably expected, and
- (b) The product of the required loss ratio and the prima facie rate set forth for the coverage being provided.

(4) When some rates are based on subsection (1) above and others on the prima facie rate, the expected loss ratios of statewide business must meet the minimum loss ratio standard in subsection (1) above.

(5) Nonstandard Coverage. If any insurer files for approval of any form providing coverage more restrictive than that described in Rules 69O-163.010 and 69O-163.011, F.A.C., the insurer shall make a filing to demonstrate to the satisfaction of the ~~Office Director~~ that the premium rates to be charged for

such restricted coverage comply with subsection (1) above or, are less than or equal to rates which are actuarially equivalent to the prima facie rates.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.682 FS. History—New 5-9-82, Formerly 4-7.09, Amended 6-11-91, Formerly 4-7.009, Amended 3-15-94, 2-11-03, Formerly 4-163.009, Amended.

69O-163.011 Credit Disability Insurance Rates.

(1) Credit disability insurance premium rates for the insured portion of an indebtedness repayable in equal monthly installments, where the insured portion of the indebtedness decreases uniformly by the amount of the monthly installment paid, shall not be greater than in paragraphs (a) and (b). Paragraphs (c), (d) and (e) refer to premium rates for other types of coverages either alone or in combination with the type of coverages applicable to paragraphs (a) and (b).

(a) If premiums are payable on a single-premium basis for the duration of the coverage:

TABLE I

No. of months in which indebtedness is repayable	14-Day Non-Retroactive	30-Day Non-Retroactive	7-Day Retroactive	14-Day Retroactive	30-Day Retroactive
6 or less	\$0.81	\$0.36	\$1.47	\$1.30	\$1.05
7-12	1.13	0.72	1.76	1.58	1.36
13-18	1.46	1.08	2.05	1.87	1.67
19-24	1.78	1.44	2.34	2.16	1.97
25-30	2.11	1.80	2.64	2.45	2.28
31-36	2.43	2.16	2.93	2.74	2.58
37-48	2.84	2.70	3.34	3.10	2.97
49-60	3.16	2.97	3.69	3.38	3.28
61-72*	3.43	3.27	3.97	3.62	3.53
73-84*	3.61	3.47	4.18	3.79	3.70
85-96*	3.76	3.64	4.34	3.92	3.84
97-108*	3.86	3.75	4.46	4.01	3.94
109-120*	3.95	3.85	4.55	4.09	4.02
<u>Per month for terms exceeding 120 months</u>	<u>.0303</u>	<u>.0296</u>	<u>.0348</u>	<u>.0313</u>	<u>.0308</u>

*Maximum benefit is 60 monthly payments.

(b) If premiums are paid on the basis of a premium rate per month per thousand of outstanding insured indebtedness, these premiums shall be computed according to the formula: $OPn = (20XSPn) / (n + 1)$ using a rate no less than the 24 month rate in Table I above. A company may submit a different formula for approval which produces rates actuarially equivalent to the single premium rates in Table I:

Where

- SPn = Single Premium Rate per \$100 of initial insured indebtedness repayable in equal monthly installments (Table I). The Single Premium Rate shall not be less than the 19-24 month rate for the appropriate coverage.
- OPn = Monthly Outstanding Balance Premium Rate per \$1,000.
- n = Original repayment period, in months.

(c) Coverage which provides a constant maximum indemnity for a given period of time shall use rates no greater than those rates which are actuarially equivalent to the rates in paragraph (a) or (b).

(d) If the coverages provided are other than those described in this subsection (1), rates for such coverages shall be actuarially equivalent to the rates provided in paragraph (a), (b) or (c).

(e) Joint coverage rates shall be no greater than 175% of the specific rate for that type of coverage.

(f) The monthly outstanding balance rate for credit disability insurance may be either a term specified rate or may be a single composite term rate applicable to all insured loans.

(2) The premium rates in subsection (1) shall apply to policies providing credit disability insurance to be issued with or without evidence of insurability, to be offered to all eligible debtors, and containing:

(a)1. No provision excluding or denying a claim for disability resulting from pre-existing conditions, except for those conditions for which the insured debtor received medical advice, diagnosis, or treatment within six months preceding the effective date of the debtor's coverage, and which caused loss within the 6 months following the effective date of coverage;

2. Disability commencing after 6 months following the effective date of coverage resulting from the condition shall be covered.

3. Coverage with no pre-existing provision limitation shall result in an additional premium of 10% of the amounts shown in subsection (1), above.

(b) No other provision which excludes or restricts liability in the event of disability caused in a specific manner, except that it may contain provisions excluding or restricting coverage for intentionally self-inflicted injuries and normal pregnancy.

(c) No provision which requires that the debtor be employed more than thirty (30) hours per week in order to be eligible for insurance coverage.

(d) No age restrictions, or only age restrictions making ineligible for coverage debtors 66 or over at the time the indebtedness is incurred.

(e) However, coverage shall be provided, at a minimum, until the earlier of the maturity date of the loan or the loan anniversary at age 66. Where loans are in the form of revolving credit arrangements, an insurer may terminate coverage when the debtor attains the age 66.

(f) A daily benefit equal in amount to one-thirtieth of the monthly benefit payable under the policy for the indebtedness.

(g)1. A definition of "disability" which provides that during the first 12 months of disability the insured shall be unable to perform the duties of his occupation at the time the disability occurred, and thereafter the duties of any occupation for which the insured is reasonably fitted by education, training or experience.

2. This paragraph shall not apply to lump sum disability coverage.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.6785, 627.682 FS. History—New 5-9-82, Formerly 4-7.11, Amended 6-11-91, Formerly 4-7.011, Amended 2-11-03, Formerly 4-163.011, Amended _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-197.006
 RULE TITLE: Insurance Administrator Annual Report

PURPOSE AND EFFECT: To adopt a form Insurance Administrators must submit to the Office of Insurance Regulation to submit financial information.

SUBJECT AREA TO BE ADDRESSED: Rule adopts the annual report forms used by administrators, which insurance administrators must submit to report financial information to the Office.

SPECIFIC AUTHORITY: 626.8991 FS.

LAW IMPLEMENTED: 626.89 FS.

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

DATE AND TIME: September 22, 2008, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: Sandra.DuPont@flor.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: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: Sandra.DuPont@flor.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

690-197.006 Insurance Administrator Annual Report.

(1) The form adopted in subsection (2) below, is a form that Insurance Administrators must submit to the Office of Insurance Regulation to report financial information. This form may be viewed at the Office's website: <http://www.flor.com/pdf/OIR-A3-975.pdf>.

(2) Form OIR-A3-975, "Insurance Administrator Annual Report" (REV 06/06), is hereby incorporated by reference and is to be submitted to the Office of Insurance Regulation to report financial information.

(3) All forms submitted for review or approval shall be submitted electronically to <https://portal.fldfs.com>.

Specific Authority 626.8991 FS. Law Implemented 626.89 FS. History—New _____.

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-40.0311	Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure
69V-40.0511	Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure
69V-40.201	Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure

PURPOSE AND EFFECT: The rules set forth the policies of the Office of Financial Regulation with respect to processing license applications for persons who have been found guilty of, or who have pled guilty or nolo contendere to, certain crimes. The policies address applications for licensure as mortgage brokers, mortgage lenders, correspondent lenders, and mortgage brokerage businesses.

The rules provide that a person who has been found guilty of, or who has pled guilty or nolo contendere to, a felony involving fraud, dishonesty, breach of trust or money laundering is not eligible for licensure as a mortgage broker. These crimes are classified as Class "A" crimes under the rules. A person who has been found guilty of, or who has pled guilty or nolo contendere to, certain other felonies constituting moral turpitude, including but not limited to specified serious violent crimes (e.g. murder, rape, armed robbery, etc.) is not eligible for licensure as a mortgage broker until 15 years have passed. These crimes are classified as Class "B" crimes. A person who has been found guilty of, or who has pled guilty or nolo contendere to, a felony constituting an act of moral turpitude that is not addressed under Class "A" or "B" crimes is not eligible for licensure as mortgage broker until seven years have elapsed. These crimes are classified as Class "C" crimes. A person who has been found guilty of, or who has pled guilty or nolo contendere to, a misdemeanor involving fraud, dishonest dealing or moral turpitude, is not eligible for licensure as a mortgage broker until five years have elapsed. These crimes are classified as Class "D" crimes.

For applicants applying for licensure as a mortgage lender, correspondent lender, or mortgage brokerage business, the applicant is not eligible for licensure until 15 years have elapsed, if a "relevant person" of the applicant has been found guilty of, or has pled guilty or nolo contendere to, a felony involving fraud, dishonesty, breach of trust or money laundering or certain other specified crimes constituting moral turpitude (e.g. murder, rape, armed robbery, etc.) These crimes are classified as Class "A" crimes under the rules. For applicants seeking licensure as a mortgage lender, correspondent lender, or mortgage brokerage business, the applicant is not eligible for licensure until seven years have elapsed, if a "relevant person" of the applicant has been found guilty of, or has pled guilty or nolo contendere to, any felony constituting moral turpitude that is not addressed under Class A crimes. These crimes are classified as Class "B" crimes. For "relevant persons" of the applicant who have been found guilty of, or who have pled guilty or nolo contendere to, a misdemeanor involving fraud, dishonest dealing or moral turpitude, the applicant is not eligible for licensure as a mortgage broker business, correspondent lender or mortgage lender until five years have elapsed. These crimes are classified as Class "C" crimes.

"Relevant persons" include each officer, director, control person, member, partner, or joint venturer of a mortgage brokerage business license applicant or of a mortgage lender of

correspondent lender license applicant. The term also includes each ultimate equitable owner with a 10-percent or greater interest in the license applicant.

The rules provide for mitigating and aggravating factors that may lengthen or shorten the time periods discussed above for applicants for licensure as a mortgage broker, mortgage brokerage business, mortgage lender or correspondent mortgage lender.

SUBJECT AREA TO BE ADDRESSED: Mortgage Broker, Mortgage Lender, Correspondent Lender, and Mortgage Brokerage Business Licensure.

SPECIFIC AUTHORITY: 494.0011 FS.

LAW IMPLEMENTED: 112.011, 494.0031, 494.0033, 494.0041, 494.0061, 494.0062, 494.0072 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Terry Straub, Director, Division of Finance, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, terry.straub@flofr.com. A request for a rule workshop must be in writing and received by the Office of Financial Regulation no later than 5:00 p.m. on August 29, 2008.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.0311 Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure.

(1) Statement of Policy Implementation of Federal Law. It is the policy of the Office that the licensing standards set forth in Chapter 494, Florida Statutes, be construed consistently with federal law as expressed in Title V of H.R. 3221 of the 110th Congress, i.e. the S.A.F.E. Mortgage Licensure Act of 2008. This rule is intended to encompass that policy. Under Chapter 494, Florida Statutes, the Office may deny an applicant a license if the person has committed a crime involving fraud, dishonest dealing, or moral turpitude. The new federal legislation establishes stricter minimum standards for licensure to attempt to enhance prevention against persons who may pose a threat to Florida consumers from entering the mortgage industry. These stricter standards need to be applied in Florida based on studies of recidivism conducted by the Florida Department of Corrections.

(2) General Procedure Regarding Law Enforcement Records. At the time of submitting a mortgage broker application, an applicant for a mortgage broker license shall supply the Office with required documentation, as specified in this rule, relating to: 1) all criminal matters in which the

applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a crime, 2) any pending criminal charges, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(3) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed pursuant to subsection (2) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(b) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant.

(4) Classification of Crimes.

(a) The Office makes a general classification of crimes into four classes: A, B, C, and D as listed in subsections (16), (17), (18), and (19) of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude, the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime, and the standards for licensure set forth in Title V of H.R. 3221 of the 110th Congress, the S.A.F.E. Mortgage Licensure Act of 2008.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(5) Effect on Licensure of Commitment of Single Crime. The Office finds it necessary to implement the following standards for applicants whose law enforcement record includes a single crime, subject to the mitigating factors set forth in this rule before licensure. All periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant is not eligible for licensure.

(b) Class B Crime. The applicant will not be granted a license until 15 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 7 years have passed since the trigger date.

(d) Class D Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(6) Applicants With Multiple Crimes.

(a) The Office construes Section 494.0041, Florida Statutes, to require that an applicant whose law enforcement record includes multiple crimes wait longer than those whose law enforcement record includes only a single crime before becoming eligible for licensure in order to assure that such applicant's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances, before licensure can safely be granted. Accordingly, where the applicant has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as "Single Crime" versus "Multiple Crimes." For purposes of this rule, two (2) or more offenses are considered a single crime if they are triable in the same court and are based on the same act or transaction or on two (2) or more connected acts or transactions.

(7) Mitigating Factors.

(a) The disqualifying period for a crime or crimes shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as a mortgage broker.

2. One year is deducted if restitution or settlement has been made for all crimes in which wherein restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year will be deducted if the applicant was under age 21 when the crime was committed and there is only one crime in the applicant's law enforcement record.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before licensure is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the licensure decision.

(b) In no event shall the aggregate mitigation result in less than a seven (7) year disqualifying period where the underlying crime committed was a felony.

(c) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(8) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of plea, i.e., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results wherein the applicant was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(9) Effect of Pending Appeal in Criminal Proceedings: Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Office's adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of license.

(10) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant licensure to any person who at time of application is participating in a pre-trial intervention program. The Office finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before licensure may be considered.

(11) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally an applicant will have a matter sealed or expunged after submitting his or her application. In such situations the Office policy is as follows:

1. If the applicant properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(12) Effect of Restoration of Civil Rights.

(a) An applicant must disclose crimes even where civil rights have been restored.

(b) If a person's civil rights have been restored, the crimes will be evaluated in the application process consistent with Section 112.011 and Chapter 494, Florida Statutes, and the rules promulgated thereunder.

(c) The burden is upon the applicant to prove the restoration of their civil rights.

(13) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.
2. Found guilty; entered a finding of guilt.
3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.
4. Nolo contendere; no contest; did not contest; did not deny; no denial.
5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.
6. Nolle prosequere; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(14) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not license any applicant under Chapter 494, Florida Statutes, while the applicant is imprisoned, under arrest, or serving a sentence for any crime. Further, the Office shall not license any applicant who has been released from imprisonment until the later of the period otherwise set out in these rules or five (5) years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least five (5) years on good behavior, before licensure can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving term on community supervision for any felony crime, or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude. The Office shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

(15) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give a licensee a right to licensure after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to licensure remains on the applicant.

(16) Class "A" Crimes include all felonies involving an act of fraud, dishonesty, or a breach of trust, or money laundering, and the Office finds that such crimes constitute crimes of moral turpitude. The Office finds the following list of crimes are Class "A" crimes. This list is representative only and shall not be construed to constitute a complete or exclusive list all crimes that are Class "A" crimes. No inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

- (b) Perjury.
 - (c) Armed robbery.
 - (d) Robbery.
 - (e) Extortion.
 - (f) Bribery.
 - (g) Embezzlement.
 - (h) Grand theft.
 - (i) Larceny.
 - (j) Burglary.
 - (k) Breaking and entering.
 - (l) Identity Theft.
 - (m) Any type of forgery or uttering a forged instrument.
 - (n) Misuse of public office.
 - (o) Racketeering.
 - (p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.
 - (q) Treason against the United States, or a state, district, or territory thereof.
 - (r) Altering public documents.
 - (s) Witness tampering.
 - (t) Tax evasion.
 - (u) Impersonating or attempting to impersonate a law enforcement officer.
 - (v) Money laundering.
- (17) Class "B" Crimes include the following list of felonies, or similar felonies, and the Office finds that such crimes constitute crimes of moral turpitude.
- (a) Murder in all degrees.
 - (b) Arson.
 - (c) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.
 - (d) Aggravated Assault (e.g., as with a deadly weapon).
 - (e) Aggravated Battery (e.g., as with a deadly weapon).
 - (f) Rape.
 - (g) Sexually molesting any minor.
 - (h) Sexual battery.
 - (i) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.
 - (j) Kidnapping.

(18) Class "C" Crimes include all felonies that involve any other act of moral turpitude and are not Class "A" or Class "B" crimes.

(19) Class "D" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.

(20) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0033, 494.0041 FS. History--New

69V-40.0511 Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each officer, director, control person, member, partner, or joint venturer of a Mortgage Brokerage Business License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as "relevant persons." At the time of submitting a Mortgage Brokerage Business Application, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a crime, 2) any pending criminal charges for a relevant person, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed pursuant to subsection (2) herein is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(b) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant.

(3) Classification of Crimes.

(a) The Office makes a general classification of crimes into three classes: A, B and C, as listed in subsections (15), (16) and (17) of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude and the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(4) Effect on Licensure of Commitment of Single Crime. The Office finds it necessary to implement the following standards for applicants with relevant persons whose law enforcement record includes a single crime, subject to the mitigating factors set forth in this rule before licensure. All disqualifying periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant will not be granted a license until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted a license until 7 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(5) Relevant Persons With Multiple Crimes.

(a) The Office construes Section 494.0041, Florida Statutes, to require that an applicant with relevant persons whose law enforcement record includes multiple Class B or Class C crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for licensure in order to assure that such relevant person's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances, before licensure can safely be granted. Accordingly, where the relevant person has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as "Single Crime" versus "Multiple Crimes." For purposes of this rule, two (2) or more offenses are considered a single crime if they are triable in the same court and are based on the same act or transaction or on two (2) or more connected acts or transactions.

(6) Mitigating Factors.

(a) The disqualifying period based on a crime pursuant to this rule shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as a mortgage broker.

2. One year is deducted if restitution or settlement has been made for all crimes in which restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year will be deducted if the applicant was under age 21 when the crime was committed and there is only one crime in the applicant's law enforcement record.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before licensure is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the licensure decision.

(b) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(7) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of pleas, i.e., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results in which the applicant was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(8) Effect of Pending Appeal in Criminal Proceedings: Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Office's adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of license.

(9) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant licensure to any applicant with a relevant person who at time of application is participating in a pre-trial intervention program. The Office finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before licensure may be considered.

(10) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding for a relevant person, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally a relevant person will have a matter sealed or expunged after the applicant submits an application, but before a licensing decision is made by the Office. In such situations the Office policy is as follows:

1. If the applicant's relevant person properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant's relevant person did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(11) Effect of Restoration of Civil Rights.

(a) An applicant's relevant person must disclose crimes even where civil rights have been restored.

(b) If a relevant person's civil rights have been restored, the crimes will be evaluated in the application process consistent with Section 112.011 and Chapter 494, Florida Statutes, and the rules promulgated thereunder.

(c) The burden is upon the applicant to prove the restoration of their civil rights.

(12) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequere; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(13) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not license any applicant under Chapter 494, Florida Statutes, while any relevant person of the applicant is imprisoned or serving a sentence for any crime. Further, the Office shall not license any applicant with a relevant person who has been released from imprisonment until the later of the period otherwise set out in these rules or 5 years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least 5 years on good behavior, before licensure can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving term on community supervision for any felony crime, or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude. The Office shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

(14) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give an applicant a right to licensure after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to licensure remains on the applicant.

(15) Class "A" Crimes include the following felonies which involve fraud, dishonest dealing, or moral turpitude. This list is representative only and shall not be construed to constitute a complete or exclusive list all of crimes that are Class "A" crimes. Crimes similar to the crimes on this list may also be considered Class "A" crimes, and no inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

(b) Perjury.

(c) Armed robbery.

(d) Robbery.

(e) Extortion.

(f) Bribery.

(g) Embezzlement.

(h) Grand theft.

(i) Larceny.

(j) Burglary.

(k) Breaking and entering.

(l) Identity Theft.

(m) Any type of forgery or uttering a forged instrument.

(n) Misuse of public office.

(o) Racketeering.

(p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.

(q) Treason against the United States, or a state, district, or territory thereof.

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

(u) Impersonating or attempting to impersonate a law enforcement officer.

(v) Money laundering.

(w) Murder in all degrees.

(x) Arson.

(y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.

(z) Aggravated Assault (e.g., as with a deadly weapon).

(aa) Aggravated Battery (e.g., as with a deadly weapon).

(bb) Rape.

(cc) Sexually molesting any minor.

(dd) Sexual battery.

(ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.

(ff) Kidnapping.

(16) Class "B" Crimes include all felonies that involve any other act of moral turpitude and are not Class "A" crimes.

(17) Class "C" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.

(18) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0031, 494.0041 FS. History—New _____.

69V-40.201 Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each designated principal representative and each officer, director, control person, member, partner, or joint venturer of a Mortgage Lender or Correspondent Lender License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as "relevant persons." At the time of submitting a Mortgage Lender or Correspondent Lender Application, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a crime, 2) any pending criminal charges for a relevant person, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that

documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed pursuant to subsection (1) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0072(2)(c), Florida Statutes.

(b) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant.

(3) Classification of Crimes.

(a) The Office makes a general classification of crimes into three classes: A, B and C, as listed in subsections (15), (16) and (17) of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude and the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(4) Effect on Licensure of Commitment of Single Crime. The Office finds it necessary to implement the following standards for applicants with relevant persons whose law

enforcement record includes a single crime, subject to the mitigating factors set forth elsewhere in this rule before licensure. All disqualifying periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant will not be granted a license until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted a license until 7 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(5) Relevant Persons With Multiple Crimes.

(a) The Office construes Section 494.0072, Florida Statutes, to require that an applicant with relevant persons whose law enforcement record includes multiple Class B or Class C crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for licensure in order to assure that such relevant person's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances, before licensure can safely be granted. Accordingly, where the relevant person has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as "Single Crime" versus "Multiple Crimes." For purposes of this rule, two (2) or more offenses are considered a single crime if they are triable in the same court and are based on the same act or transaction or on two (2) or more connected acts or transactions.

(6) Mitigating Factors for Class "C" Crimes.

(a) The disqualifying period for a Class "C" crime shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as a mortgage broker.

2. One year is deducted if restitution or settlement has been made for all crimes in which restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year will be deducted if the applicant was under age 21 when the crime was committed and there is only one crime in the applicant's law enforcement record.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before licensure is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the licensure decision.

(b) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(7) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of pleas, i.e., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results in which the applicant was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(8) Effect of Pending Appeal in Criminal Proceedings: Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Office's adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of licensure.

(9) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant licensure to any applicant with a relevant person who at time of application is participating in a pre-trial intervention program. The Office finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before licensure may be considered.

(10) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding for a relevant person, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally a relevant person will have a matter sealed or expunged after the applicant submits an application, but before a licensing decision is made by the Office. In such situations the Office policy is as follows:

1. If the applicant's relevant person properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant's relevant person did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 494.0072(2)(c), Florida Statutes.

(11) Effect of Restoration of Civil Rights.

(a) An applicant's relevant person must disclose crimes even where civil rights have been restored.

(b) If a relevant person's civil rights have been restored, the crimes will be evaluated in the application process consistent with Section 112.011 and Chapter 494, Florida Statutes, and the rules promulgated thereunder.

(c) The burden is upon the applicant to prove the restoration of their civil rights.

(12) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.
2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequi; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(13) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not license any applicant under Chapter 494, Florida Statutes, while any relevant person of the applicant is imprisoned or serving a sentence for any crime. Further, the Office shall not license any applicant with a relevant person who has been released from imprisonment until the later of the period otherwise set out in these rules or 5 years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least 5 years on good behavior, before licensure can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving term on community supervision for any felony crime, or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude. The Office shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

(14) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give a applicant a right to licensure after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to licensure remains on the applicant.

(15) Class "A" Crimes include the following felonies which involve fraud, dishonest dealing, or moral turpitude. This list is representative only and shall not be construed to constitute a complete or exclusive list all of crimes that are Class "A" crimes. Crimes similar to the crimes on this list may also be considered Class "A" crimes, and no inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

- (b) Perjury.
- (c) Armed robbery.
- (d) Robbery.
- (e) Extortion.
- (f) Bribery.
- (g) Embezzlement.
- (h) Grand theft.
- (i) Larceny.
- (j) Burglary.
- (k) Breaking and entering.
- (l) Identity Theft.
- (m) Any type of forgery or uttering a forged instrument.
- (n) Misuse of public office.
- (o) Racketeering.
- (p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.
- (q) Treason against the United States, or a state, district, or territory thereof.
- (r) Altering public documents.
- (s) Witness tampering.
- (t) Tax evasion.
- (u) Impersonating or attempting to impersonate a law enforcement officer.
- (v) Money laundering.
- (w) Murder in all degrees.
- (x) Arson.
- (y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.
- (z) Aggravated Assault (e.g., as with a deadly weapon).
- (aa) Aggravated Battery (e.g., as with a deadly weapon).
- (bb) Rape.
- (cc) Sexually molesting any minor.
- (dd) Sexual battery.
- (ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.
- (ff) Kidnapping.
- (16) Class "B" Crimes include all felonies that involve any other act of moral turpitude and are not Class "A" crimes.
- (17) Class "C" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.
- (18) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:
 - (a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0061, 494.0062, 494.0072 FS. History--New _____.

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."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.701
RULE TITLE: Use of Blue Lights and Sirens
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to require officers who are currently certified to complete the Department's classroom training portion in order to highlight topics unique to the Department.
SUMMARY: The proposed rule requires officers who have completed a certified law enforcement crossover course and are currently certified to complete the Department's 4 hour classroom training portion of the 16 hour requirement.
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: 944.09 FS.
LAW IMPLEMENTED: 316.003, 316.072, 316.2397 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jamie Jordan-Nunes, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-602.701 Use of Blue Lights and Sirens.
- (1) through (5) No change.
- (6) Training:

(a) No change.

(b) Correctional officers who have attended and successfully completed a certified law enforcement crossover course and have their certificates of certification as law enforcement officers on file with the department will be required to complete the 4 hour classroom portion of the 16 hour ~~considered as meeting this~~ training requirement. In the event there is no cross over emergency vehicle operation course, the additional department training will be required.

(c) through (d) No change.

Specific Authority 944.09 FS. Law Implemented 316.003, 316.072, 316.2397 FS. History--New 6-16-08, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Hendry, Special Teams Coordinator, Bureau Security Operations

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2008

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: 60L-33.004
RULE TITLE: Layoff and Employee Transition

PURPOSE AND EFFECT: To implement changes to the administrative rule as required by Ch. 2008-126, Laws of Florida, which amended Section 110.227, F.S.

SUMMARY: Requires agencies to develop objective measures to assess employee retention in layoff situations and give consideration to employee's length of service.

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: 110.1055, 110.201(1), 110.227(2) FS.

LAW IMPLEMENTED: 110.201, 110.227 FS.

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

DATE AND TIME: September 15, 2008, 2:00 p.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

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: Phil Spooner, (850)488-2445. If you are 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: Mr. Phil Spooner, Workforce Design and Compensation Manager, 4050 Esplanade Way Suite 235, Tallahassee, FL 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-33.004 Layoff ~~Workforce Reduction~~ and Employee Transition.

(1) ~~A workforce reduction is the deletion of positions. Agencies may delete both vacant and filled positions. Agencies may effect a layoff delete positions~~ for a variety of reasons, including budget cuts, program reductions resulting from outsourcing or privatization efforts, or program phase-outs. Agencies shall accomplish a layoff ~~workforce reductions~~ in an orderly, systematic, and uniform manner in accordance with this rule.

(2) Each agency shall have a Department-approved workforce transition plan. The goal of the plan is to ensure that the agency makes reasonable efforts to provide a smooth transition for the career service employees adversely affected by the layoff ~~workforce reduction~~. The plan shall identify the steps the agency will take during the layoff ~~workforce reduction~~ to advance this goal. The following steps are reasonable and shall be included in any plan, unless the plan justifies in writing why they are not included:

(a) Appoint a workforce transition team, which is responsible for overseeing and administering the layoff ~~workforce reduction~~.

(b) Develop a communications plan, designed to ensure open, honest, and frequent communication regarding staffing changes. Provide clear avenues for employees to seek and obtain information and assistance. Address necessary communications with the Department, the Agency for Workforce Innovation, and unions.

(c) Assess the positions to be deleted and the mission and goals of the residual program (that is, the program area that will remain after the deletion of functions and positions). Identify the employees and programs or services that will be affected by the layoff ~~workforce reduction~~. Identify the knowledge, skills, and abilities that employees will need to carry out the residual program.

(d) Assess employees.

1. If the ~~layoff workforce reduction~~ affects law enforcement or correctional officers, firefighters, or professional health care providers, develop procedures to establish the relative merit and fitness of these employees. Include a formula for uniform application within a competitive area, taking into consideration the type of appointment, the length of service, and the evaluation of the employee's performance within the last five years of employment. The Department may authorize selective competition within the competitive area, based upon specific qualifications deemed necessary for a position, if the duties and responsibilities requiring such qualifications are clearly reflected in the official position description on file with the agency.

2. If the ~~layoff workforce reduction~~ affects any other career service employee, develop assessment procedures which shall base employee retention on objective measures that include the following considerations: the comparative merit, demonstrated skills, and experience and length of service in the State Personnel System of each employee. In determining which employees to retain, the primary retention considerations should be the employees' job performance, the job-related skills possessed by employees and ~~consider~~ which employees will best enable the agency to advance its mission. In this context, consider how each employee fares with respect to the following factors: commitment, cooperation, excellence, fairness, honesty/integrity, initiative, respect, and teamwork. An employee's experience and length of service in the State Personnel System shall also receive consideration for employee retention and may be used in those instances where employees receive equal assessments.

(3) A ~~permanent~~ career service employee with permanent status in their current position facing layoff ~~as a result of a work force reduction~~ shall have an opportunity for first interview within any agency for a vacancy for which the employee is qualified and has applied.

(4) Before laying off a ~~permanent~~ career service employee with permanent status in their current position ~~as part of a work force reduction~~, an agency shall provide the employee reasonable notice of the intended action. Where possible, the agency shall provide at least thirty days notice, and in all cases the agency shall provide at least ten days notice or, in lieu thereof, pay or a combination of notice and pay.

(5) The Agency for Workforce Innovation through its existing programs shall make available placement assistance to affected agencies and employees.

(6) Agencies shall ~~prepare update~~ and maintain a the workforce transition spreadsheet database and provide the spreadsheet to the Department upon request ~~any additional information related to the database.~~

(7) A Consequences of a workforce reduction, including a layoff is, are not a disciplinary actions therefore, it may not be appealed to the Public Employees Relations Commission.

Specific Authority 110.1055, 110.201(1), 110.227(2) FS. Law Implemented 110.201, 110.227 FS. History--New 1-1-02, Amended 4-3-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Director of Human Resource Management, Department of Management Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David A. Faulkenberry, Deputy Secretary of Human Resource Support, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-4.002	Content of Examination
61G17-4.003	Grading Criteria and Procedures
61G17-4.004	Grading
61G17-4.006	Grades Review Procedure

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to delete the essay portion of the examination.

SUMMARY: The essay portion of the examination will be deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

SPECIFIC AUTHORITY: 455.217(1), (2), 472.013 FS.

LAW IMPLEMENTED: 455.217(1), (2), 472.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G17-4.002 Content of Examination.
- (1) through (2) No change.

(3) The Florida Jurisdictional Multiple Choice Examination shall be based on Florida's laws and rules regarding the practice of surveying and mapping. The following areas shall be tested on the examination and will be weighted approximately as designated:

Statute/Rule	Area Tested	Assigned Weight
Chapter 177, Part I, Florida Statutes. Chapter 177, Part II, Florida Statutes. Chapter 161, Florida Statutes. Rule 62B-33, Florida Administrative Code.	Platting Coastal Mapping	30%
Chapter 177, Part III, Florida Statutes. Chapter 472, Florida Statutes. Chapter 718, Florida Statutes. Chapter 95, Florida Statutes. 61G17-1, Florida Administrative Code. 61G17-2, Florida Administrative Code. 61G17-5, Florida Administrative Code. 61G17-6+7, Florida Administrative Code.	Restoration of Corners Land Surveying Condominiums Adverse Possession Organization & Purpose Grounds for Discipline Continuing Education Minimum Technical Standards	15+0% 5+0% 5+0% 40%
61G17-7, Florida Administrative Code.	Seals, Signatures, & Certificates of Authorization	
61G17-9, Florida Administrative Code. <u>Chapter 455, Florida Statutes, and Section 287.055, Florida Statutes</u>	Penalties <u>Department of Business and Professional Regulation – General provisions</u> <u>Consultants' Competitive Negotiation Act</u>	5%

~~(4) The Florida Jurisdictional Essay Examination shall be based on professional practice and principles in surveying and mapping and on Florida's laws and rules regarding the practice of surveying and mapping. The examination shall test the applicant's ability to apply acceptable surveying and mapping standards to problems which are commonly encountered in Florida, and the practice of surveying and mapping. The candidate is expected to prepare survey descriptions, drawings, exhibits or reports in compliance with Florida laws and rules. The following areas shall be tested on the examination and will be weighted approximately as designated:~~

- ~~(a) Minimum Technical Standards—60%~~
- ~~(b) Principles and Practice—30%~~
- ~~(c) Description & Communication—10%~~

~~THIS RULE SHALL TAKE EFFECT OCTOBER 31, 2008.~~

~~Specific Authority 455.217(1) FS. Law Implemented 455.217(1) FS. History—New 1-3-80, Amended 1-25-84, Formerly 21HH-4.02, Amended 9-16-87, 12-13-88, 8-30-92, Formerly 21HH-4.002, Amended 5-30-95, 5-17-99, 7-9-00, 10-31-08.~~

61G17-4.003 Grading Criteria and Procedures.

(1) The Principles and Practice Examination contains machine graded, multiple choice questions developed by the NCEES based upon the results of National Task Analysis Surveys performed periodically. Grades shall be determined by the applicant's ability to choose the correct answer from several given choices.

(2) The Florida Jurisdictional Multiple Choice Examination consists of 30 multiple choice questions. The multiple choice questions will be weighted equally and machine graded. Scores for the multiple choice portion shall be determined by the applicant's ability to choose the correct answer from several given choices. A minimum of 21 questions must be answered correctly in order to receive a passing score.

~~(3) The Florida Jurisdictional Essay Examination consists of one or more essay questions. Grading criteria shall follow the minimum technical standards set out in Chapter 61G17-6, F.A.C., and the surveying standards set out in the texts referenced in the Candidate Information Booklet sent to the applicants for examination. Graders are brought to a consensus on grading procedures and criteria through a training session. The examination will be independently graded on a blind basis by two graders. The resulting score shall be the average of the two graders' scores. Should the candidate receive a passing score from one grader, but a total failing score, or should the candidate receive a failing score from one grader but a total passing score, the examination will be referred to a committee of no fewer than three (3) members for regrading. The decision of the committee shall be final. A minimum of 70% of the total possible points is required for a passing score.~~

~~THIS RULE SHALL TAKE EFFECT OCTOBER 31, 2008.~~

~~Specific Authority 455.217(1) FS. Law Implemented 455.217(1) FS. History—New 1-3-80, Amended 10-29-80, 4-19-82, 1-25-84, Formerly 21HH-4.03, Amended 9-16-87, 8-30-92, Formerly 21HH-4.003, Amended 9-7-93, 4-6-94, 5-30-95, 10-31-08.~~

61G17-4.004 Grading.

(1) The Principles and Practice Examination and the Fundamentals Examination contain machine graded, multiple choice questions developed by the NCEES. The minimum score necessary for passing the Principles and Practice Examination and the Fundamentals Examination shall be set by NCEES through the use of a Modified Angoff Method for determining the minimally acceptable raw score necessary to pass the examination. The passing score shall be established by NCEES.

(2) The Florida Jurisdictional Multiple Choice Examination consists of 100 ~~30~~ multiple choice questions developed by the Department, or the Board's designee. The multiple choice questions will be weighted equally and machine graded. ~~The Florida Jurisdictional Essay Examination consists of one or more essay questions developed by the Department. The essays shall be independently graded on a blind basis by graders.~~ A passing grade on the Florida Jurisdictional Multiple Choice Examination ~~and the Florida Essay Examination~~ is defined as 70% of the total possible points ~~on each examination.~~

(3) Scores on the examination will be reported as follows: the Principles and Practice Examination, the Fundamentals Examination, the Florida Jurisdictional Multiple Choice Examination ~~and the Florida Jurisdictional Essay Examination~~

shall have separate scores. ~~Three~~ ~~Four~~ passing scores must be received in order to successfully pass the examination; however, these four passing scores need not be obtained in one sitting.

THIS RULE SHALL TAKE EFFECT OCTOBER 31, 2008.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1) FS. History—New 1-3-80, Amended 6-9-80, 8-27-81, 1-25-84, Formerly 21HH-4.04, Amended 8-30-92, Formerly 21HH-4.004, Amended 5-30-95, 11-15-95, 7-27-00, 10-31-08.

61G17-4.006 Grades Review Procedure.

Any applicant who takes the Florida Jurisdictional Multiple Choice Examination ~~and the Florida Jurisdictional Essay Examination~~ may examine the applicant’s own answers and questions, papers, grades and grading key, upon such terms and conditions as set forth by the Department of Business and Professional Regulation in Rule 61-11.017, F.A.C. The applicant shall bear the actual cost incurred by the Department in providing the examination review.

THIS RULE SHALL TAKE EFFECT OCTOBER 31, 2008.

Specific Authority 455.217(2), 472.013 FS. Law Implemented 455.217(2), 472.013 FS. History—New 1-3-80, Formerly 21HH-4.06, 21HH-4.006, Amended 5-30-95, 5-17-00, 10-31-08.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2008

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-304.405	Lower Suwannee River Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for nutrients in impaired waters located in the Suwannee River Basin (downstream of the confluence with the Withlacoochee River) and to delete the existing language in Rule 62-304.405, F.A.C., regarding a TMDL for Total Coliforms in the Fenholloway River.

SUMMARY: This TMDL addresses nutrient impairments for a number of springs in the Suwannee River (downstream of the confluence with the Withlacoochee River) basin and the Lower Suwannee Estuary. These waterbodies were verified as impaired by nitrate-N using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. A concentration target was used to establish the nutrient TMDL. The existing language for a Total Coliform TMDL in the Fenholloway River is being deleted, as “Total Coliform” is no longer a surface water quality criterion (EPA approved this revision to Florida’s surface water quality standards on May 4, 2007).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has not prepared a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

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

DATE AND TIME: September 18, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, 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: Ms. Pat Waters at (850)245-8449. If you are 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Management, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.405 Lower Suwannee River Basin TMDLs. ~~Fenholloway River. The Total Maximum Daily Load for the Fenholloway River is a 61 percent reduction in Total Coliforms from nonpoint sources, and is allocated as follows:~~

(1) Middle Suwannee Planning Unit. The Wasteload Allocation for point sources discharging wastewater to the Fenholloway River or its tributaries is for all permittees to meet the Class III criteria for Total Coliforms;

(a) Suwannee River (downstream of the confluence with the Withlacoochee River).

1. The Total Maximum Daily Loads for Suwannee River are to achieve 0.35 mg/L nitrate-N for the discharge from Suwannee River, and are allocated as follows:

a. The Wasteload Allocation (WLA) for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater (NPDES) Permitting Program is not applicable.

c. The Load Allocation (LA) for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The range of percent reduction necessary to achieve the LA is estimated between 0 and 51 percent depending on the month and location within the basin. Achievement of the TMDL constitutes achievement of a percent reduction, and

d. The Margin of Safety is implicit.

(b) Branford Springs.

1. The Total Maximum Daily Load for Branford Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 61 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(c) Falmouth Springs.

1. The Total Maximum Daily Load for Falmouth Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 62 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(d) Royal Springs.

1. The Total Maximum Daily Load for Royal Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 74 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(e) Ruth Springs.

1. The Total Maximum Daily Load for Ruth Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 92 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(f) Troy Springs.

1. The Total Maximum Daily Load for Troy Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 81 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(2) Lower Suwannee Planning Unit. The Load Allocation for nonpoint sources is a 61 percent reduction in loading, and

(a) Fanning Springs.

1. The Total Maximum Daily Load for Fanning Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

a. The WLA for wastewater sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 92 percent. Achievement of the TMDL constitutes meeting the water quality target, and

d. The Margin of Safety is implicit.

(b) Manatee Springs.

1. The Total Maximum Daily Load for Manatee Springs is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

- a. The WLA for wastewater sources is not applicable.
- b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.
- c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The percent reduction is an estimated 79 percent. Achievement of the TMDL constitutes meeting the water quality target, and
- d. The Margin of Safety is implicit.

(c) Lower Suwannee Estuary.

1. The Total Maximum Daily Load for Lower Suwannee Estuary is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

- a. The WLA for wastewater sources is not applicable.
- b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.
- c. The LA for nonpoint sources is to meet a monthly average of 0.35 mg/L nitrate-N. The range of percent reduction necessary to achieve the LA is estimated between 30 and 58 percent depending on the month and location within the basin. Achievement of the TMDL constitutes meeting the water quality target, and
- d. The Margin of Safety is implicit.

(3) The Margin of Safety is implicit.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New 12-3-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.410
RULE TITLE: Santa Fe Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for nutrients and dissolved oxygen in the Santa Fe River (below river rise) and to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliforms (New River), total nitrogen (New River WBIDs 3506 and 3506B), and total phosphorus (New River WBID 3506).

SUMMARY: The Santa Fe TMDL addresses nutrients and dissolved oxygen impairments in the Santa Fe River (below river rise). This waterbody was verified as impaired by

nitrate-N and dissolved oxygen (DO) using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. For DO, the nutrient TMDL target, set as a monthly average for nitrate-N, will reduce any pollutant impacts associated with DO. A concentration target was used to develop the nutrient TMDL. The New River TMDLs address fecal coliform and DO impairments in the New River. This waterbody was also verified as impaired by fecal coliforms and dissolved oxygen using the methodology established in Chapter 62-303, F.A.C. For the DO TMDLs, water quality targets were identified for total nitrogen and/or total phosphorus using a bioregion reference nutrient approach. The Kansas approach was used to develop the fecal coliform TMDL.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has not prepared a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 FS.

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

DATE AND TIME: September 18, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Management, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

- 62-304.410 Santa Fe Basin TMDLs.
- Santa Fe River Planning Unit.
- (1) Santa Fe River TMDLs.

(a) Santa Fe River TMDL for nutrient and dissolved oxygen impairments: The Total Maximum Daily Load for nutrients in the Santa Fe River (below river rise) is to achieve a monthly average of 0.35 mg/L nitrate-N, and is allocated as follows:

1. The Wasteload Allocation (WLA) for wastewater sources is not applicable.

2. The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program are to meet a monthly average in-stream ambient water quality target of 0.35 mg/L nitrate-N. The range of percent reduction necessary to achieve the LA is estimated between 13 and 35 percent depending on the month and location within the basin. Achievement of the TMDL constitutes meeting the water quality target, and

3. The Load Allocations (LA) for nonpoint sources are to meet a monthly average of 0.35 mg/L nitrate-N. The range of percent reduction necessary to achieve the LA is estimated between 13 and 35 percent depending on the month and location within the basin. Achievement of the TMDL constitutes meeting the water quality target, and

4. The Margin of Safety is implicit.

(2) New River TMDLs.

(a) New River TMDL for fecal coliform impairment. The Total Maximum Daily Load for New River 400 counts/100mL for fecal coliform, and is allocated as follows:

1. The WLA for wastewater point sources is not applicable.

2. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

3. The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 45 percent reduction at sources contributing to exceedances of the criteria, and

4. The Margin of Safety is implicit.

5. While the LA for fecal coliform has been expressed as the percent reductions needed to attain the applicable Class III criteria, it is not the intent of the TMDL to abate natural background conditions.

(b) New River TMDL for dissolved oxygen impairment. The Total Maximum Daily Load for the New River is allocated as follows:

1. The WLA for wastewater point sources is not applicable.

2. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is not applicable.

3. The LA for nonpoint sources is to address anthropogenic sources in the basin such that there is a 38 percent reduction of current anthropogenic total nitrogen (TN) loading to the upper portion of the New River, a 13 percent reduction of current anthropogenic total nitrogen (TN) loading to the lower portion of the New River, and a 38 percent reduction of current anthropogenic total phosphorus (TP) loading to the lower portion of the New River, based on measured concentrations from the 1995 to 2006 period.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-3.006
RULE TITLE: Diagnostic Testing

PURPOSE AND EFFECT: To create a new rule.

SUMMARY: This rule provides that, except during surgery, spinal ultrasound, somatosensory evoked potential and dermatomal evoked potential are diagnostic tests that are not medically necessary for treating persons with bodily injury covered by personal injury protection benefits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There is no fiscal impact because small businesses must perform legally and ethnically and because the prohibitions in this rule were previously in a former rule of the department.

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: 627.736(5) FS.

LAW IMPLEMENTED: 627.736(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-3.006 Diagnostic Testing.

For the purposes of Section 627.736(5)(b)6., F.S., the Department of Health, in consultation with the appropriate licensing boards, adopts the following list of diagnostic tests, when not used during a surgical procedure, based on the lack of demonstrated medical value and level of general acceptance by the provider community:

(1) Spinal ultrasound, also known as sonography, ultrasonography, and echography, is deemed not to be medically necessary for use in the diagnosis and treatment of persons sustaining bodily injury covered by personal injury protection benefits.

(2) Somatosensory Evoked Potential is deemed not to be medically necessary for use in the diagnosis of radiculopathy or distal nerve entrapment when treating persons sustaining bodily injury covered by personal injury protection benefits.

(3) Dermatomal Evoked Potential is deemed not to be medically necessary for use in the diagnosis and treatment of persons sustaining bodily injury covered by personal injury protection benefits.

Specific Authority 627.736(5) FS. Law Implemented 627.736(5) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry McPherson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana Viamonte Ros

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF HEALTH

Board of Optometry

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

PURPOSE AND EFFECT: The purpose of the amendment is to incorporate a new medication requested by the Florida Optometric Association, to which the TOPA Committee did not raise an objection, and to implement the Board's determination that Azasite in the existing rule language is the brand name of the medication, not the chemically generic name, and its instruction that the amendment correct the name Azasite to Azithromycin.

SUMMARY: A new medication requested by the Florida Optometric Association, to which the TOPA Committee did not raise an objection, is incorporated, and the Board's determination that Azasite in the existing rule language is the

brand name of the medication, not the chemically generic name, and its instruction that the amendment correct the name Azasite to Azithromycin is implemented.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined that the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

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

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

LAW IMPLEMENTED: 463.0055 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

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

- (1) through (3) No change.
- (4) ANTIBACTERIAL
 - (a) through (l) No change.
 - (m) Moxifloxacin – 0.5%;
 - (n) Sodium sulfacetamide – 10.0% (alone and in combination); ~~and~~
 - (o) Azithromycin – 1%; ~~and Azasite.~~
 - (p) Levofloxacin – 1.5%
- (5) through (8) No change.
- (9) MISCELLANEOUS.
 - (a) Hydroxypropyl cellulose ophthalmic Insert;
 - (b) Dapiprazole – 0.5%; ~~and~~
 - (c) Cyclosporine emulsion – 0.05%; ~~and~~
 - (d) Polyvinyl pyrrolidone – drops 2.0%.

Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 9, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.:	RULE TITLES:
64D-4.002	Definitions
64D-4.003	Eligibility and Documentation Requirements

PURPOSE AND EFFECT: The purpose and effect of this amendment will be to increase the federal poverty level and eliminate cash asset eligibility requirements for the HIV/AIDS Patient Care Programs to increase the number of person’s living with HIV disease able to access services.

SUMMARY: The proposed revisions increase the federal poverty level and eliminate cash assets for those persons living with HIV disease to be able to access services.

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

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

SPECIFIC AUTHORITY: 381.003(1)(c) FS.
LAW IMPLEMENTED: 381.011(1), 381.003(1)(c) 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: September 10, 2008, 10:00 a.m.
PLACE: Prather Building, Bureau of HIV/AIDS, 2585 Merchants Row Boulevard, Room 340N, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Stevens, Bureau of HIV/AIDS, 4052 Bald Cypress Way, BIN A09, Tallahassee, Florida 32399-1715, (850)245-4335

THE FULL TEXT OF THE PROPOSED RULES IS:

64D-4.002 Definitions.

For the purpose of this rule chapter, the words and phrases listed below are defined in the following manner:

(1) through (4) No change.

~~(5) “Cash Assets” mean items of value such as second cars and homes, boats, real estate and financial investments. Not included as cash assets are items such as the applicant’s~~

~~primary residence, personal transportation, individual retirement accounts and deferred compensation, which are not accessed.~~

~~(5)(6)~~ “Client” means an applicant who has been determined eligible.

~~(6)(7)~~ “Department” means the Florida Department of Health.

~~(7)(8)~~ “Eligible” means approved by the Department to receive allowable services.

~~(8)(9)~~ “Eligibility Staff” means personnel authorized by the Department to determine eligibility.

~~(9)(10)~~ “Federal Poverty Level” (FPL) means the poverty income levels (effective February 2008) as published by the U.S. Department of Health and Human Services (HHS), Federal Office of Management and Budget (OMB), which is incorporated by reference. The federal poverty guidelines are located on the Department of Health, Bureau of HIV/AIDS website or can be obtained at any Florida county health department.

~~(10)(11)~~ “Household Income” means income from all sources received by the applicant, the applicant’s spouse (if married) and other adult persons living in the home, if they are included in the household size as defined in subsection 64D-4.002 (12), F.A.C.

~~(11)(12)~~ “Household Size” means the number of persons in an applicant’s household whose income is counted for purposes of determining the Federal Poverty Level defined in subsection 64D-4.002(10), F.A.C. The number counted in household size include the applicant, the spouse (if married) and any adults such as parents, adult siblings, adult children, significant others and partners who live with the applicant and meet one or more of the following:

- (a) Claims the applicant as a dependent on a tax return.
- (b) Claims the applicant on a health insurance policy. This does not apply to life insurance when the applicant is claimed as the beneficiary.
- (c) Has legal custody or other legal arrangement or guardianship of the applicant.
- (d) Has commingled funds with the applicant, such as banking accounts, savings accounts, business, mortgage agreement or other personal finances.

~~(12)(13)~~ “HIV/AIDS Patient Care Programs” means the:

- (a) Ryan White Title II Consortia Program.
- (b) Ryan White Title II AIDS Drug Assistance Program.
- (c) Ryan White Title II AIDS Insurance Continuation Program.
- (d) State Housing Opportunities for Persons with AIDS Program, and
- (e) HIV/AIDS Patient Care Programs provided by the patient care networks and county health departments as administered by the Department of Health, Bureau of HIV/AIDS.

~~(13)~~(14) "Low Income" means a gross household income at or below ~~400%~~ ~~300%~~ of the FPL in accordance with subsection 64D-4.002(10), F.A.C., ~~and cash assets not to exceed \$12,000.~~

~~(14)~~(15) "Program Qualifications" are program specific requirements to qualify for enrollment in the following single service programs, after eligibility has been approved:

- (a) Ryan White Title II AIDS Drug Assistance Program.
- (b) Ryan White Title II AIDS Insurance Continuation Program.
- (c) State Housing Opportunities for Persons with AIDS.

~~(15)~~(16) "Verification" means to confirm the accuracy of information through sources other than a self-declaratory statement of the individual originally supplying the information.

Specific Authority 381.0011(13) FS. Law Implemented 381.001(1), 381.003(1)(c), 381.0011(5) FS. History--New 1-23-07, Amended 8-31-07, 3-21-08, _____.

64D-4.003 Eligibility and Documentation Requirements.

The applicant eligibility and documentation requirements to receive allowable services from the HIV/AIDS Patient Care Programs include the following:

- (1) through (3) No change.
- (4) Must have low-income ~~and cash assets not to exceed \$12,000.~~
- (5) through (7) No change.

Specific Authority 381.0011(13) FS. Law Implemented 381.001(1), 381.003(1)(c), 381.0011(5) FS. History--New 1-23-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Suzanne Stevens, Patient Care Program
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana Viamonte Ros, M.D., M.P.H., State Surgeon General
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-37.0335	Qualification of New Employee
69A-37.0336	Application Process Certificate of Compliance
69A-37.036	Determination of Moral Character
69A-37.037	Firefighter Training Course Medical Examination
69A-37.039	Prescribed Forms for Training and Certification

69A-37.0527	Retention of Certification
69A-37.054	Out of State Training – Certificate of Compliance; Special Certificate of Compliance
69A-37.055	Curriculum Requirements for Training Firefighter Recruits or Firefighters
69A-37.056	Specifications for Certifiable Training
69A-37.057	Roster of Students
69A-37.058	Verification of Prescribed Training Hours

PURPOSE AND EFFECT: To remove references to the Firefighter I category and adopt the latest National Fire Protection Association Standards for Training.

SUMMARY: All references to Firefighter I are changed to Part I. An application process for certificate of compliance is added, forms are updated and the curriculum for firefighter training is updated. It requires a minimum of 398 hours.

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: 633.38(1)(a), 633.45(2)(a) FS.
LAW IMPLEMENTED: 633.34(4), 633.35, 633.35(2), 633.38, 633.45, 633.45(1)(a), (b), 633.45(2)(a),(i), 633.101(1) FS.

IF REQUESTED 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: Friday, September 12, 2008, 10:00 a.m.
PLACE: Assembly Hall, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482

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: MaryAnn Benson at (351)369-2815. If you are 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: Dave Casey, Chief, Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Fighter Standards and Training, Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486; Telephone: (352)369-2800; Email: DAVE.CASEY@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-37.0335 Qualification of New Employee.

(1) Any person applying for employment as a firefighter must meet all the requirements of Section 633.34, F.S.

(2) Upon the employment of a firefighter, the employing agency shall ~~report such employment forward~~ to the Bureau of Fire Standards and Training ~~(hereinafter the "Bureau")~~ ~~completed Form DFS-K4-DI4-1032 entitled "Notice of Employment as a Firefighter"~~ which evidences that the new employee is certified as a firefighter and has met the requirements necessary to maintain the certification as specified in Section 633.35(2), F.S. ~~This form shall be forwarded~~ within 10 business days after the first day of employment. ~~Form DFS-K4-DI4-1032 is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

(3) Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2), 633.45(2)(i) FS. History—New 6-30-91, Amended 3-20-95, 12-10-01, Formerly 4A-37.0335, Amended 1-1-09.

69A-37.0336 Application Process Certificate of Compliance.

(1) An applicant shall make application for a certificate of compliance on form DFS-K4-1016, effective January 1, 2009, adopted and incorporated by reference in subsection 69A-37.039(2), F.A.C. The form can be obtained where indicated in subsection 69A-37.039(1), F.A.C. The applicant is encouraged to submit the application electronically.

(2) Within 30 days of receipt of the application, the Bureau shall notify the applicant of the actions necessary for the application to be deemed complete. The notification shall be in writing and provided either electronically or by U. S. Mail.

(3) The application shall be deemed complete when all of the information requested in the application has been provided, the application blanks are all filled in, the results of the criminal history background check have been provided, the required fees are paid, and when the applicant has successfully completed the examination process as prescribed by the Bureau.

(4) The application shall be granted or denied within 90 days of the date the application is deemed complete. The applicant shall be notified of the decision in writing, which shall include a notice of rights and election of proceedings.

(5) Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2), 633.45(2)(a) FS. History—New 1-1-09.

69A-37.036 Determination of Moral Character.

(1) Applicants for a Certificate of Compliance as a firefighter ~~I or H~~ shall submit a completed fingerprints for the purpose of conducting a criminal background check ~~card~~ with current processing fee. ~~When Firefighter I and Firefighter II training are to occur contiguously this submission should occur~~

~~at the beginning of the Firefighter I training. In any other situation the submission is required prior to entry into Firefighter II training.~~ Determination of good moral character is required prior to certification as a firefighter pursuant to Sections 633.34(4) and 633.35(2), F.S.

(2) ~~The Bureau of Fire Standards and Training~~ shall consider the results of the fingerprint procedure outlined in Section 633.34(4) F.S., in making a determination as to the applicant's good moral character, and shall not certify anyone not meeting the conditions of Section 633.34, F.S.

(3) Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(4), 633.35(2), 633.45(2)(a) FS. History—New 9-7-81, Formerly 4A-37.04, 4A-37.36, Amended 11-26-85, 1-3-90, 3-20-95, 12-10-01, Formerly 4A-37.036, Amended 1-1-09.

69A-37.037 Firefighter Training Course Medical Examination.

(1) Pursuant to Section 633.34(5), F.S., an individual shall submit to the Bureau division a medical examination evidencing good physical condition in order to gain admission into a firefighter training program. A medical examination evidencing good physical condition shall be submitted to the Bureau division, on Form DFS-K4-DI4-1022, incorporated by reference in subsection 69A-37.039(2), F.A.C., before an individual is admitted into a firefighter training program as defined in Section 633.35, F.S. ~~When Firefighter I and Firefighter II training are to occur contiguously this submission is to occur at the beginning of the Firefighter I training. When Firefighter I and Firefighter II training are taken as separate modules the requirement for submission is for the Firefighter II module. Firefighter I as a stand alone module does not require a medical examination.~~

(2) The medical examination, based upon the job and task functions of a firefighter as outlined in NFPA 1582-5.1, 2007 Edition, adopted and incorporated herein by reference, shall be given by a physician, surgeon, or physician assistant licensed to practice in the State of Florida pursuant to Chapter 458, F.S.; an osteopathic physician, surgeon, or physician assistant licensed to practice in the State of Florida pursuant to Chapter 459, F.S.; or an advanced registered nurse practitioner licensed to practice in the State of Florida pursuant to Chapter 464, F.S. An individual shall receive this examination within six months of the scheduled starting date of the firefighting program. Without a completed DFS-K41022, an individual will not be allowed to attend training or test for certification the 6-month period prior to the date the application for firefighter certification is received by the Bureau of Fire Standards and Training.

(3) Proposed effective date January 1, 2009. ~~The results of the medical examination shall be reported to the Bureau of Fire Standards and Training on completed Form DI4-1022 entitled "Medical Examination."~~ These results will be reported by the ~~Certified Training Center delivering the training within 5~~

business days of the beginning of a firefighter training program as defined in Section 633.35, F.S., and in subsection (1) above. An individual shall not participate in the certification examination for compliance unless a completed Form ~~DI4 1022~~ is on file with the Bureau of Fire Standards and Training.

~~(4) Form DI4-1022 is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(5) FS. History—New 9-7-81, Formerly 4A-37.05, 4A-37.37, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-10-01, Formerly 4A-37.037, Amended 1-2-06, 1-1-09.

69A-37.039 Prescribed Forms for Training and Certification.

~~(1) Information required by the Bureau of Fire Standards and Training in this chapter shall be furnished on-line at www.floridastatefirecollege.org. The information required at www.floridastatefirecollege.org is based on prescribed forms set forth below and as set out specifically in these rules. The forms identified in and required by this chapter are incorporated herein. The forms can also be obtained:~~

- ~~(a) From fire departments or training centers, or~~
- ~~(b) By writing to the Bureau of Fire Standards and Training, 11655 North West Gainesville Road, Ocala, Florida 34482-1486.~~

~~(c) By downloading them from the fire college website at www.myfloridacfo.com. www.fsfe.ufl.edu.~~

~~(2) The following forms are hereby adopted and incorporated by reference in this rule:~~

- ~~(a) DFS-K4 ~~DI4-1016~~ rev. _____, 08/00 (formerly FST 1), “Application for Firefighter Certification Examination as a Firefighter”.~~
- ~~(b) DFS-K4 ~~DI4-1019~~ rev. _____, 7/00 “Fee Information and Application and Fingerprint Card Instructions”.~~
- ~~(c) DI4-1020 rev. 03/00, “Personal Inquiry Waiver”.~~
- ~~(c)(d) DFS-K4 ~~DI4-1022~~ rev. _____, 08/98 (formerly FST-2), “Medical Examination”.~~
- ~~(d)(e) DFS-K4 ~~DI4-1026~~ rev. _____, 08/00 “Roster of Students”.~~
- ~~(f) DI4-1028 rev. 08/00, “Verification of Training Hours”.~~
- ~~(g) DI4-1032 rev. 10/00 (formerly FST-1A) “Notice of Employment as a Firefighter”.~~
- ~~(e)(h) DFS-K4 ~~DI4-1033~~ rev. _____, “Fire Department Notice of Firefighter Hire/Termination or Supplemental Compensation Ineligibility” 10/00 (formerly FST-3) “Notice of Termination as a Firefighter”.~~
- ~~(f)(i) DFS-K4 ~~DI4-1308~~ rev. _____, 10/00 (formerly FST-1C) “Application for Firefighter Certification Retention Examination Practical Examination for Retention of Firefighter Certification”.~~

~~(g)(j) DFS-K4 ~~DI4-1309~~ rev. _____, 10/00 “Preliminary Equivalency Application Firefighter Minimum Curriculum Requirements”.~~

~~(k) DI4-1380 rev. 03/00 “Firefighter I Training Record”.~~

~~(l) DI4-1381 rev. 10/00 “Application Reactivation Form”.~~

~~(h)(m) DFS-K4 ~~DI4-1390~~ rev. _____, 05/00 “Application for Special Certificate of Compliance for Administrative & Command Head of a Fire/Rescue/Emergency Services Organization”.~~

~~(i)(n) DFS-K4 ~~DI4-1438~~ rev. _____, 01/01 “Application for Fire Investigator I Certification Examination”.~~

~~(j)(o) DFS-K4 ~~DI4-1439~~ rev. _____, 01/01 “Application for Fire Investigator II Certification Examination”.~~

~~(p) DI4-1440 rev. 01/01 “Florida State Fire College that have been Approved for Renewal Hours”.~~

~~(q) DI4-1441 rev. 01/01 “National Fire Academy Courses that have been Approved for Renewal Hours”.~~

~~(k)(r) DFS-K4 ~~DI4-1442~~ rev. _____, new 01/01 “Firefighters Supplemental Compensation Program Request for Upgrade from Associate Level to Bachelor Level”.~~

~~(s) DI4-1443 new 01/01 “Acceptance to Apply for the Firefighter Equivalency Examination”.~~

~~(t) DI4-1445 new 01/01 “Firefighter One Equivalency Examination Application”.~~

~~(l)(u) DFS-K4 ~~DI4-1446~~ rev. _____, new 01/01 “Application for Firesafety Inspector II Certification Examination”.~~

~~(m)(v) DFS-K4 ~~DI4-1447~~ rev. _____, new 01/01 “Application for Fire Officer I One Certification Examination”.~~

~~(n)(w) DFS-K4 ~~DI4-1448~~ rev. _____, new 01/01 “Application for Fire Officer II Two Certification Examination”.~~

~~(x) DI4-1449 rev. 01/01 “Firefighter Minimum Standards Grade Release Roster”.~~

~~(y) DI4-1450 new 01/01 “Important Information About Retesting and Certification Renewal”.~~

~~(o)(z) DFS-K4 ~~DI4-1451~~ rev. _____, new 01/01 “Application for Fire Instructor I Certification”.~~

~~(p)(aa) DFS-K4 ~~DI4-1452~~ rev. _____, new 01/01 “Application for Fire Instructor II Certification”.~~

~~(q)(bb) DFS-K4 ~~DI4-1453~~ rev. _____, new 01/01 “Application for Fire Instructor III Certification”.~~

~~(ee) DI4-1454 new 01/01 “Instructor Certification Requirements”.~~

~~(r)(dd) DFS-K4 ~~DI4-1455~~ rev. _____, new 01/01 “Application for Single Course Exemption Instructor Certification”.~~

~~(s)(ee) DFS-K4 ~~DI4-1456~~ rev. _____, new 01/01 “Application for Fire and Lifesafety Educator Certification Examination”.~~

~~(t)(ff) DFS-K4 DI4-1457 rev. _____, new 01/01 “Application for Fire Apparatus Pump Operator Certification Examination”.~~

~~(gg) DI4-1458 new 01/01 “Firefighter Minimum Standards Skills Refresher Course”.~~

~~(u)(hh) DFS-K4 DI4-1459 rev. _____, 01/01 “Application for Special Firesafety Inspector Certification Examination”.~~

~~(ii) DI4-1460 rev. 01/01 “Certified Firefighter Training Center List”.~~

~~(jj) DI4-1461 rev. 01/01 (formerly FST-60) “Training Affidavit”.~~

~~(kk) DI4-1463 rev. 01/01 “Certification Renewal Application”.~~

~~(v)(H) DFS-K4 DI4-1023 rev. _____, 07/00 “Application for Firesafety Inspector I Certification Examination.”~~

~~(3) Proposed effective date January 1, 2009.~~

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34, 633.35, 633.38, 633.45, 633.101(1) FS. History—New 9-7-81, Formerly 4A-37.20, 4A-37.39, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, Amended 9-13-98, 12-10-01, Formerly 4A-37.039, Amended 1-1-09.

69A-37.0527 Retention of Certification.

(1) ~~The retake of the state certification examination for retention of certificate referenced in Section 633.352, F.S., shall be known as the retention examination and is referenced in Section 633.352, F.S.~~ Being active as a volunteer firefighter with an organized fire department means the individual has been actively involved for a continuous period of time of not less than 6 months during the 3 year period since certified or the certification was last renewed, or since termination from a fire department. Verification of being active shall be evidenced by documentation from the chief or ranking person of the volunteer fire department.

(2) To be eligible to participate in the retention examination, an individual shall apply on-line at www.floridastatefirecollege.org, or submit to the Bureau of Fire Standards and Training Form DFS-K4 DI4-1308, “Application for Practical Examination for Retention of Firefighter Certification Retention Examination”, which is adopted in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C., which shall include a medical examination in accordance with Rule 69A-37.037, F.A.C. evidencing good physical condition. The medical examination shall be given by a physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 458, F.S., or by an osteopathic physician or surgeon licensed to practice in the State of Florida pursuant to Chapter 459, F.S. An individual shall receive this examination within the 6 month period prior to the date the application for testing is received by the Bureau of Fire Standards and Training. The results of the medical examination shall be reported to the Bureau of Fire Standards and Training on completed Form

~~DI4-1022, Medical Examination, which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C. An individual shall not participate in the practical examination unless a completed Form DFS-K4 DI4-1022 is on file with the Bureau of Fire Standards and Training.~~

(3) To be eligible to participate in the retention examination, an individual must submit fingerprints in accordance with Rule 69A-37.036, F.A.C. a fingerprint card to the Bureau of Fire Standards and Training with the current processing fee. The fingerprint card will be forwarded to the Florida Department of Law Enforcement and/or the Federal Bureau of Investigation.

(4) The Bureau, or its designee, will schedule the date and time for all retention examinations.

(5) Each individual will be required to wear N.F.P.A. labeled approved helmet, fire coat, bunker pants, boots, protective hood, self-contained breathing apparatus (“SCBA”), mask, personal alert safety system (“PASS device”), and gloves. Such equipment shall be in operating condition to enter a hazardous environment and comply with the NFPA edition noted on the label, tag or design.

(6) Any individual who does not obtain a passing score of 70% or more on the retention examination will be permitted one opportunity to repeat the retake examination. The examination must be repeated retake must occur within 6 months of the original examination or the opportunity is forfeited.

(7) Failure to pass the examination within the timeframes set forth above of the re-take examination will result in the individual’s having to successfully complete Firefighter ~~I and~~ H training as defined in Rule 69A-37.055, F.A.C., before a new application and any additional testing can occur.

~~(8) Proposed effective date January 1, 2009.~~

Specific Authority 633.38(1)(a), 633.45(2)(a) FS. Law Implemented 633.35, 633.38, 633.45 FS. History—New 12-10-01, Formerly 4A-37.0527, Amended 1-1-09.

69A-37.054 Out of State Training – Certificate of Compliance; Special Certificate of Compliance.

(1) Certificate of Compliance. CERTIFICATE OF COMPLIANCE.

(a)1. To qualify to take the examination for a certificate of compliance, the individual must submit:

a. A completed Form DFS-K4-1309 “Preliminary Equivalency Application for Firefighter Minimum Curriculum Requirements,” which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

b. A completed Form DFS-K4-1016 “Application for Firefighter Certification Examination,” which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

~~c. Form DFS-K4-1022, "Medical Examination," completed in accordance with Rule 69A-37.037, F.A.C.~~

~~d. A copy of a high school diploma in accordance with Rule 69A-37.034, F.A.C.~~

~~e. Fingerprints in accordance with Rule 69A-37.036, F.A.C.~~

~~f. The appropriate fee in accordance with subsection 69A-37.050(6), F.A.C.~~

~~2. In order for a person to be eligible to be tested, a complete application must be received by the Bureau not less than 10 business days prior to the scheduled examination date for review, verification, and approval.~~

~~(b) The Bureau shall issue a certificate of compliance to any qualified person who:~~

~~1. Successfully passes the written and practical examination as required by Rule 69A-37.056, F.A.C. This examination is given during February, May, September, and November and is administered only at the Florida State Fire College.~~

~~(a) The Bureau of Fire Standards and Training shall issue a certificate of compliance to any person who successfully passes the written and practical examination as required by Rule 69A-37.056, F.A.C. This examination is given during February, May, September, and November and is administered only at the Florida State Fire College in Lowell.~~

~~(b)1. To qualify to take the examination for the certificate of compliance, the individual must submit:~~

~~a. A completed Form DI4-1016 "Application for Certification as a Firefighter," which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

~~b. A completed Form DI4-1309 "Equivalency Examination Preliminary Application," which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

~~e. A copy of a medical examination taken within 6 months from the date the application for certification was received by the Bureau of Fire Standards and Training, with the results of the examination indicated on a completed Form DI4-1022 "Medical Examination", which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

~~d. A copy of high school diploma or its equivalent.~~

~~e. The required fingerprint card, fingerprint card processing fee, and application fee.~~

~~f. A completed Form DI4-1020 "Personal Inquiry Waiver," which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.~~

~~2. In order for a person to be eligible to be tested, required paperwork must be received by the Bureau of Fire Standards and Training not less than 10 business days prior to the scheduled examination date for review, verification, and approval.~~

~~(e) The individual is eligible to receive a certificate of compliance if he or she:~~

~~2.1. Passes the examination;~~

~~3.2. Meets the other requirements of Section 633.35(2), F.S.; and~~

~~4.3. Complies with the requirements of this section~~
~~Submits the forms required by these rules.~~

~~(c)(d) Only one opportunity to repeat retake of the examination is permitted and must be taken within 6 months of the initial examination date or be forfeited. Failure to pass the examination within this timeframe will result in the individual's having to successfully complete the Firefighter training as defined in Rule 69A-37.055, F.A.C., before any additional testing can occur.~~

~~(d)(e) The individual must be pre-registered not less than 10 business days prior to the date of the examination.~~

~~(f) Failing the retake examination within the 6 month time period will result in the individual's having to retake complete both the Firefighter I and Firefighter II training before any additional testing can occur.~~

~~(2) Special Certificate of Compliance. SPECIAL CERTIFICATE OF COMPLIANCE.~~

~~(a) The Bureau of Fire Standards and Training shall issue a special certificate of compliance to an individual from another state who provides proof of employment as the Administrative and Command Head of the fire/rescue/emergency services organization of an employing agency as defined in Section 633.30, F.S., and who meets all the requirements of this subsection. The Administrative and Command Head of a fire/rescue/emergency services organization is permitted to hold the title of director, fire chief, or other title. This individual is permitted to respond to emergency incidents with ultimate onsite management, command, and supervisory authority over employees engaged in operations involving fire, hazardous materials, building collapse, confined space rescue, and other emergency operations.~~

~~(b) Any person making application for a special certificate of compliance as the designated Administrative and Command Head of an organization must meet all the requirements of this subsection, as well as successfully passing the written examinations, and submitting all the documents, and meeting all the requirements of this subsection (4) of this rule, with the exception of the completion of the practical portion of the examination and the requirements of Rule 69A-37.037, F.A.C. required in this section. The applicant shall also:~~

~~1. Successfully pass the Certificate of Competence examination for Fire Officer I as administered by the Bureau of Fire Standards and Training; and~~

~~2. Complete a course of instruction of at least six hours presented by the Bureau which shall include: Attend a 6 hour seminar as determined by the Bureau of Fire Standards and Training outlining:~~

~~a. Chapter 633, F.S., "Fire Prevention and Control" and the applicable rules;~~

b. Chapter 447, F.S., "Labor Organizations" and the applicable rules;

c. The State Emergency Response Plan, Florida Field Operations Guide, and related documents and plans;

d. Chapter 286, F.S., known as the "Sunshine Law", and Chapter 119, F.S., known as the "Public Records Law".

3. Submit a completed Form DFS-K4 ~~DI4-1016~~ "Application for Firefighter Certification Examination as a Firefighter," which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

4. Submit a completed Form DFS-K4 ~~DI4-1309~~ "Preliminary Equivalency Examination Firefighter Minimum Curriculum Requirements Preliminary Application," which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

(3) Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(a) FS. History—New 9-7-81, Formerly 4A-37.11, 4A-37.54, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-9-96, 12-10-01, Formerly 4A-37.054, Amended 1-1-09.

69A-37.055 ~~Minimum~~ Curriculum Requirements for Training Firefighter Recruits or Firefighters.

(1) The ~~minimum~~ firefighter training embodied in the curriculum requirements for schools operated by or for any employing agency for the specific purpose of training firefighter recruits or firefighters shall consist of 206 hours of training to complete Part I (equivalent to NFPA Firefighter I compliant) and an additional 192 hours to complete Part II (equivalent to NFPA Firefighter II compliant) training. Completion of both Part I and Part II represents the required 398 160 hours of training to complete Firefighter I training and an additional 200 hours to complete Firefighter II training. Completion of both Firefighter I and Firefighter II represents the required 360 hours referred to collectively hereinafter as the "Minimum Standards Course;" which is required to be certified as a firefighter. The individual courses shall have the titles, content, and at least the minimum hours of instruction as prescribed by the Bureau of Fire Standards and Training in this rule. Part I completion shall be documented when the required coursework identified in this section has been completed. These courses shall be delivered by an instructor approved by the Bureau. A score of 70% or more must be achieved on each of a written and practical examination delivered by the Bureau. Part I curriculum may be delivered by a recognized fire department. The completion of the Form DFS-K4 ~~DI4-1028~~ "Verification of Prescribed Training Hours" evidencing compliance with minimum curriculum requirements shall be presented to the Bureau of Fire Standards and Training Field Representative prior to the state certification examination for Firefighter II. Form DI4-1028 is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C. The school or

employing agency is permitted ~~to~~ and is encouraged to offer additional training above that training required by this chapter for firefighter recruit training.

(2) Curriculum requirements. The Bureau will develop and maintain an objective-based curriculum addressing the topics contained in this subsection. Such curriculum shall be available electronically through the Division of State Fire Marshal's website and by email upon request. The curriculum will list each topic area, the required hours, and the objectives. The curriculum will be maintained by the Bureau.

(a) Part I of the curriculum, consisting of 206 hours of knowledge and skill-based training, will include:

1. Orientation. Orientation is a pre-class meeting to cover the following topics:

a. Outline of Training Program.

b. Student Duties & Responsibilities.

c. Testing Procedures.

d. Familiarization with the Training Provider.

e. Responsibilities of the Training Provider.

f. Study Habits.

g. Personnel Policies of the Training Provider.

h. NFPA 1582, "Standard on Medical Requirements for Fire Fighters", 2007 Edition.

2. Chapter 5 of NFPA Standard 1001, "Fire Fighter Professional Qualifications", 2008 Edition, hereby adopted and incorporated by reference. Copies of NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

3. Federal Requirements for Part I.

a. National Incident Management System – NIMS 100 Self Study.

b. National Incident Management System – NIMS IS-700 Self Study.

4. Florida-Specific Requirements.

a. Florida Incident Field Operations Guide (FOG).

b. Fire Department Terminology

c. Apparatus and Company Familiarization.

d. Emergency Driving, Sections 316.126 and 316.2398, F.S.

e. Rule Chapter 69A-37, F.A.C.

f. Florida Division of Forestry NWCG S-190, Introduction to Wildland Fire Behavior.

g. Florida Division of Forestry NWCG S-130 Wildland Firefighter Training.

h. Physical Fitness Education.

i. Physical Fitness Training.

j. EMS First Responder – Current Certification as an emergency medical technician or paramedic, or successful completion of a USDOT first responder course will substitute for this area. Documentation of current certification or completion shall be submitted prior to completion of this curriculum.

k. Florida State Emergency Response Committee – Awareness Level Hazardous Materials.

l. Florida State Emergency Response Committee – Operations Level Hazardous Materials.

m. Examinations: each portion of the outline shall be the subject of both a written and a performance test to obtain the best measure of learning.

n. Course Review.

(b) Part II of the curriculum, consisting of 192 hours of knowledge and skill-based training, which together with Part I totals 398 hours, will include:

1. Chapter 6 of NFPA Standard 1001, “Fire Fighter Professional Qualifications”, 2008 Edition, adopted and incorporated herein by reference. Copies of NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.

2. Florida Specific Requirements.

a. Structural Collapse Awareness.

b. Examinations: each portion of the outline shall be the subject of a test, both academic and performance, to obtain the best measure of learning.

c. Course Review.

d. Florida Fire Chiefs Statewide Emergency Response Plan.

e. Thermal Imaging – (TIC).

f. Positive Pressure Ventilation.

g. Company Evolutions – Engine.

h. Company Evolutions – Ladder.

i. Company Evolutions – Combined Operations.

j. Air Monitoring – CO, LEL, O₂ – SCBA.

k. New Challenges.

l. Firefighter Safety and Survival.

m. Physical Fitness Training.

(a) Firefighter I Certification shall be obtained by successful completion of the required course work identified in this section. These courses shall be delivered by an Instructor approved by the Bureau of Fire Standards and Training and a score of 70% or more must be obtained on a written state examination delivered by the Bureau of Fire Standards and Training. These courses need not be delivered at a State Certified Training Center.

(b) Each applicant shall submit a completed Form DI4 1380 “Firefighter I Training Record,” which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

(3) Proposed effective date January 1, 2009. Applicants failing the Firefighter I examination are permitted to retake the examination within a 6 month period. Retakes after that 6 month period require a new application for testing to be submitted to the Bureau of Fire Standards and Training.

~~(4)(a) Persons certified at the Firefighter I level are permitted to proceed directly into Firefighter II Training at a State Certified Training Center as openings are available.~~

~~(b) Firefighter I certified persons shall enter Firefighter II training at a State Certified Training Center within:~~

~~1. 1 year of certification at the Firefighter I level, or~~

~~2. 3 years of certification as a Firefighter I, if verifiable and continuous affiliation as a volunteer firefighter with an organized fire department is maintained.~~

~~(c) Failure to enter Firefighter II Training within the time frames specified in paragraph (b) shall result in such applicant being required to complete the Firefighter I training program again prior to entry into the Firefighter II program.~~

~~(5) Entry into the Firefighter II training program at any State Certified Training Center shall require the applicant to demonstrate proficiency in Firefighter I knowledge and tasks to the satisfaction of the Training Center unless the Firefighter I and Firefighter II Training are taking place contiguously or consecutively at the same training center as a single course of instruction.~~

~~(6) Firefighter I:~~

~~(a)1. Orientation, Apparatus and Equipment (6 1/2 hours lecture): The following elements shall be included in this section of training:~~

~~a. Introduction;~~

~~b. Florida Fire Chiefs Disaster Response Plan;~~

~~c. Outline of training program;~~

~~d. Student duties and responsibilities;~~

~~e. Testing procedures;~~

~~f. Familiarization with training facilities;~~

~~g. Responsibilities of the training;~~

~~h. Purpose and objectives of fire service;~~

~~i. Fire department organizational structure;~~

~~j. The firefighter’s responsibilities in the community;~~

~~k. History of the fire service;~~

~~l. Higher education in the fire service;~~

~~m. Study habits;~~

~~n. Personnel policies of the school;~~

~~o. Fire department terminology;~~

~~p. Emergency driving;~~

~~q. Objectives for Firefighter I and II in the NFPA Standard 1001, “Fire Fighter Professional Qualifications”, 1997 edition;~~

~~r. NFPA 1582, “Standard on Medical Requirements for Fire Fighters,” 1997 edition;~~

~~s. Rule Chapter 69A-37, F.A.C.;~~

~~t. Section 633.30, and Sections 633.34 through 633.353, F.S.~~

~~2. NFPA Standard 1001, “Fire Fighter Professional Qualifications”, 1997 edition, and NFPA 1582, “Standard on Medical Requirements for Fire Fighters”, 2000 edition, are hereby adopted and incorporated by reference. Copies of the~~

~~NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02269-9101.~~

~~(b) Fire Behavior (3 1/2 hours lecture): The following elements shall be included in this section of training:~~

- ~~1. Principles of combustion and chemistry of fire;~~
- ~~2. Classes of fire and characteristics of combustibles;~~
- ~~3. Principles of fire control.~~

~~(c) Portable Extinguishers (2 1/2 hours lecture, 1 hour drill): The following elements shall be included in this section of training:~~

- ~~1. Types and classes;~~
- ~~2. Extinguishing agents;~~
- ~~3. Demonstrations and student drills.~~

~~(d) Personal Protective Equipment (7 hours lecture, 3 hours drill): The following elements shall be included in this section of training:~~

- ~~1. Types, use and care of firefighter protective clothing and equipment;~~
- ~~2. Types of protective breathing apparatus;~~
- ~~3. Limitations of each;~~
- ~~4. Practice drills and exercises.~~

~~(e) Ropes and Knots (4 hours lecture, 2 hours drill): The following elements shall be included in this section of training:~~

- ~~1. Rope construction, care and inspection;~~
- ~~2. Life safety rope;~~
- ~~3. Utility rope;~~
- ~~4. Bends, hitches and knots;~~
- ~~5. Methods of lashing; and~~
- ~~6. Hoisting tools and equipment.~~

~~(f) Water Supply (3 hours lecture, 2 hours drill): The following elements shall be included in this section of training:~~

- ~~1. Components of municipal water supply systems and rural water supply operations;~~
- ~~2. Fire hydrants.~~

~~(g) Ladders (4 1/2 hours lecture, 3 hours drill): The following elements shall be included in this section of training:~~

- ~~1. Parts, types, construction, maintenance, and testing of fire service ground ladders;~~
- ~~2. Pumper fire apparatus extension, roof and folding ladders;~~
- ~~3. Handling, carrying and raising of ground ladders;~~
- ~~4. Climbing and operating from ladders.~~

~~(h) Hose (7 hours lecture, 3 hours drill): The following elements shall be included in this section of training:~~

- ~~1. Size, construction, care and testing of hose;~~
- ~~2. Couplings, appliances and tools;~~
- ~~3. Hose lays and procedures;~~
- ~~4. Hose loads;~~
- ~~5. Hose rolls;~~
- ~~6. Hose load finishes;~~
- ~~7. Hose evolutions.~~

~~(i) Water Fire Streams (3 1/2 hours lecture, 2 hours drill): The following elements shall be included in this section of training:~~

- ~~1. Extinguishing properties of water;~~
- ~~2. Types and size of fire streams;~~
- ~~3. Nozzles;~~
- ~~4. Introduction to hydraulics;~~
- ~~5. Fire stream evolutions.~~

~~(j) Fire Control (5 hours lecture, 3 hours drill): The following elements shall be included in this section of training:~~

- ~~1. Fire suppression techniques for Class A through D fires;~~
- ~~2. Fire company tactics for:

 - ~~a. Single-family dwellings;~~
 - ~~b. High-rise structures;~~
 - ~~c. Basement, vehicle, trash, rubbish and wildland fires;~~~~
- ~~3. Fires and emergencies in confined enclosures;~~
- ~~4. Fire suppression evolutions.~~

~~(k) Automatic Sprinkler Systems (2 hours lecture): The following elements shall be included in this section of training:~~

- ~~1. Basics of automatic fire sprinkler systems;~~
- ~~2. Standpipe systems;~~
- ~~3. Control of water flow.~~

~~(l) Forceful Entry (7 1/2 hours lecture, 3 hours drill): The following elements shall be included in this section of training:~~

- ~~1. Assessing situations requiring forceful entry;~~
- ~~2. Forceful entry tools, proper care and usage;~~
- ~~3. Specific techniques for forcing entry through doors, windows, walls, fences and floors.~~

~~(m) Building Search and Victim Removal (4 1/2 hours lecture, 2 hours drill): The following elements shall be included in this section of training:~~

- ~~1. Difference between rescue and extrication;~~
- ~~2. Primary and secondary search;~~
- ~~3. Safety guidelines; victim removal.~~

~~(n) Ventilation (4 hours lecture, 1 hour drill): The following elements shall be included in this section of training:~~

- ~~2. Procedures for vertical, horizontal and forced ventilation.~~

~~(o) Loss Control (4 1/2 hours lecture, 1 hour drill): The following elements shall be included in this section of training:~~

- ~~1. Salvage operations; types of salvage;~~
- ~~2. Covers and equipment and their uses;~~
- ~~3. Care and maintenance of salvage equipment; water chutes;~~
- ~~4. Catchalls;~~
- ~~5. Overhaul operations;~~
- ~~6. Search for and extinguishing hidden fires;~~
- ~~7. Protecting and preserving evidence.~~

~~(p) Building Construction (3 hours lecture): The following elements shall be included in this section of training:~~

- ~~1. The five basic types of building construction;~~

2. The effects of fire on common building materials;
 3. Firefighter hazards directly related to building construction.

(q) Fire Prevention and Public Education (3 1/2 hours lecture, 1 hour drill): The following elements shall be included in this section of training:

1. Recognition of hazards;
2. Fire inspections, dwelling surveys, station tours and public fire education demonstrations;
3. Smoke detectors;
4. Stop, drop and roll;
5. Fire company inspection procedures;
6. Report writing;
7. School drill procedures, and
8. Educating the public on home firesafety.

(r) Firefighter Safety (3 1/2 hours lecture): The following elements shall be included in this section of training:

1. Physical fitness and health;
2. Fireground safety;
3. Tool and equipment safety;
4. Electric generating and lighting equipment;
5. Apparatus safety;
6. Station safety;
7. Safety in training.

(s) Fire Alarms and Communications (4 hours lecture): The following elements shall be included in this section of training:

1. Fire alarm transmission;
2. Private and public alerting systems;
3. Radio procedures for fire department personnel.

(t) 1. First Responder (20 hours lecture, 20 hours drill): The following elements shall be included in this section of training:

- a. Diagnostic signs and symptoms;
- b. Cardio-pulmonary resuscitation;
- c. Vehicle extraction; and
- d. Patient movement.

2. If an individual is currently certified as an emergency medical technician or paramedic or has taken a First Responder course he or she is exempt from this portion of the Minimum Standards Course. Documentation of certification or proof of training shall be submitted at the beginning of the Minimum Standards Course.

(u) Controlled Burning (2 hours drill): The following elements shall be included in this section of training: practice exercises in:

1. Fire control in structures;
2. Class "A" materials; and
3. Vehicles.

(v) Awareness Level Hazardous Materials (8 hours lecture): The following elements shall be included in this section of training:

1. Identification of hazardous materials and their potential dangers;

2. Personal safety precautions to be taken when functioning as a hazardous materials first responder;

3. The basic options, requirements and limitations of methods to control, contain, and confine the hazard.

Completion of the Firefighter I program does not constitute certification as a full-time, professional, or certified firefighter. No person is permitted to be employed as a paid full-time professional or certified firefighter unless that person has completed and passed the Minimum Standards Course and has received the Firefighter II certification.

(7) Firefighter II:

(a) Implementing an Incident Management System (2 1/2 hours lecture):

(b) Personal Protective Equipment (5 hours drill): The following elements shall be included in this section of training:

1. Use and care of protective breathing apparatus;
2. Limitations of each;
3. Practice drills and exercises.

(c) Ropes and Knots (6 hours drill): life safety rope; The following elements shall be included in this section of training:

1. Utility rope;
2. Bends, hitches and knots;
3. Methods of lashing; and
4. Hoisting tools and equipment.

(d) Ladders (12 hours drill): The following elements shall be included in this section of training:

1. Pumper fire apparatus extension, roof and folding ladders;
2. Handling, carrying and raising of ground ladders;
3. Climbing and operating from ladders.

(e) Hose (3 hours lecture, 16 hours drill): The following elements shall be included in this section of training:

1. Appliances and tools;
2. Hose lays and procedures;
3. Hose loads;
4. Hose rolls;
5. Hose load finishes;
6. Hose evolutions.

(f) Foam Fire Streams (5 hours lecture, 4 hours drill): The following elements shall be included in this section of training:

1. Extinguishing properties of foam;
2. Types and size of fire streams;
3. Nozzles;
4. Foam fire streams;
5. Fire stream evolutions.

(g) Fire Control (5 1/2 hours lecture, 16 hours drill): The following elements shall be included in this section of training:

1. Fire suppression techniques for Class A through D fires;
2. Fire company tactics for:

- a. Single-family dwellings;
 b. High-rise structures;
 c. Basement, vehicle, trash, rubbish and wildland fires (wildland fire component must be 2 hours lecture);
 3. Ignitable liquid and flammable gas control;
 4. Fires and emergencies in confined enclosures;
 5. Fire suppression evolutions.
 (h) Automatic Sprinkler Systems (3 1/2 hours lecture): The following elements shall be included in this section of training:
 1. Automatic fire sprinkler systems;
 2. Standpipe systems;
 3. Detection, alarm and suppression operations as they relate to standpipe and sprinkler systems.
 (i) Forecible Entry (2 hours drill): The following elements shall be included in this section of training:
 1. Assessing situations requiring forcible entry;
 2. Forecible entry tools;
 3. Specific techniques for forcing entry through doors, windows, walls, fences and floors.
 (j) Rescue and Extrication (15 hours lecture, 14 hours drill): The following elements shall be included in this section of training:
 1. Assessment of situations requiring rescue or extrication;
 2. Tools and equipment used for rescue and extrication;
 3. Specific techniques for various rescue situations;
 4. Search procedures;
 5. Vehicle extrication.
 (k) Building Search and Victim Removal (4 hours drill): The following elements shall be included in this section of training:
 1. Primary and secondary search;
 2. Safety guidelines;
 3. Victim removal.
 (l) Ventilation (4 hours drill): The following elements shall be included in this section of training:
 1. Situations requiring ventilation;
 2. Procedures for vertical, horizontal, and forced ventilation.
 (m) Loss Control (4 hours drill): The following elements shall be included in this section of training:
 1. Salvage operations;
 2. Covers and equipment and their uses;
 3. Care and maintenance of salvage equipment;
 4. Water chutes;
 5. Overhaul operations;
 6. Search for and extinguishing hidden fires;
 7. Protecting and preserving evidence.
 (n) Building Construction (2 1/2 hours lecture): The following elements shall be included in this section of training:
 1. The five basic types of building construction;

2. The effects of fire on common building materials;
 3. Firefighter hazards directly related to building construction;
 4. Construction materials and building collapse.
 (o) Fire Prevention and Public Education (3 hours lecture, 2 1/2 hours drill): The following elements shall be included in this section of training:
 1. Recognition of hazards;
 2. Identification of detection and suppression system components;
 3. Pre-incident surveys;
 4. Fire inspections, fire company inspection procedures;
 5. Filling out reports and surveys.
 (p) Fire Cause Determination (3 hours lecture): The following elements shall be included in this section of training:
 1. The firefighter's role;
 2. Securing the fire scene;
 3. Preserving evidence;
 4. Legal considerations.
 (q) Fire Alarms and Communications (2 1/2 hours lecture, 1 hour drill): The following elements shall be included in this section of training:
 1. Fire alarm transmission;
 2. Private and public alerting systems;
 3. Radio procedures for fire department personnel;
 4. Incident reports.
 (r) Physical Fitness (8 hours): supervised exercises during training.
 (s) Examinations (12 hours): each portion of the outline shall be the subject of a test, both academic and performance, for best measure of learning.
 (t) Controlled Burning (16 hours drill): The following elements shall be included in this section of training: practice exercises in:
 1. Fire control in structures;
 2. Flammable liquids;
 3. Liquefied petroleum or natural gas; and
 4. Vehicles.
 (u) Operations Level Hazardous Materials (16 hours lecture): The following elements shall be included in this section of training:
 1. Identification of hazardous materials;
 2. Personal safety precautions to be taken;
 3. The basic options, requirements and limitations of methods to control, contain, and confine the hazard.
 (v) Course Review (4 hours lecture, 8 hours drill).

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1)(a), (b) FS. History—New 9-7-81, Formerly 4A-37.10, 4A-37.55, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-10-01, 1-1-09.

69A-37.056 Specifications for Certifiable Training.

To be recognized for certification as a firefighter by the ~~Bureau Division~~, training shall be obtained under the conditions as specified herein. Satisfactory completion of the prescribed training, instruction, and standards in accordance with these specifications shall be certified by a designated instructor or member of the Bureau of ~~Fire Standards and Training~~ staff.

(1) ~~Part I curriculum set forth in subsection 69A-37.055(2), F.A.C., taught independent of Part II curriculum set forth in paragraph 69A-37.055(2)(b), F.A.C., may be conducted through fire departments or facilities other than approved training centers, but must be compliant to or have access to all facilities, equipment, and instructors required for the delivery of the curriculum. Curriculum set forth in paragraphs 69A-37.055(2)(a) and (b), F.A.C., taught as the Minimum Standards Course shall be taught at a facility approved pursuant to Rule 69A-37.60, F.A.C. Alternative delivery techniques including mentoring and/or blended learning (traditional classroom with computer based training must be approved by the Bureau and provide for verified complete compliance to the skill and knowledge objectives. The training shall take place in a training center or facility approved for such training by the Bureau of Fire Standards and Training.~~

(2) The training shall be given by instructors certified by the Bureau of ~~Fire Standards and Training~~. ~~In addition, First Responder Lead Instructors shall be currently certified as an emergency medical technician or paramedic in the state of Florida and certified as an American Heart Association (AHA) or American Red Cross (ARC) Cardiopulmonary Resuscitation (CPR) Instructor.~~

(3) All subjects listed in the Minimum Standards Course the approved Firefighter I and Firefighter II courses shall be included in the curriculum.

(4) Each ~~s~~Student enrolled in a Minimum Standards Course Firefighter I course or a Firefighter II course, or both courses, shall receive instruction and training in every course subject of the curriculum. Knowledge-based curriculum instruction and training shall not be less than the number of hours specified for each subject. Skill-based curriculum hours are based upon an ideal class size of 30 with a student to instructor ratio of one instructor for every six students, and a student to equipment ratio of one piece or set of equipment for every six students. Hours may be adjusted according to the actual class ratio.

(5)(a) One aspect of training is psychomotor skills development, which includes the demonstrated ability to perform individually and as a member of a team or group all tasks and operations associated with the training in a manner which does not present a threat to the safety of the trainee, co-workers, or others and which contributes to the successful achievement of the purpose for which the task or operation is being performed.

(b) If, in the professional opinion of the instructors, the student does not possess the qualities necessary to satisfactorily perform psychomotor tasks, the student shall be dropped from the training program.

(6) The knowledge and/or skill of each subject area within the Minimum Standards Course will be tested to validate the acquisition and application of such knowledge and skill. All subject area and final tests, both written and practical, given during the Minimum Standards Course training shall require maintenance of a percentage score of not less than 70% on each subject listed in the Minimum Standards Course the prescribed Firefighter I and Firefighter II courses. If a minimum score of 70% is not achieved on any test, the student shall be afforded a one-time make up examination to achieve the required 70%. Tests used shall be designed to encompass all the significant contents of the subjects being taught. Students not in compliance with the minimum score requirement shall be dropped from the course.

(a) In order to sit for the state examination, the information required by Sections 633.34 and 633.35, F.S., must be furnished to the Bureau of ~~Fire Standards and Training~~.

(b) State examinations, consisting of a written and a practical part, shall be administered by a Field Representative of the Bureau of ~~Fire Standards and Training~~, or designee, and shall encompass all components of the Minimum Standards Course the Firefighter I course for Firefighter I testing and all components of both Firefighter I and Firefighter II courses for State Certification as a Firefighter. The applicant must attain a score of 70 percent on both the written and practical examinations to receive a certificate of compliance. The 70% score requirements for both written and practical examinations shall prevail in this testing environment as well.

(c) The state practical examination will be administered at the local training facility. Whenever possible, the Bureau of ~~Fire Standards and Training~~ will schedule the state examination date at the convenience of the training facility. The written examination will be administered electronically at the local training center facility or local testing center if the training center lacks the capacity to support electronic testing.

~~(d) Only one retake of the state examination is permitted. Retakes of the practical portion of the examination will be offered only at the Florida State Fire College during the months of February, May, September, and November. Retakes of the written portion of the examination will be offered at the Regional Testing Sites in February, May, September, November and monthly at the Florida State Fire College. Students must be pre-registered at least 10 business days prior to the date of the examination.~~

~~(e) The retake of the Firefighter II Certification Examination must be taken within 6 months of the initial examination date.~~

~~(f) Failing the retake of the Firefighter II Certification Examination within the prescribed 6 month time period will result in the individual having to repeat the Firefighter II Course.~~

(7) In general classroom work, the number of students per certified instructor will be determined by the instructor on the basis of complexity of the subject.

(8) In demonstrations involving the use of equipment and performance of tasks under non-hazardous conditions, whether in the classroom or in the field, there shall be no less than one certified instructor for each ten students.

(9) In field work under conditions considered hazardous there shall be not less than one certified instructor for each six students, but in no case shall there be less than two certified instructors. The instructors shall be placed to oversee the safety and effectiveness of the training. Live Fire Training shall be conducted in accordance with Rule 69A-37.405, F.A.C.

(10) In those instances in which the normal scheduled time does not allow for compliance with the foregoing limitations, the time allotted to those classes shall be extended as necessary to ensure compliance with the intent and purpose of these rules.

(11) Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.35(2) FS. History–New 9-7-81, Formerly 4A-37.16, 4A-37.56, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-10-01, Formerly 4A-37.056, Amended 1-1-09.

69A-37.057 Roster of Students.

During the first week of training for the Minimum Standards Course, a roster of students FST 4 form entitled the “Roster of Students” shall be electronically completed and forwarded to the Bureau of Fire Standards and Training, with all supporting paperwork (i.e., release of a building to burn, if applicable; any required affidavits for use of other facilities or equipment; pre-certification paperwork, or verification that said pre-certification paperwork has been received by the Bureau of Fire Standards and Training for students enrolled in class) as evidence of students who are enrolled in approved training programs. State examination dates will not be scheduled until such time as the FST 4 form, with all documents are supporting papers, is received and approved by the Bureau of Fire Standards and Training. The names of all instructors to be utilized in the training session, with certificate number and issue date, are to be added to this roster. Form FST 4 is incorporated by reference in subsection 69A-37.061(2), F.A.C., and The roster can be completed on line at www.floridastatefirecollege.org, obtained where indicated in subsection 69A-37.039(1), F.A.C.

Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1) FS. History–New 9-7-81, Formerly 4A-37.17, 4A-37.57, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, Formerly 4A-37.057, Amended 1-1-09.

69A-37.058 Verification of Prescribed Training Hours.

(1) At the completion of the Minimum Training Course Firefighter II training, on the date of the state certification examination, the instructor-in-charge of the course shall present to the Bureau of Fire Standards and Training Field Representative Form one DFS-K4 DA-1028 “Verification of Prescribed Training Hours,” signed by each instructor who taught a specific subject, as listed on Form DFS-K4 DA-1028.

(2) If Form DFS-K4 DA-1028 is not available for the Bureau of Fire Standards and Training Field Representative, the state certification examination will not be administered.

(3) Form DFS-K4 DA-1028 is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained where indicated in subsection 69A-37.039(1), F.A.C.

(4) Proposed effective date January 1, 2009.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.45(1) FS. History–New 9-7-81, Formerly 4A-37.58, Amended 1-3-90, 6-30-91, 3-20-95, 12-10-01, Formerly 4A-37.058, Amended 1-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dave Casey, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Financial Services.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Les Hallman, Director, Division of State Fire Marshal, Department of Financial Services

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

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2008, February 8, 2008, April 11, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLES:
69A-62.002	Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards
69A-62.003	Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Applicable to Fire Scenes
69A-62.007	Minimum Requirements for Class 9 Protection
69A-62.021	General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs

PURPOSE AND EFFECT: To update NFPA standards adopted by reference, remove references to Firefighter I and Firefighter II, establish minimum safety standards for any person under

the authority of the firefighter employer at the scene of a fire to participate in any operation involving two-in, two-out as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere unless such person has completed the training set forth in Part I of paragraph 69A-37.055(2)(a), F.A.C., and providing an effective date.

SUMMARY: Section 633.808, Florida Statutes, authorizes the Department to prescribe by rule the safeguards, devices, and other means of protection for the prevention of accidents in every firefighter employee place of employment or at any fire scene, the prevention of occupational diseases. Section 633.820, Florida Statutes, states that the rules apply to volunteer firefighters and volunteer fire departments. In addition to adopting updated National Fire Protection Standards relating to health and safety, the rules set forth the minimum training requirements that must be met by those not certified as firefighters, but under the authority of the firefighter employer at the scene of a fire, to participate in any operation involving two-in, two-out as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere. The rule provides an effective amendment date of January 1, 2009, to coincide with the effective date of proposed amendments to Chapter 69A-37, F.A.C., which set for the training requirements.

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

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

SPECIFIC AUTHORITY: 633.01(1), 633.45(1)(a), 633.804, 633.805, 633.808, 633.821 FS.

LAW IMPLEMENTED: 633.45(1)(a), 633.802, 633.804, 633.805, 633.807, 633.808, 633.821 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: Friday, September 12, 2008, 11:00 a.m.

PLACE: Assembly Hall, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482

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: MaryAnn Benson at (351)369-2815. If you are 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: Dave Casey, Chief, Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Fighter Standards and Training, Florida State Fire Marshal, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-62.002 Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards.

(1) The Department of Financial Services, Division of State Fire Marshal, adopts and incorporates as rules of the Division of State Fire Marshal the following standards as they pertain solely to firefighters and firefighter employers: The National Fire Protection Association, Inc., Standard 1500, Paragraph 7.15 ~~5-8~~ (Personal Alert Safety System [PASS]), 2007 ~~1997~~ edition. A PASS device shall be worn each time a Self-Contained Breathing Apparatus is required.

(2) No change.

(3) Proposed effective date January 1, 2009.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(a), 633.802, 633.821 FS. History—New 9-6-04, Amended 1-1-09.

69A-62.003 Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Applicable to Fire Scenes.

(1) through (2) No change.

(3) With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident.

(a)1. Except as provided in subparagraphs 2., 3., and 4., no firefighter or any other person under the authority of the firefighter employer at the scene of a fire is permitted to participate in any operation involving two-in, two-out as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere unless such firefighter or other person at the scene of a fire has completed the training set forth in Part I of paragraph 69A-37.055(2)(a), F.A.C. ~~of is certified in this state by the division as a Firefighter I or a Firefighter II, as established in subsections (1) and (2) of Rule 69A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 69A-37.055, F.A.C.~~ This requirement specifically applies to volunteer fire departments and volunteer firefighters but is also applicable to any other person working under the authority of the Firefighter Employer at the scene of a fire.

2.a. A volunteer firefighter who possesses the State Basic Volunteer certificate previously issued by the division is exempt from the ~~Firefighter I and Firefighter II~~ requirement in subparagraph (3)(a)1. The training encompassed in the basic volunteer certificate in itself may not meet “trained commensurate to duty” as defined depending upon duties or tasks assigned or undertaken in the exclusionary zone.

b. A volunteer firefighter who provides evidence of having completed curriculum equivalent to the training set forth in Part I of paragraph 69A-37.055(2)(a), F.A.C. Florida Firefighter I course of study as provided in subsection 69A-37.055(6), F.A.C., prior to January 1, 2004, is exempt from the ~~Firefighter I and Firefighter II~~ requirement in subparagraph (3)(a)1., if:

(I) The fire chief or other chief administrative officer of the fire department of which the firefighter is a member files with the State Fire Marshal form DFS-K4-1594, “~~Firefighter I Training Exemption Application,~~” effective _____, amended _____, which is hereby adopted and incorporated by reference, and

(II) The ~~said~~ form is accepted by the State Fire Marshal after confirmation of the evidence provided. Form DFS-K4-1594 may be obtained by writing the Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486.

~~e. Any volunteer exempted by sub subparagraph a. or b. is permitted to take the Florida Firefighter I examination until December 31, 2005, upon the completion and filing with the division of form DFS K4 1380, “Firefighter I Training Record,” Rev. 03/00, adopted in Rule 69A-37.039, F.A.C., by a Florida certified instructor that verifies equivalent training and demonstration of competency.~~

~~d. If:~~

~~(I) The fire chief or other chief administrative officer of the fire department fails or refuses to file form DFS-K4-1380 with the division, or~~

~~(II) The division is unable to accept such form because the evidence provided cannot be confirmed, the volunteer firefighter is not permitted to take the Firefighter I examination without first having successfully completed the Firefighter I course.~~

3. United States Department of Defense firefighters responding in their capacity as U.S. Department of Defense firefighters meeting equivalent U.S. Department of Defense qualifications are exempt from the ~~Florida Firefighter I and Firefighter II~~ requirement in subparagraph (3)(a)1.

4. Volunteer firefighters having NWCG S-130, S-190, and Standards for Survival certification by the Florida Division of Forestry are permitted to participate in wild land fire suppression without meeting the requirement of subparagraph (3)(a)1. the Firefighter I certification.

(b) No change.

(4)(a) In addition to the prohibition in subsection (3), no firefighter employer, regardless of whether such firefighter employer employs firefighters certified under Section 633.34, F.S. (2003), or utilizes volunteer firefighters, is permitted to allow any firefighter or other person at the scene of a fire to participate in any activity which is included in the standards adopted in Sections 633.801-.821, F.S. (2003), or pursuant to this rule chapter unless such firefighter or other person at the scene of a fire has completed the training set forth in Part I of Rule 69A-37.055(2)(a), F.A.C. ~~is a Florida certified Firefighter I as established in subsections (1) and (2) of Rule 69A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 69A-37.055, F.A.C.~~ This requirement specifically applies to volunteer fire departments and volunteer firefighters, but is also applicable to any other person operating in the exclusionary zone of a scene that would require the use of breathing apparatus, protective clothing, or specialized training required under Section 633.821(2), F.S.

(b) No change.

(5) Proposed effective date January 1, 2009.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New 11-21-01, Formerly 4A-62.003, Amended 9-6-04, 1-1-09.

69A-62.007 Minimum Requirements for Class 9 Protection.

(1) through (3) No change.

(4)(a) The chief of any fire department that includes volunteer firefighters shall maintain annually submit a current, complete Roster of Volunteer Firefighters to the State Fire Marshal utilizing form DFS-K4-1581, effective 05/04, which is hereby adopted and incorporated by reference, utilizing the online database found at www.floridastatefirecollege.org. ~~form DFS K4 1581, effective 05/04, which is hereby adopted and incorporated by reference, no later than June 30 of each year. Form DFS K4 1581 may be obtained by contacting the Division of State Fire Marshal, Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486 or at the division’s website located at <http://www.fldfs.com/SFM/>.~~ The roster shall include:

1. The fire department name;
2. The fire department identification number (FDID);
3. The complete fire department address;
4. The fire department contact person, telephone number and the fire department fax number, if any;
5. The certification level for each firefighter reported and, if any equivalency exemption has been issued, the number of persons for whom such exemption has been issued, and
6. The firefighter certification number, the issue date of the certification, the status of the certification, i.e., volunteer or career, and the status of each firefighter who has been issued an equivalency exemption, i.e., volunteer or career, if any.

~~(b) Form DFS-K4-1581 The personnel roster need not be in any particular form; however, a personnel roster form containing the above information is available for the fire department's convenience and may be submitted if the chief of the fire department chooses. shall be completed by the Fire Chief or the designee of the chief. Such convenience form may be obtained at the division's website located at <http://www.fldfs.com/SFM/> or by writing to the Division of State Fire Marshal, Bureau of Fire Standards and Training, at 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486.~~

(5) Proposed effective date January 1, 2009.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History--New 9-6-04, Amended 1-1-09.

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

(1) through (2) No change.

(3) (a) through (c) No change.

(d) Each ~~Basic Life Support (BLS) and each Advanced Life Support (ALS) provider, as described in Rules 64E-2.002 and 64E-2.003, F.A.C., respectively, shall authorized emergency vehicle operator shall possess documentation that document that he or she each driver~~ has completed at least a 16-hour course of instruction on driving an authorized emergency vehicle, as defined by Section 316.003(1), F.S., which includes, at a minimum, classroom and behind-the-wheel training in a vehicle of the same size, type and class as the emergency vehicle operator will be assigned to operate, as outlined below:

1. Classroom Training.

a. Legal aspects of authorized emergency vehicle operators.

b. Selecting routes and reporting emergency operation.

c. The practice of defensive driving.

d. Accident avoidance.

e. Principles of vehicle control.

f. Routine safety checks of vehicle.

2. Practical.

a. Braking and control braking.

b. Backing; road position, fender judgment and steering technique.

c. Slalom; steering technique and chassis set.

d. Steering technique during a skid; a skid pad is optional.

e. Turn-around-steering technique; fender judgment, road position, controlled braking, controlled acceleration, understeer, oversteer and chassis set.

A list of approved courses/providers is posted on the "Firefighter Safety and Health" webpage at <http://www.myfloridacfo.com/sfm/bfst/SafetyHealth/SafetyForms.htm> ~~<http://www.fldfs.com/sfm>~~ or may be obtained from the Safety Program Office of the Bureau of Fire Standards and

Training by calling at (352)369-2800. Fire Department or Training Center requests for the approval of other courses must be directed to the same office.

(f) through (m) No change.

(4) through (7) No change.

(8) Proposed effective date January 1, 2009.

Specific Authority 633.804, 633.805, 633.808, 633.821 FS. Law Implemented 633.804, 633.805, 633.807, 633.808, 633.821 FS. History--New 9-6-04, Amended 6-6-07, 1-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Dave Casey, Chief, Bureau of Fire Standards and Training, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Les Hallman, Director, Division of State Fire Marshal, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 16, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Fraud

RULE NO.: RULE TITLE:

69D-1.003 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.

SUMMARY: At the time that the original rule was promulgated, there were only three chapters of the Florida Association of Special Investigations Units, 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, F.S. There are currently five chapters of the FASIU. This rule modification seeks to reflect the change in chapters of the Florida Association of Special Investigations Units and address the need for representation for each chapter.

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

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

SPECIFIC AUTHORITY: 624.308, 626.9892 FS.

LAW IMPLEMENTED: 624.307, 626.9892 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: Mark Schlein, 200 E. Gaines Street, Tallahassee, FL 32399, Mark.Schlein@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE 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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Schlein, Deputy Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark Schlein, Deputy Director, Division of Insurance Fraud

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

FINANCIAL SERVICES COMMISSION

FSC – Financial Institution Regulation

RULE NOS.:	RULE TITLES:
69U-100.100	Authority, Purpose, and Scope
69U-100.101	Definitions Concerning Debt Cancellation Products
69U-100.102	Prohibited Practices
69U-100.103	Refunds
69U-100.104	Method of Payment or Fees
69U-100.105	Disclosures
69U-100.106	Affirmative Election to Purchase and Acknowledgement of Receipt of Disclosures Required

PURPOSE AND EFFECT: Currently, financial institutions may offer debt cancellation products pursuant to an Order of General Application that was issued by the Office of Financial Regulation on February 1, 2006. During the 2008 regular session, the Florida Legislature passed HB 343, which, among other things, codifies this authority in statute. HB 343 was signed into law (Chapter 2008-75, Laws of Florida) on May 28, 2008, and will take effect on October 1, 2008. The new law provides authority for financial institutions to offer debt cancellation products, and charge fees for such products, in connection with the loans, leases, and similar extensions of credit made by the financial institutions pursuant to Sections 655.947 and 655.954, F.S. The proposed rules implement the

new law by setting forth standards that will apply to debt cancellation products offered by financial institutions. The purpose of these standards is to ensure that financial institutions offer debt cancellation products consistent with safe and sound financial institution practices, and subject to appropriate consumer protection. The proposed rules apply to all contracts and agreements for debt cancellation products entered into by financial institutions in connection with extensions of credit they make, purchase, or assume. The proposed rules are based on and consistent with federal regulations set forth in 12 C.F.R. Part 37 (2008).

SUMMARY: Chapter 2008-75, Laws of Florida, provides authority for financial institutions to offer debt cancellation products, and charge fees for such products, in connection with the loans, leases, and similar extensions of credit made by the financial institutions pursuant to Sections 655.947 and 655.954, F.S. The proposed rules implement the new law by setting forth standards that will apply to debt cancellation products offered by financial institutions.

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: 655.012(2), 655.947(3) FS.

LAW IMPLEMENTED: 655.947, 655.954 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bruce Kuhse, Chief Counsel, Division of Financial Institutions, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9896, Bruce.Kuhse@fiofr.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69U-100.100 Authority, Purpose, and Scope.

(1) Financial institutions may offer debt cancellation products, and charge fees for such products, in connection with the loans, leases, and similar extensions of credit made by the financial institutions, pursuant to Sections 655.947 and 655.954, F.S., and the rules and orders of the Commission and the Office.

(2) Rules 69U-100.100 – 69U-100.106, F.A.C., set forth the standards that apply to debt cancellation products offered by financial institutions. The purpose of these standards is to ensure that financial institutions offer debt cancellation products consistent with safe and sound financial institution practices, and subject to appropriate consumer protection.

(3) Rules 69U-100.100 – 69U-100.106, F.A.C., apply to all contracts and agreements for debt cancellation products entered into by financial institutions in connection with extensions of credit they make, purchase, or assume.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.101 Definitions Concerning Debt Cancellation Products.

For the purposes of Rules 69U-100.100 – 69U-100.106, F.A.C., the following definitions apply:

(1) “Actuarial method” means the system of allocating payments made on a debt between the amount financed and the finance charge pursuant to which a payment is applied first to the accumulated finance charge and any remainder is subtracted from, or any deficiency is added to, the unpaid balance of the amount financed.

(2) “Closed-end credit” means consumer credit other than open-end credit as defined in these rules.

(3) “Customer” means an individual who obtains an extension of credit from a financial institution primarily for personal, family, or household purposes.

(4) “Debt cancellation products” shall have same meaning as defined in Section 655.005(1), F.S.

(5) “Debt suspension agreement” means a loan or lease term, or other contractual arrangement modifying loan or lease terms, under which a financial institution agrees to suspend all or part of a customer’s obligation to repay an extension of credit from that financial institution upon the occurrence of a specified event. The agreement may be separate from, or a part of, other loan or lease documents. The term debt suspension agreement does not include loan or lease payment deferral arrangements in which the triggering event is the borrower’s unilateral election to defer repayment, or the financial institution’s unilateral decision to allow a deferral of repayment.

(6) “Financial institution” shall have the same meaning as defined in Section 655.947, F.S.

(7) “Open-end credit” means consumer credit extended by a financial institution under a plan in which:

(a) The financial institution reasonably contemplates repeated transactions;

(b) The financial institution may impose a finance charge from time to time on an outstanding unpaid balance; and

(c) The amount of the credit that may be extended to the customer during the term of the plan (up to any limit set by the financial institution) is generally made available to the extent that any outstanding balance is repaid.

(8) “Residential mortgage loan” means a loan secured by 1-to-4 family residential real property.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.102 Prohibited Practices.

(1) A financial institution may not extend credit nor alter the terms or conditions of an extension of credit conditioned upon the customer entering into a debt cancellation product with the financial institution.

(2) A financial institution may not engage in any practice or use an advertisement that could mislead or otherwise cause a reasonable person to reach an erroneous belief with respect to information that must be disclosed under Rules 69U-100.101 – 69U-100.106, F.A.C.

(3) A financial institution may not offer debt cancellation products that contain terms:

(a) Giving the financial institution the right unilaterally to modify the debt cancellation product unless:

1. The modification is more favorable to the customer and made without additional charge to the customer; or

2. The customer is notified of any proposed change and is provided a reasonable opportunity to cancel the debt cancellation product without penalty before the change goes into effect; or

(b) Requiring a lump sum, single payment for the debt cancellation agreement payable at the outset of the debt cancellation agreement, where the debt subject to the debt cancellation agreement is a residential mortgage loan.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.103 Refunds.

(1) If a debt cancellation product is terminated (including, for example, when the customer prepays the covered loan), the financial institution shall refund to the customer any unearned fees paid for the debt cancellation product unless the debt cancellation product provides otherwise. A financial institution may offer a customer a debt cancellation product that does not provide for a refund only if the financial institution also offers that customer a bona fide option to purchase a comparable debt cancellation product that provides for a refund.

(2) The financial institution shall calculate the amount of a refund using a method at least as favorable to the customer as the actuarial method.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.104 Method of Payment or Fees.

Except as provided in paragraph 69U-100.102(3)(b), F.A.C., a financial institution may offer a customer the option of paying the fee for a debt cancellation product in a single fee, provided the financial institution also offers the customer a bona fide option of paying the fee for that debt cancellation product in monthly or other periodic payments. The option of monthly or periodic payments need not be offered for any debt cancellation product designed to protect a customer against a deficiency between the outstanding loan or lease amount and

the value of the motor vehicle that is used as collateral for the loan. If the financial institution offers the customer the option to finance the single payment by adding it to the amount the customer is borrowing, the financial institution must also disclose to the customer, in accordance with Rule 69U-100.105, F.A.C., whether and, if so, the time period during which, the customer may cancel the agreement and receive a refund.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.105 Disclosures.

(1) The short form of disclosures required by these rules must include the information described in Form OFR-U-XX, “Debt Cancellation Products – Short Form Disclosures”, effective XX-XX-2008, which is hereby incorporated by reference, that is appropriate to the product offered. Short form disclosures made in a form that is substantially similar to the disclosures in Form OFR-U-XX will satisfy the short form disclosure requirements of this rule.

(2) The long form of disclosures required by these rules must include the information described in Form OFR-U-YY, “Debt Cancellation Products – Long Form Disclosures”, effective XX-XX-2008, which is hereby incorporated by reference, that is appropriate to the product offered. Long form disclosures made in a form that is substantially similar to the disclosures in Form OFR-U-YY, “Debt Cancellation Products – Long Form Disclosures”, will satisfy the long form disclosure requirements of this rule.

(3) The financial institution shall make the short form disclosures orally or in writing at the time the financial institution first solicits the purchase of a debt cancellation product.

(4) The financial institution shall make the long form disclosures in writing before the customer completes the purchase of the debt cancellation product. If the initial solicitation occurs in person, then the financial institution shall provide the long form disclosures at that time.

(5) If the debt cancellation product is solicited by telephone, the financial institution shall provide the short form disclosures orally and shall mail the long form disclosures, and, if appropriate, a copy of the debt cancellation product contract or agreement to the customer within 3 business days, beginning on the first business day after the telephone solicitation.

(6) If the debt cancellation product is solicited through written materials such as mail inserts or “take one” applications, the financial institution may provide only the short form disclosures in the written materials if the financial institution mails the long form disclosures to the customer within 3 business days, beginning on the first business day after the customer contacts the financial institution to respond to the solicitation, subject to the requirements of subsection 69U-100.106(3), F.A.C.

(7) The disclosures provided in this rule may be provided through electronic media in a manner consistent with the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001, et seq., which is hereby incorporated by reference, and Ch. 668, F.S.

(8) The disclosures required by this rule must be conspicuous, simple, direct, readily understandable, and designed to call attention to the nature and significance of the information provided.

(9) The disclosures required by this rule must be in a meaningful form. Examples of methods that could call attention to the nature and significance of the information provided include:

(a) A plain-language heading to call attention to the disclosures;

(b) A typeface and type size that are easy to read;

(c) Wide margins and ample line spacing;

(d) Boldface of italics for key words; and

(e) Distinctive type style, and graphic devices, such as shading or sidebars, when the disclosures are combined with other information.

(10) The short form disclosures are required in advertisements and promotional materials for debt cancellation products unless the advertisements and promotional materials are of a general nature describing or listing the services or products offered by the financial institution.

(11) All forms and federal statutes referenced in this rule may be obtained from the Office of Financial Regulation’s website (www.flofr.com), or by mail by submitting a request to the Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0371.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

69U-100.106 Affirmative Election to Purchase and Acknowledgment of Receipt of Disclosures Required.

(1) Before entering into a debt cancellation product, the financial institution must obtain a customer’s written affirmative election to purchase a debt cancellation product and written acknowledgment of receipt of the disclosures required by subsection 69U-100.105(2), F.A.C. The election and acknowledgment information must be conspicuous, simple, direct, readily understandable, and designed to call attention to their significance. The election and acknowledgment satisfy these standards if they conform with the requirements of subsection 69U-100.105(2), F.A.C.

(2) If the sale of a debt cancellation product occurs by telephone, the customer’s affirmative election to purchase may be made orally, provided the financial institution:

(a) Maintains sufficient documentation to show that the customer received the short form disclosures and then affirmatively elected to purchase the debt cancellation product;

(b) Mails the affirmative written election and written acknowledgment, together with the long form disclosures required Rule 69U-100.105, F.A.C., to the customer within 3 business days after the telephone solicitation, and maintains sufficient documentation to show it made reasonable efforts to obtain the documents from the customer; and

(c) Permits the customer to cancel the purchase of the debt cancellation product without penalty within 30 days after the financial institution has mailed the long form disclosures to the customer.

(3) If the contract is solicited through written mail inserts or “take one” applications and the financial institution provides only the short form disclosures in the written materials, then the financial institution shall mail acknowledgment of the receipt of disclosures, together with the long form disclosures required by Rule 69U-100.105, F.A.C., to the customer within 3 business days, beginning on the first business day after customer contacts the financial institution or otherwise responds to the solicitation. The financial institution may not obligate the customer to pay for the debt cancellation product until after the financial institution has received the customer’s written acknowledgment of receipt of disclosures unless the financial institution:

(a) Maintains sufficient documentation to show that the financial institution provided the acknowledgment of receipt of disclosures to the customer as required by this rule;

(b) Maintains sufficient documentation to show that the financial institution made reasonable efforts to obtain from the customer a written acknowledgment of receipt of the long form disclosures; and

(c) Permits the customer to cancel the purchase of the debt cancellation product without penalty within 30 days after the financial institution has mailed the long form disclosures to the customer.

(4) The affirmative election and acknowledgment may be made electronically in a manner consistent with the requirements of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., which is incorporated by reference in Rule 69U-100.105, F.A.C., and Ch. 668, F.S.

Specific Authority 655.012(2), 655.947(3) FS. Law Implemented 655.947, 655.954 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bruce Kuhse, Chief Counsel, Division of Financial Institutions, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9896, Bruce.Kuhse@loflof.com
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 20, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.094221	Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion

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. 29, July 18, 2008 issue of the Florida Administrative Weekly.

Subsection (2) is amended to read:

(2)(b) To promote a student using the SAT-9 or SAT-10 as an alternative assessment good cause exemption, the grade three student scoring at Level 1 on FCAT Reading must score at or above the 51st percentile on the SAT-9 or at or above the 45th percentile on the Reading SAT-10. The SAT-9 or SAT-10 may only be administered two (2) times if there are at least thirty (30) days between administrations and different test forms are administered one (1) time.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.733	Visiting – Special Status Inmates

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. 27, July 3, 2008 issue of the Florida Administrative Weekly.

33-601.733 Visiting – Special Status Inmates.

(1) through (3) No change.

(4) An inmate housed in a mental health unit shall ~~not~~ be permitted visits except as prohibited ~~authorized~~ by the warden and chief health officer on a case-by-case basis.

(5) through (6) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, _____.

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:
62-210.300	Permits Required
62-210.310	Air General Permits

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. 25, June 20, 2008 issue of the Florida Administrative Weekly. These changes are being made in response to written comments received from the Joint Administrative Procedures Committee.

62-210.300 Permits Required.

Unless exempted from permitting pursuant to this rule or Rule 62-4.040, F.A.C., the owner or operator of any facility or emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain appropriate authorization from the Department prior to undertaking any activity at the facility or emissions unit for which such authorization is required. The Department grants authorization to conduct such activities by individual air permit or by air general permit. Activities requiring authorization by individual air construction permit are addressed at subsection 62-210.300(1), F.A.C., and activities requiring authorization by individual air operation permit are addressed at subsection 62-210.300(2), F.A.C. Authorization by air general permit is addressed at subsection 62-210.300(4), F.A.C. All emission limitations, controls, and other requirements imposed by any individual air permit shall be at least as stringent as any applicable limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or that are otherwise federally enforceable. Except as provided at Rule 62-213.460, F.A.C., being authorized to construct, operate, or undertake any other activity by individual air permit or air general permit does not relieve the owner or operator of a facility or emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

- (1) through (2) No change.
- (3) No change.

(a) Categorical and Conditional Exemptions. Except as otherwise provided at subsection 62-210.300(3), F.A.C., above, the following facilities, emissions units, and

pollutant-emitting activities shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C. The exemptions listed at subparagraphs 62-210.300(3)(a)23. through 37., F.A.C., are valid only if the owner or operator ensures that the conditions of exemption are met.

- 1. through 36. No change.
- 37. Printing operations, provided:
 - a. through b. No change.
 - c. The facility shall:

(I) Operate only heatset offset lithographic printing lines and use less than 20,000 pounds of ~~any single or any combination of VOC-containing materials~~, combined, of such as inks, cleaning solvents, fountain solutions concentrate and fountain solution additives in any consecutive twelve (12) months;

(II) Operate only non-heatset offset lithographic printing lines and use less than 2,850 gallons of ~~any single or any combination of VOC-containing materials~~, combined, of such as inks, cleaning solvents, fountain solutions concentrate and fountain solution additives in any consecutive twelve (12) months;

(III) Operate only digital printing lines and use less than 2,425 gallons of ~~any single or any combination of VOC-containing materials~~, combined, of solvent-based such as inks, and clean-up solutions, and other solvent-containing materials in any consecutive twelve (12) months;

(IV) Operate only screen or letterpress printing lines and use less than 2,850 gallons of ~~any single or any combination of VOC-containing materials~~, combined, of solvent-based such as inks, and clean-up solutions, and other solvent-containing materials in any consecutive twelve (12) months;

(V) Operate only water-based or ultraviolet-cured-material flexographic or rotogravure printing lines and use less than 80,000 pounds of ~~any single or any combination of VOC-containing materials~~, combined, of such as water-based inks, coatings, and adhesives in any consecutive twelve (12) months; or

(VI) Operate only solvent-based material flexographic or rotogravure printing lines and use less than 20,000 pounds of ~~any single or any combination of VOC-containing materials~~, combined, of such as inks, dilution solvents, coatings, cleaning solutions, and adhesives in any consecutive twelve (12) months.

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

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 6-21-01, 7-6-05, 2-2-06, 1-10-07, 5-9-07, 3-16-08, _____.

62-210.310 Air General Permits.

(1) through (3) No change.

(a) through (e) No change.

(f) Air General Permit for Facilities Comprising Printing Operations.

1. through 2. No change.

a. No change.

b. The facility shall use less than 1,333 gallons of materials containing any hazardous air pollutants and not exceed the following material usage limitations in any consecutive twelve (12) months. The owner or operator shall keep records of material usage for each calendar month and each consecutive twelve (12) months to demonstrate compliance with such limitations. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years. Specifically, the facility shall:

(I) Operate only heatset offset lithographic printing lines and use less than 100,000 pounds, combined, of ~~any single or any combination of VOC containing materials such as~~ inks, cleaning solvents, fountain solution concentrate and fountain solution additives;

(II) Operate only non-heatset offset lithographic printing lines and use less than 14,250 gallons, combined, of ~~any single or any combination of VOC containing materials such as~~ cleaning solvents, fountain solutions concentrate and fountain solution additives;

(III) Operate only digital printing lines and use less than 12,100 gallons, combined, of ~~any single or any combination of VOC containing materials such as~~ solvent based inks, and clean-up solutions and other solvent-containing materials;

(IV) Operate only screen or letterpress printing lines and use less than 14,250 gallons, combined, of ~~any single or any combination of VOC containing materials, solvent-based such as~~ inks, and clean-up solutions and other solvent-containing materials;

(V) Operate only water-based or ultraviolet-cured material flexographic or rotogravure printing lines and use less than 400,000 pounds, combined, of ~~any single or any combination of VOC containing materials such as~~ water-based inks, coatings and adhesives;

(VI) Operate only solvent-based material flexographic or rotogravure printing lines and use less than 100,000 pounds, combined, of ~~any single or any combination of VOC containing materials such as~~ inks, dilution solvents, coatings, cleaning solutions and adhesives; or

(VII) Operate any combination of heatset lithographic, non-heatset lithographic, digital, screen or letterpress, rotogravure or flexographic printing lines and use no more than the most stringent of the material usage limitations contained in sub-sub-paragraphs 62-210.310(4)(f)2.b.(I) through (VI), F.A.C., for the type of printing lines at the facility. For purposes of determining which limit is the most stringent, the pounds of materials used for heatset offset lithographic lines and flexographic lines shall be converted to the equivalent

gallons by dividing by 8.5 pounds per gallon and shall be compared with the limits for non-heatset offset lithographic, digital, screen and letterpress lines, as applicable, for the type of printing lines at the facility. The most stringent limit shall apply to the total of all solvent ~~VOC~~-containing material used.

c. No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History--New 1-10-07, Amended 5-9-07, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:

RULE TITLE:

62-213.900

Forms and Instructions

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. 25, June 20, 2008 issue of the Florida Administrative Weekly. These changes are being made in response to written comments received from the Joint Administrative Procedures Committee. The changes to Rule 62-213.900, F.A.C., are within the form being adopted by reference at subsection 62-213.900(1), F.A.C. The changes fix an error in the division title, clarify that the form implements the fee requirements of Section 403.0872(11) of the Florida Statutes, and eliminates verbatim statutory language from that section. A copy of the form as changed may be obtained at the Department of Environmental Protection's website at <http://www.dep.state.fl.us/air/rules/regulatory.htm>.

62-213.900 Forms and Instructions.

The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in this section. The forms are 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, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Major Air Pollution Source Annual Emissions Fee Form (DEP Form No. 62-213.900(1), Effective_____).

(2) through (9) No change.

Specific Authority 403.061 FS. Law Implemented 403.0872, 403.814 FS. History--New 12-21-92, Amended 11-25-93, Formerly 17-213.900, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 2-24-99, 1-3-01, 6-2-02, 4-14-03,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:

RULE TITLE:

62-257.900

Form

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. 25, June 20,

2008 issue of the Florida Administrative Weekly. These changes are being made in response to written comments received from the Joint Administrative Procedures Committee. The changes to Rule 62-257.900, F.A.C., are within the form being adopted by reference at subsection 62-257.900(1), F.A.C. The changes eliminate the language on the form and clarifies instructions concerning prior approval for dry method removal. A copy of the form as changed may be obtained at the Department of Environmental Protection's website at <http://www.dep.state.fl.us/air/rules/regulatory.htm>.

62-257.900 Form.

The form with instructions used by the Department in the asbestos air regulatory program is adopted and incorporated herein by reference. Copies of the form and instructions may be obtained by writing to the State Asbestos Coordinator, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form is also available on the internet at www.dep.state.fl.us/air or at the Department's District Offices or at Local Air Program offices.

(1) "Notice of Demolition or Asbestos Renovation", DEP Form Number 62-257.900(1), effective _____.

Specific Authority 376.60, 403.061 FS. Law Implemented 376.60, 403.061 FS. History—New 3-31-94, Formerly 17-257.900, Amended 11-23-94, 2-9-99, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.300
 RULE TITLE: St. Marks Basin TMDLs

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 32, August 8, 2008 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.305
 RULE TITLE: Ochlockonee Basin TMDLs

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 32, August 8, 2008 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.810
 RULE TITLE: Everglades West Coast Basin TMDLs

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 32, August 8, 2008 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS:	RULE TITLES:
62-305.100	Scope of the Rule
62-305.200	Definitions
62-305.300	General Program Information
62-305.400	Project Selection Criteria
62-305.900	Forms

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 32, August 8, 2008 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2008

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.002
 RULE TITLE: Preceptor

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the Notice of Change in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 33, of the August 15, 2008, issue of the Florida Administrative Weekly. The correction will change the first paragraph, second sentence to read correctly as "The change is in response to concerns by the Joint Administrative Procedures Committee in a letter dated April 15, 2008 and modifications made on June 27, 2008 by the Board of Nursing Home Administrators".

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-2.0321
 RULE TITLE: Certificate of Public Convenience and Necessity

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 24, June 13, 2008 issue of the Florida Administrative Weekly has been withdrawn.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-48.004
 RULE TITLE: Application and Selection
 Procedures for Developments

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 28, July 11, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BBER08-1
 RULE TITLE: Emergency Unemployment Compensation

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The rate of unemployment in the State of Florida has risen dramatically since January 2007. Between January and May 2007, 245,653 individuals filed claims for unemployment benefits. During the same period in 2008, 346,202 individuals filed claims, representing an increase of 41%. Under Florida law, a claimant may receive up to 26 weeks of unemployment compensation within a one year period. Unfortunately, as many as 488,650 recipients of unemployment compensation have exhausted their regular benefits and may be eligible for additional benefits under recently enacted federal legislation. These figures are representative of the situation faced by other states nationwide. To address this situation and for other purposes, Congress passed a Supplemental Appropriations Act (Public Law 110-252). Title IV of the Act creates the Emergency Unemployment Compensation program, which authorizes states that enter into agreements with the United States Department of Labor to pay up to an additional 13 weeks of benefits to recipients of unemployment compensation who have exhausted all rights to regular compensation under state law. Florida has entered into such an agreement with the United States Department of Labor. In order to determine which individuals are eligible for benefits and provide compensation to them as quickly as possible, it is necessary that the use of the application forms incorporated by reference into this emergency rule be implemented immediately, without

the delay attendant with regular rulemaking procedures. The Agency will immediately begin the regular rulemaking process for incorporating these forms and procedures into its current claims rules, found in Chapter 60BB-3, Florida Administrative Code.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The forms incorporated by reference provide the most efficient means of providing unemployment benefits to those individuals that are entitled to them. In adopting these forms, the Agency has acted to ensure that all procedural remedies available to recipients of regular state unemployment compensation will be available to Emergency Unemployment Compensation program applicants under state law and under the terms of the governing agreement with the United States Department of Labor. The Agency modeled the proposed rule after existing rules, after giving due consideration to public comment received during the latest amendment to Chapter 60BB-3, Florida Administrative Code, regarding the best means of making the application process accessible to persons with Limited English Proficiency.

SUMMARY: This rule prescribes and incorporates by reference the forms to be used to apply for emergency unemployment compensation.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: John R. Perry, Assistant General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE EMERGENCY RULE IS:

60BBER08-1 Emergency Unemployment Compensation.

(1) Individuals wishing to receive Extended Unemployment Compensation benefits must submit an application for benefits to the Agency for Workforce Innovation. An application may be submitted:

(a) Online, or

(b) In writing on one of the forms listed in subparagraphs (6)(a), (b), or (c) below.

(2) To apply online an individual must visit the website: http://www.floridajobs.org/unemployment/uc_emp_claims.html, click on the Emergency Unemployment Compensation (EUC) link, and follow the instructions provided in the Online Internet Unemployment Compensation Claim Application (Rev. 07/08) or Online Internet Unemployment Compensation Claim Application (Spanish Version) (Rev. 07/08).

(3) To submit a written application, the claimant must complete one of the forms listed in paragraph (6)(a),(b), or (c) below and either:

(a) Mail the completed form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5350, Tallahassee, Florida 32314-5350; or

(b) Fax the form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, (850)921-3938.

(4) A copy of the application forms listed in subparagraphs (6)(a),(b), or (c) below may be obtained by:

(a) Mailing a written request to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5750, Tallahassee, Florida 32314-5750;

(b) Faxing a written request to the Agency for Workforce Innovation, Unemployment Compensation Records Unit at (850)921-3912;

(c) Downloading from the Agency website at <http://www.floridajobs.org/unemployment/uc> claims app for ms.html; or

(d) Calling the Agency for Workforce Innovation, Unemployment Compensation Records Unit at (850)921-3470.

(5) Notice of the Agency's determination of a claimant's eligibility or ineligibility for Extended Unemployment Compensation will be mailed to the claimant on a Form AWI-UCB11 EUC (07/08). If, however, the claimant is deemed ineligible because his claim for regular unemployment benefits was filed on or after May 7, 2006, notice of this determination will be mailed to the claimant on a Form AWI-UCB11-1 EUC (07/08).

(6) The following forms are hereby incorporated by reference into this rule:

(a) Form AWI-UC310EUC (Rev. 07/08).

(b) Formulario AWI-UC310EUCS (Rev. 07/08).

(c) Form AWI-UCB310EUCC (Rev. 07/08).

(d) Form AWI-UCB11 EUC (07/08).

(e) Form AWI-UCB11-1 EUC (07/08).

(f) Online Internet Unemployment Compensation Claim Application (Rev. 07/08).

(g) Online Internet Unemployment Compensation Claim Application (Spanish version) (Rev. 07/08).

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.101, 443.111 FS. History--New 8-12-08.

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: August 12, 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."

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:
69VER08-1

RULE TITLES:
Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure

69VER08-2

Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure

69VER08-3

Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Financial Services Commission and the Office of Financial Regulation hereby state that the following circumstances constitute an immediate danger to the public health, safety, or welfare:

Preserving the American dream of home ownership is vitally important to Floridians and Florida's economy. The purchase of a home is the most important financial decision many Floridians will make in their lifetime. The current housing crisis that has swept across the nation has been the subject of daily reporting for the past several months. Foreclosures, mortgage fraud, and predatory lending have reached record levels.

For the past year, Congress has been working on legislation to strengthen the nation's housing industry and clean up the mortgage industry. On July 30, 2008, President George Bush signed into law major housing reform legislation (H.R. 3221) that includes a measure to establish minimum national licensing and oversight standards for America's mortgage brokers and loan originators. This measure is titled "The Secure and Fair Enforcement in Mortgage Licensing Act of 2008," or "The SAFE Mortgage Licensing Act of 2008."

The SAFE Mortgage Licensing Act of 2008 is intended to eliminate those persons with a history of certain criminal activity or specific misconduct relating to loan origination from the mortgage industry and require mortgage brokers and loan originators to meet minimum national standards to ensure they are professional, competent and trustworthy. The broader legislation is designed to prevent foreclosures, stabilize the declining housing market, and reform the government-sponsored enterprises Fannie Mae and Freddie Mac.

The SAFE Mortgage Licensing Act of 2008 was introduced by Senator Feinstein of California and Senator Martinez of Florida in response to growing reports of abusive lending practices by unscrupulous persons in the mortgage lending industry in their states.

In a press release, Senators Feinstein and Martinez commented on the need for the legislation. Senator Feinstein stated: "America's housing crisis has caused significant harm to our economy, and put millions of Americans at risk of losing their homes. This legislation will bring much-needed relief to millions of Americans, and will help clean up the mortgage industry." She also stated: "The SAFE Mortgage Licensing Act will help restore confidence in the American Dream of home ownership, ensuring that all brokers and lenders meet basic standards and earn a license."

Senator Martinez commented: "The current housing crisis has shown us that while some homeowners unfortunately made poor financial decisions, others were clearly taken advantage of by bad actors in the housing industry. National licensing standards will help decrease the number of unscrupulous loan originators and predatory mortgages. He also stated that "The SAFE Act will give home buyers added confidence at a time when they're making what is probably their most significant financial investment."

The press release provided further insight into the impetus for the legislation. The background information indicates that millions of Americans – including those with weak credit scores – have used sub-prime and exotic mortgages to purchase homes using adjustable-rate loans with low initial monthly payments. Some of these mortgages require little or no down payment.

Many mortgage lenders and brokers offering these mortgages act responsibly. However, some have used predatory lending tactics, resulting in unsuspecting borrowers assuming mortgages they cannot afford.

Also, the standards of accountability for mortgage brokers and loan originators have not kept pace with the increasing sophistication of the mortgage industry.

The FBI recently announced that between March 1 and June 18, 2008, 406 defendants were charged in 144 mortgage fraud-related cases. Mortgage fraud charges were brought in more than 50 judicial districts, and approximately \$1 billion in losses can be attributed to these mortgage fraud schemes.

Last year, more than 2.2 million foreclosures were filed in the United States, a jump of 75 percent over 2006, according to data released by RealtyTrac. Foreclosure rates are expected to remain high, as 1.8 million adjustable-rate mortgages across the nation will reset to higher rates in the next two years.

Florida has been especially hard hit by the housing crisis. According to the Mortgage Bankers Association, Florida accounts for a disproportionate share of the nation's foreclosures. Florida accounts for 8 percent of all U.S. mortgages and 15 percent of the nation's foreclosures. Florida also had the nation's second-highest number of homes in some state of foreclosure last year. There were 279,325 filings issued on 165,291 properties last year, a nearly 124 percent increase over the number of filings in 2006. More than 2 percent of Florida households entered some stage of foreclosure last year. In other reports, the Mortgage Asset Research Institute ranked Florida first in the United States last year for mortgage loans that contained alleged fraud against lenders. Fannie Mae reports that Florida ranks in the top 10 for states with mortgage loans that have significant misrepresentations. The FBI reports that suspicious activity reports filed by financial institutions concerning suspected mortgage fraud have increased from approximately 7,000 in fiscal year 2003 to over 46,000 in fiscal year 2007. And, recent new articles have indicated that persons

with prior criminal backgrounds who obtained licenses through the Office of Financial Regulation have subsequently committed mortgage fraud and other serious crimes.

The SAFE Mortgage Licensing Act of 2008 contains a number of important provisions that will assist regulators in preventing certain individuals from entering the mortgage industry. The law provides that a person is not eligible for licensure within 7-years of a felony conviction. If that felony involved fraud, dishonest dealing, breach of trust or money laundering, the federal law precludes that person from receiving a license.

Under Chapter 494, Florida Statutes, the Office may deny an applicant a license if the person has committed a crime involving fraud, dishonest dealing, or moral turpitude. The new federal legislation establishes strict minimum standards for licensure. A federal agency, the Department of Housing and Urban Development, is directed to establish a federal licensing regimen in any state that fails to adopt these standards within a prescribed period of time. Another reason why these stricter standards need to be applied in Florida is that studies conducted by the Florida Department of Corrections have shown that approximately 49 percent of inmates released from prison will commit new offenses within five years.

The Financial Services Commission and Office of Financial Regulation find that immediate action is needed to strengthen the implementing regulations adopted under Chapter 494, Florida Statutes, to better protect Floridians in the purchase of their most significant asset; and to the extent permissible under current Florida law, reflect the policies and intent of the new federal legislation. Such action also will assist in stabilizing the housing market in Florida by restoring confidence to borrowers when engaging in mortgage lending transactions.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Financial Services Commission believes adopting an emergency rule is the fairest method to protect the public under the current market conditions. Persons who have been previously convicted of financial crimes and other serious felonies have a high rate of recidivism. There is also ample evidence to show that crime in the mortgage lending industry has reached record levels. Based on increasing rates of foreclosures, increasing rates of reported mortgage fraud, and other negative indicators, the Financial Services Commission and the Office need to take immediate action to implement the federal "The SAFE Mortgage Licensing Act of 2008" to the maximum extent permitted under current Florida law. Concurrent with the filing of these emergency rules, the Financial Services Commission has authorized the Office of Financial Regulation to initiate the regular rulemaking process for the issues addressed in these emergency rules. This action will ensure that all persons affected by the emergency rules will be afforded the due process protections guaranteed through the regular rulemaking process. Furthermore, by and large, the standards set forth in

these rules, merely reflect the federal standards that have just been enacted to apply throughout the nation. Such standards will be imposed in Florida by a federal agency should Florida fail to implement them.

SUMMARY: The rules set forth the policies of the Office of Financial Regulation with respect to processing license applications for persons who have been found guilty of, or who have pled guilty or nolo contendere to, certain crimes. The policies address applications for licensure as mortgage brokers, mortgage lenders, correspondent lenders, and mortgage brokerage businesses. The rules provide that a person who has been found guilty of, or who has pled guilty or nolo contendere to, a felony involving fraud, dishonesty, breach of trust or money laundering is not eligible for licensure as a mortgage broker. These crimes are classified as Class "A" crimes under the rules. A person who has been found guilty of, or who has pled guilty or nolo contendere to, certain other felonies constituting moral turpitude, including but not limited to specified serious violent crimes (e.g. murder, rape, armed robbery, etc.) is not eligible for licensure as a mortgage broker until 15 years have passed. These crimes are classified as Class "B" crimes. A person who has been found guilty of, or who has pled guilty or nolo contendere to, a felony constituting an act of moral turpitude that is not addressed under Class "A" or "B" crimes is not eligible for licensure as mortgage broker until seven years have elapsed. These crimes are classified as Class "C" crimes. A person who has been found guilty of, or who has pled guilty or nolo contendere to, a misdemeanor involving fraud, dishonest dealing or moral turpitude, is not eligible for licensure as a mortgage broker until five years have elapsed. These crimes are classified as Class "D" crimes.

For applicants applying for licensure as a mortgage lender, correspondent lender, or mortgage brokerage business, the applicant is not eligible for licensure until 15 years have elapsed, if a "relevant person" of the applicant has been found guilty of, or has pled guilty or nolo contendere to, a felony involving fraud, dishonesty, breach of trust or money laundering or certain other specified crimes constituting moral turpitude (e.g. murder, rape, armed robbery, etc.) These crimes are classified as Class "A" crimes under the rules. For applicants seeking licensure as a mortgage lender, correspondent lender, or mortgage brokerage business, the applicant is not eligible for licensure until seven years have elapsed, if a "relevant person" of the applicant has been found guilty of, or has pled guilty or nolo contendere to, any felony constituting moral turpitude that is not addressed under Class A crimes. These crimes are classified as Class "B" crimes. For "relevant persons" of the applicant who have been found guilty of, or who have pled guilty or nolo contendere to, a misdemeanor involving fraud, dishonest dealing or moral turpitude, the applicant is not eligible for licensure as a mortgage broker business, correspondent lender or mortgage lender until five years have elapsed. These crimes are classified as Class "C" crimes.

"Relevant persons" include each officer, director, control person, member, partner, or joint venturer of a mortgage brokerage business license applicant or of a mortgage lender of correspondent lender license applicant. The term also includes each ultimate equitable owner with a 10-percent or greater interest in the license applicant.

The rules provide for mitigating and aggravating factors that may lengthen or shorten the time periods discussed above for applicants for licensure as a mortgage broker, mortgage brokerage business, mortgage lender or correspondent mortgage lender.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Terry Straub, Director, Division of Finance, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, terry.straub@flofr.com

THE FULL TEXT OF THE EMERGENCY RULE IS:

69VER08-1 Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure.

(1) Statement of Policy Implementation of Federal Law. It is the policy of the Office that the licensing standards set forth in Chapter 494, Florida Statutes, be construed consistently with federal law as expressed in Title V of H.R. 3221 of the 110th Congress, i.e. the S.A.F.E. Mortgage Licensing Act of 2008. This rule is intended to encompass that policy. Under Chapter 494, Florida Statutes, the Office may deny an applicant a license if the person has committed a crime involving fraud, dishonest dealing, or moral turpitude. The new federal legislation establishes stricter minimum standards for licensure to attempt to enhance prevention against persons who may pose a threat to Florida consumers from entering the mortgage industry. These stricter standards need to be applied in Florida based on studies of recidivism conducted by the Florida Department of Corrections.

(2) General Procedure Regarding Law Enforcement Records. At the time of submitting a mortgage broker application, an applicant for a mortgage broker license shall supply the Office with required documentation, as specified in this rule, relating to: 1) all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a crime, 2) any pending criminal charges, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(3) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed pursuant to subsection (2) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(b) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant.

(4) Classification of Crimes.

(a) The Office makes a general classification of crimes into four classes: A, B, C, and D as listed in subsections (16), (17), (18), and (19) of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude, the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime, and the standards for licensure set forth in Title V of H.R. 3221 of the 110th Congress, the S.A.F.E. Mortgage Licensing Act of 2008.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(5) Effect on Licensure of Commitment of Single Crime. The Office finds it necessary to implement the following standards for applicants whose law enforcement record includes a single crime, subject to the mitigating factors set forth in this rule before licensure. All periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant is not eligible for licensure.

(b) Class B Crime. The applicant will not be granted a license until 15 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 7 years have passed since the trigger date.

(d) Class D Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(6) Applicants With Multiple Crimes.

(a) The Office construes Section 494.0041, Florida Statutes, to require that an applicant whose law enforcement record includes multiple crimes wait longer than those whose law enforcement record includes only a single crime before becoming eligible for licensure in order to assure that such applicant's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances, before licensure can safely be granted. Accordingly, where the applicant has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as "Single Crime" versus "Multiple Crimes." For purposes of this rule, two (2) or more offenses are considered a single crime if they are triable in the same court and are based on the same act or transaction or on two (2) or more connected acts or transactions.

(7) Mitigating Factors.

(a) The disqualifying period for a crime or crimes shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as a mortgage broker.

2. One year is deducted if restitution or settlement has been made for all crimes in which wherein restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year will be deducted if the applicant was under age 21 when the crime was committed and there is only one crime in the applicant's law enforcement record.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state

licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before licensure is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the licensure decision.

(b) In no event shall the aggregate mitigation result in less than a seven (7) year disqualifying period where the underlying crime committed was a felony.

(c) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(8) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of plea, i.e., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results wherein the applicant was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(9) Effect of Pending Appeal in Criminal Proceedings; Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Office's adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of license.

(10) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant licensure to any person who at time of application is participating in a pre-trial

intervention program. The Office finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before licensure may be considered.

(11) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally an applicant will have a matter sealed or expunged after submitting his or her application. In such situations the Office policy is as follows:

1. If the applicant properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(12) Effect of Restoration of Civil Rights.

(a) An applicant must disclose crimes even where civil rights have been restored.

(b) If a person's civil rights have been restored, the crimes will be evaluated in the application process consistent with Section 112.011 and Chapter 494, Florida Statutes, and the rules promulgated thereunder.

(c) The burden is upon the applicant to prove the restoration of their civil rights.

(13) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequi; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(14) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not license any applicant under Chapter 494, Florida Statutes, while the applicant is imprisoned, under arrest, or serving a sentence for any crime. Further, the Office shall not license any applicant who has been released from imprisonment until the later of the period otherwise set out in these rules or five (5) years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least five (5) years on good behavior, before licensure can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving term on community supervision for any felony crime, or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude. The Office shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

(15) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give a licensee a right to licensure after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to licensure remains on the applicant.

(16) Class "A" Crimes include all felonies involving an act of fraud, dishonesty, or a breach of trust, or money laundering, and the Office finds that such crimes constitute crimes of moral turpitude. The Office finds the following list of crimes are Class "A" crimes. This list is representative only and shall not be construed to constitute a complete or exclusive list all crimes that are Class "A" crimes. No inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

- (b) Perjury.
- (c) Armed robbery.
- (d) Robbery.
- (e) Extortion.
- (f) Bribery.
- (g) Embezzlement.
- (h) Grand theft.
- (i) Larceny.
- (j) Burglary.
- (k) Breaking and entering.
- (l) Identity Theft.
- (m) Any type of forgery or uttering a forged instrument.

(n) Misuse of public office.

(o) Racketeering.

(p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.

(q) Treason against the United States, or a state, district, or territory thereof.

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

(u) Impersonating or attempting to impersonate a law enforcement officer.

(v) Money laundering.

(17) Class "B" Crimes include the following list of felonies, or similar felonies, and the Office finds that such crimes constitute crimes of moral turpitude.

(a) Murder in all degrees.

(b) Arson.

(c) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.

(d) Aggravated Assault (e.g., as with a deadly weapon).

(e) Aggravated Battery (e.g., as with a deadly weapon).

(f) Rape.

(g) Sexually molesting any minor.

(h) Sexual battery.

(i) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.

(j) Kidnapping.

(18) Class "C" Crimes include all felonies that involve any other act of moral turpitude and are not Class "A" or Class "B" crimes.

(19) Class "D" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.

(20) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0033, 494.0041 FS. History—New 8-12-08.

69VER08-2 Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each designated principal representative and each officer, director, control person, member, partner, or joint venturer of a Mortgage Lender or Correspondent Lender License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as "relevant persons."

At the time of submitting a Mortgage Lender or Correspondent Lender Application, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a crime, 2) any pending criminal charges for a relevant person, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed pursuant to subsection (1) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0072(2)(c), Florida Statutes.

(b) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant.

(3) Classification of Crimes.

(a) The Office makes a general classification of crimes into three classes: A, B and C, as listed in subsections (15), (16) and (17) of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude and the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(4) Effect on Licensure of Commitment of Single Crime. The Office finds it necessary to implement the following standards for applicants with relevant persons whose law enforcement record includes a single crime, subject to the mitigating factors set forth elsewhere in this rule before licensure. All disqualifying periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant will not be granted a license until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted a license until 7 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(5) Relevant Persons With Multiple Crimes.

(a) The Office construes Section 494.0072, Florida Statutes, to require that an applicant with relevant persons whose law enforcement record includes multiple Class B or Class C crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for licensure in order to assure that such relevant person's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances, before licensure can safely be granted. Accordingly, where the relevant person has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as "Single Crime" versus "Multiple Crimes." For purposes of this rule, two (2) or more offenses are considered a single crime if they are triable in the same court and are based on the same act or transaction or on two (2) or more connected acts or transactions.

(6) Mitigating Factors for Class "C" Crimes.

(a) The disqualifying period for a Class "C" crime shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as a mortgage broker.

2. One year is deducted if restitution or settlement has been made for all crimes in which restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year will be deducted if the applicant was under age 21 when the crime was committed and there is only one crime in the applicant's law enforcement record.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before licensure is allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the licensure decision.

(b) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(7) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of pleas, i.e., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results in which the applicant was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or

consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(8) Effect of Pending Appeal in Criminal Proceedings: Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Office's adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of license.

(9) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant licensure to any applicant with a relevant person who at time of application is participating in a pre-trial intervention program. The Office finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before licensure may be considered.

(10) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding for a relevant person, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally a relevant person will have a matter sealed or expunged after the applicant submits an application, but before a licensing decision is made by the Office. In such situations the Office policy is as follows:

1. If the applicant's relevant person properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant's relevant person did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 494.0072(2)(c), Florida Statutes.

(11) Effect of Restoration of Civil Rights.

(a) An applicant's relevant person must disclose crimes even where civil rights have been restored.

(b) If a relevant person's civil rights have been restored, the crimes will be evaluated in the application process consistent with Section 112.011 and Chapter 494, Florida Statutes, and the rules promulgated thereunder.

(c) The burden is upon the applicant to prove the restoration of their civil rights.

(12) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.
2. Found guilty; entered a finding of guilt.
3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.
4. Nolo contendere; no contest; did not contest; did not deny; no denial.
5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.
6. Nolle prosequere; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(13) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not license any applicant under Chapter 494, Florida Statutes, while any relevant person of the applicant is imprisoned or serving a sentence for any crime. Further, the Office shall not license any applicant with a relevant person who has been released from imprisonment until the later of the period otherwise set out in these rules or 5 years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least 5 years on good behavior, before licensure can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving term on community supervision for any felony crime, or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude. The Office shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

(14) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give a applicant a right to licensure after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to licensure remains on the applicant.

(15) Class "A" Crimes include the following felonies which involve fraud, dishonest dealing, or moral turpitude. This list is representative only and shall not be construed to constitute a complete or exclusive list all of crimes that are Class "A" crimes. Crimes similar to the crimes on this list may also be considered Class "A" crimes, and no inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

(b) Perjury.

(c) Armed robbery.

(d) Robbery.

(e) Extortion.

(f) Bribery.

(g) Embezzlement.

(h) Grand theft.

(i) Larceny.

(j) Burglary.

(k) Breaking and entering.

(l) Identity Theft.

(m) Any type of forgery or uttering a forged instrument.

(n) Misuse of public office.

(o) Racketeering.

(p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.

(q) Treason against the United States, or a state, district, or territory thereof.

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

(u) Impersonating or attempting to impersonate a law enforcement officer.

(v) Money laundering.

(w) Murder in all degrees.

(x) Arson.

(y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.

(z) Aggravated Assault (e.g., as with a deadly weapon).

(aa) Aggravated Battery (e.g., as with a deadly weapon).

(bb) Rape.

(cc) Sexually molesting any minor.

(dd) Sexual battery.

(ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.

(ff) Kidnapping.

(16) Class "B" Crimes include all felonies that involve any other act of moral turpitude and are not Class "A" crimes.

(17) Class "C" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.

(18) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0061, 494.0062, 494.0072 FS. History—New 8-12-08.

69VER08-3 Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each officer, director, control person, member, partner, or joint venturer of a Mortgage Brokerage Business License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as "relevant persons." At the time of submitting a Mortgage Brokerage Business Application, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a crime, 2) any pending criminal charges for a relevant person, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any part of a law enforcement record required to be disclosed pursuant to subsection (2) herein is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(b) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant.

(3) Classification of Crimes.

(a) The Office makes a general classification of crimes into three classes: A, B and C, as listed in subsections (15), (16) and (17) of this rule.

(b) These classifications reflect the Office's evaluation of various crimes in terms of moral turpitude and the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by a person who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) For purposes of this rule, "trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(e) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(4) Effect on Licensure of Commitment of Single Crime. The Office finds it necessary to implement the following standards for applicants with relevant persons whose law enforcement record includes a single crime, subject to the mitigating factors set forth in this rule before licensure. All disqualifying periods referenced in this rule run from the trigger date.

(a) Class A Crime. The applicant will not be granted a license until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted a license until 7 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(5) Relevant Persons With Multiple Crimes.

(a) The Office construes Section 494.0041, Florida Statutes, to require that an applicant with relevant persons whose law enforcement record includes multiple Class B or Class C crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for licensure in order to assure

that such relevant person's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances, before licensure can safely be granted. Accordingly, where the relevant person has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

(b) The additional periods are added to the basic disqualifying period for the one most serious crime, and the combined total disqualifying period then runs from the trigger date of the most recent crime.

(c) Classification as "Single Crime" versus "Multiple Crimes." For purposes of this rule, two (2) or more offenses are considered a single crime if they are triable in the same court and are based on the same act or transaction or on two (2) or more connected acts or transactions.

(6) Mitigating Factors.

(a) The disqualifying period based on a crime pursuant to this rule shall be shortened upon proof of one or more of the following factors. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual disqualifying period, provided that an applicant shall not be permitted an aggregate mitigation of more than three (3) years for the following factors:

1. One year is deducted if the probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as a mortgage broker.

2. One year is deducted if restitution or settlement has been made for all crimes in which restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.

3. One year will be deducted if the applicant was under age 21 when the crime was committed and there is only one crime in the applicant's law enforcement record.

4. One year is deducted if the applicant furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

5. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the disqualifying period before licensure is

allowed and one additional year shall be deducted if the Office agrees the facts have a mitigating effect on the licensure decision.

(b) The burden is upon the applicant to establish these mitigating factors. Where the mitigating factor relates to or requires evidence of government agency or court action, it must be proved by a certified true copy of the agency or court document.

(7) Circumstances Not Constituting Mitigation. The Office finds that no mitigating weight exists, and none will be given, for the following factors:

(a) Type of Plea. The Office draws no distinction among types of pleas, i.e., found guilty; pled guilty; pled nolo contendere.

(b) Collateral Attack on Criminal Proceedings. The Office will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results in which the applicant was found guilty or pled guilty or nolo contendere. Thus the Office will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(c) The Office finds that subjective factors involving state of mind have no mitigating weight.

(8) Effect of Pending Appeal in Criminal Proceedings: Reversal on Appeal.

(a) The Office interprets the statutory grounds for denial of licensure as arising immediately upon a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be taken. The Office will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Office's adverse action.

(b) If on appeal the conviction is reversed, the Office shall immediately drop the said crime as grounds for denial of license.

(9) Pre-Trial Intervention. The Office considers participation in a pre-trial intervention program to be a pending criminal enforcement action and will not grant licensure to any applicant with a relevant person who at time of application is participating in a pre-trial intervention program. The Office finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before licensure may be considered.

(10) Effect of Sealing or Expunging of Criminal Record.

(a) An applicant is not required to disclose or acknowledge, and is permitted in fact to affirmatively deny, any arrest or criminal proceeding for a relevant person, the record of which has been legally and properly expunged or sealed by order of a court of competent jurisdiction prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Office.

(b) Matters Sealed or Expunged Subsequent to Application. Occasionally a relevant person will have a matter sealed or expunged after the applicant submits an application, but before a licensing decision is made by the Office. In such situations the Office policy is as follows:

1. If the applicant's relevant person properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Office will not consider the matter in the application decision.

2. However, if the applicant's relevant person did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 494.0041(2)(c), Florida Statutes.

(11) Effect of Restoration of Civil Rights.

(a) An applicant's relevant person must disclose crimes even where civil rights have been restored.

(b) If a relevant person's civil rights have been restored, the crimes will be evaluated in the application process consistent with section 112.011 and Chapter 494, Florida Statutes, and the rules promulgated thereunder.

(c) The burden is upon the applicant to prove the restoration of their civil rights.

(12) Effect of Varying Terminology.

(a) With regard to the following six subparagraphs, the Office treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:

1. Adjudicated guilty; convicted.

2. Found guilty; entered a finding of guilt.

3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.

4. Nolo contendere; no contest; did not contest; did not deny; no denial.

5. Adjudication of guilt withheld; adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.

6. Nolle prosequere; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.

(b) In all other instances the Office will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.

(13) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not license any applicant under Chapter 494, Florida Statutes, while any relevant person of the applicant is imprisoned or serving a sentence for any crime. Further, the Office shall not license any applicant with a relevant person who has been released from imprisonment until the later of the period otherwise set out in these rules or 5

years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least 5 years on good behavior, before licensure can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving term on community supervision for any felony crime, or any misdemeanor crime involving fraud, dishonest dealing, or moral turpitude. The Office shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

(14) Effect of Disqualifying Periods. The disqualifying periods established in this rule do not give a applicant a right to licensure after any set period of time. Regardless of the expiration of any disqualifying period imposed by these rules, the burden to prove entitlement to licensure remains on the applicant.

(15) Class "A" Crimes include the following felonies which involve fraud, dishonest dealing, or moral turpitude. This list is representative only and shall not be construed to constitute a complete or exclusive list all of crimes that are Class "A" crimes. Crimes similar to the crimes on this list may also be considered Class "A" crimes, and no inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud.

(b) Perjury.

(c) Armed robbery.

(d) Robbery.

(e) Extortion.

(f) Bribery.

(g) Embezzlement.

(h) Grand theft.

(i) Larceny.

(j) Burglary.

(k) Breaking and entering.

(l) Identity Theft.

(m) Any type of forgery or uttering a forged instrument.

(n) Misuse of public office.

(o) Racketeering.

(p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.

(q) Treason against the United States, or a state, district, or territory thereof.

(r) Altering public documents.

(s) Witness tampering.

(t) Tax evasion.

(u) Impersonating or attempting to impersonate a law enforcement officer.

(v) Money laundering.

(w) Murder in all degrees.

(x) Arson.

(y) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.

(z) Aggravated Assault (e.g., as with a deadly weapon).

(aa) Aggravated Battery (e.g., as with a deadly weapon).

(bb) Rape.

(cc) Sexually molesting any minor.

(dd) Sexual battery.

(ee) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.

(ff) Kidnapping.

(16) Class "B" Crimes include all felonies that involve any other act of moral turpitude and are not Class "A" crimes.

(17) Class "C" Crimes include any misdemeanor that involves fraud, dishonest dealing or any other act of moral turpitude.

(18) Foreign Law Enforcement Records. If a law enforcement record includes convictions, charges, or arrests outside the United States, the Office shall consider the following factors to reduce, eliminate, or apply a disqualifying period:

(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;

(b) The degree of penalty associated with the same or similar crimes in the United States; and

(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.

Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0031, 494.0041 FS. History—New 8-12-08.

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: August 12, 2008

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on August 7, 2008, the Criminal Justice Standards and Training Commission has issued an order.

The Criminal Justice Standards and Training Commission (CJSTC) has granted the request for a waiver of paragraph 11B-20.0014(3)(b), F.A.C., by the Florida Highway Patrol at its regularly scheduled Business Agenda meeting held at Ponte Vedra Beach, Florida, August 7, 2008. The request for waiver was received on July 2, 2008. Notice of the waiver was given in the Florida Administrative Weekly Vol. 34, No. 28, July 18, 2008. The proposed waiver requested a permanent waiver of the requirement that Laser and Operator Certificates only be issued to students who have completed the course under the instruction of a certified instructor. The Petitioner's instructor had completed all of the requirements for becoming an instructor, and had an instructor certificate, however, an oversight prevented his certificate from becoming renewed in a timely manner. During the time that he was operating as an instructor, but unwittingly without a renewed certificate, Petitioner's instructor instructed a class of 15 students. If the proposed waiver were not granted, all 15 FHP troopers would have to be pulled off of Florida's highways to retake the course and any stops they made in the interim using laser or radar would be subject to review. The CJSTC found that this waiver would achieve the purposes of the underlying statute. Further, the CJSTC found that the petitioner adequately demonstrated that the application of the rule would create a substantial hardship to it or would violate the principles of fairness. The Petitioner is affected by the rule in a manner different from others similarly situated and subject to the rule.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on August 7, 2008, the Criminal Justice Standards and Training Commission has issued an order.

The Criminal Justice Standards and Training Commission (CJSTC) has denied the request for a waiver of Rule 11B-27.002(4), F.A.C., by Daniel Santiago at its regularly scheduled Business Agenda meeting held at Ponte Vedra Beach, Florida, August 7, 2008. The request for waiver was received on July 31, 2008. Notice of the waiver was given in the Florida Administrative Weekly Vol. 34, No. 33, August 15, 2008. The proposed waiver requested a permanent waiver of the requirement that a recruit pass basic recruit training, pass the State Officer Certification Examination, and gain employment within four years of the starting date of that recruit's basic recruit class. The Petitioner proposed that he be granted an extra year to find work. The CJSTC found that this waiver would not achieve the purposes of the underlying statute. Further, the CJSTC did not find that the petitioner adequately demonstrated that the application of the rule would create a substantial hardship to him or would violate the

principles of fairness. The Petitioner is not affected by the rule in a manner different from others similarly situated and subject to the rule.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on August 12, 2008, the Suwannee River Water Management District Governing Board has issued an order.

This order grants variance under Section 120.542, F.S., to D. Anthony and Cindy Drew, P. O. Box 1844, Old Town, FL 32680, for a Works of the District residence (ERP08-0219). The petition for variance was received by SRWMD on June 30, 2008. Notice of receipt of the petition requesting variance was published in the F.A.W., Vol. 34, No. 28, on July 11, 2008. No public comment has been received. This order provides a variance of SRWMD's criteria for paragraph 40B-4.3030(12)(b), F.A.C., to the 75-foot setback requirement within Township 12 South, Range 13 East, Sections 2 and 3, Dixie County. SRWMD granted the petition because the petitioners have demonstrated that the purpose of the statute underlying the rule will be met and the principles of fairness would be violated if the petitioners were required to comply with this rule.

A copy of the Order may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on August 12, 2008, the Suwannee River Water Management District Governing Board has issued an order.

This order granted variance under Section 120.542, F.S., to Wayne and Suzanne Timmerman, 4917 W San Rafael Street, Tampa, FL 33629, for a Works of the District residence (ERP07-0519). The petition for variance was received by the SRWMD on May 23, 2008. Notice of the receipt of petition requesting variance was published in F.A.W., Vol. 34, No. 22, on May 30, 2008. No public comment has been received. This order provides a variance of SRWMD's criteria for subsection 40B-4.3030(9) and paragraph 40B-4.3030(12)(b), F.A.C., to the 75-foot setback requirements and the zero-rise certification,

within Township 12 South, Range 13 East, Section 32, Levy County. SRWMD granted the petition because the petitioners have demonstrated that the purpose of the statute underlying the rule will be met and that the principle of fairness would be violated if petitioners were required to comply with this rule.

A copy of the Order may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on September 9, 2008, the St. Johns River Water Management District has issued an order.

Intends to grant a variance from paragraph 40C-4.302(1)(c), Florida Administrative Code (F.A.C.), and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (May 13, 2008), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), to FBC of Brevard, Inc., for the construction of a multi-family two-slip docking structure for the temporary staging of watercraft associated with a condominium project. The project is located in Section 26, Township 25 South, Range 37 East, Brevard County, Florida. Paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (May 13, 2008), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), are designed to protect Class II or Class III waters which are classified as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting and require permit applicants to comply with additional criteria when the proposed work is located in, adjacent to, or in close proximity to such waters. The petitioner seeks a variance pursuant to Section 373.414(17), Florida Statutes (F.S.), in conjunction with Environmental Resource Permit Application 4-009-95312-3, to construct a docking structure for the temporary staging of watercraft. The work would occur in the Banana River which in this area is a Class III water classified by the State as conditionally restricted for shellfish harvesting. Notice of receipt of the petition for variance was published in the Florida Administrative Weekly on April 6, 2007. The District's Governing Board is scheduled to take final action on the petition for variance and the related permit application at its meeting on September 8, 2008.

A person whose substantial interests are or may be affected by the District's intended action has the right to request an administrative hearing by filing a written petition with the District. Pursuant to Chapter 28-106 and Rule 40C-1.1007, F.A.C., and Section 403.201, F.S., the petition must be filed (received), either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within fourteen (14) days of this publication date (for those persons to whom the District does not mail or email actual notice). A petition

must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), F.S., and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax), as explained below. Mediation pursuant to Section 120.573, F.S., is not available.

If the Governing Board takes action that substantially differs from this notice, a person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the District, but this request for administrative hearing shall only address the substantial deviation. Pursuant to Chapter 28-106 and Rule 40C-1.1007, F.A.C., the petition must be filed (received) at the office of the District Clerk at the mail/street address or email address described above, within fourteen (14) days of the District depositing notice of final District decision in the mail (for those persons to whom the District mails actual notice), within fourteen (14) days of the District emailing the notice of final District decision (for those persons to whom the District emails actual notice), or within fourteen (14) of newspaper publication of the notice of final District decision (for those persons to whom the District does not mail or email actual notice). The petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), F.S., and Chapter 28-106, F.A.C. Mediation pursuant to Section 120.573, Fla. Stat., is not available.

A person whose substantial interests is or may be affected has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57(1), F.S., where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must also comply with the requirements set forth in Rule 28-106.201, F.A.C. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), F.S., where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, F.A.C.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida. Petitions received by the District Clerk after 5:00 p.m., or on a Saturday, Sunday, or legal holiday, shall be deemed filed as of 8:00 a.m. on the next regular District business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, F.A.C.), which is available for viewing at www.sjrwmd.com. These conditions include, but are not limited to, the petition being in the form of a PDF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.

Pursuant to Section 120.68, F.S., a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of

Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure within 30 days of the rendering of the final District action.

A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, F.S., may seek review of the order pursuant to Section 373.114, Fla. Stat., by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy on the Department of Environmental Protection and any person named in the order within 20 days of the rendering of the District order. Review by the Florida Land and Water Adjudicatory Commission is not available for final orders resulting from an evidentiary hearing held under Sections 120.569 and 120.57, F.S.

Failure to timely file a petition for administrative hearing under Sections 120.569 and 120.57, F.S., for judicial review under Section 120.68, F.S., or for Commission review under Section 373.114, F.S., shall result in waiver of that right to review. A District action (order) is considered rendered after it is signed on behalf of the District and filed by the District Clerk.

The petition for variance (F.O.R. 2007-21) and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at District Headquarters. A copy of the Order may be obtained by contacting: Jennifer Springfield, Contract Assistant General Counsel, Office of General Counsel, at the address above, or by telephone at (386)312-2340.

NOTICE IS HEREBY GIVEN THAT on July 30, 2008, the South Florida Water Management District (District), received a petition for waiver from Timothy James Stickrath (Adventure Tours of South Florida), Application No. 06-0412-1, for utilization of Works or Lands of the District known as L-50, Glades County, to allow existing permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank, the parking of vehicles and the low member elevation of an existing pile-supported pier to remain within the northeast right of way of L-50; Section 13, Township 40 South, Range 32 East, Glades County. The petition seeks relief from paragraph 40E-6.221(2)(a) and (i), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and uses which do not meet the District's rules and criteria contained in the District's Permit Information Manual within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail at kruff@sflwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by

the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on July 24, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on December 26, 2007, by Kent A. Bailey. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 3, of the January 18, 2008, Florida Administrative Weekly. The Petitioner sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" with regard to the requirement that required continuing professional education hours have been completed in the 24 months immediately preceding the date of an application for reactivation. The Board considered the instant Petition at a duly-noticed public meeting, held February 1, 2008, in Gainesville, Florida. The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statutes, Sections 473.312 and 473.313, F.S., would be met by granting a variance or waiver from subsection 61H1-33.006(2), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on July 24, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on February 25, 2008, by David M. Falkins. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 12, of the March 21, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61H1-33.001(1), F.A.C., entitled "Certified Public Accountants Required to Comply with this Chapter" which requires that each licensee on or before December 31, prior to biennial license renewal, complete on-line or mail completed answers to the Florida Laws and Rules examination. Petitioner also sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours. The Board considered the instant Petition at a duly-noticed public meeting, held April 30, 2008, in Tampa, Florida. The Board's Order granted the petition finding that Petitioner established

that the purpose of the underlying statute, Section 473.311, would be met by granting a variance or waiver from subsections 61H1-33.001(1) and 61H1-33.006(2), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on July 24, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on February 4, 2008, by Louise Huey. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 10, of the March 7, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61H1-33.001(1), F.A.C., entitled "Certified Public Accountants Required to Comply with this Chapter" which requires that a CPA complete the laws and rules examination by December 31 of the licensee's reestablishment period. Petitioner also sought a waiver or variance of subsection 61H1-33.003(6), F.A.C., entitled "Continuing Professional Education" which requires that licensees who complete the continuing professional education requirements timely but who are found to be deficient after December 31 of their renewal year must correct the error and pay a \$50.00 fine within 60 days. Finally, Petitioner sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" which requires that an applicant for reactivation demonstrate successful completion of the required number of continuing professional education hours. The Board considered the instant Petition at a duly-noticed public telephonic meeting, held March 14, 2008. The Board's Order denied the petition finding that Petitioner had not established that the purpose of the underlying statutes, Sections 473.312 and 473.313, F.S., would be met by granting a variance or waiver from subsections 61H1-33.001(1), 61H1-33.003(6) and 61H1-33.006(2), F.A.C. The Board further found that Petitioner had not established that applying the requirements of the aforementioned rules to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on July 24, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on December 3, 2007, by Laura Jaslow. The Notice of Petition for Waiver or Variance was published in Vol. 33, No.

51, of the December 21, 2007, Florida Administrative Weekly. The Petitioner sought a waiver or variance of subsection 61H1-31.001(4), F.A.C., entitled "Fees" which requires a fee of \$250.00 for reactivation of a delinquent status license. Petitioner also sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" with regard to the requirement that required continuing professional education hours have been completed in the 24 months immediately proceeding the date of an application for reactivation. The Board considered the instant Petition at a duly-noticed public meeting, held February 1, 2008, in Gainesville, Florida. The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statutes, Sections 473.312 and 473.305, F.S., would be met by granting a variance or waiver from subsections 61H1-33.006(2) and 61H1-31.001(4), F.A.C. The Board further found that Petitioner established that the Board's full application of the aforementioned rules to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on July 24, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on December 26, 2007, by Alan E. Klineberg. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 3, of the January 18, 2008, Florida Administrative Weekly. The Petitioner sought a waiver or variance of paragraph 61H1-33.003(1)(a), F.A.C., entitled "Continuing Professional Education" which requires that in any given reestablishment period, at least 80 hours of continuing education credits be earned. The Board considered the instant Petition at a duly-noticed public meeting, held February 1, 2008, in Gainesville, Florida. The Board's Order denied the petition finding that Petitioner failed to establish that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-33.003(1)(a), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on July 24, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on December 17, 2007, by Domenick R. Lioce. The Notice of Petition for Waiver or Variance was published in Vol.

34, No. 02, of the January 11, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61H1-31.001(4), F.A.C., entitled "Fees" which establishes the fee for reactivation of an inactive status license to an active status license. Petitioner also sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" which requires that inactive or delinquent licensees must satisfy the requirements of their last reestablishment period, plus successful completion of at least 40 hours total, of which at least 10 hours must be in accounting and auditing subjects for each year or portion thereof license was inactive after June 30, 1989. The Board considered the instant Petition at a duly-noticed public meeting, held February 1, 2008, in Gainesville, Florida. The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statutes, Sections 473.312 and 473.305, F.S., would be met by granting a variance or waiver from subsections 61H1-33.006(2) and 61H1-31.001(4), F.A.C. The Board further found that Petitioner established that the Board's full application of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on July 24, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on January 31, 2008, by J. Mort O'Sullivan III. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 8, February 22, 2008, Florida Administrative Weekly. The Petitioner sought a waiver or variance of subsection 61H1-31.001(4), F.A.C., entitled "Fees" which requires a fee of \$250.00 for reactivation of a delinquent status license. Petitioner also sought a waiver or variance of subsection 61H1-33.003(6), F.A.C., entitled "Continuing Professional Education" which requires that each CPA shall, on or before July 15 prior to the licensee's biennial license renewal, report on forms prescribed by the Board, programs of continuing professional education completed during the applicable reestablishment period. The Board considered the instant Petition at a duly-noticed public telephonic meeting, held March 14, 2008. The Board's Order granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-33.003(1)(b) and subsection 61H1-31.001(4), F.A.C. The Board further found that Petitioner established that the Board's full application of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on July 24, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on March 31, 2008, by Monica Salomon. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 15, of the April 11, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61H1-33.001(3), F.A.C., entitled "Certified Public Accountants Required to Comply with this Chapter" which requires that the scan sheet for the Laws and Rules Examination be postmarked or completed on-line by or on December 31 and will not be accepted if it is postmarked or completed on-line after that date. The Board considered the instant Petition at a duly-noticed public meeting, held April 30, 2008, in Tampa, Florida.

The Board's Order granted the petition finding that Petitioner had established that the purpose of the underlying statute, Section 473.311, Florida Statutes, would be met by granting a variance or waiver from subsection 61H1-33.001(3), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on July 24, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on March 3, 2008, by Mark Senseman. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 12, of the March 21, 2008, Florida Administrative Weekly. The Petitioner sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" regarding the penalty CPE requirements for licensure reactivation. Petitioner also sought a variance from Rule 61H1-33.0031, F.A.C., entitled "Continuing Professional Education/Ethics, which requires that a licensee complete four hours of Board-approved ethics CPE in a reestablishment period. The Board considered the instant Petition at a duly-noticed public meeting, held April 30, 2008, in Tampa, Florida. The Board's Order denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statutes, Sections 473.312 and 473.313, F.S., would be met by granting a variance or waiver from Rule 61H1-33.0031 and subsection 61H1-33.006(2), F.A.C. The Board further found that Petitioner had failed to establish that

applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on July 24, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on November 7, 2007, by Melanie L. Sparr. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 47, November 21, 2007, Florida Administrative Weekly. Petitioner sought a waiver or variance of subsection 61H1-33.003(7), F.A.C., entitled "Continuing Professional Education," to be given continuing education credit for having completed formal correspondence or other individual study programs that have not been approved by the National Association of State Board of Accountancy Quality Assurance Service. The Board considered the instant Petition at a duly-noticed public meeting, held February 1, 2008, in Gainesville, Florida.

The Board's Order denied the petition, finding that Petitioner had not established that the purpose of the underlying statute, Section 473.312, F.S., would be met by granting a variance or waiver from subsection 61H1-33.003(7), F.A.C. The Board further found that Petitioner had not established that applying the requirements of the aforementioned rule to her circumstances would violate the principles of fairness and impose a substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on August 12, 2008, the Department of Health has issued an order.

Denying Variance of subsection 64E-3.002(1), F.A.C., in response to a petition for variance filed on April 10, 2008, by Anais Cadalzo Abreu.

The Petition was first published in Vol. 34, No. 17 of the April 25, 2008, issue of the Florida Administrative Weekly. Petitioner requested a variance of the rule that defines an "approved educational or training program" with the expectation that her school, Dade Medical Institute, would soon attain the type of accreditation accepted by the department. The Joint Review Committee on Education in

Radiologic Technology has, however, through the appeal process, withheld accreditation. The department's order denying the petition was issued and filed on August 12, 2008.

For a copy of the denial order, contact: Vicki Grant, Executive Director, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3285.

NOTICE IS HEREBY GIVEN THAT on August 12, 2008, the Department of Health has issued an order.

Orders Denying Variance of subsection 64E-3.002(1), F.A.C. The petitions for variance were filed on March 13, 2008, for the following persons:

Leon Noel Geroy

Yanin Finol

Ileana Moro

Yanet Jimenez (Gutierrez)

Danizabeth Piedra Rodriguez

Su-yet Silva Chang

The Petitions were first published in Vol. 34, No. 13 of the March 28, 2008, issue of the Florida Administrative Weekly. Petitioners requested a variance of the rule that defines an "approved educational or training program" with the expectation that their school, Dade Medical Institute, would soon attain the type of accreditation accepted by the department. The Joint Review Committee on Education in Radiologic Technology has, however, through the appeal process, withheld accreditation. The department's orders denying the petitions were issued and filed on August 12, 2008.

For a copy of the denial orders, contact: Vicki Grant, Executive Director, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3285.

NOTICE IS HEREBY GIVEN THAT on July 28, 2008, the Department of Health, received a petition for Waiver from subparagraph 64E-13.004(6)(a)1., Florida Administrative Code, from LATMA Christian Academy, located at 491 S. W. Captain Brown Rd., Madison, Florida. This rule requires schools to have toilet and handwashing facilities for preschool grades through grade three located within or adjoining their classrooms. Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Eychaner, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277.

NOTICE IS HEREBY GIVEN THAT on August 12, 2008, the Department of Health has issued Orders Denying Variance of subsection 64E-3.002(1), F.A.C. The petitions for variance were filed on February 22, 2008, for the following persons:

Samid Oliva

Odalgis G. Rojas Parras

Michel Perez Sanchez

Ibrahim Navarro

Alfredo Carreras

Yovany Marquez Roman

The Petitions were first published in Vol. 34, No. 10 of the March 7, 2008, issue of the Florida Administrative Weekly. Petitioners requested a variance of the rule that defines an "approved educational or training program" with the expectation that their school, Dade Medical Institute, would soon attain the type of accreditation accepted by the department. The Joint Review Committee on Education in Radiologic Technology has, however, through the appeal process, withheld accreditation. The department's orders denying the petitions were issued and filed on August 12, 2008.

For a copy of the denial orders, contact: Vicki Grant, Executive Director, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3285.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on July 8, 2008, the Department of Children and Family Services, received a petition for Waiver of Rule 65C-15.010, F.A.C. The petition was received by ABA Adoption Services, Inc., assigned Case No. 08-017W. Rule 65C-15.010, F.A.C., states that an agency shall have its financial records audited annually and a report of this audit shall be available to the Department at the licensed location during normal business hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk Office, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: CEC Timber Trace, LLC.

DATE PETITION WAS FILED: July 2, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subparagraph 67-48.0075(7)(a), (1), Florida Administrative Code.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 18, 2008, Vol. 34, No. 29.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: CEC Willow Lakes, LLC.

DATE PETITION WAS FILED: July 2, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subparagraph 67-48.0075(7)(a), (1) and paragraphs 67-48.004(1)(a), 67-21.003(1)(a), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 18, 2008, Vol. 34, No. 29.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: Community Housing Trust of Sarasota County

DATE PETITION WAS FILED: June 10, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-58.020(6), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, June 27, 2008, Vol. 34, No. 26

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329.

The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance

NAME OF THE PETITIONER: Eclipse West Associates, Ltd.

DATE PETITION WAS FILED: July 2, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraphs 67ER06-27(14)(b) and 67ER06-34(4), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 18, 2008, Vol. 34, No. 29

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Foxtrail Acres, Ltd.

DATE PETITION WAS FILED: July 2, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subparagraph 67-48.0075(7)(a), (1), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 18, 2008, Vol. 34, No. 29

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: Housing Finance Authority of St. Johns County

DATE PETITION WAS FILED: May 27, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsections 67-58.020(6) and 67-58.070(6), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, June 6, 2008, Vol. 34, No. 23.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: Highlands County Board of County Commissioners

DATE PETITION WAS FILED: June 2, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-58.020(6), Florida Administrative Code.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, June 13, 2008, Vol. 34, No. 24.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Hudson Ridge, Ltd.

DATE PETITION WAS FILED: July 2, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subparagraph 67-48.0075(7)(a), (1), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 18, 2008, Vol. 34, No. 29

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance

NAME OF THE PETITIONER: Lamson Avenue Apartments, Ltd.

DATE PETITION WAS FILED: July 2, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subparagraph 67-48.0075(7)(a), (1), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 18, 2008, Vol. 34, No. 29

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: Midtown Delray, LLC and Ascot Development, LLC

DATE PETITION WAS FILED: June 9, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-58.020(6), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, June 20, 2008, Vol. 34, No. 25

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Silver Sands Melbourne, LP

DATE PETITION WAS FILED: July 9, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subparagraph 67-48.0075(7)(a), (1), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, July 18, 2008, Vol. 34, No. 29

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 12, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of subparagraph 67-48.0075(7)(a), (1), Florida Administrative Code from Sunrise Commons, Ltd., ("Petition"). The Petition is seeking a waiver of the automatic forgiveness term for supplemental loans awarded during the 2007 Universal Application Cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green (850)488-4197. 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 August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: Village of Quillen Partnership and Ascot Development, LLC

DATE PETITION WAS FILED: June 9, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-58.020(6), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, June 20, 2008, Vol. 34, No. 25

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: Walton County Workforce Housing Corporation

DATE PETITION WAS FILED: June 6, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsections 67-58.020(6) and 67-58.070(6), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, June 20, 2008, Vol. 34, No. 25.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on August 8, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: Westshore Community Development Corporation

DATE PETITION WAS FILED: June 6, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsections 67-58.005(2) and 67-58.070(6), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, June 20, 2008, Vol. 34, No. 25.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: August 8, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2008, 11:00 a.m. – 1:00 p.m.

PLACE: Mission San Luis Archaeological Lab, 2021 Mission Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Committee of the Friends of Mission San Luis will be discussing their responsibilities and goals.

A copy of the agenda may be obtained by contacting Jessica Shiver.

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 Jessica Shiver. If you are 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: Jessica Shiver at (850)487-3655, jbshiver@dos.state.fl.us.

The **Friends of the State Library and Archives of Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 2, 2009, 9:00 a.m. – 10:00 a.m.

PLACE: Archives Conference Room, State Library and Archives of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

For additional information, contact: Jennifer Womble, at (850)245-6604.

Any person requiring special accommodations due to a disability or physical impairment should contact Jennifer Womble at least five days prior to the meeting in order to request any special assistance by calling (850)245-6604 or TDD (850)922-4085.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: September 4, 2008, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399, (850)487-2130

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: Pesticide Registration Section at (850)487-2130 or from the PREC Web Site at: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

DEPARTMENT OF EDUCATION

The **Florida School for the Deaf and the Blind**, President Search Committee commissioned by the Board of Trustees of the Florida School for the Deaf and the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 3, 2008, 4:00 p.m.

PLACE: Center for Leadership and Development, Moore Hall, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the search for President of the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Margaret Van Ormer, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2000.

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. If you are 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 Margaret Van Ormer at the above referenced address.

The **Florida Community College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION

DATE AND TIME: September 2, 2008, 12:00 Noon – 2:00 p.m.

PLACE: Advanced Technology Center, Room T-140, 401 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: State College Transition.

REGULAR MONTHLY BOARD MEETING

DATE AND TIME: September 2, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Donald T. Martin Center for College Services, Boardroom 451, 501 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING

DATE AND TIME: September 2, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Donald T. Martin Center for College Services, Room 462, 501 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, August 26, 2008, and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with the College President, Florida Community College at Jacksonville, on or before September 2, 2008. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. Through the months of September and October, 2008, the Board will hold informal meetings each Thursday from 12:00

Noon to 4:00 p.m., at the Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

The **Department of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: September 4, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Tampa Bay Grand Hyatt, 2900 Bayport Drive, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic planning for Florida College System through the Florida College System Task Force.

A copy of the agenda may be obtained by contacting: Kasongo Butler at kasongo.butler@fldoe.org.

The **Department of Education**, Florida College System announces a public meeting to which all persons are invited.

DATE AND TIME: September 18, 2008, 9:00 a.m. – 12:00 Noon

PLACE: Morris Hall (17 House Office Building), 402 South Monroe Street, Tallahassee, FL 32399-1300

GENERAL SUBJECT MATTER TO BE CONSIDERED: Seaport Security Officer Qualification, Training and Standards Coordinating Council to review the proposed Seaport Officers Curriculum.

A copy of the agenda may be obtained by contacting: Yvette Hargreaves at yvette.hargreaves@fldoe.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 2 days before the workshop/meeting by contacting: Yvette Hargreaves at yvette.hargreaves@fldoe.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).

DEPARTMENT OF TRANSPORTATION

NOTICE OF REVISION – The Miami-Dade Transit announces a hearing to which all persons are invited.

DATE AND TIMES: September 3, 2008, Open House: 6:00 – 7:00 p.m.; Formal Presentation: 7:00 p.m.

PLACE: North-Dade Regional Library, 2455 N. W. 183rd Street, Miami, Florida 33056

GENERAL SUBJECT MATTER TO BE CONSIDERED: Note: This is a revised notice. The original date and time of the hearing has changed from August 21, 2008, which was shown

in the notice published in the F.A.W., Vol. 34, No. 30, July 25, 2008. The MDT has been conducting a Supplemental Environmental Assessment (EA) for proposed Post-Record of Decision (ROD) design modifications to the approved Final Environmental Impact Statement (FEIS) (dated February 22, 2007) for Miami-Dade Transit's North Corridor Metrorail Extension along N. W. 27th Avenue from N. W. 79th Street to N. W. 215th Street (at the Miami-Dade/Broward County Line), a distance of 9.2 miles. The purpose of this study is to document nine proposed design modifications which have been identified to reduce capital costs. This Hearing is being held to allow interested persons an opportunity to express their views concerning the location; conceptual design; and social, economic, and environmental effects of the proposed design modifications.

A copy of the agenda may be obtained by contacting: Ms. Michelle Simmons, MDT Public Involvement Manager, Miami-Dade Transit, 701 N. W. First Court, Suite 1700, Miami, Florida 33136 or by e-mail at msimmon@miamidade.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 48 hours before the workshop/meeting by contacting: Ms. Michelle Simmons, MDT Public Involvement Manager, Miami-Dade Transit, 701 N. W. First Court, Suite 1700, Miami, Florida 33136, (786)469-5467, or by e-mail at msimmon@miamidade.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ms. Michelle Simmons, MDT Public Involvement Manager.

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."

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas, acting as staff to the **Board of Trustees of the Internal Improvement Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 17, 2008, 6:00 p.m.

PLACE: GTMNERR Marineland Office, 9741 Ocean Shore Blvd., St. Augustine, FL 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group (MAG) for the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) will hold its next meeting on Wednesday, September 17, 2008

at 6:00 p.m. The MAG provides advisory input to the Office of Coastal and Aquatic Managed Areas for the management of the GTMNERR.

A copy of the agenda may be obtained by contacting: Annette Odom at (904)823-4500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Annette Odom at (904)823-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

This is a full Commission workshop

DATE AND TIME: Wednesday, September 10, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL 32399-0850, (850)413-6770

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address a number of rules relating to telecommunications regulation in Docket No. 080159-TP.

A copy of the agenda may be obtained by contacting: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082 or cmiller@psc.state.fl.us.

A copy of the agenda will be distributed September 3, 2008. Persons wishing to make formal presentations or power point presentations at the workshop should provide the written presentation materials to: Cindy Miller at cmiller@psc.state.fl.us by September 4, 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: 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).

The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATES AND TIME: September 11-12, 2008; September 17-18, 2008, 9:30 a.m. (The starting times on September 12, 17, and 18, 2008, will be announced at the conclusion of the hearing on September 11, 12, and 17, respectively. The hearing may be adjourned early if all testimony is concluded.)

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080009-EI – Nuclear cost recovery clause. The purpose of this hearing is to receive testimony and exhibits relative to issues and subjects, including, but not limited to, the following:

For the period January 2006 through December 2007, determination of the actual Nuclear Cost Recovery True-Up amounts to be recovered through the Capacity Cost Recovery Clause for the uprates and new nuclear plants being constructed by Progress Energy Florida, Inc. and Florida Power & Light, which amounts are to be based on actual data for that period.

For the period of January 2008 through December 2008, determination of the Actual and Estimated Nuclear Cost Recovery amounts to be recovered through the Capacity Cost Recovery Clause for the uprates and new nuclear plants being constructed by Progress Energy Florida, Inc. and Florida Power & Light, which amounts are to be based on actual and estimated data for that period.

For the period January 2009 through December 2009, determination of the Projected Nuclear Cost Recovery amounts to be recovered through the Capacity Cost Recovery Clause for the uprates and new nuclear plants being constructed by Progress Energy Florida, Inc. and Florida Power & Light Company, which amounts are to be based on the estimated data for that period.

Determination of the total amount the Commission should approve for the Nuclear Cost Recovery Clause to be included in establishing Florida Power & Light Company's 2009 Capacity Cost Recovery Clause factor.

Determination of the total amount the Commission should approve for the Nuclear Cost Recovery Clause to be included in establishing Progress Energy Florida, Inc.'s, 2009 Capacity Cost Recovery Clause factor.

Determination of the inclusion of and amount of Site Selection Costs for nuclear plants in the Nuclear Cost Recovery Clause.

Emergency Cancellation of Hearing: If a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the hearing will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 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: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 11, 2008, 6:00 p.m.

PLACE: Jenkins Auditorium, 691 W Montrose Street, Clermont, Florida 34711

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket Number 070693-WS – Application for increase in water and wastewater rates in Lake County by Lake Utility Services, Inc. The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments to the Public Service Commission staff regarding the quality of service the utility provides, the proposed rate increase, and to ask questions or make comments on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. Commission staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the utility may also be in attendance. At the beginning of the meeting, procedures will be established for the order of comments. The Public Service Commission staff will have sign-up sheets, and customers will be called in the order that they sign up to speak.

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

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 the Commission Clerk, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of the Commission Clerk at (850)413-6770.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Agency for Enterprise Information Technology** announces a public meeting to which all persons are invited.

DATE AND TIME: September 15, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Enterprise Information Technology will be discussing their annual workplan for the 2008-2009 year at the CIO Council meeting.

A copy of the agenda may be obtained by contacting: Amy Caldeira, Agency for Enterprise Information Technology at (850)410-1969 or email at amy.caldeira@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 3 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Amy Caldeira, Agency for Enterprise Information Technology at (850)410-1969 or email at amy.caldeira@myflorida.com.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, September 4, 2008, Planning and Growth Management Policy Committee, 8:30 a.m.; Personnel Budget and Finance Policy Committee, 9:00 a.m.; NEFRC Full Board of Directors, 10:00 a.m.; Legislative Policy Committee, immediately following the Board Meeting

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Business of the NEFRC.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, Attn.: Angela Giles, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 3, 2008, 1:00 p.m.

PLACE: Board Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Property Task Force.

A copy of the agenda may be obtained by contacting: SFRTA Planning Office at (954)788-7916.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 5, 2008, 8:30 a.m.

PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709, (850)488-7864.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Commission on Ethics at (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

NOTICE OF CANCELLATION – The St. Johns River Water Management District hereby provides notice of cancellation of a public meeting.

DATE AND TIME: Cancellation of public meeting advertised for Wednesday, August 27, 2008, 1:00 p.m. – advertised in the F.A.W., Vol. 34, No. 33, August 15, 2008.

PLACE: Minneola City Council Chambers, 800 N. U.S. Highway 27, Minneola, FL 34715

GENERAL SUBJECT MATTER THAT WAS TO BE CONSIDERED: Governing Board meeting on Consumptive Use Permit.

Applicant: Niagara Bottling, LLC

Application Number: 2-069-114010-1

This meeting is cancelled because a Petition for Formal Administrative Hearing was filed before the St. Johns River Water Management District by the City of Groveland and Lake County on August 11, 2008.

The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

Projects and Land Committee Public Meeting

DATE AND TIME: Thursday, September 4, 2008, 6:00 p.m.

PLACE: Flagler County Government Service Complex, 1769 E. Moody Blvd., Building 2, 1st Floor, Bunnell, FL 32110

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of the Coquina Coast Seawater Desalination Project and an update on the Graham Swamp Conservation Area.

Projects and Land Committee Business Meeting

DATE AND TIME: Friday, September 5, 2008, 8:00 a.m.

PLACE: Flagler County Government Service Complex, 1769 E. Moody Blvd., Building 2, 1st Floor, Bunnell, FL 32110

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board. A tour of the Matanzas River estuary from Palm Coast to St. Augustine will follow the Business meeting.

NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time, and place set forth above, the Committee shall meet on Tuesday, September 8, 2008, 8:00 a.m., at District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Dina Hutchens, Department of Resource Management, 4049 Reid Street, Palatka, FL 32177, (386)329-4239, or by visiting the District's website at www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dina Hutchens at (386)329-4239. If you are 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 **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, September 9, 2008

8:15 a.m. Chair's Meeting

8:45 a.m. Finance, Administration and Audit Committee

10:00 a.m. Regulatory Committee

1:00 p.m. Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, (386)329-4214, or by visiting the District's website at www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

Public Hearing on Tentative Millage Rate and Tentative Budget for FY2008-2009

DATE AND TIME: Tuesday, September 9, 2008, 5:05 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the FY 2008-2009 tentative millage rate and tentative budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Vicki Kroger, Office of Budget and Management Reporting, (386)329-4217, for copy of the FY 2008-2009 Tentative Budget.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 **Water Resources Advisory Commission (WRAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: September 4, 2008, 9:00 a.m. – 4:00 p.m.

PLACE: Riverside Community Center, 3061 East Riverside Drive, Ft. Myers, FL 33916

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Special meeting of the Everglades Technical Oversight Committee (TOC)

DATE AND TIME: September 16, 2008, 10:00 a.m.

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website: http://www.sfwmd.gov/org/ema/toc/draft_agenda.html or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: 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: District Clerk's Office at (561)682-2087.

REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 3, 2008, 9:30 a.m.

PLACE: DeSoto County Administration Building, 201 East Oak Street, Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

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: (941)316-1776. If you are 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.

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: Wednesday, September 3, 2008, 10:00 a.m.

PLACE: This is a teleconference meeting; any person interested in participating by telephone may dial (713)481-0090/Pass Code: 9701442#. If you have any difficulty accessing the teleconference, please call the Florida Center's main number at (850)922-5771.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a teleconference meeting of the State Consumer Health Information and Policy Advisory Council Health Plan

Consumer Report Technical Workgroup to which all interested parties are invited. The purpose is to conduct a teleconference meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by contacting: William Dahlem, Ph.D., Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at http://ahca.myflorida.com/SCHS/chistwg_hpcr.shtml seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: William Dahlem, Ph.D. at (850)410-0224. If you are 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: William Dahlem, Ph.D. at (850)410-0224.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2008, 9:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308. Those not able to attend in person may participate via conference phone by calling: 1(888)808-6959 and entering Conference Code: 8504885420.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Enhanced Benefits Panel will discuss issues related to the technical aspects of the Enhanced Benefits program, under Medicaid Reform.

A copy of the agenda may be obtained by contacting: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308, (850)488-3560, a week before the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Aldria White, at the address and phone number written above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Aldria White, at the address and phone number written above.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 16, 2008, 1:00 p.m. – 4:30 p.m.

PLACE: Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Hemophilia Medical Advisory Panel (HMAP) formed to assist with the Agency's Comprehensive Hemophilia Disease Management Programs. Business is to review first quarterly reports of the Comprehensive Hemophilia Disease Management Program. Discussion will include development of provider and recipient satisfaction surveys, any pending business, and introduction of new business. The purpose of HMAP is to develop clinical guidelines; review and recommend care protocols; suggest appropriate outreach methods to beneficiaries; and review difficult cases and make recommendations. Any person interested in participating by telephone may dial in number 1(888)808-6959, Conference Code 8509227337.

A copy of the agenda may be obtained by contacting: Felicia Wilhelmy, Agency for Health Care Administration, 2727 Mahan Dr., Bldg. 3, Mail Stop #50, Tallahassee, FL 32308-5403, (850)487-2355.

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: Felicia Wilhelmy, Agency for Health Care Administration, 2727 Mahan Dr., Bldg. 3, Mail Stop #50, Tallahassee, FL 32308-5403, (850)487-2355. If you are 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: Felicia Wilhelmy, Agency for Health Care Administration, 2727 Mahan Dr., Bldg. 3, Mail Stop #50, Tallahassee, FL 32308-5403, (850)487-2355.

The **Agency for Health Care Administration**, Pharmaceutical and Therapeutics Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 24, 2008, 9:30 a.m. – 2:30 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations for drugs to be included on the Preferred Drug List are made at this meeting.

Members of the public who wish to testify at this meeting must contact: Mark Gibson at (850)487-3270. The number of speakers will be limited and will be accommodated in order of notification to Mr. Gibson. Because of unforeseen events that may cause changes, interested parties are encouraged to watch the web site at http://www.fdhc.state.fl.us/Medicaid/Prescribed_Drug. Procedures for speakers to follow are also available on the website.

A copy of the agenda may be obtained by contacting: Mark Gibson at: gibsonm@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulations, Division of Alcoholic Beverage and Tobacco** announces a workshop to which all persons are invited.

DATE AND TIME: September 23, 2008, 11:30 a.m. – 5:00 p.m. or until all business is concluded

PLACE: Department of Business and Professional Regulations, Northwood Center Board Room, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Method and form to be used in the calculation of quota license transfer fees.

A copy of the agenda may be obtained by contacting: Cecelia D. Jefferson, Chief Attorney, Alcoholic Beverages and Tobacco, Office of the General Counsel, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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: Cecelia D. Jefferson, Chief Attorney, Alcoholic Beverages and Tobacco, Office of the General Counsel, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. If you are 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 **Pilotage Rate Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: September 4, 2008, 9:00 a.m.

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E Coast Line Drive, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fact finding proceeding for the St. Johns Bar Pilot Association's rate application by the Investigative Committee pursuant to Rule 61E13-2.007, Florida Administrative Code. (No board business will be transacted.)

A copy of the agenda may be obtained by contacting: Pilotage Rate Review Board, 1940 North Monroe Street, Tallahassee, FL 32399-0773.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the board office. If you are 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 Architecture and Interior Design** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 8, 2008, 10:00 a.m.

PLACE: Telephone Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Briggs Edwards Design 2008-013258

Briggs Edward Solomon

Carver & Associates 2008-006593

Larry E. Carver

Creative, Inc. 2007-050324

Debra Reinhard

Larry Reinhard

JGR Drafting Services 2007-054670

Jerry G. Rega

Susan Gale & Associates 2008-006056 Susan Burns

Jerry Thibodeau 2008-023953

Thibodeau Builder Corp.

Atlantic Construction 2008-010397

Illustrators / James Lucas

Place Vendome Design 2008-010080

Eric L. Salama

You may participate in the conference call by contacting 1(888)808-6959, Conference Code 9218690.

A copy of the agenda may be obtained by contacting: David K. Minacci, Smith, Thompson, Shaw & Manausa PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, FL 32309.

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: David K. Minacci, Smith, Thompson, Shaw & Manausa PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, FL 32309.

If you are 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: David K. Minacci, Smith, Thompson, Shaw & Manausa PA, 3520 Thomasville Road, Fourth Floor, Tallahassee, FL 32309.

The **Board of Auctioneers** announces a public meeting to which all persons are invited.

DATE AND TIME: September 19, 2008, 9:00 a.m.

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Renese Jones at (850)922-5012 or Fax at (850)921-2321.

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: Renese Jones at (850)922-5012 or Fax at (850)921-2321. If you are 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: Renese Jones at (850)922-5012 or Fax at (850)921-2321.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, September 10, 2008, 2:00 p.m.; Thursday, September 11, 2008, 8:00 a.m.; Friday, September 12, 2008, 8:00 a.m.

PLACE: Hutchinson Island Marriott Beach Resort, 555 N. E. Ocean Boulevard, Stuart, FL 34996

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 Employee Leasing Companies** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 17, 2008, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To Connect dial: 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling their office at (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the board office at (850)487-1395. If you are 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 Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 15, 2008, 10:00 a.m. or soon thereafter

PLACE: The Doubletree Hotel, Tampa Westshore Airport, 4500 W. Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the board office at (850)487-1395. If you are 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 Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Department of Business and Professional Regulation, Board of Employee Leasing Companies announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 19, 2008, 10:00 a.m. or soon thereafter

PLACE: The Crowne Plaza Orlando Universal, 7800 Universal Boulevard, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the board office at (850)487-1395. If you are 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 Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Department of Business and Professional Regulation, Board of Employee Leasing Companies announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, December 17, 2008, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To Connect, dial: 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the board office at (850)487-1395. If you are 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 Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Board of Landscape Architecture announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 11, 2008, 10:00 a.m.

PLACE: Access Phone: 1(888)808-6959, Conference Code # 9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board and business meeting.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

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 Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154. If you are 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 Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

The **Division of Certified Public Accounting** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 16, 2008, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

A copy of the agenda may be obtained by contacting: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (850)487-1395.

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: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (850)487-1395. If you are 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 Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 8, 2008, 9:00 a.m., or soon thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Division of Real Estate, Room N901, North Tower, 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. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 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 five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are 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 Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 9, 2008, 10:00 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

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: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010. If you are 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: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 27, 2008, 9:00 a.m. – 4:00 p.m.

PLACE: DoubleTree Hotel, 101 S. Adams St., Tallahassee, Florida 32301-7774, (850)224-5000, Fax: (850)513-9516

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the first meeting of a proposed Biomedical-Pharmacy Technical Advisory Committee, to be composed of technical experts from both government and private industry. The purpose of the TAC is to help develop compliance assistance educational materials for the generation, segregation, packaging, transport, and disposal of biomedical and universal pharmaceutical wastes that are regulated by three Florida agencies: DEP for waste management, DOH for infectious waste, drug distribution and diversion and DOT for transportation. The educational material will initially target oncology facilities in Florida.

A copy of the agenda may be obtained by contacting: Yvonne Peters at yvonne.peters@dep.state.fl.us or (850)245-8707.

NOTICE OF CANCELLATION – The **Department of Environmental Protection** announces the cancellation of a hearing.

DATES AND TIME: August 27-29, 2008; September 3-5, 2008, 9:00 a.m.

PLACE: Old City Hall, Main Street Fort Pierce, 122 AE Backus Avenue, Fort Pierce, Florida 34950

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELLATION OF HEARING: The certification hearing scheduled for August 27-29, 2008 and September 3-5, 2008, and noticed on July 11, 2008, for the FPL St. Lucie Units 1 & 2 Uprate Project, Power Plant Site Certification Application number PA74-02A2, DOAH Case number 07-5683EPP, DEP Office of General Counsel Case Number 07-2624 has been cancelled.

In accordance with the Florida Electrical Power Plant Siting Act, Section 403.508(6), F.S., on August 7, 2008, all parties to this proceeding stipulated that there are no disputed issues on material fact or law to be raised at the certification hearing and filed a motion requesting that the Administrative Law Judge cancel the certification hearing and relinquish jurisdiction to the Department of Environmental Protection pursuant to Section 403.508(6)(a), F.S. On August 8, 2008, Administrative Law Judge J. Lawrence Johnston issued an order granting the request pursuant to Section 403.508(6)(b), F.S.

Pursuant to Section 403.509(1), F.S., the Department of Environmental Protection will prepare and issue a Final Order within 40 days of the Judge’s Order. For more information, you may contact: Mr. Michael P. Halpin, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

The **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 4, 2008, 7:00 p.m.

PLACE: Crystal River Preserve State Park, 3266 North Sailboat Avenue, Crystal River, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed management plans for Crystal River Archaeological State Park and Yulee Sugar Mill Ruins Historic State Park.

A copy of the management plans will be available at the park for review. An electronic version of the plans is available upon request by emailing: Ms. BryAnne White at BryAnne.White@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Nick Robbins, Park Manager at (352)563-0450 or email Nick.Robbins@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Nick Robbins, Park Manager at (352)563-0450 or email Nick.Robbins@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**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 5, 2008, 10:00 a.m. – 12:00 Noon or until business is completed

PLACE: Conference Call Number: 1(888)808-6959, Conference code: 2452095

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Nicole Love at Nicole.m.love@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: Nicole Love at Nicole.m.love@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, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 8, 2008, 7:00 p.m.

PLACE: Micanopy Town Hall, 706 Northeast Chokolka Boulevard, Micanopy, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed management plan for Marjorie Kinnan Rawlings Historic State Park.

A copy of the management plans will be available at the park for review. An electronic version of the plans is available upon request by emailing: Ms. BryAnne White at BryAnne.White@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Valerie Rivers, Park Manger at (352)466-3672 or email Valerie.Rivers@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Valerie Rivers, Park Manger at (352)466-3672 or email Valerie.Rivers@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2008, 10:00 a.m. – 1:00 p.m. or until completion of business

PLACE: The meeting will be held via teleconference and members of the public may listen to the meeting by phone, with the opportunity to speak at the end of the call, by dialing 1(800)704-9804 and entering the following code: 436 766.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Agriculture, Forestry, and Waste Technical Working Group. The meetings in this series 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**, Bureau of Assessment and Restoration Support announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, September 11, 2008, 10:00 a.m. (EDT)

PLACE: Department of Environmental Protection, Bob Martinez Center (formerly Twin Towers Office), Room 609, 2600 Blair Stone Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present background information and receive public comments on proposed revisions to Chapters 62-302 and 62-303, F.A.C., regarding the establishment of biological health criteria as part of the current Triennial Review of state surface water quality standards. This workshop follows earlier public workshops held on July 23, 2008 and July 30, 2008, and will focus solely on proposed rule revisions related to biological health criteria. Additional public workshops addressing all surface water quality standards as part of the Triennial Review will be held in the future. A separate Notice of Rule Development for both Chapters 62-302 and 62-303, F.A.C., was published on July 3, 2008, in Volume 34, Number 27 of the Florida Administrative Weekly. This rulemaking, associated with Chapters 62-302 and 62-303, F.A.C., has been given OGC Case Nos. 08-1729 and 08-1730 respectively.

A copy of the agenda may be obtained by contacting: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS 3560, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us. Further information and updates on this rule development also may be obtained from the Department's web site at: http://www.dep.state.fl.us/water/wqssp/tr_review.htm.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429. If you are 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, Division of Water Resource Management** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, September 17, 2008, 1:30 p.m. (CT)

PLACE: Pensacola Junior College, Hagler Auditorium Lecture Hall, Bldg. 2, Rm. 252, 1000 College Blvd., Pensacola, FL

DATE AND TIME: Thursday, September 18, 2008, 9:00 a.m. (CT)

PLACE: Gulf Coast Community College, Sarzin Lecture Hall, Language & Literature Bldg., 5230 W. Hwy. 98, Panama City, FL

DATE AND TIME: Friday, September 19, 2008, 9:00 a.m. (ET)

PLACE: Department of Environmental Protection, Bob Martinez Center, Rm. 609, 2600 Blair Stone Rd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on revised draft rule amendments to Chapter 62-346, F.A.C., including Applicant's Handbook

Volumes I and II. Amending these rules is required to adopt Phase 2 of the Environmental Resource Permit (ERP) program within the Northwest Florida Water Management District. The revised rules will improve the management and storage of surface waters, including regulation of dredging and filling in connected and isolated wetlands and other surface waters. These rules have been revised based on comments received during previous workshops and meetings. The draft rule is available on the Department's Internet site at http://www.dep.state.fl.us/water/wetlands/erp/rules/draft_nw.htm.

A copy of the agenda may be obtained by contacting: Mary VanTassel, Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, (850)245-8486, e-mail: Mary.VanTassel@dep.state.fl.us or Facsimile (850)245-8499 (OGC No. 07-1321).

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: Mary VanTassel at (850)245-8486. If you are 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 **Siting Coordination Office** announces a hearing to which all persons are invited.

DATES AND TIME: October 7-10, 2008; October 13-17, 2008, 1:00 p.m.

PLACE: Miami Marriott Dadeland, 9090 South Dadeland Boulevard, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administrative Law Judge Donald R. Alexander will conduct a hearing to consider the environmental effects and any other appropriate matters regarding whether to approve the site certification of the proposed FPL Turkey Point Units 3 & 4 Uprate Project application for site certification number PA03-45A2, DOAH Case number 08-0378EPP, DEP Office of General Counsel Case Number 08-0089, pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501-.518, Florida Statutes. Judge Alexander will prepare a Recommended Order for submission to and final action by the Governor and Cabinet acting as the Siting Board, based on the hearing. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, Public Service Commission, Department of Community Affairs, Fish and Wildlife Conservation Commission, Water Management District, Department of Environmental Protection, Regional Planning Council, local government, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant, may waive its right to participate in these

proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, F.S., upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S., as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty, to protect the environment, personal health, or other biological values, to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups, or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with: Administrative Law Judge Alexander, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, at least 30 days prior to the date of the certification hearing. Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a party upon the request of the department or the applicant.

A copy of the agenda may be obtained by contacting: Mr. Michael P. Halpin, P.E., Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Jill Stoyschich, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Michael P. Halpin, P.E., Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

DEPARTMENT OF HEALTH

The **Board of Dentistry** announces a public meeting to which all persons are invited.

DATE AND TIME: September 19, 2008, 9:00 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel will review reconsideration cases.

A copy of the agenda may be obtained by contacting: Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact: Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Bureau of Emergency Medical Services** announces a public meeting to which all persons are invited.

DATES AND TIMES: October 1-2, 2008, 8:00 a.m. – 5:00 p.m.; October 3, 2008, 8:00 a.m. – 1:00 p.m.

PLACE: The Naples Beach Hotel and Golf Club, 851 Gulf Shore Blvd., North, Naples, FL 34102

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council.

A copy of the agenda may be obtained by contacting: Desi Lassiter at (850)245-4055.

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).

For more information, you may contact: Desi Lassiter at (850)245-4055.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: September 2, 2008, 10:00 a.m. – 1:00 p.m.

PLACE: Ten Broeck Healthcare, 3130 S. W. 27 Avenue, Ocala, FL 34474, (352)671-3130

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Children and Family Services, Circuit 5, announces a meeting for a public hearing regarding the application for designation as a private Baker Act Receiving Facility and Crisis Stabilization Unit for adults and children by Ten Broeck Healthcare of Ocala.

A copy of the agenda may be obtained by contacting: Ron Graham at (352)303-2412 or Ron_Graham@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Ron Graham at (352)303-2412 or Ron_Graham@dcf.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: Ron Graham at (352)303-2412 or Ron_Graham@dcf.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: September 22, 2008, 10:00 a.m.

PLACE: Crew Building, Training Room, 657 Plantation Road, Perry, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to Section 509.215, Florida Statutes, a hearing will be conducted by the Historic Task Force to consider a system of fire protection and lifesafety support necessary for a public lodging establishment structure known as the James B&B, 301 N. Jefferson Street, Perry, Florida.

A copy of the agenda may be obtained by contacting: Belinda Chukes, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3619.

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 person listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: September 23, 2008, 9:00 a.m.

PLACE: Federal Building, 111 S. Orange Avenue, Room 100A/B, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to Section 509.215, Florida Statutes, a hearing will be conducted by the Historic Task Force, to consider a system of

fire protection and lifesafety support necessary for a public lodging establishment structure known as the Sweet Mango, 1205 Coconut Avenue, Sarasota, Florida.

A copy of the agenda may be obtained by contacting: Belinda Chukes, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3619.

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 person listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Department of Financial Services, Division of State Fire Marshal announces a public meeting to which all persons are invited.

DATE AND TIME: September 25, 2008, 12:00 Noon

PLACE: Madison Public Library, 378 N. W. College Loop, Madison, Florida 32340

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to Section 509.215, Florida Statutes, a hearing will be conducted by the Historic Task Force, to consider a system of fire protection and lifesafety support necessary for a public lodging establishment structure known as the Barnes B&B, 307 S. W. Dade Street, Madison, Florida.

A copy of the agenda may be obtained by contacting: Belinda Chukes, Division of State Fire Marshal, at 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3619.

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 person listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA COMMUNITY COLLEGES RISK MANAGEMENT CONSORTIUM

The Florida Community Colleges Risk Management Consortium announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, August 21, 2008, 8:00 a.m. – 1:00 p.m.

PLACE: Renaissance Orlando Hotel – Airport, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: FCCMRC, 5700 S. W. 34th Street, Gainesville, FL 32608.

For more information, you may contact: (352)955-2190.

FLORIDA INDEPENDENT LIVING COUNCIL, INC.

The **Florida Independent Living Council, Inc.** announces a telephone conference call to which all persons are invited.

MEETING: Advocacy Committee

DATE AND TIME: Thursday, August 21, 2008, 11:00 a.m.

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee

DATE AND TIME: Thursday, August 28, 2008, 2:30 p.m.

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **Moffitt Cancer Center and Research Institute** announces a public meeting to which all persons are invited.

DATE AND TIME: August 28, 2008, 9:00 a.m.

PLACE: Stabile Research Building, Trustee Board Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by contacting: Ms. Sandon Austhof, Moffitt Cancer Center, 12902 Magnolia Drive, MCC-VP, Tampa, FL 33612.

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: Ms. Sandon Austhof, Moffitt Cancer Center, 12902 Magnolia Drive, MCC-VP, Tampa, FL 33612. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Sandon Austhof, Moffitt Cancer Center, 12902 Magnolia Drive, MCC-VP, Tampa, FL 33612.

FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOCIATION, INC.

The **Florida Workers' Compensation Insurance Guaranty Association, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 29, 2008, 3:00 p.m. (EST)

PLACE: via teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FWCIGA Board of Directors will meet regarding general business of the Association.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Irvin at (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

SOIL AND WATER CONSERVATION DISTRICTS

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: September 3, 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 BrowardSWCD@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. If you are 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: (954)584-1306 or BrowardSWCD@browardswcd.org.

The **Clay Soil and Water Conservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 8, 2008, 1:00 p.m.

PLACE: Clay County UF/IFAS Extension Office

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting.

A copy of the agenda may be obtained by contacting: S. Pipkins, P. O. Box 278, Green Cove Springs, FL 32043, (904)284-6355.

For more information, you may contact: S. Pipkins, P. O. Box 278, Green Cove Springs, FL 32043, (904)284-6355.

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, September 4, 2008, 10:00 a.m.

PLACE: Dial 1(866)200-9760 followed by PIN 8938936#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

A copy of the agenda may be obtained by contacting: Susan A. Moore at susan.a.moore@comcast.net one week prior to the teleconference or visit the web site at www.floridapatient-safetycorp.com.

For more information, you may contact: Susan A. Moore at susan.a.moore@comcast.net.

FLORIDA CLERK OF COURT OPERATIONS CORPORATION

The **Florida Clerks of Court Operations Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 9, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Vista 2, PGA National, Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Clerk Budgets and other related issues.

A copy of the agenda may be obtained by contacting our website: www.flccoc.org.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: September 11, 2008, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

THE ABLE TRUST

The **Able Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: September 12, 2008, 9:00 a.m. – 2:00 p.m.

PLACE: Miami Beach Resort and Spa, 4833 Collins Avenue, Miami, FL 33140

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Able Trust (Florida Governor's Alliance for the Employment of Citizens with Disabilities) will hold a Board meeting. The agenda will include review and approval of grants to assist persons with disabilities in securing employment; reviewing committee reports; presentation of financial reports; election of officers, and other business that may come before the organization.

Please contact: The Able Trust at 1(888)838-2253 or (850)224-4493 by September 5, 2008, for a copy of the agenda and if you need additional information or accommodations.

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: 1(888)838-2253 or (850)224-4493. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs has received the petition for declaratory statement from Stephanie D. Alexander, Esq., on behalf of the Renaissance Charter School, on July 29, 2008, regarding whether charter public schools qualify as a "public school" within Section 163.3180(13), Florida Statutes, for purposes of establishing school concurrency; whether charter public schools are included in the Public School Facilities Element adopted into the local government's comprehensive plan under Section 163.3180(13)(a), Florida Statutes; and if Level of Service Standards established under Section 163.3180(13)(b), Florida Statutes, apply equally to all public schools. It has been assigned the number DCA08-DEC-218.

A copy of the request may be obtained by writing to: 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."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Faustina Guzman-Tollefson, Petitioner, In RE: The Villas of Positano Condominium Association, Inc., Docket No. 2008036360 on June 18, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Division does not have jurisdiction over non-residential units or the authority to interpret ambiguous provisions in a declaration.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner PPI, Inc., on August 4, 2008, in DBPR Case No. 2008043667 (DS 2008-059). The petition seeks the agency's opinion as to the applicability of Chapter 551, F.S., and Chapter 61D-14, F.A.C., as it applies to the petitioner.

The Petitioner seeks a determination of compliance with Chapter 551, F.S., and Chapter 61D-14, F.A.C., as it relates to a slot machine (manufactured and supplied by Shuffle Master, Inc.) that Petitioner intends to offer to the public for slot machine gaming which incorporates a visual presentation of Blackjack (named "Royal Match 21 Blackjack"), and displays winning and losing outcomes using the same computer and processing technology as that employed in slot machine equipment approved for play in the State pursuant to Chapter 551, F.S., and Chapter 61D-14, F.A.C., subsection 61D-14.022(2), F.A.C., specifically prohibits the use of a slot machine game if that game operates a program of play that

replicates a game which is prohibited under Section 849.08, F.S., unless the slot machine game contains a player skill component and is not based on a banking game. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

The Florida International University Board of Trustees, announces that construction management services will be required for the project listed below:

Project and Location: Continuing Services Contracts for all sites of Florida International University, Miami, Florida

Project Description: The construction Manager will be the single point of responsibility for performance of the project construction contracts, functioning as an independent contractor, publicly bidding trade contracts.

Continuing Services Contracts are specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less. Accordingly, the selected firm(s) minimum bonding capacity should be \$1,000,000 per project.

This will be a multiple award contract for an initial period of one-year with Owner's option to renew the contract, at its sole discretion, for additional one-year periods, however, in no event to exceed a total of five years. Three (3) contracts will be awarded to three (3) different firms. Continuing Services Contracts provide that the consultant will be available on an as-needed basis for the Fiscal Year, July 1 – June 30.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, and staff and consultants. Finalists will be provided with a list of the final interview evaluation criteria, and a copy of the standard SUS construction management agreement for continuing services projects. The final ranking shall be determined based on oral presentations and references. The Selection Committee may reject all proposals and stop the selection process at any time.

INSTRUCTIONS:

Firms desiring to provide construction management services for this project shall submit a letter of application and a completed State of Florida, Board of Regents "Construction Manager Qualifications Supplement," (CMQS). Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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.

Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained from the web-site <http://facilities.fiu.edu> (Applicant firms may find project under Selection Process Information). Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Real Estate Development and Planning at (305)348-4090 or via email to cecilia@fm.fiu.edu.

Submit qualifications to: Selection Committee, Florida International University, Real Estate Development and Planning, Campus Support Complex, Room #236, University Park, Miami, Florida 33199, by 2:00 p.m. (Local time), on September 19, 2008. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

RFP 09-08

Campus Sign Program
SIGN CONTRACTOR SERVICES

The University of North Florida – Board of Trustees, a public body corporate, requests proposals from Sign Contractors with the intent to enter a contract for fabricating and installing gateway and wayfinding signage for the University: The preliminary scheduled construction start date is Fall Semester 2008.

The central theme for physical development of the University is that of a Village Street wherein the pedestrian student can move from building to building with the ease and logic of moving through a small town business district, running into other pedestrian students, with vehicular traffic restricted to the outside of the campus core. The purpose of this project is to enhance the campus image and make it easier to navigate.

Minority Business participation is strongly recommended and supported by the University of North Florida.

As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected contractor 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.

Vendor shall have established equal opportunity practices which conform to all laws against discrimination and prohibits discrimination based on race, creed, color, sex, age, national origin, marital status or religion; neither Vendor nor any subcontractor or other person, firm or business entity with whom it would be engaged in a combined effort to perform the services has hired any person who is an officer or employee of UNF.

Mandatory Pre-Proposal Meeting & Site Visit: Proposers are required to attend the Pre-Proposal Meeting. The meeting has been scheduled for September 8, 2008, 10:00 a.m. (Local Time). Location: University of North Florida, Building 6, Room 1225, 1 UNF Drive, Jacksonville, FL 32224. (Limited Vendor Parking is available in front of Bldg. 5 Lot 9. Visit <http://capricorn.anf.unf.edu/parkingservices/> for information.

UNF RFP 09-08 Campus Sign Program documents and additional information may be obtained on the UNF Purchasing website <http://www.unf.edu/dept/purchasing/bids.html> or by contacting:

Evelyn Jenkins Burton AND	Angela Dyal
e.jenkins@unf.edu	angela.dyal@unf.edu
(904)620-1732	(904)620-1733
University of North Florida	1 UNF Drive
Purchasing	Jacksonville, FL
Dept. B-6	32224
Rm. 1301	

Submit one (1) original and five (5) copies of proposal responses to the above referenced address. RFP proposals must be received no later than 2:00 p.m. (Local Time), September 22, 2008. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

Florida Gulf Coast University Board of Trustees announces that Construction Management Services will be required for the project listed below:

Project No. BR-1049, Project and Location: Addition/Renovation to the Student Union Building, Florida Gulf Coast University, Ft. Myers, Florida.

The Student Union Building is currently designed to include several food service facilities, a book store, ballroom, several small meeting rooms and offices that serving a variety of student services. The intention of this project is to increase the size of those spaces to keep pace with student enrollment increases, plus potentially add other unique rooms to the Student Union such as a larger ballroom, a student lounge area with small meeting rooms at the perimeter and a small theatre with tiered seating.

In general, the addition/renovation to the Student Union will contain approximately 20,000 square feet and will be 2 stories in height to match the existing building. The design of the

addition will be complimentary to the existing Student Union and use similar finish materials. The total project budget is approximately \$11,400,000 and the construction budget is approximately \$8,500,000.

The site has been conceptually permitted with both the Corps of Engineers and the South Florida Water Management District. This project will require a modification of an existing construction and operation permit issued by SFWMD.

Selection will be made on the basis of construction manager's qualifications, including experience and ability; past experience with similar projects; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability and qualification of the firm's personnel, staff and consultants.

The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement". Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages should be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal information will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, F.S., a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565, (239)590-1500 Fax: (239)590-1505, Website: www.fgcu.edu/facilities/sua.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Fort Myers, Florida 33965-6565.

Submittals must be received in the Facilities Planning Office (Academic Building 5, Room 217) by 2:00 p.m. (Local Time), Tuesday, September 23, 2008. Facsimile (FAX) submittals are not acceptable and will not be considered.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT

**FOR BIDS FOR FIRE SPRINKLER CONTRACTORS
PROPOSALS ARE REQUESTED FROM QUALIFIED FIRE
SPRINKLER CONTRACTORS BY THE DEPARTMENT OF
MANAGEMENT SERVICES.**

PROJECT NUMBER: MSFM-27007003

PROJECT NAME: Fire Sprinkler Repairs at the
Records Storage Center

PROJECT LOCATION: Tallahassee, Florida

ESTIMATED CONSTRUCTION BUDGET: \$370,000.00

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR

**BIDS FOR MECHANICAL CONTRACTORS
PROPOSALS ARE REQUESTED FROM QUALIFIED
MECHANICAL CONTRACTORS BY THE DEPARTMENT
OF MANAGEMENT SERVICES.**

PROJECT NUMBER: MSFM-27009001

PROJECT NAME: Capital Cooling Well Upgrade, The
Capitol Building

PROJECT LOCATION: Tallahassee, Florida

ESTIMATED CONSTRUCTION BUDGET: \$700,000.00

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

PUBLIC ANNOUNCEMENT

FOR BIDS FOR GENERAL CONTRACTORS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: MSFM-27009006

PROJECT NAME: Controls Replacement and Cooling Well Upgrade, The Capitol

PROJECT LOCATION: Tallahassee, Florida

ESTIMATED CONSTRUCTION BUDGET: \$893,000.00

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisements - Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

PUBLIC ANNOUNCEMENT

FOR BIDS FOR ROOFING CONTRACTORS

PROPOSALS ARE REQUESTED FROM QUALIFIED ROOFING CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: MSFM-27009022

PROJECT NAME: Roof and Condensing Unit Replacement, Daytona Beach, Regional Service Center

PROJECT LOCATION: Dayton Beach, Florida

ESTIMATED CONSTRUCTION BUDGET: \$370,000.00

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisements - Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Notice of Bid/Request for Proposal

Coastal Partnership Initiative, Request for Proposals, FY 09-10

The Florida Coastal Management Program (FCMP) of the Department of Environmental Protection announces the availability of funds for innovative coastal projects under its COASTAL PARTNERSHIP INITIATIVE (CPI) for fiscal year 2009-2010. Eligible applicants include local governments within the 35 coastal counties that are required to include a

coastal element in the local comprehensive plan, national estuarine research reserves (NERR) and national estuary programs (NEP). Eligible applicants also include public and private colleges, universities, regional planning councils and nonprofit groups, as long as an eligible local government, NERR, or NEP agrees to participate as a partner in the application and project. Applications must be received no later than 4:00 p.m. (EDT), October 21, 2008. Mail CPI applications to FCMP, MS 47, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000; electronic copies and facsimiles will not be accepted. Selected proposals will be included in the FCMP application to the National Oceanic and Atmospheric Administration (NOAA) for fiscal year 09-10 which begins July 1, 2009 and ends June 30, 2010.

The purpose of the COASTAL PARTNERSHIP INITIATIVE is to inspire community action and promote the protection and effective management of Florida's coastal resources in four specific categories: WORKING WATERFRONTS, ACCESS TO COASTAL RESOURCES, REMARKABLE COASTAL PLACES, and COMMUNITY STEWARDSHIP. These categories are described in Rules 62S-4.004, 62S-4.005 and subsection 62S-4.007(2), Florida Administrative Code (F.A.C.), along with other information about the COASTAL PARTNERSHIP INITIATIVE grant program, including the required information to be included in the application; the format in which it is to be submitted; application submittal procedures; and the criteria and procedures by which applications will be evaluated and ranked. There is no specific application form. A copy of Chapter 62S-4, F.A.C., may be printed from the FCMP website at <http://www.dep.state.fl.us/cmp/grants/index.htm>. Important details regarding the COASTAL PARTNERSHIP INITIATIVE grant process:

1. Financial assistance is available as reimbursement grants ranging from \$15,000 to a maximum of \$50,000.
2. Recipients are required to provide 100 percent (1 to 1) matching contributions in the form of goods and services that directly benefit the specific grant project.
3. There are additional requirements for applications involving construction, exotic species removal, habitat restoration, and land acquisition, including:
 - a. The application package must include a completed and signed 306A checklist form, which may be obtained at http://www.dep.state.fl.us/cmp/grants/files/306A_0507.doc.
 - b. Applicants proposing construction, exotic species removal, habitat restoration or land acquisition must conduct a preliminary consultation with appropriate local, state, and federal regulatory agencies. A summary of the consultation must be included in the COASTAL PARTNERSHIP INITIATIVE application or it will be considered incomplete and will not be processed.

- c. Construction activities occurring in designated Coastal Barrier Resource Act units are subject to additional review and approval by NOAA and/or the U.S. Fish & Wildlife Service.
- d. Nonprofit organizations are not eligible to receive FCMP funds for these types of activities.

For questions or to request a copy of Chapter 62S-4, F.A.C., or the 306A Checklist, please contact: Ms. Dornecia Allen, FCMP, MS 47, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2161 or by email to Dornecia.Allen@dep.state.fl.us.

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals 2008-05 – Fully Inclusive Affordable Housing Locator Subscription Services

The Florida Housing Finance Corporation invites all qualified entities wishing to provide affordable housing locator services in accordance with the terms and conditions of RFP 2008-05, to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Wednesday, September 24, 2008, to the Attention: Robin L. Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin Grantham at (850)488-4197 or robin.grantham@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror’s responsibilities, please submit your request to the attention of Robin L. Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForProposals.htm>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

EARLY LEARNING COALITION OF PALM BEACH COUNTY, INC.

CHILDREN’S SERVICES COUNCIL OF PALM BEACH COUNTY a special taxing district, and EARLY LEARNING COALITION OF PALM BEACH COUNTY are jointly Issuing an INVITATION TO NEGOTIATE

PURPOSE: The intent of this Invitation to Negotiate is to secure an ENTRY AGENCY to serve as the access point into a system of services for children ages 1 to 5 years and their families. The selected agency will determine eligibility for prevention and early intervention services, provide screening and assessment, education and referral, outreach and linkages to programs and services within the system. All services must be culturally and linguistically responsive to the populations served. The Entry Agency will not provide the actual prevention and early intervention services, but will match eligible clients to appropriate service.

WHO: A nonprofit or government agency that does not or will agree not to provide direct services to clients served through either the Children’s Services Council of Palm Beach County or the Early Learning Coalition of Palm Beach County.

WHEN: Invitation to Negotiate (ITN) packets may be downloaded from CSC’s website, www.cscpbc.org, beginning August 15, 2008.

PROPOSERS’ CONFERENCE: Proposers’ conference August 25, 2008, 8:30 a.m. – 12:30 p.m., Anderson Room, Children’s Services Council, 2300 High Ridge Road, Boynton Beach. Potential proposers from out of the Palm Beach County area will be able to take part in the conference remotely (See ITN packet for details.)

DEADLINE: Responses are due by 2:00 p.m., September 15, 2008, at CSC’s Offices, Reception Desk, 2300 High Ridge Road, Boynton Beach, FL 33426.

The Children’s Services Council and Early Learning Coalition reserve the right to reject any and all proposals.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTION 163.3177(2), FLORIDA STATUTES
DCA DOCKET NO. 13-01

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: Cities of Aventura, Homestead and Surfside, 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 Aventura, Government Center, 19200 West Country Club Drive, Aventura, Florida 33180; City of Homestead, 790 N. Homestead Blvd., Homestead, Florida 33030 and at the Town of Surfside, 9293 Harding Avenue, Surfside, Florida 33154.

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 School Board, Aventura, Homestead and Surfside. 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: 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 McKinley, 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. 21-00**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Gilchrist County School Board and each of the following local government(s): Gilchrist County, 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: Gilchrist County, 209 Southeast First Street, Trenton, Florida 32693.

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 Gilchrist School Board, Gilchrist County. 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: 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 TRANSPORTATION

The Florida Department of Transportation intends to issue an “Airport Site Approval Order,” in accordance with Chapter 330, Florida Statutes, “Regulation of Aircraft, Pilots, and Airports” and Chapter 14-60, Florida Administrative Code, “Airport Licensing, Registration, and Airspace Protection” for the following site:

Gulf Coast Medical Center, a private airport, in Bay County, at Latitude 30° 11' 14" and Longitude 85° 39' 46", to be owned and operated by Mr. Bill Jowers, Gulf Coast Medical Center, 449 West 23rd Street, Panama City, FL 32406.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of

Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

International Heli-Tours, a private airport, in Orange County, at Latitude 27° 23' 04" and Longitude 81° 29' 07", to be owned and operated by Mr. Richard Violette, 12651 International Drive, Orlando, FL 32821.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with: Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Verucci Motorcycles, LLC, intends to allow the establishment of After Burn Bikes, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 99222 Overseas Highway, Key Largo (Monroe County), Florida 33037, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of After Burn Bikes, Inc. are dealer operator(s): Francisco Moc, 1950 Southeast 23 Court, Homestead, Florida 33035 and Geovanie Hernandez, 1950 Southeast 23 Court, Homestead, Florida 33035; principal investor(s): Francisco Moc, 1950 Southeast 23 Court, Homestead, Florida 33035 and Geovanie Hernandez, 1950 Southeast 23 Court, Homestead, Florida 33035.

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 Verucci Motorcycles, LLC, intends to allow the establishment of A1 Scoot, Skate & Bike, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle

Industry Group Co. Ltd. (SHWI) at 1800 Biscayne Boulevard, Suite #CU-10, Miami (Dade County), Florida 33137, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of A1 Scoot, Skate & Bike, Inc. are dealer operator(s): Darren Venditti, 1800 Biscayne Boulevard, Suite #CU-10, Miami, Florida 33137 and Donald Vernon, 1800 Biscayne Boulevard, Suite #CU-10, Miami, Florida 33137; principal investor(s): Darren Venditti, 1800 Biscayne Boulevard, Suite #CU-10, Miami, Florida 33137 and Donald Vernon, 1800 Biscayne Boulevard, Suite #CU-10, Miami, Florida 33137.

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, 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 Verucci Motorcycles, LLC, intends to allow the establishment of Bad Boys Scooter Bike Shop, LLC, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 7111 Hardin Avenue, Miami Beach (Dade County), Florida 33141, on or after July 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Bad Boys Scooter Bike Shop, LLC are dealer operator(s): Max Gonzalez, 7111 Hardin Avenue, Miami Beach, Florida 33141; principal investor(s): Max Gonzalez, 7111 Hardin Avenue, Miami Beach, Florida 33141.

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, 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 Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Moto Dealer Import, LLC, intends to allow the establishment of Big Boys Toys Florida, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 1312 Thomas Drive, Panama City Beach (Bay County), Florida 32408, on or after August 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Big Boys Toys Florida, LLC are dealer operator(s): Rap Peavy, 1312 Thomas Drive, Panama City Beach, Florida 32408; principal investor(s): Rap Peavy, 1312 Thomas Drive, Panama City Beach, Florida 32408.

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: Jack Lin, President, Moto Dealer Import, LLC, 4998-B South Royal Atlanta Drive, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Moto Dealer Import, LLC, intends to allow the establishment of Big Boys Toys Florida, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 1312 Thomas Drive, Panama City Beach (Bay County), Florida 32408, on or after August 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Big Boys Toys Florida, LLC are dealer operator(s): Rap Peavy, 1312 Thomas Drive, Panama City Beach, Florida 32408; principal investor(s): Rap Peavy, 1312 Thomas Drive, Panama City Beach, Florida 32408.

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: Jack Lin, President, Moto Dealer Import, LLC, 4998-B South Royal Atlanta Drive, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Bikes R Us, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corp. (HONL) at 13890 Northwest 6 Court, North Miami (Dade County), Florida 33168, on or after August 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Bikes R Us, Inc. are dealer operator(s): Oria Nunez, 13890 Northwest 6 Court, North Miami, Florida 33168; principal investor(s): Oria Nunez, 13890 Northwest 6 Court, North Miami, Florida 33168.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Bikes R Us, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 13890 Northwest 6 Court, North Miami (Dade County), Florida 33168, on or after August 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Bikes R Us, Inc. are dealer operator(s): Oria Nunez, 13890 Northwest 6 Court, North Miami, Florida 33168; principal investor(s): Oria Nunez, 13890 Northwest 6 Court, North Miami, Florida 33168.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

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 Moto Dealer Import, LLC, intends to allow the establishment of Bob Baker and Associates, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 4201 West Old Highway 441, Mt. Dora (Lake County), Florida 32756, on or after August 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Bob Baker and Associates are dealer operator(s): Bob Baker, 4201 West Old Highway 441, Mt. Dora, Florida 32756 and Jill Baker, 4201 West Old Highway 441, Mt. Dora, Florida 32756; principal investor(s): Bob Baker, 4201 West Old Highway 441, Mt. Dora, Florida 32756 and Jill Baker, 4201 West Old Highway 441, Mt. Dora, Florida 32756.

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: Jack Lin, President, Moto Dealer Import, LLC, 4998-B South Royal Atlanta Drive, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hyosung Motors America, Inc., intends to allow the establishment of B & L Champion Motors, LLC d/b/a Champion Motor World, as a dealership for the sale of Hyosung motorcycles (HYOS) at 5354 Normandy Boulevard, Jacksonville (Duval County), Florida 32205, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of B & L Champion Motors, LLC d/b/a Champion Motor World are dealer operator(s): Gregory Laucks, 8148 Coralberry Lane West, Jacksonville, Florida 32244; principal investor(s): Gregory Laucks, 8148 Coralberry Lane West, Jacksonville, Florida 32244.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Simon Kim, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Dans Bike Shop, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 3485 Lakeworth Road, Lakeworth (Palm Beach County), Florida 33461, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Dans Bike Shop, Inc. are dealer operator(s): Daniel Lugo, 3485 Lakeworth Road, Lakeworth, Florida 33461; principal investor(s): Daniel Lugo, 3485 Lakeworth Road, Lakeworth, Florida 33461.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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 Verucci Motorcycles, LLC, intends to allow the establishment of G Motors, LLC, as a dealership for the sale of

motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 5257 Ridgewood Avenue, Port Orange (Volusia County), Florida 32127, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of G Motors, LLC are dealer operator(s): Alfonso Garces, 5257 Ridgewood Avenue, Port Orange, Florida 32127; principal investor(s): Alfonso Garces, 5257 Ridgewood Avenue, Port Orange, Florida 32127.

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, 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 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 Gator Moto, LLC, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 2106 Northwest 67th Place, Suite 15, Gainesville (Alachua County), Florida 32653, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Gator Moto, LLC are dealer operator(s): Justin Jackrel, 4337 Northwest 35th Terrace, Gainesville, Florida 32653; principal investor(s): Justin Jackrel, 4337 Northwest 35th Terrace, Gainesville, Florida 32653.

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 JMSTAR Powersports, Inc., intends to allow the establishment of Global Motors, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corp. (HONL) at 801 Northwest 27 Avenue, Miami (Dade County), Florida 33125, on or after August 4, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Global Motors, Inc. are dealer operator(s): Israel Ramos, 801 Northwest 27 Avenue, Miami, Florida 33125; principal investor(s): Israel Ramos, 801 Northwest 27 Avenue, Miami, Florida 33125.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Global Motors, Inc., as a dealership for the sale of motorcycles manufactured by Kaitong Motorcycle Manufacture Co. Ltd. (KAIT) at 801 Northwest 27 Avenue, Miami (Dade County), Florida 33125, on or after August 4, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Global Motors, Inc. are dealer operator(s): Israel Ramos, 801 Northwest 27 Avenue, Miami, Florida 33125; principal investor(s): Israel Ramos, 801 Northwest 27 Avenue, Miami, Florida 33125.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Global Motors, Inc., as a dealership for the

sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 801 Northwest 27 Avenue, Miami (Dade County), Florida 33125, on or after August 4, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Global Motors, Inc. are dealer operator(s): Israel Ramos, 801 Northwest 27 Avenue, Miami, Florida 33125; principal investor(s): Israel Ramos, 801 Northwest 27 Avenue, Miami, Florida 33125.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Hot Scooter Rental, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corp. (HONL) at 2910 East Sunrise Boulevard, Fort Lauderdale (Broward County), Florida 33304, on or after August 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Hot Scooter Rental, Inc. are dealer operator(s): Giuseppe Urso, 2910 East Sunrise Boulevard, Fort Lauderdale, Florida 33304; principal investor(s): Giuseppe Urso, 2910 East Sunrise Boulevard, Fort Lauderdale, Florida 33304.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Hot Scooter Rental, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 2910 East Sunrise Boulevard, Fort Lauderdale (Broward County), Florida 33304, on or after August 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Hot Scooter Rental, Inc. are dealer operator(s): Giuseppe Urso, 2910 East Sunrise Boulevard, Fort Lauderdale, Florida 33304; principal investor(s): Giuseppe Urso, 2910 East Sunrise Boulevard, Fort Lauderdale, Florida 33304.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

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 Verucci Motorcycles, LLC, intends to allow the establishment of J & J Mobile Auto Service, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 411 West Main Street, Avon Park (Highlands County), Florida 33825-3625, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of J & J Mobile Auto Service, Inc. are dealer operator(s): Julio E. Gonzalez, 411 West Main Street, Avon Park, Florida 33825-3625; principal investor(s): Julio E. Gonzalez, 411 West Main Street, Avon Park, Florida 33825-3625.

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 Verucci Motorcycles, LLC, intends to allow the establishment of Micro Solutions of Florida, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 6020 Northwest 99 Avenue, Doral (Dade County), Florida 33178, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Micro Solutions of Florida, Inc. are dealer operator(s): Francisco Alberto Chacon, 1470 Northwest 107th Avenue, Suite T, Miami, Florida 33172; principal investor(s): Francisco Alberto Chacon, 1470 Northwest 107th Avenue, Suite T, Miami, Florida 33172.

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, 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 Moto Dealer Import, LLC, intends to allow the establishment of Motor Sport Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 1115 Southeast 12th Court, Units A & B, Cape Coral (Lee County), Florida 33990, on or after August 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Motor Sport Warehouse, Inc. are dealer operator(s): Eugene Fedorovich, 1115 Southeast 12th Court, Units A & B, Cape Coral, Florida 33990; principal investor(s): Eugene Fedorovich, 1115 Southeast 12th Court, Units A & B, Cape Coral, Florida 33990.

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 Lin, President, Moto Dealer Import, LLC, 4998-B, South Royal Atlanta Drive, Tucker, Georgia 30084.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Yuan Cheng International Group, Inc. d/b/a New Star Technology, intends to allow the establishment of MX Motor Toys, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. (SHEN) at 1335 Okeechobee Road, Suite 450, West Palm Beach (Palm Beach County), Florida 33401, on or after August 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of MX Motor Toys, Inc. are dealer operator(s): Rick Marabi, 1335 Okeechobee Road, Suite 450, West Palm Beach, Florida 33401; principal investor(s): Rick Marabi, 1335 Okeechobee Road, Suite 450, West Palm Beach, Florida 33401.

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: John Cheng, President, Yuan Cheng International Group, Inc. d/b/a New Star Technology, 19877 Quiroz Court, Walnut, California 91789.

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 Autocar, LLC, intends to allow the establishment of Palmetto Ford Truck Sales, Inc. d/b/a Palmetto Truck Center, as a dealership for the sale of Autocar Xpeditor trucks (AUTC) at 7245 Northwest 36th Street, Miami (Dade County), Florida 33166, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Palmetto Ford Truck Sales, Inc. d/b/a Palmetto Truck Center are dealer operator(s): R.G. Yglesias, 7245 Northwest 36th Street, Miami, Florida 33166; principal investor(s): D.S. Yglesias, 7245 Northwest 36th Street, Miami, Florida 33166, D.Y. Tucker, 7245 Northwest 36th Street, Miami, Florida 33166, D.J. Yglesias, 7245 Northwest 36th Street, Miami, Florida 33166 and D.W. Yglesias, 7245 Northwest 36th Street, Miami, Florida 33166.

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: Colleen Johnston, Autocar, LLC, 551 South Washington Street, Hagerstown, Indiana 47346.

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 Pampa Motors, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 3148 Southwest 8 Street, Miami (Dade County), Florida 33135, on or after August 1, 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 8 Street, Miami, Florida 33135 and Elizabeth Foreiter, 3148 Southwest 8 Street, Miami, Florida 33135; principal investor(s): Pablo Foreiter, 3148 Southwest 8 Street, Miami, Florida 33135 and Elizabeth Foreiter, 3148 Southwest 8 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: 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 Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Industry Group, Inc., intends to allow the establishment of Daniel G. Page d/b/a Perry Scooters, as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 1304 South Jefferson Street, Perry (Taylor County), Florida 32348, on or after August 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Daniel G. Page d/b/a Perry Scooters are dealer operator(s): Daniel Page, 3592 Whippoorwill Way, Perry, Florida 32348; principal investor(s): Daniel Page, 3592 Whippoorwill Way, Perry, Florida 32348.

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: Lily Ji, Peace Industry Group, Inc., 6600 B. Jimmy Carter Boulevard, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Adly Moto, LLC, intends to allow the establishment of Scooter City of Sarasota, LLC, as a dealership for the sale of motorcycles manufactured by HerChee Industrial Co. Ltd. (HERH) at 6022 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after August 6, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter City of Sarasota, LLC are dealer operator(s): Demetrios Antony, 6022 South Tamiami Trail, Sarasota, Florida 34231; principal investor(s): Demetrios Antony, 6022 South Tamiami Trail, Sarasota, Florida 34231.

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: Henry Li, Adly Moto, LLC, 1725 Hurd Drive, Suite 108, 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 Renmin Motors, Inc., intends to allow the establishment of Fortress Hill, Inc. d/b/a Scooter Station, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 601 Lake Minnie Drive, Sanford (Seminole County), Florida 32773, on or after September 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Fortress Hill, Inc. d/b/a Scooter Station are dealer operator(s): James Li, 194 Savannah Park Loop, Casselberry, Florida 32707; principal investor(s): James Li, 194 Savannah Park Loop, Casselberry, Florida 32707.

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: Alexander H. Li, President, Renmin Motors, Inc., 1810 South Park Street, Madison, Wisconsin 53713.

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 South Trust Motors, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 9605 Northwest 79 Avenue, #1 & 2, Hialeah Gardens (Dade County), Florida 33016, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of South Trust Motors, Inc. are dealer operator(s): Rolando Romos, 9605 Northwest 79 Avenue, Hialeah Gardens, Florida 33016; principal investor(s): Rolando Romos, 9605 Northwest 79 Avenue, Hialeah Gardens, Florida 33016.

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, 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 Verucci Motorcycles, LLC, intends to allow the establishment of Titanic Tools and ATVS, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 117 South Montclair Avenue, Brandon (Hillsborough County), Florida 33570, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Titanic Tools and ATVS, Inc. are dealer operator(s): Angel Smith, 117 South Montclair Avenue, Brandon, Florida 33570 and Brian Benard, 117 South Montclair Avenue, Brandon, Florida 33570; principal investor(s): Angel Smith, 117 South Montclair Avenue, Brandon, Florida 33570 and Brian Benard, 117 South Montclair Avenue, Brandon, Florida 33570.

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, 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 Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of H Long Investments Corp. d/b/a Tropical Scooters of Vero, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corp. (HONL) at 4901 North U.S. 1, Unit J, Vero Beach, (Indian River County), Florida 32967, on or after August 4, 2008.

The name and address of the dealer operator(s) and principal investor(s) of H Long Investments Corp. d/b/a Tropical Scooters of Vero, Inc. are dealer operator(s): Heidi Long, 4901 North U.S. 1, Unit J, Vero Beach, Florida 32967; principal investor(s): Heidi Long, 4901 North US 1, Unit J, Vero Beach, Florida 32967.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

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 JMSTAR Powersports, Inc., intends to allow the establishment of H Long Investments Corp. d/b/a Tropical Scooters of Vero, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 4901 North US 1, Unit J, Vero Beach (Indian River County), Florida 32967, on or after August 4, 2008.

The name and address of the dealer operator(s) and principal investor(s) of H Long Investments Corp. d/b/a Tropical Scooters of Vero, Inc. are dealer operator(s): Heidi Long, 4901 North US 1, Unit J, Vero Beach, Florida 32967; principal investor(s): Heidi Long, 4901 North US 1, Unit J, Vero Beach, Florida 32967.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

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 SunL Group, Inc., intends to allow the establishment of Wild Hogs Scooters & Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 3311 Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after August 6, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters & Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Wild Hogs Scooters & Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Chuang Motorcycle Manufacturing Co. Ltd. (CHUA) at 3311 Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after August 6, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters & Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Wild Hogs Scooters & Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 3311 Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after August 6, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters & Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Wild Hogs Scooters & Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi Vehicles Co. Ltd. (KANG) at 3311 Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after August 6, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters & Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Wild Hogs Scooters & Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Meitian Motorcycle Co. Ltd. (MEIT) at 3311 Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after August 6, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters & Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Wild Hogs Scooters & Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co. Ltd. (MENG) at 3311 Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after August 6, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters & Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Wild Hogs Scooters & Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 3311 Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after August 6, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters & Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Wild Hogs Scooters & Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 3311 Lake Mary Boulevard, Lake Mary (Seminole County), Florida 32746, on or after August 6, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wild Hogs Scooters & Motorsports, LLC are dealer operator(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746; principal investor(s): Jason Rupp, 3311 Lake Mary Boulevard, Lake Mary, Florida 32746.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of 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 Wright Choice Car Sales of Naples, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 4776 Radio Road, Unit 807, Naples (Collier County), Florida 34104, on or after August 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wright Choice Car Sales of Naples, Inc. are dealer operator(s): Kim Wright, 4776 Radio Road, Unit 807, Naples, Florida 34104 and Kathleen Donahue, 4776 Radio Road, Unit 807, Naples, Florida 34104; principal investor(s): Kim Wright, 4776 Radio Road, Unit 807, Naples, Florida 34104 and Kathleen Donahue, 4776 Radio Road, Unit 807, Naples, Florida 34104.

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, 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.

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

LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the September 10, 2008 application filing date for Hospital Beds and Facilities batching cycle:

County: Okaloosa District: 1
 Date Filed: 8/11/2008 LOI #: H0808001

Facility/Project: Fort Walton Beach Medical Center
 Applicant: Fort Walton Beach Medical Center, Inc.
 Project Description: Establish a 20-bed comprehensive medical rehabilitation hospital through the delicensure of 20 CMR beds at Fort Walton Beach Medical Center

County: Not stated District: 3
 Date Filed: 8/11/2008 LOI #: H0808002

Facility/Project: Brooksville Property Resources, Inc.
 Applicant: Brooksville Property Resources, Inc.
 Project Description: Establish an adult inpatient psychiatric hospital of up to 40 beds

County: St. Johns District: 4
 Date Filed: 8/11/2008 LOI #: H0808003

Facility/Project: Flagler Hospital
 Applicant: Flagler Hospital, Inc.
 Project Description: Establish a Level II Neonatal Intensive Care Unit of up to 10 beds

County: Not stated District: 7
 Date Filed: 8/11/2008 LOI #: H0808004

Facility/Project: Oglethorpe of Port St. Lucie, LLC
 Applicant: Oglethorpe of Port St. Lucie, LLC
 Project Description: Establish an adult inpatient psychiatric hospital of up to 40 beds

County: Lee District: 8
 Date Filed: 8/11/2008 LOI #: H0808005

Facility/Project: The Pavilion at HealthPark, LLC
 Applicant: The Pavilion at HealthPark, LLC
 Project Description: Establish an adult inpatient psychiatric hospital of up to 76 beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 15, 2008, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 26, 2008.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

PLEASE NOTE: The division will accept Quota License Drawing Entry Forms for 45 days beginning the third Monday in August. This year entry forms will be accepted from August 18, 2008, until 5:00 p.m., on October 1, 2008. The division must receive all entry forms before this deadline. No exceptions. Mail the completed entry form, including payment (check or money order made payable to the division), to: DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO, Attention: Quota License Drawing, 1940 North Monroe Street, Tallahassee, Florida 32399-1021.

The Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, announces it will be accepting entry forms for inclusion in the drawing for new quota liquor licenses beginning August 18, 2008, and continuing through October 1, 2008, for the following counties and amounts: ALACHUA (1), BREVARD (1), BROWARD (1), CITRUS (1), CLAY (2), COLLIER (1), COLUMBIA (1), DADE (3), DUVAL (4), FLAGLER (1), HERNANDO (1), HILLSBOROUGH (4), INDIAN RIVER (1), LAKE (2), LEE (4), MANATEE (1), MARION (2), OKALOOSA (1), ORANGE (3), OSCEOLA (1), PALM BEACH (1), PASCO (1), POLK (4), ST JOHNS (1), ST LUCIE (2), SANTA ROSA (1), SARASOTA (1), SEMINOLE (1)SUMTER (1)

DBPR ABT-6033 is the only entry form that will be accepted for filing into these drawings. All other entry forms from prior drawings will be denied. All interested persons should contact the Division's district office serving their area of interest or visit the Division's Internet website: <http://www.myflorida.com/dbpr/abt/> to obtain the proper application form.

Further information may also be obtained by calling: (850)488-8284 or writing to Division of Alcoholic Beverages and Tobacco, Bureau of Licensing, New Quota License Drawing, 1940 North Monroe Street, Tallahassee, FL 32399-1021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF AVAILABILITY LAKELAND, FLORIDA

The Department of Environmental Protection has determined that Lakeland's proposed project for the construction of wastewater transmission facilities will not have a significant adverse impact on the environment. The total project cost is estimated at \$8,725,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Bryan Goff, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8358.

NOTICE OF RECEIPT OF LAND USE DETERMINATION

On July 17, 2008 the Department of Environmental Protection received a determination from Citrus County that the Progress Energy Florida Levy Nuclear Project substation, Power Plant Siting Application No. 08-51, OGC Case No. 08-1621, DOAH Case No. 08-002727EPP, is consistent with existing local land use plans and zoning ordinances in Citrus County pursuant to the Florida Electrical Power Plant Siting Act, Section

403.50665, F.S. A copy of the determination of compliance is available for review in the office of Michael P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. Pursuant to Section 403.50665(4), F.S., if any substantially affected person wishes to dispute Citrus County's determination that the proposed Levy Nuclear Project substation is consistent with Citrus County's existing land use plans and zoning ordinances, he or she must file a petition with the Department within 21 days after the publication of notice of the local government's determination. If a hearing is requested, the provisions of Section 403.508(1), F.S., shall apply. Should a land use hearing be held, the notice of land use hearing will be published as per the provisions of Section 403.5115, F.S. Pursuant to Section 403.508(1), F.S., the sole issue for determination at a land use hearing shall be whether or not the proposed site is consistent and in compliance with existing land use plans and zoning ordinances. If the administrative law judge concludes that the proposed site is not consistent or in compliance with existing land use plans and zoning ordinances, the administrative law judge shall receive at the hearing evidence on, and address in the recommended order, any changes to or approvals or variances under the applicable land use plans or zoning ordinances which will render the proposed site consistent and in compliance with the local land use plans and zoning ordinances. A person whose substantial interests are affected by the proposed determination of consistency may petition for an administrative hearing in accordance with Section 403.5066(4), F.S. The petition must be filed with the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, (850)245-2241, Fax (850)245-2303. The petition should contain: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the determination; (c)

A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact; If there are none, the petitioner shall so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the proposed action; and (g) A statement of the relief sought by the petitioner. A petition that does not dispute the material facts shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Florida Administrative Code.

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that the City of Tavares' project to will not adversely affect the environment. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Paul Brandl, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8373.

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standards for color pursuant to Rule 62-520.500, Florida Administrative Code, as part of the Class V underground injection control construction Permit Number 231277-001-UC for Pinellas County Utilities, 14 S. Ft. Harrison Ave., Clearwater, Florida 33756. The exemption is for the aquifer storage and recovery (ASR) project injecting treated surface water from Lake Tarpon into Class G-II ground water. The ASR facility is located at John Chestnut Park, which is adjacent to the southern end of Lake Tarpon, near East Lake Road and approximately one mile north of Curlew Road. The exemption is granted for the duration of Pinellas County Utilities' underground injection control construction permit number 231277-001-UC for ASRTP-1, and is made a part of the permit. The applicant, in conjunction with the Permit Number 231277-001-UC, must petition for any future exemptions.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant: Pinellas County Utilities, Mr. Thomas T. Crandall, Interim Utilities Director, 14 S. Ft. Harrison Ave., Clearwater, Florida 33756, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department case or identification number and the county in which the subject matter or activity is located;
- (b) A statement of when and how each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) Demand for relief (sought by the petitioner, stating precisely the action that the petitioner wants the Department to take).

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petitions have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 212E, Tallahassee, Florida 32399-2400, telephone Joe Haberfeld at (850)245-8655.

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 August 6, 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 Denise Ann Butler, C.N.A., license number CNA 90696. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 8, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Katherine Ann Folsom, L.P.N., license number PN 1185031. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 8, 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 Carey Lynne Garrett, R.N., license number RN 91907427. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 1, 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 Marjorie Irene Huffman, L.P.N., license number PN 5171195. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 8, 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 Heather Noelle Manning, L.P.N., license number PN 5149127. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to

Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 8, 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 Linnie Lee Monteith, C.N.A., license number CNA 123797. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 8, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Robert Charles Trotter, L.P.N. license number PN 1333111. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 6, 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 Laurie Anne Vega, R.N., license number RN 9271787. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 8, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Gwendolyn Verjester Young, C.N.A. license number CNA 110836. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 1, 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 Pamela M. Zeitz, R.N., license number RN 2920512. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the

public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On August 8, 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 regard to the license of Melissa Davis, R.R.T. license number RT 8826. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a written withdrawal of the following application:

APPLICATION WITHDRAWN

Application and Plan for the Purchase of Certain Assets and Assumption of Certain Liabilities concerning the Ameribank branch located in Palm Beach Gardens, Florida.

Acquiring Entity: Enterprise National Bank of Palm Beach, North Palm Beach, Florida

Selling Entity: Ameribank, Welch, West Virginia

Date of Application: May 7, 2008

Withdrawn: August 6, 2008

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., September 12, 2008):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Riverside Bank of the Gulf Coast, Cape Coral, Florida

Proposed Purchasers: Marcelo Lima, São Paulo, SP BRAZIL, Trevor R. Burgess, Milan, New York, Marcio Camargo, São Paulo, SP BRAZIL, and Erwin Russel, São Paulo, SP BRAZIL

Received: August 13, 2008

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN August 4, 2008
 and August 8, 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 Licensing

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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF JUVENILE JUSTICE

Division of Commitment

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