

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

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE NO.: 6A-1.039                      RULE TITLE: Supplemental Educational Services in Title I Schools

PURPOSE AND EFFECT: The purpose of this rule development is to update the Request for Application for Supplemental Educational Service Providers for the 2009-2010 school year as set forth in Form SES 100, pursuant to the No Child Left Behind (NCLB) Act and Section 1008.331, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Supplemental Educational Services in Title I Schools.

SPECIFIC AUTHORITY: 1008.331 FS.

LAW IMPLEMENTED: 1008.331 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 Jo Butler, Chief, Bureau of Public School Options, 325 West Gaines Street, Suite 316, 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](mailto:lynn.abbott@fldoe.org) or go to <https://app1.fldoe.org/rules/default.aspx>

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

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

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

### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.731                      RULE TITLE: Revocation or Suspension of Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update the penalties associated with introducing or possessing a cellular telephone, device, component, or accessory thereof, into or within a correctional facility in light of the changes to Section 944.47(1)(a)6., F.S.

SUBJECT AREA TO BE ADDRESSED: Revocation or Suspension of Visiting Privileges.

SPECIFIC AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 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: David Arthmann, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.731 Revocation or Suspension of Visiting Privileges.

(1) No change.

(2) Indefinite suspension of an inmate's visiting privileges shall be considered by the Institutional Classification Team (ICT) as a management tool when an inmate is found guilty of the following offenses:

(a) No change.

(b) Criminal activity, serious rule violations, repeated visiting rule or procedure infractions or security breach. A serious rule violation is a violation that subjects the violator to suspension of privileges for a minimum of two years or to revocation of visiting privileges:-

(c) Possessing or using: a cellular telephone or other portable communication device as defined in Section 944.47(1)(a)6., F.S.; any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under the statute.

(3) No change.

(4) An inmate shall be subject to suspension of visiting privileges for three months for a first offense, six months for a second offense and two years for a third or subsequent offense, by the ICT as a management tool when an inmate is found guilty of possessing any of the following contraband or illegal items:

(a) Intoxicating beverages,

(b) ~~Cellular phone or~~ Recording devices, ~~or~~

(c) Pager.

(5) through (8) No change.

(9) Suspension of Visitor's Visiting Privileges.

(a) A visitor's visiting privileges shall be revoked by the warden or designee when the visitor:

1. through 6. No change.

7. Is found in possession of or is found passing or attempting to pass to an inmate: a cellular telephone or other portable communication device, as defined in Section 944.47(1)(a)6., F.S.; any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under the statute.

(b) through (c) No change.

(10) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07, \_\_\_\_\_.

Editorial Note: Formerly 33-601.707 and 33-601.708, F.A.C.

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40B-9.011	Policy and Purpose
40B-9.021	Definitions
40B-9.031	Selection of Lands – Five Year Plan
40B-9.041	Acquisition Procedures – Negotiations
40B-9.042	Inholding and Addition Property
40B-9.045	Acquisition Procedures – Condemnation
40B-9.051	Surveys
40B-9.061	Appraisals
40B-9.065	Disclosure of Beneficial Interest
40B-9.071	Use of Trust Fund
40B-9.081	Disposition of Surplus Land
40B-9.111	Funding of the District Lands Management Program
40B-9.121	Conceptual Management Plans for District Lands
40B-9.122	Resource Management Plans for District Lands
40B-9.131	Public Use of District Lands
40B-9.132	Public Vehicle Use
40B-9.133	Possession and Use of Firearms, Archery Equipment, Trapping Devices and Free-running Hunting Dogs
40B-9.134	Trespass after Notice
40B-9.138	Other Prohibited Activities
40B-9.141	Special Use Licenses
40B-9.142	Requests for Rights-of-Way
40B-9.151	Closure of District Lands
40B-9.161	Violations

**PURPOSE AND EFFECT:** The purpose and effect of the proposed amendments is to update the administration of the land acquisition and land management programs of the SRWMD consistent with Chapter 373, F.S., and other applicable provisions of the Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** The proposed amendments concern the SRWMD’s land acquisition and land management programs.

**SPECIFIC AUTHORITY:** 373.026, 373.044, 373.056, 373.083, 373.089, 373.093, 373.103, 373.113, 373.139, 373.1391, 373.59 FS.

**LAW IMPLEMENTED:** 259.105, 373.056, 373.089, 373.093, 373.096, 373.099, 373.139, 373.1391, 373.59 FS.

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

**DATE AND TIME:** Thursday, October 23, 2008, 7:00 p.m.

**PLACE:** Suwannee River Water Management District Headquarters, 9225 County Road 49, Live Oak, FL 32060

Pursuant to the provisions of 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: Gwen Lord, Administrative Assistant, 9225 CR 49, Live Oak, FL or (386)362-1001. If you are 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:** Robert Heeke 9225 CR 49, Live Oak, FL rgh@srwmd.org or (386)362-1001

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
59C-1.039	Comprehensive Medical Rehabilitation Inpatient Services

**PURPOSE AND EFFECT:** The agency is proposing to update the rule that regulates Comprehensive Medical Rehabilitation Inpatient Services establishment procedures.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule is updated to reduce the requirements for establishment, construction or addition of new comprehensive medical rehabilitation inpatient beds.

**SPECIFIC AUTHORITY:** 408.15(8), 408.034(3), (5), 408.039(4)(a) FS.

**LAW IMPLEMENTED:** 408.034(3), 408.035, 408.036(1)(a), (b), (e), (l), (m), 408.039(4)(a) 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: Monday, November 17, 2008, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Calvin J. Vice, Sr., Ph.D., Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida or call (850)488-8672 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid

RULE NO.:	RULE TITLE:
59G-4.002	Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: Rule 59G-4.002, F.A.C., incorporates by reference the Florida Medicaid Provider Reimbursement Schedule, July 2008. The reimbursement schedule contains the procedure codes and maximum fees that are effective July 2008 for the following provider types whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual. The effect will be to incorporate by reference in rule the Florida Medicaid Provider Reimbursement Schedule, July 2008.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Reimbursement.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

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

DATE AND TIME: Tuesday, October 28, 2008, 1:30 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donica Harrah, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-2723, harrahd@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.002 Medicaid Provider Reimbursement Schedule.

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, ~~July~~ ~~January~~ 2008, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual. The Florida Medicaid Provider Reimbursement Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies of the reimbursement schedule may be obtained by calling the Provider Contact Center at (800)298-7799 and selecting Option 7.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08,\_\_\_\_\_.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid

RULE NO.:	RULE TITLE:
59G-4.040	Chiropractic Services

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate by reference the revised Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2009. The coverage and limitations handbook revisions include policy clarifications, place of service clarification, additional definitions, and new fiscal agent information. The effect will be to incorporate by reference in the rule the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2009.

SUBJECT AREA TO BE ADDRESSED: Chiropractic Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 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: Monday, October 27, 2008, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kathryn R. Stephens,

Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314, stepheka@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.040 Chiropractic Services.

(1) No change.

(2) All chiropractic services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January ~~2009~~ ~~2004~~, ~~updated January 2005~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting Option 7.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History--New 6-1-89, Amended 7-1-91, 12-31-91, 3-17-92, 4-21-92, 11-9-92, 7-5-93, 1-19-94, Formerly 10C-7.066, Amended 10-10-94, 5-25-95, 1-9-96, 10-21-97, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, 8-3-04, 8-18-05, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: RULE TITLE:

59G-4.110 Hearing Services

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2009. The coverage and limitations handbook revisions include policy clarifications, place of service clarification, additional definitions, and new fiscal agent information. The effect will be to incorporate by reference in the rule the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2009.

SUBJECT AREA TO BE ADDRESSED: Hearing Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 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: Monday, October 27, 2008, 3:30 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kathryn R. Stephens, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314, stepheka@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, ~~January 2009~~ ~~July 2006~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal website at <http://mymedicaid-florida.com> ~~Florida Medicaid aca-inc.com~~. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center Inquiry at (800)289-7799 and selecting Option 7 377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908 FS. History--New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, 7-27-04, 7-26-05, 8-18-05, 11-29-06, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: RULE TITLE:

59G-4.220 Podiatry Services

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate by reference the revised Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2009. The coverage and limitations handbook revisions include policy clarifications, place of service clarification, additional definitions, and new fiscal agent information, and deletion of text regarding locum tenens providers and Average Wholesale Price information for injectable medications. The effect will be to incorporate by reference in the rule the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2009.

SUBJECT AREA TO BE ADDRESSED: Podiatry Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 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: Monday, October 27, 2008, 11:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kathryn R. Stephens, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314, stepheka@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.220 Podiatry Services.

(1) No change.

(2) All podiatry services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January ~~2009~~ ~~2004~~, updated January 2005, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting Option 7.

Specific Authority 409.919 FS. Law Implemented ~~409.906~~ ~~409.905~~, 409.907, 409.908, 409.9081 FS. History—New 1-23-84, Amended 10-25-84, Formerly 10C-7.529, Amended 4-21-92, 11-9-92, 7-1-93, Formerly 10C-7.0529, 10P-4.220, Amended 1-7-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, 8-18-05, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-5.020  
 RULE TITLE: Provider Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference Update January 2009 to the Florida Medicaid Provider General Handbook. The handbook update includes revised and new Medicare-Medicaid crossover policies. New policy allows for expanded Medicaid coverage of Medicare Part A and Part B cost sharing for services rendered to Qualified Medicare Beneficiaries. New policy also allows participation of freestanding psychiatric hospitals in the Medicaid program for the sole purpose of obtaining crossover reimbursement. The effect of the rule

amendment to Rule 59G-5.020, F.A.C., will be to incorporate by reference in rule Update January 2009 to the Florida Medicaid Provider General Handbook.

SUBJECT AREA TO BE ADDRESSED: Provider Requirements.

SPECIFIC AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: Tuesday, October 28, 2008, 2:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.020 Provider Requirements.

(1) All Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the provisions of the Florida Medicaid Provider General Handbook, July 2008, updated January 2009, which is incorporated by reference and available from the fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. A paper copy of the handbook may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

(2) No change.

(3) No change.

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Communications and Information Technology Services**

RULE NO.: 60FF-5.005  
 RULE TITLE: Emergency Grants

PURPOSE AND EFFECT: The purpose and effect is to establish rules and requirements for a new emergency grant program.

SUBJECT AREA TO BE ADDRESSED: Emergency Grants.

SPECIFIC AUTHORITY: 455.217, 475.614 FS.

LAW IMPLEMENTED: 455.217, 475.616 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: John C. Ford, Executive Director, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60FF-5.005 Emergency Grants.

The E911 Emergency Grant program is a grant program provided to assist counties with the emergency restoration of Enhanced 911 throughout the State of Florida resulting from natural and man-made disasters or events.

(1) Eligibility: Any Board of County Commissioners in the State of Florida.

(2) General conditions:

(a) Each County applying for Emergency grant funds shall complete and submit W Form 5A, "Application for the E911 Emergency Grant Program," effective 7/1/2008, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board

ATTN: Administrative Assistant

4050 Esplanade Way

Building 4030 – Suite 160

Tallahassee, Florida 32399-0950.

The applicant must provide the original grant application.

(b) The E911 Board will approve grants for leased equipment only if the applicant county can demonstrate that a lease agreement would be financially beneficial to the grant program as a whole.

(c) Equipment procurement shall be based on the county's purchasing requirement and the applicable State purchasing requirements specified in Chapter 287, F.S. and the requirements of Section 112.061, F.S.

(d) Grant applications totaling \$25,000.00 or more must be accompanied by at least three written competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses. Sole source funding will be considered on a case-by-case basis.

Justification and documentation for sole-source funding should be provided with this application. Sole source funding will be considered if provided in accordance with Florida Statutes 287 or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements, which should be provided with the application.

(e) Priorities for awarding of grants will be determined by the E911 Board.

(f) The E911 Board may approve funding salary requests on an annual basis.

(g) No grant money will be awarded to be used for the purpose of paying call takers' salaries.

(h) Two or more rural counties may apply for a joint grant, but each county must complete and submit W Form 5A as requested and indicated.

(i) Grant funds shall be deposited in a bank account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All E911 Emergency Grant funds in the account shall be accounted for separately from other grantee funds. Grant funds including accrued interest may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the E911 Board.

(j) Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 days after the end of the reporting period, which ends September 30, December 31, March 31, and June 30. In lieu of submitting a signed quarterly Grant Budget/Expenditure Report form, the updated form can be e-mailed to the Board's administrative/technical staff. The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

(k) At project completion, a final report shall be submitted based on the same reporting periods described above. The County shall determine the final completion date based on the final payment date or the initiation date of the warranty period. Final supporting documentation including copies of all expenditures and corresponding invoices shall be submitted within 90 days of the final report.

(l) Grant funds are not transferable to any other entity. If equipment purchased using grant funds is sold or transferred within three (3) years of the end of the grant period, the grantee county must return the grant funds to the E911 Board on a pro-rata basis.

(m) The E911 Board will adjust the amount awarded to a county based upon the availability of funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the

needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

(3) E911 Emergency Grant Program Schedule – Following the natural and man-made disasters or events and submission of the grant application. The E911 Board will hold an emergency meeting in accordance with Uniform Rule 28-102.003, F.A.C., be called into emergency for the purpose of acting upon emergency matters affecting the public health, safety or welfare.

	Schedule
<u>Counties submit Application</u>	<u>Event</u>
<u>Board Members evaluate applications</u>	<u>Within 5 days</u>
<u>Board votes on applications to fund at regularly scheduled meeting</u>	<u>Within 5 day</u>
<u>Board sends notification of funding and issues check to counties approved for funding</u>	<u>Within 10 day</u>
<u>Implementation period</u>	<u>One year from receipt of award and funds.</u>

Specific Authority 365.172(6)(a)11., 365.173(2)(g) FS. Law implemented 365.173(2)(g) FS. History–New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NO.: 61B-22.006  
 RULE TITLE: Financial Reporting Requirements  
 PURPOSE AND EFFECT: These rule amendments implement a change in the condominium law requiring association financial reports to disclose the amount of reserve funding required to fully fund association reserves, and require special assessment disclosure for cash basis financial reports.  
 SUBJECT AREA TO BE ADDRESSED: The amendments require financial reports to disclose the amount of annual funding required for reserves.  
 SPECIFIC AUTHORITY: 718.111(13), 718.501(1)(f) FS.  
 LAW IMPLEMENTED: 718.111(12)(a)11., (13), 718.301(4) 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: October 27, 2008, 9:30 a.m. – 10:30 a.m.  
 PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon

A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available online at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

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

PURPOSE AND EFFECT: The purpose and effect is to clarify requirements of what shall be included in the maintenance of appraisal logs.

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.611(1)(n), (o), (p), 475.6221, 475.6222 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas O’Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) through (5) No change.

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

(a) through (c) No change.

(d) Description of work performed; by the registered trainee/applicant and scope of the review and supervision of the supervising appraiser;

(e) through (f) No change.

(7) through (10) No change.

Specific Authority 475.614 FS. Law Implemented 475.611(1)(n), (o), (p), 475.6221, 475.6222 FS. History—New 2-16-04, Amended 3-1-06, 12-4-06, 8-12-07, 11-25-07, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NOS.:	RULE TITLES:
61J1-10.001	General Requirements
61J1-10.002	Registered Trainee Real Estate Appraiser
61J1-10.003	Certified Residential Appraiser
61J1-10.004	Certified General Appraiser

**PURPOSE AND EFFECT:** The purpose and effect of the amendments to Rule 61J1-10.001, F.A.C., is to provide definitions of terms relevant to education requirements, clarification of credit allowed for pre-license and post-license classroom hours, and specification of classroom hour credit to be granted. The purpose and effect of the amendments to Rules 61J1-10.002, 10.003 and 10.004, F.A.C., is to provide detailed enumeration of education requirements for registered trainee real estate appraisers, and to update the classroom hours and subject matter of the education requirements for certified residential real estate appraisers, and certified general real estate appraisers.

**SUBJECT AREA TO BE ADDRESSED:** Definitions; Registered Trainee Real Estate Appraiser; Certified Residential Appraiser; Certified General Appraiser.

**SPECIFIC AUTHORITY:** 475.614 FS.

**LAW IMPLEMENTED:** 475.611(1)(n), (o), (p), (q), 475.613(2), 475.615(2), 475.616, 475.617(1), (2), (3) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Thomas O’Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

61J1-10.001 General Requirements ~~Definitions~~.

(1) Definitions.

(a)(+) “Accredited” means accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

(b)(2) “AQB” means Appraiser Qualifications Board, which is an independent board of the Appraisal Foundation.

(c)(3) “Classroom hour” is defined as 50 minutes out of each 60-minute segment.

(d)(4) “USPAP” means Uniform Standards of Professional Appraisal Practice, and are the most recent standards approved and adopted by the Appraisal Standards Board of the Appraisal Foundation.

(2) Classroom Hours.

(a) The classroom hours may include the classroom pre-license education required to become a registered trainee appraiser, the classroom pre-license education required to become a licensed appraiser, the classroom pre-license education required to become a certified residential appraiser, or the applicable classroom hours of post-license education for registered trainee appraisers.

(b) Credit towards the classroom hour requirement shall only be granted where the length of the educational offering is at least 15 classroom hours, and the person successfully completes an examination pertinent to that educational offering. Any applicant requesting the issuance of his or her certification shall provide the Board with proof of passing a written examination as specified in Section 475.616, F.S., and as further defined by Rule 61J1-5.001, F.A.C., if a written examination is required. Examination results are only valid for a maximum period of 24 months from the exam date.

Specific Authority 475.614 FS. Law Implemented 475.611(1)(q), 475.613(2), 475.615(2), 475.616, 475.617 FS. History—New 12-27-07, Amended \_\_\_\_\_.

61J1-10.002 Registered Trainee Real Estate Appraiser.

(1) An applicant for registration as a trainee real estate appraiser must present evidence satisfactory to the Board that the applicant has successfully completed at least 100 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required curriculum:

(a) through (c) No change.

(d) Appraisal Subject Matter Electives (25)(20) hours which shall include six (6) hours of the Florida laws and rules and three (3) hours of Roles and Responsibilities of Supervisors and Trainees.

(2) Board approved pre-registration courses for trainee appraisers must include the following subject matter:

(a) Real property concepts and characteristics;

(b) Legal consideration;

(c) Influences on real estate values;

(d) Types of value;

(e) Economic principles;

(f) Overview of real estate markets and analysis;

(g) Ethics and how they apply in appraisal theory and practice;

(h) Overview of approaches to value;

(i) Valuation procedures;

(j) Property description;



(k) Residential applications:

(l) Coverage of the Uniform Standards of Professional Appraisal Practice; and

(m) Coverage of Florida rules and regulations that pertain to the practice of appraisal. Effective January 1, 2008, Board approved pre-registration courses for trainee appraisers must include a minimum of six (6) hours coverage of Florida laws, rules, and regulations that pertain to the practice of appraisal; and

(n) Effective January 1, 2008, Board approved pre-registration courses for trainee appraisers must include a minimum of three (3) hours of instruction and cover the following topics regarding the roles and rules of supervisor and trainee appraisers:

1. The definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611(1)(k), (n), (o), (p), (s), F.S.

2. Review of Chapter 475, Part II, F.S., sections regarding the postlicensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records.

3. Review of Chapter 61J1, F.A.C., sections regarding postlicensing education for registered trainee appraisers, supervision of registered trainee appraisers, display and disclosure of registration, licensure or certification designation and advertising.

4. Review of the Uniform Standards of Professional Appraisal Practice as referenced and incorporated by Rule 61J1-9.001, F.A.C., including at least the following topics: USPAP Advisory Opinion 31, USPAP Standards Rules 2-3 and 3-3, signature authority and security, competency, and preparation of appraisals.

~~(3)(2)~~ An applicant must have passed examinations in the prerequisite courses set forth in subsection 61J1-10.002(1), F.A.C., for the courses to be acceptable.

~~(4)(3)~~ An applicant must have completed the 15-hour National USPAP course, or its equivalent, within the 2 years immediately preceding the receipt of the application for registration by the Board or department.

~~(5)(4)~~ An applicant who was previously registered as a trainee real estate appraiser and whose registration expired due to failure to renew pursuant to Rule 61J1-4.007, F.A.C., may not use the qualifying education for the void trainee real estate appraiser registration to obtain another trainee real estate appraiser registration.

Specific Authority 475.614 FS. Law Implemented 475.611(1)(n), (o), (p), 475.613(2), 475.615, 475.617(1) FS. History–New 12-27-07, Amended.

## 61J1-10.003 Certified Residential Appraiser.

An applicant for certification as a residential real estate appraiser must present evidence satisfactory to the Board that the applicant meets the following minimum education, experience, and examination requirements:

(1) Education requirement.

(a) through (b) No change.

(c) Satisfactory completion of at least 200 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required core curriculum that are prerequisites to taking the AQB-approved examination in subsection (3) of this rule:

1. through 9. No change.

10. Appraisal Subject Matter Electives (20 hours) which shall include six (6) hours of the Florida laws and rules and three (3) hours of the Roles and Responsibilities of Supervisors and Trainees.

(2) through (3) No change.

Specific Authority 475.614 FS. Law Implemented 475.613(2), 475.615(2), 475.617(2) FS. History–New 12-27-07, Amended.

## 61J1-10.004 Certified General Appraiser.

An applicant for certification as a general real estate appraiser must present evidence satisfactory to the Board that the applicant meets the following minimum education, experience, and examination requirements:

(1) Education requirement.

(a) through (b) No change.

(c) Satisfactory completion of at least 300 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required core curriculum that are prerequisites to taking the AQB-approved examination in subsection (3) of this rule:

1. through 2. No change.

3. The 15-hour National USPAP course, or its equivalent, taught by an AQB certified USPAP instructor (15 hours);

4. through 9. No change.

10. Appraisal Subject Matter Electives (30 hours) which shall include six (6) hours of the Florida laws and rules and three (3) hours of the Roles and Responsibilities of Supervisors and Trainees.

(2) through (3) No change.

Specific Authority 475.614 FS. Law Implemented 475.613(2), 475.615(2), 475.617(3) FS. History–New 12-27-07, Amended.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**RULE NOS.:**                 **RULE TITLES:**  
 62-710.500                 Registration and Notification  
 62-710.901                 Forms  
**PURPOSE AND EFFECT:** To delete Form 62-710.901(1), Application for Registration of Used Oil and Used Oil Filter Handlers, effective June 9, 2005, and incorporate Form 62-730.900(b), 8700-12FL – Florida Notification of Regulated Waste Activity.

**SUBJECT AREA TO BE ADDRESSED:** Form 62-730.900(1)(b), 8700-12FL – Florida Notification of Regulated Waste Activity, is being revised to include registration of handlers of used oil and used oil filters. The existing used oil registration form will be deleted.

**SPECIFIC AUTHORITY:** 403.704, 403.754, 403.760 FS.

**LAW IMPLEMENTED:** 403.704, 403.754, 403.760 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:** Julie Rainey, Environmental Manager, Hazardous Waste Regulation, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8713, julie.c.rainey@dep.state.fl.us

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**RULE NOS.:**                 **RULE TITLES:**  
 62-730.150                 General  
 62-730.171                 Transfer Facilities  
 62-730.900                 Forms  
**PURPOSE AND EFFECT:** To adopt a revised Form 62-730.900(1)(b), 8700-12FL – Florida Notification of Regulated Waste Activity.

**SUBJECT AREA TO BE ADDRESSED:** Form 62-730.900(1)(b), 8700-12FL – Florida Notification of Regulated Waste Activity, is being revised to include transfer facility notification and to clarify other reporting requirements.  
**SPECIFIC AUTHORITY:** 403.704, 403.721, 403.7211 FS.  
**LAW IMPLEMENTED:** 403.704, 403.721, 403.7211 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:** Julie Rainey, Environmental Manager, Hazardous Waste Regulation, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**RULE NOS.:**                 **RULE TITLES:**  
 62-737.400                 Requirements and Management  
                                      Standards for Handlers and  
                                      Transporters of Spent Universal  
                                      Waste Lamps and Devices  
 62-737.900                 Forms

**PURPOSE AND EFFECT:** To delete Form 62-737.900(1), Universal Waste Mercury-Containing Lamp and Device Transporter and Handler Registrations Form and Instructions, effective 5-20-98, and incorporate Form 62-730.900(b), 8700-12FL – Florida Notification of Regulated Waste Activity.

**SUBJECT AREA TO BE ADDRESSED:** Form 62-730.900(1)(b), 8700-12FL – Florida Notification of Regulated Waste Activity, is being revised to include registration of handlers and transporters of universal waste mercury lamps and devices. The existing mercury registration form will be deleted.

**SPECIFIC AUTHORITY:** 403.704, 403.7186, 403.721 FS.

**LAW IMPLEMENTED:** 403.704, 403.7186, 403.721 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:** Julie Rainey, Environmental Manager, Hazardous Waste Regulation, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee 32399-2400, (850)245-8713, julie.c.rainey@dep.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

**RULE NO.:**                 **RULE TITLE:**  
 64B5-1.021                 List of Approved Forms;  
                                      Incorporation

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt language to clarify the application for Health Access Dental License and have form # DH-MQA 1154 (revised 9/23/08) incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: List of approved forms.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 120.52(15) 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 Dentistry/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 Medicine**

RULE NO.: 64B8-30.008                      RULE TITLE: Formulary

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes to the PA formulary pursuant to recent legislation.

SUBJECT AREA TO BE ADDRESSED: Proposed amendments to the formulary pursuant to Chapter 2008-86, Laws of Florida.

SPECIFIC AUTHORITY: 458.309, 458.347(4)(f)1. FS.

LAW IMPLEMENTED: 458.347(4)(f)1. FS.

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

DATE AND TIME: November 6, 2008, 9:00 a.m.

PLACE: Tampa Airport Marriot, Tampa International Airport, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-2.0015                      RULE TITLE: Application, Examination and Initial Licensure Fees

PURPOSE AND EFFECT: To implement the statutory amendments in Section 1, 2008-121, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Application, Examination and Initial Licensure Fees.

SPECIFIC AUTHORITY: 456.004(5), 456.013(2), 468.803(2)(a) FS.

LAW IMPLEMENTED: 456.013(2), 456.025(1), 468.803(2)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3527

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-2.0015 Application, Examination and Initial Licensure Fees.

(1) through (2) No change.

(3) An applicant for a residency or an internship shall remit an application fee of \$250.00 and a registration fee of \$250.00 at the time the application is submitted.

~~(4)~~(3) No change.

Specific Authority 456.036, 468.802, 468.806 FS. Law Implemented 456.036, 468.806 FS. History–New 2-25-99, Amended 3-18-01, 5-30-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-5.002                      RULE TITLE: Continuing Education Requirement

PURPOSE AND EFFECT: To implement the statutory amendments in Section 1, 2008-121, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements.

SPECIFIC AUTHORITY: 468.802, 468.806 FS.

LAW IMPLEMENTED: 456.013, 456.024, 468.806 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3527

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-5.002 Continuing Education Requirement.

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

(a) Each renewing or recertifying licensee must complete the following continuing education within 24 months immediately preceding the date license renewal is due:

1. through 5. No change.

(b) Each renewing or recertifying licensee, and, beginning on January 1, 2009, each applicant for initial license, shall demonstrate completion of approved courses covering ~~For the biennium beginning December 1, 2007, each licensee's continuing education must include~~ two hours on Chapters 456, 468, Part XIV, F.S., and Rule Chapter 64B14, F.A.C.; an up to date registration showing competency as a Healthcare Provider by the American Heart Association, the American Safety and Health Institute or the American Red Cross; ~~and~~ two hours of continuing education relating to the prevention of medical errors, which shall include a study of continuing education relating to the prevention of medical errors, which shall include a study of root cause analysis, error reduction and prevention, and patient safety; and one hour in infection control, including HIV/AIDS. ~~The two hour medical error course shall be a course approved by the Board and shall count toward the total number of continuing education hours required for the biennium.~~

(2) through (8) No change.

Specific Authority 468.802, 468.806 FS. Law Implemented 456.013, 456.024, 468.806 FS. History—New 7-1-98, Amended 5-18-00, 7-18-02, 11-11-02, 2-15-05, 11-1-05, 3-2-08,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.:                   RULE TITLE:  
64B15-6.0038               Formulary

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes to the PA formulary pursuant to recent legislation.

SUBJECT AREA TO BE ADDRESSED: Proposed amendments to the formulary pursuant to Chapter 2008-86, Laws of Florida.

SPECIFIC AUTHORITY: 458.347, 459.022(4)(e) FS.

LAW IMPLEMENTED: 459.022(4)(e) FS.

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

DATE AND TIME: November 6, 2008, 9:00 a.m.

PLACE: Tampa Airport Marriot, Tampa International Airport, Tampa, Florida 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ronda Bryan, Acting Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NOS.:	RULE TITLES:
64B15-14.007	Standard of Care for Office Surgery
64B15-14.0076	Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation

PURPOSE AND EFFECT: The Board proposes the rule amendments to update office surgery procedures.

SUBJECT AREA TO BE ADDRESSED: Standard of Care for Office Surgery; Requirement for Osteopathic Physician Office Registration; Inspection of Accreditation.

SPECIFIC AUTHORITY: 459.005(1), (2), 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.005(2), 459.015(1)(g), (x), (z), (aa), 459.026 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: Christy Robinson, Acting Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees

<p>67-21.008 Terms and Conditions of MMRB Loans</p> <p>67-21.009 Interest Rate on Mortgage Loans</p> <p>67-21.010 Issuance of Revenue Bonds</p> <p>67-21.013 Non-Credit Enhanced Multifamily Mortgage Revenue Bonds</p> <p>67-21.014 Credit Underwriting Procedures</p> <p>67-21.015 Use of Bonds with Other Affordable Housing Finance Programs</p> <p>67-21.017 Transfer of Ownership</p> <p>67-21.018 Refundings and Troubled Development Review</p> <p>67-21.019 Issuance of Bonds for Section 501(c)(3) Entities</p> <p><b>PURPOSE AND EFFECT:</b> The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.</p> <p><b>SUBJECT AREA TO BE ADDRESSED:</b> The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2009 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).</p> <p><b>SPECIFIC AUTHORITY:</b> 420.507, 420.508 FS.</p> <p><b>LAW IMPLEMENTED:</b> 420.509 FS.</p> <p><b>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:</b></p> <p><b>DATE AND TIME:</b> October 30, 2008, 1:00 p.m. – 4:00 p.m.</p> <p><b>PLACE:</b> SpringHill Suites, 5828 Hazeltine National Drive, Orlando, FL 32822. The workshop will be accessible via phone at 1(888)808-6959, Conference Code #1374197.</p> <p>Pursuant to the provisions of 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: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).</p> <p><b>THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:</b> Len Stirrat, Multifamily Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197. The preliminary text of the proposed rule development is available on Florida Housing's web site <a href="http://www.floridahousing.org">www.floridahousing.org</a></p>	<p>THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.</p> <p><b>FLORIDA HOUSING FINANCE CORPORATION</b></p> <table border="0"> <tr> <td><b>RULE NOS.:</b></td> <td><b>RULE TITLES:</b></td> </tr> <tr> <td>67-48.001</td> <td>Purpose and Intent</td> </tr> <tr> <td>67-48.002</td> <td>Definitions</td> </tr> <tr> <td>67-48.004</td> <td>Application and Selection Procedures for Developments</td> </tr> <tr> <td>67-48.005</td> <td>Applicant Administrative Appeal Procedures</td> </tr> <tr> <td>67-48.007</td> <td>Fees</td> </tr> <tr> <td>67-48.0072</td> <td>Credit Underwriting and Loan Procedures</td> </tr> <tr> <td>67-48.0075</td> <td>Miscellaneous Criteria</td> </tr> <tr> <td>67-48.009</td> <td>SAIL General Program Procedures and Restrictions</td> </tr> <tr> <td>67-48.0095</td> <td>Additional SAIL Application Ranking and Selection Procedures</td> </tr> <tr> <td>67-48.010</td> <td>Terms and Conditions of SAIL Loans</td> </tr> <tr> <td>67-48.0105</td> <td>Sale, Transfer or Refinancing of a SAIL Development</td> </tr> <tr> <td>67-48.013</td> <td>SAIL Construction Disbursements and Permanent Loan Servicing</td> </tr> <tr> <td>67-48.014</td> <td>HOME General Program Procedures and Restrictions</td> </tr> <tr> <td>67-48.015</td> <td>Match Contribution Requirement for HOME Allocation</td> </tr> <tr> <td>67-48.017</td> <td>Eligible HOME Activities</td> </tr> <tr> <td>67-48.018</td> <td>Eligible HOME Applicants</td> </tr> <tr> <td>67-48.019</td> <td>Eligible and Ineligible HOME Development Costs</td> </tr> <tr> <td>67-48.020</td> <td>Terms and Conditions of Loans for HOME Rental Developments</td> </tr> <tr> <td>67-48.0205</td> <td>Sale, Transfer or Refinancing of a HOME Development</td> </tr> <tr> <td>67-48.022</td> <td>HOME Disbursements Procedures and Loan Servicing</td> </tr> <tr> <td>67-48.023</td> <td>Housing Credits General Program Procedures and Requirements</td> </tr> <tr> <td>67-48.027</td> <td>Tax-Exempt Bond-Financed Developments</td> </tr> <tr> <td>67-48.028</td> <td>Carryover Allocation Provisions</td> </tr> <tr> <td>67-48.029</td> <td>Extended Use Agreement</td> </tr> <tr> <td>67-48.030</td> <td>Sale or Transfer of a Housing Credit Development</td> </tr> <tr> <td>67-48.031</td> <td>Termination of Extended Use Agreement and Disposition of Housing Credit Developments</td> </tr> </table> <p><b>PURPOSE AND EFFECT:</b> The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or</p>	<b>RULE NOS.:</b>	<b>RULE TITLES:</b>	67-48.001	Purpose and Intent	67-48.002	Definitions	67-48.004	Application and Selection Procedures for Developments	67-48.005	Applicant Administrative Appeal Procedures	67-48.007	Fees	67-48.0072	Credit Underwriting and Loan Procedures	67-48.0075	Miscellaneous Criteria	67-48.009	SAIL General Program Procedures and Restrictions	67-48.0095	Additional SAIL Application Ranking and Selection Procedures	67-48.010	Terms and Conditions of SAIL Loans	67-48.0105	Sale, Transfer or Refinancing of a SAIL Development	67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing	67-48.014	HOME General Program Procedures and Restrictions	67-48.015	Match Contribution Requirement for HOME Allocation	67-48.017	Eligible HOME Activities	67-48.018	Eligible HOME Applicants	67-48.019	Eligible and Ineligible HOME Development Costs	67-48.020	Terms and Conditions of Loans for HOME Rental Developments	67-48.0205	Sale, Transfer or Refinancing of a HOME Development	67-48.022	HOME Disbursements Procedures and Loan Servicing	67-48.023	Housing Credits General Program Procedures and Requirements	67-48.027	Tax-Exempt Bond-Financed Developments	67-48.028	Carryover Allocation Provisions	67-48.029	Extended Use Agreement	67-48.030	Sale or Transfer of a Housing Credit Development	67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments
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rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2009 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation’s 2008 Qualified Allocation Plan (QAP).

**SPECIFIC AUTHORITY:** 420.507 FS.

**LAW IMPLEMENTED:** 420.5087, 420.5089, 420.5099 FS.

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

**DATE AND TIME:** October 30, 2008, 1:00 p.m. – 4:00 p.m.

**PLACE:** SpringHill Suites, 5828 Hazeltine National Drive, Orlando, FL 32822. The workshop will be accessible via phone at 1(888)808-6959, Conference Code #1374197.

Pursuant to the provisions of 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: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Deborah Dozier Blinderman, Deputy Development Officer

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
690-125.005	Use of Credit Reports and Credit Scores by Insurers
690-125.006	Unfair Discrimination in Use of Credit Reports or Credit Scores by Insurers

**PURPOSE AND EFFECT:** The proposed rule will implement the provisions of Section 626.9741, F.S., which addresses compliance; statistical detail and standards necessary to ensure that rates or premiums associated with credit reports or scores

are not unfairly discriminatory; and standards for review of models, methods, programs, or other processes that produce credit scores to determine that they are not unfairly discriminatory. The rule will establish standards and requirements for the use of credit reports or scores by insurers. **SUBJECT AREA TO BE ADDRESSED:** Adopting standards for the review and approval of credit scoring models and methodologies.

**SPECIFIC AUTHORITY:** 624.308(1), 626.9741(8) FS.

**LAW IMPLEMENTED:** 624.307(1), 626.9741 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:** October 27, 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: Michael Milnes, Senior Management Analyst/Supervisor, Property and Casualty Product Review, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, E-mail michael.milnes@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, IF AVAILABLE, IS:** Michael Milnes, Senior Management Analyst/Supervisor, Property and Casualty Product Review, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, E-mail michael.milnes@fldfs.com

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

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**Section II  
Proposed Rules**

**DEPARTMENT OF REVENUE**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
12-6.0015	Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12-6.0015, F.A.C. (Public Use Forms), is to adopt, by reference, changes to Form DR-835, Power of Attorney and Declaration of Representative, used by taxpayers to grant a representative authority to perform certain acts on behalf of the taxpayer and to receive and inspect confidential information from the Department.

**SUMMARY:** The proposed amendments to Rule 12-6.0015, F.A.C. (Public Use Forms): (1) adopt, by reference, changes to the form used by taxpayers to grant a representative authority to perform certain acts on behalf of the taxpayer and to receive and inspect confidential information from the Department; and (2) update information on how to obtain the form from the Department.

**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:** 213.06(1), 213.21(1) FS.

**LAW IMPLEMENTED:** 72.011, 120.54(5), 120.569, 120.57, 213.21 FS.

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

**DATE AND TIME:** November 5, 2008, 10:00 a.m.

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

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

12-6.0015 Public Use Forms.

The following ~~form is~~ forms are employed by the Department in its dealings with the public. ~~This form is~~ These forms are hereby incorporated by reference in this rule. Copies of ~~this form~~ these forms are available, without cost, by using one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) ~~faxing a forms request to the Distribution Center at (850)922-2208;~~ or, 3) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center ~~Distribution Center at (850)488-8422;~~ or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) ~~visiting any local Department of Revenue Service~~

~~Center to personally obtain a copy.~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
DR-835	Power of Attorney and Declaration of Representative (R. <u>06/08</u> <del>07/06</del> )	<u>04/07</u>

Specific Authority 213.06(1), 213.21(1) FS. Law Implemented 72.011, 120.54(5), 120.569, 120.57, 213.21 FS. History--New 3-6-03, Amended 4-5-07,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

**NAME OF THE AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 30, 2008

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** July 18, 2008 (Vol. 34, No. 29, pp. 3663-3664)

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

**RULE NO.:** 12A-1.097  
**RULE TITLE:** Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

**SUMMARY:** The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms): (1) adopt, by reference, changes to forms used by the Department in the administration of sales and use tax; and (2) update information on how to obtain the forms from the Department.

**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:** 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

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

DATE AND TIME: November 5, 2008, 10:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.097 Public Use Forms.

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

(a) Copies of these forms, except those denoted by an asterisk (\*), are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) ~~faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy.~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

(b) No change.

Form Number	Title	Effective Date
	(2) through (4) No change.	
(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. <del>01/09</del> <del>01/08</del> )	___ <del>01/08</del>
(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. <del>01/09</del> <del>01/08</del> )	___ <del>01/08</del>
(c) DR-15CON	Consolidated Summary – Sales and Use Tax Return (R. <del>01/09</del> <del>01/08</del> )	___ <del>01/08</del>
(6)(a) DR-15	Sales and Use Tax Return (R. <del>01/09</del> <del>01/08</del> )	___ <del>01/08</del>
(b) DR-15CS	Sales and Use Tax Return (R. <del>01/09</del> <del>01/08</del> )	___ <del>01/08</del>
(c) DR-15CSN	DR-15 Sales and Use Tax – Instructions (R. <del>01/09</del> <del>01/08</del> )	___ <del>01/08</del>
(d) DR-15EZ	Sales and Use Tax Return (R. <del>01/09</del> <del>01/08</del> )	___ <del>01/08</del>
(e) DR-15EZCSN	DR-15EZ Sales and Use Tax Return – Instructions (R. <del>01/09</del> <del>01/08</del> )	___ <del>01/08</del>
(f) DR-15EZN	Instructions for <del>2009</del> <del>2008</del> DR-15EZ Sales and Use Tax Returns (R. <del>01/09</del> <del>01/08</del> )	___ <del>01/08</del>
	(g) through (h) No change.	
(i) DR-15N	Instructions for <del>2009</del> <del>2008</del> DR-15 Sales and Use Tax Returns (R. <del>01/09</del> <del>01/08</del> )	___ <del>01/08</del>
	(j) through (m) No change.	
	(7) through (23) No change.	

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History–New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief



Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008 (Vol. 34, No. 29, p. 3664)

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12A-16.008  
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the solid waste fees and the rental car surcharge.

SUMMARY: The proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms): (1) adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge; and (2) update information on how to obtain the forms from the Department.

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

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

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

DATE AND TIME: November 5, 2008, 10:00 a.m.  
 PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-16.008 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge, as provided in this rule chapter, and the solid waste fees, as provided in Rule Chapter 12A-12, F.A.C. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) ~~faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center Distribution Center at (850)488-8422;~~ or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; ~~or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy.~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-15SW	Solid Waste and Surcharge Return (R. <del>01/09</del> <u>01/08</u> )	<u>01/08</u>
(3) DR-15SWN	Instructions for DR-15SW Solid Waste and Surcharge Returns (R. <del>01/09</del> <u>01/08</u> )	<u>01/08</u>

(4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History--New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04, 6-28-05, 7-25-06, 4-5-07, 1-1-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008 (Vol. 34, No. 29, pp. 3664-3665)

**DEPARTMENT OF REVENUE****Sales and Use Tax**

RULE NO.: 12A-19.100  
 RULE TITLE: Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to adopt, by reference, changes to Forms DR-700012, DR-700016, and DR-700020, used by the Department in the administration of communications services tax.

**SUMMARY:** The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms); (1) adopt, by reference, revisions to Form DR-700012 (Application for Certification of Communications Services Database), Form DR-700016 (Florida Communications Services Tax Return), and Form DR-700020 (Notification of Method Employed to Determine Taxing Jurisdiction); (2) provide which version of Form DR-700016 should be used to report communications services tax on services billed during the calendar year 2008; and (3) update the information on how to obtain copies of forms from the Department.

Specifically, the revisions to Form DR-700012 (Application for Certification of Communications Services Database), used by providers of communications services and vendors offering service address databases to apply to the Department for certification of a service address database:

- update, reorganize, and simplify the instructions for submitting a service address jurisdiction database for certification by the Department;
- advise applicants of the new information regarding errors found in the database provided by the Department after completing the testing of the applicant's database; and
- advise applicants of the requirement to submit a new application for certification of a database when there has been a material change.

Revisions to Form DR-700016 (Florida Communications Services Tax Return), provide changes in the communications services tax rates for local jurisdictions.

Revisions to Form DR-700020 (Notification of Method Employed to Determine Taxing Jurisdiction), clarify which communications services providers are not required to file the form with the Department or to notify the Department of the methods to be used for determining the local taxing jurisdiction in which service addresses are located.

**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:** 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

**LAW IMPLEMENTED:** 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

**DATE AND TIME:** November 5, 2008, 10:00 a.m.

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

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

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax, and in the administration of the Department's electronic Address/Jurisdiction Database created pursuant to Sections 175.1015 and 185.085, F.S. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) ~~faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy.~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS	SERVICE BILLING DATES
01/09	January 2009 –	January 1, 2009 –
09/08	September 2008 – December 2008	September 1, 2008 – December 31, 2008
06/08	June 2008 – August 2008	June 1, 2008 – December 31, 2008
05/08	May 2008	May 1, 2008 – May 31, 2008
01/08	January 2008 – April 2008	January 1, 2008 – April 30, 2008
09/07	September 2007 – December 2007	September 1, 2007 – December 31, 2007
06/07	June 2007– August 2007	June 1, 2007– August 31, 2007
02/07	February 2007 – May 2007	February 1, 2007 – May 31, 2007
01/07	January 2007	January 1, 2007 – January 31, 2007
06/06	June 2006 – December 2006	June 1, 2006 – December 31, 2006
01/06	January 2006 – May 2006	January 1, 2006 – May 31, 2006
11/05	November 2005 – December 2005	November 1, 2005 – December 31, 2005
06/05	June 2005 – October 2005	June 1, 2005 – October 31, 2005
01/05	January 2005 – May 2005	January 1, 2005 – May 31, 2005
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001
01/09	January 2009 –	January 1, 2009 –

Form Number	Title	Effective Date	NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407
(3) DR-700012	Application for Certification of Communications Services Database (R. <del>01/08</del> 07/02)	___ 04/03	NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue
(4)(a) DR-700016	Florida Communications Services Tax Return (R. 01/09)	___	DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2008
(b) DR-700016	Florida Communications Services Tax Return (R. 09/08)	___	DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008 (Vol. 34, No. 29, pp. 3665-3666)
(c) DR-700016	Florida Communications Services Tax Return (R. 06/08)	___	
(d) DR-700016	Florida Communications Services Tax Return (R. 05/08)	___	
	(a) through (y) renumbered (e) through (cc) No change.		
	(5) No change.		
(6) DR-700020	Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (R. <del>01/09</del> 05/02)	___ 04/03	
	(7) through (12) No change.		
Specific Authority 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS. Law Implemented 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History–New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-06, 4-5-07, 11-6-07, 12-20-07, 1-28-08,_____.			

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NOS.: 12B-5.130  
12B-5.150

RULE TITLES: Refunds  
Public Use Forms

PURPOSE AND EFFECT: Section 206.8745(6), F.S., grants a refund for undyed tax-paid diesel fuel that is consumed by a power take-off unit or engine exhaust for the purpose of unloading bulk cargo by pumping. Subparagraph (2)(a)2. of

Rule 12B-5.130, F.A.C. (Refunds), implements this statute and provides for refunds of the fuel tax paid on 10 gallons per full load pump-off of diesel fuel consumed by a power take-off unit or engine exhaust for the purpose of unloading bulk cargo from a pneumatic tank by pumping. Taxpayers are required to complete Form DR-309639 (Application for Refund of Tax Paid on Undyed Diesel Used for Off-road or Other Exempt Purposes) to apply for such refunds of fuel tax paid.

In *Pritchett Trucking, Inc. v. Department of Revenue* (Case No. 04-3093 CA, 2nd Circuit, July 3, 2008), the judge held that Section 206.8745, F.S., and subparagraph 12B-5.130(2)(a)2., F.S., requires only pumping is essential to the unloading of bulk cargo, and not whether the means of pumping is by pneumatics, hydraulics, or any other method. The purpose of this rulemaking is to remove the provisions of subparagraph (2)(a)2. of Rule 12B-5.130, F.A.C. (Refunds), and to adopt, by reference, changes to Form DR-309639 which reflect the court's decision. The changes to this rule and form will remove the requirement that a pneumatic pump is necessary to qualify for such refund.

**SUMMARY:** The proposed amendments to Rule 12B-5.130, F.A.C. (Refunds), removes subparagraph (2)(a)2., which provides for refunds of the fuel tax paid on 10 gallons per full load pump-off of diesel fuel consumed by a power take-off unit or engine exhaust for the purpose of unloading bulk cargo from a pneumatic tank by pumping authorized by Section 206.8745, F.S. The proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), adopt, by reference, changes to Form DR-309639 (Application for Refund of Tax Paid on Undyed Diesel Used for Off-road or Other Exempt Purposes) regarding the refund of fuel tax paid authorized by Section 206.8745, F.S.

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

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

**SPECIFIC AUTHORITY:** 206.14(1), 206.59(1), 206.8745(6), 213.06(1) FS.

**LAW IMPLEMENTED:** 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.41(4), (5), 206.43, 206.64, 206.86, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.994, 206.97 FS.

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

**DATE AND TIME:** November 5, 2008, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

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

12B-5.130 Refunds.

(1) No change.

(2) **UNDYED DIESEL FUEL USED FOR OFF-ROAD PURPOSES OR OTHER EXEMPT PURPOSES.**

(a) When undyed diesel fuel is consumed by a power take-off unit or engine exhaust for the purpose of turning a concrete mixer drum, for compacting solid waste, or for unloading bulk cargo by pumping, and such power take-off unit or engine exhaust is mounted on a motor vehicle that has no separate fuel tank, tax paid on the diesel fuel will be subject to a refund, refunded as follows:

✚ A refund of tax paid on undyed diesel fuel will be granted on thirty-five percent of the gallons consumed by vehicles that use fuel to turn a concrete mixer drum or for compacting solid waste. Sales tax imposed under Section 212.0501, F.S., plus any applicable discretionary sales surtax, is due on the average cost per gallon that is eligible for a refund of fuel tax paid. The Department will reduce the amount of refund due on fuel tax paid by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant.

~~2.a. A refund of the tax paid on undyed diesel fuel will be granted on 10 gallons per full load pump-off of diesel fuel consumed by a power take-off or engine exhaust for the purpose of unloading bulk cargo from a pneumatic tank by pumping. Sales tax imposed under Section 212.0501, F.S., plus any applicable discretionary sales surtax, is due on the average cost per gallon that is eligible for a refund. The Department will reduce the amount of refund due on fuel tax paid by the amount of sales tax, plus any applicable discretionary sales surtax, due. The net amount of the refund will be granted to the qualified applicant.~~

~~b. For purposes of this section, a full load pump off means the unloading of at least 54,000 pounds of dry bulk cargo or its equivalent in gallons using a power take off or engine exhaust. Persons subject to refund under this sub-subparagraph will use Schedule D1 (Full Load Pump off Product List), of Form DR-309639, Application for Refund of Tax Paid on Undyed Diesel Used for Off Road or Other Exempt Purposes (incorporated by reference in Rule 12B-5.130, F.A.C.) to determine the number of gallons that would be considered a full load for a given product. Initial refunds for products that~~

~~are not incorporated into Schedule D1 will require documentation to verify the number of gallons that make up a full load to be submitted to the Department with Form DR-309639.~~

e. The number of pump-offs will be determined by using the following formula:

~~Gallons or Pounds Unloaded ÷ Full Load Pump-Off (as defined above) = Number of Pump-Offs.~~

d. Vehicles using gasoline do not qualify for this refund.

(b) through (e) No change.

(3) through (5) No change.

Cross Reference – Rules 12A-1.059 and 12A-1.0641, F.A.C.

Specific Authority 206.14(1), 206.59(1), 206.8745(6), 213.06(1) FS. Law Implemented 206.41(4), (5), 206.43(5), (6), 206.64, 206.8745, 206.97 FS. History–New 7-1-96, Amended 11-21-96, 10-27-98, 5-1-06,\_\_\_\_\_.

12B-5.150 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department and are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) through (35)	No change.	
(36) DR-309639	Application for Refund of Tax Paid on Undyed Diesel Used for Off-Road or Other Exempt Purposes (R. <del>01/08</del> )	<u>01/08</u>

(37) through (39) No change.

Specific Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 FS. History–New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, 1-1-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008 (Vol. 34, No. 37, pp. 4708-4709)

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NOS.:	RULE TITLES:
12B-7.008	Public Use Forms
12B-7.026	Public Use Forms
12B-7.031	Public Use Forms

PURPOSE AND EFFECT: Effective July 1, 2008, Section 2, Chapter 2008-150, Laws of Florida, imposes a surcharge of \$1.38 per ton on the production of phosphate rock in Florida. The tax returns for remitting the taxes imposed on the severance of solid minerals, phosphate rock, or heavy minerals (Forms DR-142 and DR-142ES) will be revised to provide for the reporting of the new surcharge.

The purpose of the proposed amendments to Rules 12B-7.008, 12B-7.026, and 12B-7.031, F.A.C. (Public Use Forms), is to: (1) adopt the changes to the Department’s tax returns that are necessary to report the new surcharge on the production of phosphate rock imposed by Section 2, Chapter 2008-150, Laws of Florida (Forms DR-142 and DR-142ES); (2) remove the allowance of a sales tax credit against the amount of severance tax due that was rendered obsolete by Section 3. Chapter 2006-56, Laws of Florida (Form DR-142); (2) clarify, simplify, and update tax returns and instructions used to report the taxes imposed on the production of oil, gas, and sulfur in Florida (Forms DR-144, DR-144ES, DR-145, and DR-145X); and (3) update the information on how to obtain copies of tax returns used to report the severance taxes, surcharges, and fees from the Department.

SUMMARY: The proposed amendments to Rule Chapter 12B-7, F.A.C. (Severance Taxes and Fees): (1) adopt changes to the Department’s tax returns that are used to report the surcharge on phosphate rock production imposed by Section 2, Chapter 2008-150, Laws of Florida (Forms DR-142 and DR-142ES); (2) remove the allowance of a sales tax credit against the amount of severance tax due that was rendered obsolete by Section 3, Ch. 2006-56, Laws of Florida (Form DR-142); (3) clarify, simplify, and update tax returns and instructions used to report the taxes imposed on the production of oil, gas, and sulfur in Florida (Forms DR-144, DR-144ES, DR-145, and DR-145X); and (4) update the information on how to obtain copies of tax returns used to report the severance taxes, surcharges, and fees from the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 211.075(2), 211.125(1), 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 211.026, 211.075, 211.076, 212.11(1)(b), 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

DATE AND TIME: November 5, 2008, 10:00 a.m.

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE FULL TEXT OF THE PROPOSED RULES IS:

12B-7.008 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes imposed on the production of oil, gas, and sulfur. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) ~~faxing a forms request to the distribution Center at (850)922-2208; or, 3) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center Distribution Center at (850)488-8422;~~ or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; ~~or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy.~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-144	Gas and Sulfur Production Quarterly Tax Return (R. <u>08/08 04/03</u> )	____ <u>10/03</u>
(3) DR-144ES	Declaration of Estimated Gas and Sulfur Production Tax (R. <u>08/08 04/03</u> )	____ <u>10/03</u>

(4) DR-145	Oil Production Monthly Tax Return (R. <u>08/08 04/03</u> )	____ <u>10/03</u>
(5) DR-145X	Oil Production Monthly Amended Tax Return (R. <u>08/08 04/03</u> )	____ <u>10/03</u>

Specific Authority 211.075(2), 211.125(1), 213.06(1) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 211.026, 211.075, 211.076, 211.125, 213.755(1) FS. History--New 12-28-78, Formerly 12B-7.08, Amended 12-18-94, 5-4-03, 10-1-03, 11-6-07, \_\_\_\_\_.

PART II – SEVERANCE TAX ON SOLID MINERALS

12B-7.026 Public Use Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the taxes and surcharge imposed on the severance of solid minerals, phosphate rock, or heavy minerals from the soils and waters of this state. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) ~~faxing a forms request to the distribution Center at (850)922-2208; or, 3) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center Distribution Center at (850)488-8422;~~ or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; ~~or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy.~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form Number	Title	Effective Date
(2) DR-142	Solid Mineral Severance Tax Return (R. <u>01/09 04/06</u> )	____ <u>11/07</u>
(3) DR-142ES	Declaration/Installment Payment of Estimated Solid Mineral Severance Tax (R. <u>01/09 04/06</u> )	____ <u>11/07</u>

Specific Authority 211.33(6), 213.06(1) FS. Law Implemented 92.525(2), 211.30, 211.31, 211.3103, 211.3106, 211.33, 213.755(1) FS. History--New 12-18-94, Amended 10-4-01, 5-4-03, 10-1-03, 11-6-07, \_\_\_\_\_.

PART III MITIGATION FEES ON MINING

12B-7.031 Public Use Forms.

(1)(a) The following form and instructions are used by the Department in its dealings with the public in the administration of the Miami-Dade County Lake Belt mitigation fee and water treatment plant upgrade fee. This form and instructions are hereby incorporated by reference in this rule.

(b) Copies of this form and instructions are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) ~~faxing a forms request~~

~~to the Distribution Center at (850)922-2208; or, 3) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy.~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

(2) No change.

Specific Authority 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History--New 10-1-03, Amended 9-28-04, 6-28-05, 5-1-06, 11-6-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 18, 2008 (Vol. 34, No. 29, pp. 3666). No comments were received by the Department

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12B-8.003                      RULE TITLE: Tax Statement; Overpayments

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments) is to adopt, by reference, changes to the forms used by the Department in the administration of the insurance premium tax.

SUMMARY: The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments): (1) adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax; and (2) update the information on how to obtain copies of forms from the Department.

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: 213.06(1) FS.

LAW IMPLEMENTED: 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.402, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS., Ch. 93-128, s. 29, 2005-280, L.O.F.

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

DATE AND TIME: November 5, 2008, 10:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) ~~faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local~~

~~Department of Revenue Service Center Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy.~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

(3) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. <del>01/09 01/08</del> )	<del>___ 01/08</del>
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. <del>01/09 01/08</del> )	<del>___ 01/08</del>
(6)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year <del>2008 2007</del> (R. <del>01/09 01/08</del> )	<del>___ 01/08</del>
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. <del>01/09 01/08</del> )	<del>___ 01/08</del>
(7) DR-350900	<del>2008 2007</del> Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. <del>01/09 01/08</del> )	<del>___ 01/08</del>

Specific Authority 213.06(1) FS. Law Implemented 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.402, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512, 627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS., Ch. 93-128, s. 29, 2005-280, L.O.F. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05, 6-20-06, 4-5-07, 1-1-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008 (Vol. 34, No. 29, pp. 3666-3667)

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NO.: 12C-1.051  
 RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the corporate income tax, and to remove a form that will no longer be used by the Department.

SUMMARY: The proposed amendments to Rule 12C-1.051, F.A.C. (Forms): (1) adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax; (2) update the information on how to obtain copies of forms from the Department; and (3) repeal forms F-1159 (Application for Child Care Tax Credits) and F-1159N (Instructions for Filing F-1159). The Child Care Tax Credit Program expired on June 30, 2008.

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

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

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

DATE AND TIME: November 5, 2008, 10:00 a.m.

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

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



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor/forms](http://www.myflorida.com/dor/forms); or, 2) ~~faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Department at (800)352-3671, Monday through Friday, 8:00 a.m. to 7:00 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center Distribution Center at (850)488-8422;~~ or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; ~~or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy.~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331 or (850)922-1115.

Form

Form Number	Title	Effective Date
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(2) No change.

(3) F-851	Corporate Income/Franchise and Emergency Excise Tax Affiliations Schedule (R. <u>01/09 01/08</u> )	___ 01/08
(4)(a) F-1065	Florida Partnership Information Return (R. <u>01/09 01/08</u> )	___ 01/08
(b) F-1065N	Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. <u>01/09 01/08</u> )	___ 01/08
(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. <u>01/09 01/08</u> )	___ 01/08
(6)(a) F-1120	Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. <u>01/09 01/08</u> )	___ 01/08
(b) F-1120N	F-1120 Instructions – Corporate Income/Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, <del>2008 2007</del> (R. <u>01/09 01/08</u> )	___ 01/08
(7) F-1120ES	Declaration/Installment of Florida Estimated Income/Franchise and Emergency Excise Tax For	

	Taxable Year Beginning on or after January 1, <del>2009 2008</del> (R. <u>01/09 01/08</u> )	___ 01/08
(8)(a) F-1120X	Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. <u>01/09 01/08</u> )	___ 01/08
(b) F-1120XN	Instructions for Preparing Form F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. <u>01/09 01/08</u> )	___ 01/08
(9) F-1122	Authorization and Consent of Subsidiary Corporation to be Included in a Consolidated Income and Emergency Excise Tax Return (R. <u>01/09 01/01</u> )	___ 08/02
(10)(a) F-1156Z	Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (R. <u>01/09 07/06</u> )	___ 04/07
(b) F-1156ZN	Instructions for Completing Form F-1156Z Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (R. <u>01/09 07/06</u> )	___ 04/07
(11)(a) F-1158Z	Enterprise Zone Property Tax Credit (R. <u>01/09 01/08</u> )	___ 04/07
(b) F-1158ZN	Instructions for Form F-1158Z Enterprise Zone Property Tax Credit (R. <u>01/09 01/08</u> )	___ 04/07
<del>(12)(a) F-1159</del>	<del>Application for Child Care Tax Credits (R. 01/03)</del>	06/03
<del>(b) F-1159N</del>	<del>Instructions for Filing F-1159 (R.01/03)</del>	06/03
<del>(12)(13)(a) F-1160</del>	Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations (SFOs) (R. <u>07/08 10/06</u> )	___ 04/07
(b) F-1161	Application for Rescindment of Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organization (SFO) (R. <u>07/08 07/06</u> )	___ 04/07
<del>(13)(14) F-2220</del>	Underpayment of Estimated Tax on Florida Corporate Income/Franchise and Emergency Excise Tax (R. <u>01/09 07/06</u> )	___ 06/05
<del>(14)(15) F-7004</del>	Florida Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return (R. <u>01/09 01/08</u> )	___ 01/08

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737,

220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History–New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008 (Vol. 34, No. 29, p. 3667)

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NO.: 12C-2.0115  
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the tax on government leasehold estates.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), adopt, by reference, updates to the tax rates for 2009 on the forms used by the Department in the administration of the tax on government leasehold estates.

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: 199.202(2), 213.06(1) FS.

LAW IMPLEMENTED: 196.199(2), 199.135, 199.232, 199.292 FS.

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

DATE AND TIME: November 5, 2008, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) No change.

Form Number	Title	Effective Date
(2) DR-601G	Government Leasehold Intangible Personal Property Tax Return for <del>2009 2008</del> Tax Year (R. <del>01/09 01/08</del> )	<u>01/08</u>
(3) DR-602G	Governmental Leasehold Intangible Personal Property Tax Application for Extension of Time to File Return (R. <del>01/09 01/07</del> )	<u>01/08</u>

(4) through (5) No change.

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 196.199(2), 199.135, 199.232, 199.292 FS. History–New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05, 10-30-06, 1-28-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008 (Vol. 34, No. 29, pp. 3667-3668)

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Driver Licenses**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
15A-7.001	Definitions
15A-7.002	Purpose
15A-7.0025	Application
15A-7.003	CDL Endorsements
15A-7.004	CDL Restrictions
15A-7.005	Temporary CDL Instruction Permit
15A-7.006	Application; Operation in Interstate or Foreign Commerce; Certification Required; Medical Required; Exceptions
15A-7.007	Application; Intrastate Operation; Certification; Exceptions
15A-7.008	Combination Vehicle Testing and Licensing
15A-7.009	Issuance of Commercial Driver’s License; Department; Duties
15A-7.010	Issuance of License; Department Notify Commercial Driver’s License Information System
15A-7.011	Administration of Commercial Driver’s License Knowledge Tests
15A-7.012	Commercial Driver’s License Skills Tests
15A-7.013	Appropriate Motor Vehicle
15A-7.014	Commercial Driver’s License Document; Requirements; Class; Security Features
15A-7.015	Commercial Driver’s License for Hardship Purposes Only
15A-7.016	Persons Exempt from Requirements of Commercial Driver’s License Program; Noncommercial Driver’s License Endorsement
15A-7.017	Hazmat Endorsement Threat Assessment Program
15A-7.018	Military Qualifications for Waiver of Commercial Driver License Skills Test
15A-7.019	Third Party Testing Program

**PURPOSE AND EFFECT:** Is to amend the current rule to create and/or clarify certain definitions, and to reflect the previous revisions to Florida Statutes 316, 320 and 322 and related Federal rules. Revisions include the definition of a commercial driver license skills test, truck tractor, and semitrailer. The definition of a tank vehicle has been modified in addition to adding a new endorsement for school buses. Information on how to remove the airbrake restriction has been added and the Bus Only (CMV) and CMV < 26,000 lbs GVWR have been deleted. New restrictions have been added: Restriction 6, No Class A passenger vehicles, Restriction 7, No

Class B passenger vehicles, Restriction 8, Automatic transmission-CMV. The requirements for a CDL temporary permit have been revised to ensure clarity. The CDL skills test definition has been expanded to include all 3-parts. The issuance procedures for CDLs have been updated plus the number of CDL tests an applicant may attempt, per day, has been noted. Information on the appropriate class of motor vehicle, to test for a CDL, has been expanded, and all references to a Class D license have been removed. Information on the Hazardous Materials Threat Assessment Program, Military Commercial Driver License qualifications and regulations regarding the Third Party Tester Program have been added.

**SUMMARY:** Amend the current rule to create and/or clarify certain definitions, and to reflect the previous revisions to Florida Statutes 316, 320 and 322 and related Federal rules. Deletes languages/policies that are no longer applicable to the CDL & Third Party Testing Program.

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

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

**SPECIFIC AUTHORITY:** 322.02(6), 322.53(5) FS.

**LAW IMPLEMENTED:** 316.302(2)(i), 316.003(71), 322.01(17), (18), (32), (24), 322.05(4), (5), (6), (8), 322.07(3), 322.08(4), 322.12(4), 322.14(1)(b), 322.16, 322.18(2)(e), 322.21(1)(e), (f), 322.51-322.66, 322.53(2), (4), 322.54(2)(c), 322.56, 322.57(2), 322.59, 322.65, 322.121(7), (8), 322.271 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:** November 3, 2008, 2:00 p.m.

**PLACE:** Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room Number A436, Tallahassee, Florida 32399

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Skip Hood, Coordinator, CDL and Third Party Testing, Division of Driver Licenses, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room C410, Tallahassee, Florida 32399-0500, (850)617-2770

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

15A-7.001 Definitions.

For the purpose of this chapter, the following words, acronyms, and phrases shall have the meanings indicated:

(1) "Alternative Test" means a knowledge test that is given orally by an individual or in which a computer-assisted or taped recorded oral test is presented to the applicant.

(2) "CDL" means commercial driver's license.

(3) "Commercial Driver's License" means a license issued to an individual in accordance with the requirement of Chapter 322, F.S., or by another state, pursuant to the Federal Commercial Motor Vehicle Safety Act of 1986 which authorizes that individual to drive a class of commercial motor vehicles if the holder also has any necessary endorsements to the license.

(4) "Department" means the Department of Highway Safety and Motor Vehicles, Division of Driver Licenses, Tallahassee, Florida 32399-0560.

(5) "GCWR" means gross combination weight rating.

(6) "GVWR" means gross vehicle weight rating.

(7) "Placard" means a sign that is required on the front, rear and both sides of a vehicle that is transporting hazardous materials. The placards show the hazard class of the cargo being transported.

(8) "Skills Test" means the 3-part driving test consisting of the pretrip inspection, basic control and road test as described in the American Association of Motor Vehicle Administrators (AAMVA) 2005 CDL Testing Model, which is hereby adopted by reference a driving test given to assess an applicant's ability to drive all motor vehicles of a specified class.

(9) "Tow Truck Configuration" means a tow truck with another vehicle in tow, where the gross combined weight rating of the combination is 26,000 pounds or more and the vehicle in tow exceeds 10,000 pounds gross vehicle weight rating.

(10) "Truck Tractor" means a motor vehicle which has four or more wheels and is designed and equipped with a fifth wheel for the primary purpose of drawing a semitrailer that is attached or coupled thereto by means of such fifth wheel and which has no provisions for carrying loads independently any motor vehicle designed and used primarily for pulling other vehicles.

(11) "Semitrailer" means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.01, 322.51-322.66 FS. History--New 4-7-91, Amended \_\_\_\_\_.

15A-7.002 Purpose.

The purpose of these rules is to establish uniform procedures for the orderly administration of commercial driver's license skills and knowledge tests.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.51-322.66 FS. History--New 4-7-91, Repromulgated \_\_\_\_\_.

15A-7.0025 Application.

These rules are applicable to all applicants for a Florida commercial driver's license.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.08, 322.51-322.66 322.53, 322.54 FS. History--New 4-7-91, Repromulgated \_\_\_\_\_.

15A-7.003 CDL Endorsements.

(1) The endorsements to a commercial driver's license shall be as follows:

(a) T – Double/Triple trailers. Any combination of a truck tractor, semitrailer, and trailer coupled together so as to operate a complete unit, except, triple trailers are not permitted in Florida;

(b) P – Passengers. Passenger vehicle means a motor vehicle designed to transport more than 15 persons, including the driver, or a school bus designed to transport more than 15 persons, including the driver. For vehicles designed to transport more than 15 persons, including the driver; or a school bus designed to transport more than 11 persons, including the driver;

(c) N – Tank Vehicle. Means a commercial motor vehicle with a permanent or temporary attached tank designed to transport liquid or gaseous materials and with a rated capacity of one thousand gallons or more. Tank vehicles, permanently or temporarily attached to the vehicle, shall not include a vehicle with a tank having a rated capacity under 1,000 gallons or tank vehicles that transport materials other than liquid or gaseous material;

(d) H – Hazardous materials. Hazardous material that is required to be placarded in accordance with Title 49 Code of Federal Regulations Part 172, Subpart F;

(e) X – Combination tank vehicles and placarded hazardous materials;

(f) S – School Bus. Means a motor vehicle that is designed to transport more than 15 persons, including the driver, and that is used to transport students to and from a public or private school or in connection with school activities, but does not include a bus operated by a common carrier in the urban transportation of school children. The term "school" includes all preelementary, elementary, secondary, and postsecondary schools. To obtain a school bus endorsement the applicant must pass the school bus endorsement knowledge exam, in addition to other CDL knowledge exams applicable to passenger vehicles, and complete the 3-part skills test in a school bus equivalent to the classification of license that will be issued.

(2) If a driver's towing operations are restricted to emergency "first moves" from the site of a malfunction or traffic crash to the nearest appropriate repair facility, then no CDL endorsement of any kind is required.

(3) If a driver's towing operations include any "subsequent moves" from one repair or disposal facility to another, then endorsements requisite to the vehicles being towed are required. Exception: Tow truck operators need not obtain a passenger endorsement.

(4) No person shall operate upon the highways of this state any commercial motor vehicle which requires a specific endorsement unless such person possesses a valid commercial driver's license with such endorsement.

Specific Authority ~~322.02(6)(3)~~ FS. Law Implemented ~~234.094, 316.003(71), 316.1936(5)(a),(b), 322.01(17), 322.14(1)(b), 322.121(7)(8)(6), 322.21(1)(e), 322.54(2)(a), (b), (c), (d), (e), 322.55(4), 322.57(1)(e), (f), 322.57(2), 322.57(3)(a)~~ FS., 49 CFR, 383.93153(a)(9) History–New 4-7-91, Amended \_\_\_\_\_.

#### 15A-7.004 CDL Restrictions.

(1) Special restrictions imposed on a commercial driver's license shall be as follows:

(a) "Vehicles Without Air Brakes", means no operation of a commercial motor vehicle, which is equipped with air brakes. To remove an airbrake restriction the driver must, at a minimum, successfully complete the airbrake knowledge test, successfully complete the pretrip inspection portion of the standard CDL skills test in an airbrake equipped commercial motor vehicle and demonstrate the ability to safely and effectively operate the vehicle's air brakes by stopping the vehicle so that the front bumper is within two feet of a designated point on the skills testing area.

(b) "CDL Intrastate Only", means a commercial motor vehicle can be operated only in the State of Florida;

(c) ~~"Bus Only (CMV)", means the operation of a commercial motor vehicle bus only".~~

~~(d) "CMV < 26,000 lbs GVWR", means no operation of a commercial motor vehicle with a gross vehicle weight rating, declared weight or actual weight of 26,000 pounds or more;~~

(e) "No Tractor/Trailers", means no operation of a commercial motor vehicle which is a tractor/semitrailer combination as defined in Sections 320.01(5) and 320.01(11), F.S. To remove the "no tractor/trailers" restriction from a Class A CDL the driver must, at a minimum, pass the pretrip inspection, basic control and road test in a tractor/semitrailer combination.

(f) "No Class A passenger vehicle", means no operation of a commercial motor vehicle classified as a Class A passenger vehicle.

(g) "No Class B passenger vehicle", means no operation of a commercial motor vehicle classified as a Class A or B passenger vehicle.

(h) "Automatic transmission-CMV" means no operation of a commercial motor vehicle that is not equipped with an automatic transmission.

(2) No person possessing a restricted commercial driver's license shall operate upon the highways of this state any commercial motor vehicle to which such restriction is applicable.

Specific Authority ~~322.02(6)(3)~~ FS. Law Implemented ~~322.16(1)(a), (b), 322.54(2)(c), 322.57(2)~~ FS. History–New 4-7-91, Amended \_\_\_\_\_.

#### 15A-7.005 Temporary CDL Instructional Permit.

(1) If otherwise qualified an individual 18 years of age or older who holds a valid driver's license may be issued a commercial driver's instruction permit. Instructional permits are valid for six months. One six-month extension is permitted. The commercial driver's instruction permit may not be issued for a period to exceed six months and is nonrenewable.

(2) An individual who holds a commercial driver instruction permit may, unless otherwise disqualified, drive a commercial motor vehicle only while accompanied by a driver 21 years of age or older who is holding a CDL valid for the type of vehicle being driven and who is occupying the closest seat to the right of the driver, the holder of a commercial driver's license valid for the type of vehicle driven who is actually occupying the closest seat to the right of the individual for the purpose of giving instructions in driving the commercial motor vehicle.

Specific Authority ~~322.02(6)(3)~~ FS. Law Implemented 322.01(32), 322.05(4), 322.07(3)(2), 322.47 FS., 49 CFR 383.23. History–New 4-7-91, Amended \_\_\_\_\_.

15A-7.006 Application; Operation in Interstate or Foreign Commerce; Certification Required; Medical Required; Exceptions.

(1) Upon making application for a CDL, any applicant who operates or expects to operate a commercial motor vehicle in interstate or foreign commerce or any applicant otherwise subject to 49 Code of Federal Regulations Part 391 of the Federal Motor Carrier Safety Regulations, pursuant to Sections 322.08(4) and 322.59, F.S., shall certify that he or she meets the qualification requirements of Part 391.

(2) Upon application for a driver's license, applicants who are subject to 49 Code of Federal Regulations Part 391 of the Federal Motor Carrier Safety Regulations, will present to the department a valid medical examiner's certificate ~~required by Title 49 C.F.R. Part 391~~ issued not more than 2 years immediately preceding licensure.

Specific Authority ~~322.02(6)(3)~~ FS. Law Implemented 322.01(24), 322.07(3)(a), 322.08(4), 322.59 FS., 49 CFR 391. History–New 4-7-91, Amended \_\_\_\_\_.

15A-7.007 Application; Intrastate Operation; Certification; Exceptions.

(1) Upon making application for a CDL, any applicant who ~~operates or expects to operate a commercial motor vehicle solely within this state shall certify on a form provided by the~~

department that he or she is not subject to Title 49 Code of Federal Regulation Part 391, pursuant to Sections 322.08(4) and 322.59, F.S. shall certify such exemption to the Department. Any applicant making a certification pursuant to this section is not required to present to the department a medical examiners certificate prior to licensure.

(2) Drivers of commercial motor vehicles driving interstate or intrastate, transporting hazardous materials that are required to be placarded in accordance with Title 49 Code of Federal Regulations Part 172, Subpart F must present to the department a valid medical examiner's certificate required by Title 49 C.F.R. Part 391, issued not more than two (2) years immediately preceding licensure.

(3) Commercial driver license applicants who operate or expect to operate a commercial motor vehicle solely in intrastate commerce must meet the minimum visual standards in Rule 15A-1.013, F.A.C., and comply with the provisions of Section 316.302(2)(4), F.S., before licensing and will have an intrastate restriction applied to the license.

(4) Driver applicants who are deaf will not be issued a commercial driver's license.

Specific Authority 322.02(6)(3) FS. Law Implemented 316.302(2)(i)(4), 322.05(5), (6), (8), 322.08(4), 322.12(3), (4), 322.16, 322.59 FS., 49 CFR 391. History-New 4-7-91, Amended \_\_\_\_\_.

15A-7.008 Combination Vehicle Tow Truck Testing and Licensing.

(1) For an unrestricted Class "A" license, the driver must pass applicant will take the combination vehicle knowledge exam, in addition to other applicable CDL knowledge exams, and the pretrip inspection, basic control and road test and skills tests in a truck- tractor/semitrailer combination commercial vehicle as defined by Rule 15A-7.001, F.A.C.

(2) For a restricted Class "A" license restricted to "No Tractor-Trailers" with tow truck privileges, the driver must pass applicant will take the combination knowledge exam, in addition to other applicable CDL knowledge exams, and the pretrip, basic control and road test and skills tests in a vehicle that is not a truck-tractor/semitrailer combination as defined by Rule 15A-7.001, F.A.C., but otherwise represents vehicles requiring a class A CDL, including tow truck configurations as defined in subsection 15A-7.001(9), F.A.C., tow truck configuration. License will be restricted to "No Tractor-Trailers". The applicant will pretrip the tow truck and explain how the hitch is checked for safety rather than check those portions of the pretrip which pertains to tractor trailers (i.e., air hoses, fifth wheel landing gear). To remove the "No Tractor Trailer" restriction, the driver will take a pretrip inspection and a skills test in a tractor-trailer vehicle. See chart below for diverse combinations.

Combination Tow Truck GVWR	Vehicle in Tow GVWR	GCWR	Class LIC. REQ 04-01-91	Restrictions (If needed)
a. <26,000#	10,000 # or less	<26,000#	"D"*	
b. <26,000#	>10,000#	<26,000#	"D"*	
c. <26,000#	10,000 # or less	26,000# or more	"C"	
d. <26,000#	>10,000#	26,000# or more	"A"	No Tr. Trl's**
e. >26,000#	<10,000#	26,000# or more	"B"	
f. >26,000#	>10,000#	26,000# or more	"A"	No Tr. Trl's**

\*Noncommercial Licenses  
\*\*No Tractor-Trailers

Specific Authority 322.02(6)(3) FS. Law Implemented 322.12(4), 322.57 FS. History-New 4-7-91, Amended \_\_\_\_\_.

15A-7.009 Issuance of Commercial Driver's License; Department; Duties.

(1) Check the driving record of the applicant as maintained by the department; and

(2) Electronically check Contact the Commercial Driver License Information System (CDLIS) to determine whether the applicant possesses a valid commercial driver's license issued by any other state, and whether such license or the applicant's privilege to operate commercial motor vehicle has been disqualified.

(3) Electronically check Contact the National Driver Register (NDR) to determine if the applicant has any open driver license suspensions, revocations or cancellations.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.17, 322.65 FS. History-New 4-7-91, Amended \_\_\_\_\_.

15A-7.010 Issuance of License; Department Notify Commercial Driver's License Information System.

Prior to the issuance of an original or renewal commercial driver's license or the reissuance of a commercial driver's license with a change of any classification, endorsement, restriction, or name change, the department shall electronically check notify the Commercial Driver License Information System (CDLIS) of the issuance and shall provide the applicant's name, social security number and any other required information to the operator of the system.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.17, 322.65 FS. History-New 4-7-91, Amended \_\_\_\_\_.

15A-7.011 Administration of Commercial Driver's License Knowledge Tests.

(1) The department may offer knowledge tests in written, computer-assisted, or alternative formats.

(2) The department may offer the commercial driver's license general knowledge bus test to applicants who operate commercial buses or school buses only. Applicants choosing to take the general knowledge bus test, as opposed to the regular general knowledge test, shall have their commercial driver's license restricted to buses only for the class of license for which the applicant is applying.

(3) Applicants must obtain a minimum score of 80 percent to pass a commercial driver's license knowledge test.

(4) A time limit may not be applied to;

(a) ~~Alternative testing methods;~~

(b) ~~Commercial driver's license general knowledge tests, except, any testing started shall be stopped at the station's regularly scheduled closing time.~~

(5) Applicants who fail to pass the commercial driver's license knowledge test will be permitted to review the questions they missed.

(6) Applicants are limited to two attempts per day on each type of knowledge exam. There is no limit on the number of times a knowledge test may be taken by an applicant.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.12(4), 322.57 FS., 49 CFR 383.121, 49 CFR 391.11(b)(2). History—New 4-7-91, Amended \_\_\_\_\_.

#### 15A-7.012 Commercial Driver's License Skills Tests.

(1) The commercial driver's license skills test is a three-part test established by the department to certify the driving skills necessary for operation of a commercial motor vehicle. The test consists of:

- (a) Pretrip inspection; and
- (b) Basic vehicle control skills test; and
- (c) Road test ~~Safe driving skills test.~~

(2) No change.

(3) A driver applicant is required to take the pretrip inspection, before any other part of the test is taken. An applicant must pass the basic control test before the road test. The following are exempt from this requirement: pass the commercial driver's license skills test in the order specified in subsection (1); except:

(a) ~~An applicant who qualifies for a waiver of skills tests as defined in Section 322.55, F.S.; or~~

(a)(b) An applicant for a class "C" commercial driver's license that will not be endorsed for school bus operation and that will be restricted to vehicles not equipped with air brakes will not be required to pass the pretrip inspection or the basic control skills test.

(b) An applicant for a class "C" commercial driver's license that will not have an air brake restriction must pass, at a minimum, the tests specified in subsection 15A-7.004(1), F.A.C., for removing CDL air brake restrictions in addition to the CDL road test specified in paragraph 15A-7.012(1)(c), F.A.C.

(4) A skills test applicant shall provide an appropriate vehicle for the skills test.

(a) The vehicle used for the skills test must be unloaded, except tow trucks may have a vehicle in tow and the towed vehicle must be unloaded.

(b) The vehicle used for the skills test must have a valid registration and proof of insurance, unless exempt from providing proof under current law.

(c) The vehicle cannot be laden with placarded hazardous materials.

(d) Motor vehicles provided must have a stationary seat to the right of the driver for use by the examiner who administers the test.

(5) An appointment is required for the CDL skills test.

(6) To achieve a passing score on the skills test, the driver applicant must demonstrate that he/she can successfully perform all of the skills listed in Title 49 Code of Federal Regulations 383.113.

(7) If the driver applicant does not obey traffic laws, commits a dangerous act, or causes a traffic crash during the test, he or she shall automatically fail the test. ~~Once any part of the test is failed, scoring of the test will end immediately.~~

(8) The required tests in this rule shall be conducted in on-street conditions or under a combination of on-street and off-street conditions.

Specific Authority 322.02(6)(3) FS. Law Implemented 322.12(4), 322.57 FS., 49 CFR 383.113. History—New 4-7-91, Amended \_\_\_\_\_.

#### 15A-7.013 Appropriate Motor Vehicle.

(1) Each applicant for a commercial driver's license shall provide a motor vehicle of a type appropriate to test the applicant's ability to drive motor vehicles that may be driven under the type and class of license for which the applicant will be skills tested.

(2) Class A Commercial Driver's License Skills Test.

(a) For the a ~~a~~ Class A commercial driver's license three-part skills test, the applicant shall provide a tractor-trailer combination of vehicles with a GCWR of 26,001 ~~26000~~ or more pounds, provided the GVWR of the trailer being towed is in excess of 10,000 pounds GVWR.

(b) If the applicant provides a combination of vehicles other than tractor-trailer combinations the department shall restrict the applicant to combinations of vehicles other than tractor-trailers.

(c) If the motor vehicle is not a passenger transport combination vehicle (bus) designed to transport 16 or more passengers, including the driver, ~~or a school bus designed to transport 11 or more passengers, including the driver,~~ the department may not endorse the applicant's license for a passenger transport vehicle in that class of vehicle.

(3) Class B Commercial Driver's License Skills Test.

(a) The applicant shall provide any single motor vehicle with GVWR of 26,001 ~~26000~~ or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR.

(b) If the motor vehicle is not a passenger transport single unit vehicle (bus) designed to transport 16 or more passengers, including the driver ~~or a school bus designed to transport 11 or more passengers, including the driver,~~ the department may not endorse the applicant's license for a passenger endorsement vehicle in that class of vehicle. Note: Federal regulations

require all drivers operating a school bus be licensed with a Commercial Driver License having both the passenger endorsement and school bus endorsement.

(4) Class C Commercial Driver's License Skills Test. The department may permit an appropriate noncommercial motor vehicle to be used in the skills testing of an applicant for a commercial driver's license in this class.

(5) Vehicles used for skills testing to obtain a school bus endorsement must be identified as a School Bus on the federal certification plate and be equipped, at a minimum, with a stop arm, emergency exit, front and rear red flashing loading lights, front corner mounted student mirror, right and left exterior rear view mirrors, interior student mirror, and emergency flares or triangle reflectors.

(6) If the vehicle used for testing is equipped with an automatic transmission, the applicant will have an automatic transmission restriction applied to the license.

Specific Authority 322.02(6)(~~3~~) FS. Law Implemented 322.12(4); ~~322.57~~ FS. History—New 4-7-91, Amended.

15A-7.014 Commercial Driver's License Document; Requirements; Class; Security Features.

A commercial driver's license issued by the department shall comply with all of the following:

(1) Requirements set forth in Sections 322.14 and 322.08, F.S.

(2) Upon request of the person to whom the license is issued, a license shall indicate the fact that the person is an anatomical donor.

(3) A commercial driver's license shall indicate the class of license issued, and the acronym "CDL" shall appear on the face of the license.

(4) The department shall use such security procedures, processes and materials in the preparation, manufacture and issuance of any commercial driver's license that prohibits as nearly as possible anyone's ability to alter, counterfeit, duplicate or modify the license without ready detection. The security features used in the production of the licenses shall provide for the rapid authentication of a genuine document.

Specific Authority 322.02(6)(~~3~~) FS. Law Implemented 322.08, 322.14 FS. History—New 4-7-91, Repromulgated.

15A-7.015 Commercial Driver's License for Hardship Purposes Only.

The department will not issue a hardship commercial driver's license authorizing a person to drive a commercial motor vehicle if the person's commercial driver's license is disqualified, suspended, revoked, or canceled.

Specific Authority 322.02(6)(~~3~~) FS. Law Implemented 322.271 FS. History—New 4-7-91, Amended.

15A-7.016 Persons Exempt from Requirements of Commercial Driver's License Program; Noncommercial Driver's License Endorsement.

(1) The following persons are exempt from the requirement to obtain a commercial driver's license:

(a) Legitimate farm to market operations by farmers and to those operators of a farm vehicle which is:

1. Controlled and operated by a farmer;

2. Used to transport either agricultural, horticultural or forestry products, farm machinery, farm supplies or both to or from farm or harvest place to the first place of processing or storage or from farm or harvest place directly to market;

3. Not used in the operations of a common or contract motor carrier; and

4. Used within 150 miles of the person's farm.

(b) Military personnel driving military vehicles. This exemption applies to any active duty military personnel, and members of the reserves and national guard on active duty including personnel on full time national guard duty, personnel on part-time training and national guard military technicians (civilians who are required to wear military uniforms and are subject to the code of military justice);

(c) Drivers of authorized emergency vehicles as defined in Section 322.01(4), F.S. This exemption applies to drivers who operate emergency or fire equipment which is necessary for the preservation of life or property or the execution of emergency governmental functions performed under emergency conditions and are not subject to normal traffic regulations. These vehicles are equipped with audible and visual signals and are operated by a person in the employ of a volunteer or paid fire organization. Emergency equipment such as a fire truck, hook and ladder truck, foam or water transporter or other vehicles used only in response to emergencies are included;

(d) Drivers of recreational vehicles, as defined in Section 320.01, Florida Statutes. This exemption applies to drivers of recreational vehicles operated solely as a family/personal conveyance for recreational purposes;

(e) Drivers of straight trucks that are exclusively transporting their own tangible personal property which is not for sale.

(2) "Operated by a farmer" in subsection (1) above can include employees or family members of the farmer, as long as the vehicle is controlled by the farmer and conditions 2. through 4. are met, but not employees whose primary purpose of employment is the operation of motor vehicles.

~~(3) A person operating a farm commercial motor vehicle is required to have a valid class D driver's license which contains the endorsement "F = Farm Commercial Motor Vehicle." The "F" endorsement is to be issued without additional charge.~~



~~(4) A person operating an authorized emergency commercial motor vehicle is required to have a valid class D driver's license which contains the endorsement "E" = Emergency Commercial Motor Vehicle." The "E" endorsement is to be issued without additional charge.~~

Specific Authority ~~322.02(6)(3), 322.53(5)~~ FS. Law Implemented ~~322.01(18), 322.53(2), (4)~~ FS. History–New ~~4-7-91,~~ Amended \_\_\_\_\_.

#### 15A-7.017 Hazmat Endorsement Threat Assessment Program.

(1) All applicants for a CDL hazardous materials (Hazmat) endorsements are required to undergo fingerprint-based background checks in accordance with the USA Patriot Act and federal regulations of the Transportation Security Administration, 49 CFR, Part 1572. Department policy and procedures for processing Hazmat applicants procedures conform to 49 CFR Part 1572 in all respects.

(2) Hazmat endorsements and the associated background check results obtained in other states are not transferable to Florida CDLs. All Hazmat applicants including applicants reciprocating an out of state Hazmat-endorsed CDL are required to pass a new Hazmat knowledge exam and a new background check. Applicants presenting Hazmat endorsed CDLs from other states in conjunction with application for a Florida CDL will receive a 90-day temporary Hazmat endorsement pending completion of this process. Florida CDLs issued to these applicants will display "Hazmat until (date of issuance + 90 days)".

(3) Hazardous materials knowledge test results older than 60 days prior to the date of application may not be used to meet the testing requirement for issuance of a Hazmat endorsement.

(4) In accordance with Section 322.18(2)(e), Florida Statutes, hazmat-endorsed CDLs are valid for a period of 4 years. Hazmat-endorsed CDLs may be renewed up to 12 months in advance of their expiration dates.

(5) In accordance with Section 322.21(1)(f), Florida Statutes, the application fee for a Hazmat endorsement is initially set at \$91. The Hazmat application fee may be adjusted within the statutory maximum of \$100 as may be needed to accommodate changes in fees charged to the Department for this process by the Florida Department of Law Enforcement, the Federal Bureau of Investigation and the Transportation Security Administration. This fee applies in addition to other applicable issuance and endorsement fees established by Section 322.21, Florida Statutes.

Specific Authority ~~322.02(6)~~ FS. Law Implemented ~~322.18(2)(e), 322.21(1)(f)~~ FS., ~~49 CFR Part 1572.~~ History–New \_\_\_\_\_.

#### 15A-7.018 Military Qualifications for Waiver of Commercial Driver License Skills Test.

In accordance with Federal Motor Carrier Safety Administration Regulation 49 CFR, Section 383.77, applicants seeking waiver of CDL skills testing due to military experience must:

(1) Pass all required written knowledge exams for the CDL class and endorsements they will be issued.

(2) Apply for the CDL qualification waiver while on active duty status or within 90 days of separation of service. The applicant must provide a military active duty identification card or DD-214 (military discharge papers). The skills test waiver process must be completed, and the CDL issued, within 120 days of separation from service.

(3) Certify that for at least 2 years immediately preceding the application, he or she operated a motor vehicle representative of the CDL class and endorsements for which he or she is applying.

(4) To waive the CDL skills test the applicant must present the Certification for Waiver of Skill Test for Military Personnel form, filled out in its entirety, and signed by his or her commanding officer or designee.

Specific Authority ~~322.02(6)~~ FS. Law Implemented ~~322.12~~ FS., ~~49 CFR Part 383.77.~~ History–New \_\_\_\_\_.

#### 15A-7.019 Third Party Testing Program.

(1) Commercial Driver License Third Party Administrators and Third Party Testers may be authorized by the Department to conduct driver license tests in accordance with Section 322.56, Florida Statutes.

(2) Commercial Driver License Third Party Administrators and Third Party Testers shall comply with all rules established in this chapter except those that by their nature cannot apply.

(3) Commercial Driver License Third Party Administrators and Third Party Testers shall comply with contractual agreements, instructional manuals, approved testing locations and routes, and similar written documents establishing policies, procedures, and recordkeeping requirements to maintain the integrity of the testing program.

(4) Electronic and written records created by Commercial Driver License Third Party Administrators and Third Party Testers are public records of the State of Florida, and are subject to applicable laws and penalties regarding falsification of such records. Acts that constitute falsification of third party testing records include, but are not limited to:

(a) Entry of information on CDL test score sheets (form HSMV 7183) that falsifies the parts of a test performed, the type of vehicle used, the test applicant's (driver's) performance, the time of a test or any of its parts, the identity of the applicant, or the identity of the person conducting the test;

(b) Entry of information in the Department’s electronic test records that falsifies the parts of a test performed, the type of vehicle used, the test applicant’s (driver’s) performance, the time of a test or any of its parts, the identity of the applicant, or the identity of the person conducting the test. Use of the tester’s login name and password to create an electronic test record is deemed an electronic signature affirming that the test was personally conducted and the results were entered by that tester.

(c) Withholding or destruction of information that falsifies the true record of test activity, such as not recording a test given but failed by the applicant.

Specific Authority 322.02(6) FS. Law Implemented 322.56 FS., 49 CFR Part 383.75. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Skip Hood, Coordinator, CDL and Third Party Testing, Division of Driver Licenses, Department of Highway Safety and Motor Vehicles

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

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

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

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Florida Highway Patrol**

RULE NO.: 15B-2.013  
 RULE TITLE: Approved Speed Measuring Devices  
 PURPOSE AND EFFECT: An amendment to paragraphs 15B-2.013(5)(b), (d), Florida Administrative Code, is needed to add those laser devices approved since the last revision. Furthermore, since the last revision of the Chapter 15B-2, Florida Administrative Code, additional radar speed measuring devices have been approved for use in the State of Florida. Rule 15B-2.013, Florida Administrative Code, “Approved Speed Measuring Devices” will be amended to add those devices approved since the last revision. In addition, Rule 15B-2.013, Florida Administrative Code, “Approved Speed Measuring Devices” will be amended by changing the reference number or letter to each currently listed speed measuring device for ease of reference. Also, paragraph 15B-2.013(1)(g), Florida Administrative Code, will be amended to reflect CMI/MPH Industries, Inc., to be included as a corporate name for M.P.H. Industries Inc., or CMI/MPH. Lastly, paragraph 15B-2.013(5)(d), Florida Administrative Code, will be amended to reflect Laser Atlanta, LLC, to be included as a corporate name for Laser Atlanta Optics, Inc.

SUMMARY: An amendment to paragraphs 15B-2.013(5)(b), (d), Florida Administrative Code, is needed to add those laser devices approved since the last revision. Furthermore, Rule

15B-2.013, Florida Administrative Code, “Approved Speed Measuring Devices” will be amended to reflect those radar speed measuring devices approved since the last revision. In addition, Rule 15B-2.013, Florida Administrative Code, “Approved Speed Measuring Devices” will be amended by changing the reference number or letter to each currently listed speed measuring device for ease of reference. Also, paragraph 15B-2.013(1)(g), Florida Administrative Code, will be amended to reflect CMI/MPH Industries, Inc., to be included as a corporate name for M.P.H. Industries Inc., or CMI/MPH. Lastly, paragraph 15B-2.013(5)(d), Florida Administrative Code, will be amended to reflect Laser Atlanta, LLC, to be included as a corporate name for Laser Atlanta Optics, Inc.

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

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

SPECIFIC AUTHORITY: 316.1905 FS.

LAW IMPLEMENTED: 316.1905, 316.1906 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: November 3, 2008, 9:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room A4.36, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lieutenant Ronald W. Castleberry, Equipment, Compliance and Testing – Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A315, Tallahassee, Florida 32399, (850)617-2939

THE FULL TEXT OF THE PROPOSED RULE IS:

15B-2.013 Approved Speed Measuring Devices.

The following speed measuring devices have been approved for use in this State by the Department pursuant to this rule Chapter.

(1) Radar units acquired for use in this State after August 1, 1982, are listed below. Additional radar units will be approved by the Department based on conformance to these rules. Evidence of approval of additional units shall be by a Certificate of Approval Form HSMV 60013 (Rev. 7/03), which is available by contacting the Florida Highway Patrol, Neil Kirkman Building, Tallahassee, Florida 32399-0500, or by disseminating the listing of additional units on the Florida Crime Information Center (FCIC) computer system, or by listing on the Division of Florida Highway Patrol website.

(a) Applied Concepts, Inc., formerly known as Applied Concepts Marketing –

1. Model STALKER;

~~2.(b) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER DUAL;~~

~~3.(c) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER DUAL SL;~~

~~4.(d) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER DUAL DSR;~~

~~5.(e) Applied Concepts, Inc., formerly known as Applied Concepts Marketing – Model STALKER BASIC – stationary and moving;~~

6. Model DSR2X;

7. Model Stalker II MDR;

8. Model Stalker II SDR.

~~(b)(f) Broderick Enforcement Electronic – Model BEE-36;~~

~~(g) CMI/MPH Industries, Inc., – Model Python;~~

~~(c)(h) Decatur Electronics, Inc., –~~

1. Model MVF 724;

~~2.(i) Decatur Electronics, Inc., – Model KF-1;~~

~~3.(j) Decatur Electronics, Inc., – Model Genesis-I;~~

~~4.(k) Decatur Electronics, Inc., – Model Genesis - II;~~

~~5.(l) Decatur Electronics, Inc., – Genesis Handheld;~~

~~6.(m) Decatur Electronics, Inc., – Model Genesis VP;~~

~~7.(n) Decatur Electronics, Inc., – Model Genesis VP – Directional;~~

8. Genesis GHD (Handheld Directional);

9. Genesis II – Select;

10. Genesis II – Directional.

~~(d)(o) Kustom Electronics, Inc., or Kustom Signals, Inc., –~~

1. Model KR-10SP-F, Model KR-10SP;

~~2.(p) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model FALCON-F, Model FALCON;~~

~~3.(q) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model TROOPER-F, Model TROOPER;~~

~~4.(r) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model HAWK;~~

~~5.(s) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model PRO-1000, Model PRO-1000DS;~~

~~6.(t) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle K-Band;~~

~~7.(u) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle KA-Band;~~

~~8.(v) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle Plus K-Band;~~

~~9.(w) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Eagle Plus KA-Band;~~

~~10.(x) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Silver Eagle K-Band;~~

~~11.(y) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Silver Eagle KA-Band;~~

~~12.(z) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Golden Eagle K-Band;~~

~~13.(aa) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Golden Eagle KA-Band;~~

~~14.(bb) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Golden Eagle Plus KA-Band;~~

~~15.(cc) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model HR-12;~~

~~16.(dd) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Talon;~~

~~17.(ee) Kustom Electronics, Inc., or Kustom Signals, Inc., – Directional Golden Eagle KA-Band;~~

18. Golden Eagle Plus;

19. Eagle II Plus – DCM Antenna;

20. Eagle II – DCM Antenna;

21. Golden Eagle II – DCM Antenna;

22. Directional Golden Eagle II – DCM Antenna;

23. Talon II;

24. Eagle II Plus Ka;

25. Eagle II Ka;

26. Golden Eagle II Ka;

27. Pro – Lite Plus;

28. Falcon – HR – Stationary;

29. Falcon – HR – Moving;

30. Talon – Directional.

~~(e)(ff) McCoy's LAWLINe Speed Trak Elite K, Ka and Elite KD (directional);~~

~~(f)(gg) M.P.H. Industries, Inc., or CMI/MPH or CMI/MPH Industries, Inc., –~~

~~1. Model K-15K "1986 Model," Model K-15, Model K-15 II;~~

~~2.(hh) M.P.H. Industries, Inc., or CMI/MPH – Model MPH Speedgun (K-BAND);~~

~~3.(ii) M.P.H. Industries, Inc., or CMI/MPH – Model K-55K; Model BEE-36;~~

~~4.(jj) M.P.H. Industries, Inc., or CMI/MPH – Model Bee III;~~

~~5.(kk) M.P.H. Industries, Inc., or CMI/MPH – Model Enforcer;~~

6. Model Python;

7. Model Z-15;

8. Model Z-25;

9. Model Z-35;

10. Model Python III – Standard;

11. Model Python III – Fastest Speed. Same Direction.

~~(g)(H) Tribar Industries, Inc., –~~

1. Model MDR-2;

~~2.(mm) Tribar Industries, Inc., – Model K-GP.~~

(2) Average Speed Calculators (ASC):

(a) Federal Sign and Signal Corp., – VASCAR II;

(b) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Tracker;

(c) Traffic Safety Systems, Inc., – VASCAR-Plus.

(3) Speedometers – All mechanical or electronic motor vehicle speedometers having certified calibration pursuant to these rules.

(4) Stopwatches – All stopwatches certified pursuant to subsection 15B-2.008(4) and Rule 15B-2.012, F.A.C. The following stopwatches are approved for use in this State when they have been tested according to this rule chapter. The absence on this list of other stopwatches used by other law enforcement agencies or the Florida Highway Patrol does not preclude their use when they have been properly tested.

Brand Name	Model Number
(a) Casio	HS-10W
(b) Timex Quartz Timer	None
(c) Heuer	1000
(d) Heuer	1010
(e) Seiko	S022-5009
(f) Accusplit	620-CT
(g) Minerva Manual Timer	None
(h) Seiko	87-0019G
(i) Aristo	Apollo
(j) Lorus	W903
(k) Marshall Browning International Corp.	Robic Acutrak SC-800

(5) Laser speed measuring devices (LSMD) – Evidence of approved LSMD shall be by a certificate or listing on the FCIC computer, or by a listing on the Division of Florida Highway Patrol website, as set forth in subsection (1) of this rule. In addition, the following LSMDs are approved for use in this State:

(a) Kustom Electronics, Inc., or Kustom Signals, Inc., – Model Prolaser II; Model Prolaser III;

(b) Laser Technology, Inc., – Model Marksman/LTI 20-20, Model Ultralyte LTI 20/20 Lidar, Model Ultralyte 100LR and 200LR, Model Ultralyte LR B; Model LTI 20/20 TruSpeed;

(c) Applied Concepts, Inc., – Model Stalker Lidar;

(d) Laser Atlanta Optics, Inc., or Laser Atlanta, LLC – Model Speed Laser, Model Speed Laser B.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History–New 1-1-90, Amended 11-16-92, 10-18-94, 10-2-95, 5-23-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lieutenant Ronald W. Castleberry, Equipment, Compliance and Testing – Florida Highway Patrol, Department of Highway Safety and Motor Vehicles

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Florida Highway Patrol**

RULE NO.: 15B-2.016  
 RULE TITLE: Tests to Determine Accuracy of Laser Speed Measuring Devices

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to reflect the revision of form DHSMV 61071 – Laser Speed Measuring Device Certification – to include the testing of intermittent laser pulses. Since the form and revision date are specifically referenced in paragraph 15B-2.016(2)(d), Florida Administrative Code, a revision to the form will also require a revision to this section of the Florida Administrative Code.

SUMMARY: The proposed rule action revises the current rule changing form DHSMV 61071 – Laser Speed Measuring Device Certification – to include the testing of intermittent laser pulses. Since the form and revision date are specifically referenced in paragraph 15B-2.016(2)(d), Florida Administrative Code, a revision to the form will also require a revision to this section of the Florida Administrative Code.

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

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

SPECIFIC AUTHORITY: 316.1905 FS.

LAW IMPLEMENTED: 316.1905, 316.1906 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: November 3, 2008, 9:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lieutenant Ronald W. Castleberry, Equipment, Compliance and Testing – Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room #A315, Tallahassee, Florida 32399, (850)617-2939

THE FULL TEXT OF THE PROPOSED RULE IS:

15B-2.016 Tests to Determine Accuracy of Laser Speed Measuring Devices.

(1) All LSMD used in this state shall be subject to periodic tests at intervals not to exceed six (6) months, to be conducted by a Florida registered professional engineer or by an electronic Technician who has a Federal Communication Commission, General Radiotelephone Operator License, or a certification issued by one of the following:

- (a) Association of Public-Safety Communications Officials-International (APCO);
- (b) Personal Communications Industries Association (PCIA), formerly known as National Association of Business and Education Radio (NABER); or
- (c) National Association of Radio and Telecommunications Engineers (NARTE).

(2) Only the most recent six (6) month test certificate is required in order to establish the presumption available under Section 316.1905(3)(b), F.S. Tests will include:

(a) Bench Tests – Wavelength verification, optical power output, pulse repetition rate, pulse width, and verify that the pulse train is free of any double laser pulses or intermittent laser pulses. The results of these tests shall conform with the safety report from the U.S. Department of Health and Human Services, Center for Devices and Radiological Health (CDRH), Food and Drug Administration (21 C.F.R. part 1040), which is incorporated by reference, and the manufacturer’s specifications, both of which will be supplied by the manufacturer.

(b) Distance/Velocity – A complete verification test as described in paragraphs 15B-2.015(1)(a) through (c), F.A.C., and a Velocity Verification test certifying that the Laser Speed Output was compared to Actual Speed as verified by a certified radar device. The results of these tests will not be greater than plus or minus one (1) foot for the distance tests, and plus or minus one (1) mph for the speed test.

(c) Sight Alignment/Beam Pattern Test. The sighting device will be checked for accuracy to determine that it remains within the laser beam at all distances from 500-3000 feet. This may be determined from calculation based on an initial beam pattern/sight alignment analysis. The beam will be analyzed to determine that it is within the pattern/size tolerances specified by the manufacturer.

(d) Each test shall be recorded on form HSMV 61071(~~3/04~~) which is incorporated by reference. Blank forms are available by contacting the Department at the address described in subsection 15B-2.0082(1), F.A.C.

(e) When an Average Speed Calculator (ASC) is installed and used as a separate feature of an LSMD, the ASC feature must be certified separately and in addition to the LSMD under paragraph 15B-2.0082(d), F.A.C.

Specific Authority 316.1905 FS. Law Implemented 316.1905, 316.1906 FS. History–New 10-18-94, Amended 5-23-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lieutenant Ronald W. Castleberry, Equipment, Compliance and Testing – Florida Highway Patrol, Department of Highway Safety and Motor Vehicles

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

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

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

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-4.001  
 RULE TITLE: Application

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application Form and the updated form for the Florida Prepaid College Plan Master Covenant.

SUMMARY: Deletes limitation that Rules 19B-4.001 through Chapter 19B-15, F.A.C., apply to purchasers. These rules apply to all aspects of the Prepaid Plan. Conforms this rule to changes to Rule 19B-5.004, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C., apply to ~~purchasers~~ of advance payment contracts for the prepayment of postsecondary registration, local fees, tuition differential fees and/or dormitory residency fees under the Stanley G. Tate Florida Prepaid College Program, the "Program." The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order will be accepted by the Board at any time. Other applications for advance payment contracts submitted to the Board outside the annual application period will be processed for data collection and administrative purposes, but will not be accepted by the Board until the beginning of the next succeeding annual application period. The contract prices associated with applications submitted to the Board outside the annual application period, except for those purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order, shall be the contract prices applicable to advance payment contracts for the next succeeding annual application period. After acceptance by the Board of the purchaser's application, a participation and payment schedule shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule.

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION**  
**Florida Prepaid Postsecondary Education Expense Board**  
RULE NO.: 19B-5.003  
RULE TITLE: Contract Requirements

PURPOSE AND EFFECT: This rule is amended to reflect The Florida Prepaid College Plan's advance payment contract requirements

SUMMARY: Provides that each submitted application form must specify the beneficiary of a Prepaid Plan account rather than requiring that the purchaser must specify the beneficiary in an application submitted to the Board. Clarifies requirements for the notice that must be provided prior to the expiration of Prepaid Plan account benefits and escheatment of them to the Trust Fund. Conforms this rule to changes to Rule 19B-5.004, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.003 Contract Requirements.

(1) Each application submitted to the Board ~~Purchasers~~ must specify name the qualified beneficiary ~~in the application~~, provided however, that the board's direct support organization and organizations operating scholarship programs pursuant to Rule 19B-5.007, F.A.C., shall be permitted to leave the qualified beneficiary's name blank until April 1 of the anticipated enrollment year.

(2) through (4) No change.

(5)(a) The benefits of an advance payment contract may be received for up to a ten (10) year period after the matriculation date. This ten (10) year limitation will be extended upon application to the Board. Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all plans. The matriculation date is the projected college enrollment year of the qualified beneficiary, based on the information about the qualified beneficiary's age or grade contained in the purchaser's application, or similar information received subsequently by the Board from the

purchaser. The right to use the benefits of an advance payment contract shall expire on December 31, ten (10) years after the matriculation date, or any extension thereof.

(b) When the benefits of an advance payment contract have not been used on December 31, nine (9) years after the matriculation date or one (1) year prior to the expiration of any extension of the expiration date for the use of the advance payment contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The ~~procedure to purchaser must request in writing that the Board~~ extend the time period for the use of advance payment contract benefits or to obtain a refund for the contract;
2. That the right to use the advance payment contract benefits will expire on December 31, ten (10) years after the matriculation date or any extension thereof; and
3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

Such notice shall be mailed not later than 180 days prior to the expiration of the advance payment contract benefits. An alphabetical list of the names of purchasers of such advance payment contracts shall be posted on the Board's website on the Internet.

(c) The benefits from and any refund associated with an advance payment contract for which the benefits have not been used by December 31, ten (10) years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

(6) Advance payment contracts that are composed of tuition, local fee and tuition differential fee plans will only be paid if the tuition plan, local fee plans and tuition differential fee plan are in good standing. Local fee payments and tuition differential fee payments shall not be remitted to pay tuition for any beneficiary attending a Florida public university or community college. Local fee payments and tuition differential fee payments may be remitted to pay tuition at private and out-of-state colleges for any qualified beneficiary.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99, 11-6-01, 8-27-02, 12-17-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION  
 Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-5.004  
 RULE TITLE: Contract Purchasers

PURPOSE AND EFFECT: This rule revises and updates the rights and responsibilities of the Florida Prepaid College Plan's advance payment contract's purchaser and co-purchaser.

SUMMARY: Requires that a co-purchaser satisfy the same requirements that a purchaser must meet.

Revises requirements for Tuition Plans purchased on or after February 1, 2009, to: a) Require the co-purchaser's approval for changes of the purchaser, co-purchaser and beneficiary for an account; b) Provide that the purchaser and co-purchaser each enjoy a survivorship right; c) Require the co-purchaser's authorization for requests to terminate a Prepaid Plan and refund requests associated with the termination of Prepaid Plans. Allows purchasers and co-purchasers to revise the requirements for Prepaid Plans purchased prior to February 1, 2009, to include those requirements.

The changes are made applicable to Tuition Plans purchased on or after February 1, 2009, because the 2008-2009 Open Enrollment Period ends January 31, 2009; the Board has been receiving applications under the existing rules for the 2008-2009 Open Enrollment since February 1, 2008. Annually, the Board begins receiving new applications for the next succeeding open enrollment period on the day following the conclusion of prior Open Enrollment Period. February 1, 2009, is the first day the Board will begin receiving applications for the 2009-2010 Open Enrollment. By making the change effective on February 1, 2009, the Board can apply the requirements to all Prepaid Tuition Plan applications received for the 2009-2010 Open Enrollment Period.

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: 1009.971(1), (4), (6) FS.  
 LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.004 Contract Purchasers.

(1) Any person, corporation, or organization may purchase an advance payment contract for a qualified beneficiary. Any natural person named as the purchaser or the co-purchaser must be 18 years of age or older and each must be either a United States citizen or a resident alien.

(2) For advance payment contracts for tuition plans purchased prior to February 1, 2009:

(a) Co-purchasers are permitted, and will enjoy only a right of survivorship. However, the purchaser may, without the consent or authorization of the co-purchaser, execute all contract changes, conversions, cancellations, and refund requests.

(b) Any requests to change the purchaser designated on the advance payment contract must be signed by the purchaser and notarized by a notary. Refunds shall be made payable to the purchaser only.

(c) If a purchaser terminates a contract pursuant to Rule 19B-10.002, F.A.C., the co-purchaser must be notified in writing. Any natural person named as the purchaser and co-purchaser must be 18 years of age or older and must be either a United States citizen or a resident alien.

(d) Purchasers may elect to change the rights of a co-purchaser to be the same as those for advance payment contracts purchased on or after February 1, 2009, by submitting a written request to the Board. The request must be signed by the purchaser and the co-purchaser and both signatures must be notarized by a notary. If a purchaser changes the rights enjoyed by the co-purchaser to those for advance payment contracts purchased on or after February 1, 2009, the change in the co-purchaser's rights is irrevocable, the provisions of paragraphs 19B-5.004(2)(a), (b) and (c), F.A.C., shall not apply to the advance payment contract and the provisions of subsection 19B-5.004(3), F.A.C., shall apply to the advance payment contract.

(3) For advance payment contracts for tuition plans purchased on or after February 1, 2009:

(a) Co-purchasers are permitted, but are not required. When a co-purchaser is designated on an advance payment contract, the purchaser and co-purchaser each will enjoy a right of survivorship.

(b) Changes to the purchaser, co-purchaser or beneficiary designated on the advance payment contract, requests for voluntary termination of the advance payment contract, and refund requests associated with the termination of an advance payment contract must be in writing and contain the notarized signature of the purchaser and co-purchaser. All other changes to the advance payment contract must be in writing and approved by the purchaser.

(4) The provisions of subsection 19B-5.004(2), F.A.C., also apply to advance payment contracts for dormitory, local fee and tuition differential fee plans, regardless of the date of their purchase, that are associated with tuition plans that were purchased prior to February 1, 2009. The provisions of subsection 19B-5.004(3), F.A.C., apply to advance payment contracts for dormitory, local fee and tuition differential fee plans associated with tuition plans that are purchased on or after February 1, 2009.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 3-19-92, Formerly 4G-5.004, Amended 12-5-93, 6-20-96, 7-28-98, 11-27-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION  
 Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-8.001  
 RULE TITLE: Qualified Individuals  
 PURPOSE AND EFFECT: This rule revises and updates requirements to change the beneficiary of an advance payment contract.  
 SUMMARY: Revises the requirements for changing the beneficiary of a Prepaid Plan to include authorization by the co-purchaser in addition by the authorization of the purchaser. Conforms this rule to changes to Rule 19B-5.004, F.A.C.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.  
 Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
 LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514



THE FULL TEXT OF THE PROPOSED RULE IS:

19B-8.001 Qualified Individuals.

Except when an advance payment contract is established by a person purchaser functioning in a custodial capacity, a ~~purchaser may change~~ the qualified beneficiary may be changed to any member of the family of the then-current qualified beneficiary, at any time, by submitting a written, notarized request signed by the person or persons required by Rule 19B-5.004, F.A.C., purchaser directing the Board to change the qualified beneficiary for the contract. "Member of the family" means the same as that term is defined in s. 529 of the Internal Revenue Code. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. ~~The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract.~~

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History--New 3-29-89. Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00, 10-9-01, 12-28-03, 3-15-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-9.004  
RULE TITLE: Dormitory Transfer to Community Colleges and State University-Held Residences Other than Dormitories

PURPOSE AND EFFECT: This rule revises and updates requirements to transfer dormitory benefits from State Universities to Community Colleges and other State University-held residences.

SUMMARY: Conforms this Rule to the changes to Rule 19B-5.004, F.A.C. The deleted issues are dealt with by Rules 19B-10.002 and 19B-11.002, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.  
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.004 Dormitory Transfers to Community Colleges and State University-Held Residences Other than Dormitories.

(1) A dormitory plan may be transferred to a community college or community college direct-support organization that operates a residence facility for students attending the community college. Funds transferred to the community college or community college direct-support organization shall not exceed the lesser of the actual fees charged by the community college or the community college direct-support organization for dormitories or residency opportunities or the average fees charged for state university dormitories designated for inclusion in the Program. ~~If the actual dormitory fees charged by the community college or community college direct-support organization are less than the original purchase price of the dormitory plan, the purchaser may cancel the dormitory plan and receive a refund of the original purchase price or may seek a refund for a two semester proportionate share of the original purchase price without canceling the balance of the benefits purchased.~~

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History--New 10-20-96, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-10.002  
RULE TITLE: Voluntary Termination

PURPOSE AND EFFECT: This rule revises and updates requirements to authorize voluntary termination of a Prepaid Plan.

SUMMARY: Revises the requirements for signature needed to authorize voluntary termination of a Prepaid Plan. Conforms this Rule to the changes to Rule 19B-5.004, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-10.002 Voluntary Termination.

Voluntary termination shall occur within thirty days of receiving a written request for cancellation of an advanced payment contract. A request for the cancellation of an advance payment contract must contain the notarized signature of the person or persons required pursuant to Rule 19B-5.004, F.A.C. be signed by the purchaser designated on the advance payment contract and notarized by a notary.

Specific Authority 1009.971(1), (4), (6) Law Implemented 1009.971, 1009.98(4) FS. History—New 3-29-89, Formerly 4G-10.002, Amended 6-20-96, 7-28-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: RULE TITLE:

19B-11.001 General

PURPOSE AND EFFECT: This rule revises and updates the signature requirements for refunds of terminated Prepaid Plans.

SUMMARY: Provides that refunds for terminated Prepaid Plans will be provided upon submission of a notarized written request signed by the purchaser; and, if the Plan was purchased after February 1, 2009, by the co-purchaser. Conforms this rule to the changes to Rule 19B-5.004, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan included in the advance payment contract bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. ~~Involuntary and voluntary termination pursuant to Rules 19B-10.001 and 19B-10.002, F.A.C., respectively, shall result in a refund to the purchaser after assessment of appropriate fees.~~ Termination of student status after the official drop/add period eliminates the refund option for that semester. The Board will process a refund associated with an account that was terminated pursuant to Rule 19B-10.001 or 19B-10.002, F.A.C., upon the receipt of a notarized, written request that is signed by the person or persons required pursuant to Rule 19B-5.004, F.A.C. The refund will be paid only to the purchaser of the terminated account.

(1) No change.

(2) Refunds may exceed the amount paid for a plan in the following circumstances:

(a) If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in semester installments coinciding with the matriculation by the

beneficiary in an amount not to exceed the redemption value of the advance payment contract. Proof of scholarship shall be given to the Board as required by the Master Covenant.

(b) In the event of death or total disability of the beneficiary, the advance payment contract may be terminated pursuant to Rule 19B-10.002, F.A.C., and the moneys paid for the purchase of an advance payment contract shall be refunded returned to the purchaser in lump sum in an amount not to exceed the redemption value of the advance payment contract. Proof of death or disability shall be in such form as required by the Board.

(c) If a beneficiary with a tuition differential fee contract attends a state educational institution that does not charge a tuition differential fee, moneys paid for purchase of the tuition differential fee contract shall be returned to the purchaser in an amount not to exceed the redemption value of the tuition differential fee plan.

(3) For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of the refund request. For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of the refund request, for the number of semesters reflected in each purchaser's advance payment contract. For purposes of refunds pursuant to paragraph 19B-11.001(2)(c) F.A.C., for tuition differential fee plans, the redemption value shall be the average amount of tuition differential fees charged by the state educational institution at the time of the refund.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, 11-6-01, 12-17-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-11.005  
 RULE TITLE: Other Refunds  
 PURPOSE AND EFFECT: This rule revises and updates the refund requirements of terminated Prepaid Plans.

SUMMARY: Revises the requirements for obtaining a refund for Prepaid Plans that have been partially used. Conforms this rule to the changes to Rules 19B-5.004 and 19B-11.001, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-11.005 Other Refunds.

If a beneficiary does not complete a Community College Plan, University Plan, or a Community College/University Plan for reasons other than those specified in Rules 19B-11.001 through 19B-11.004, F.A.C., the account may be terminated pursuant to Rule 19B-10.002, F.A.C., and the purchaser will have available a pro-rata refund of the amount paid into the fund is available. A refund under this rule will not include funds for any school year partially attended but not completed. A school year partially attended but not completed shall mean any one semester of a two semester school year whereby the student is enrolled at the conclusion of the official drop/add period, but withdraws before the end of such semester.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.005, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-11.007  
 RULE TITLE: Unclaimed Refunds

**PURPOSE AND EFFECT:** This rule revises and updates the written notice requirements of terminated Prepaid Plan accounts prior to the escheatment of the refund to the Trust Fund.

**SUMMARY:** Revises the requirements for written notice to purchasers due a refund for a terminated Prepaid Plan account prior to the escheatment of the refund to the Trust Fund. Conforms this rule to the changes to Rules 19B-5.004 and 19B-11.001, F.A.C.

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

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

**SPECIFIC AUTHORITY:** 1009.971(1), (4), (6) FS.

**LAW IMPLEMENTED:** 1009.98 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:** October 31, 2008, 2:00 p.m.

**PLACE:** Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

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

19B-11.007 Unclaimed Refunds.

(1) The Board will mail written notice to the purchaser of a terminated advance payment contract when a refund for the account has been available for six (6) years send a refund to any purchaser whose contract is terminated after July 1, 1996, pursuant to Rule 19B-10.001 or 19B-10.002, F.A.C. Such refund will consist of any monies paid into the program minus any applicable fees due against the account. ~~The Board will mail written notice to purchasers when the refund check for a contract terminated after July 1, 1996, has not been negotiated for six years and when a refund is available for a contract that was terminated prior to July 1, 1996.~~ The notice will indicate the procedure which the purchaser must be followed to obtain a refund of the monies held by the Board and that if a refund claim is not timely made that the funds will escheat to the Florida Prepaid College Trust Fund. An alphabetical list of the names and city of residence of such purchasers will be posted

on the Board's website on the Internet (www.florida529plans.com). Any refund which remains unclaimed seven (7) years after an account is terminated ~~or on December 31, 2004, whichever is later,~~ will escheat to the Florida Prepaid College Trust Fund.

(2) through (4) No change.

**Specific Authority** 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.972(5), 1009.98(5) FS. History--New 6-20-96, Amended 12-29-98, 4-15-04,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Florida Prepaid College Board

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Florida Prepaid College Board

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** June 4, 2008

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 12, 2008

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-16.002  
 RULE TITLE: Application for Participation in the Program

**PURPOSE AND EFFECT:** This rule revises and updates the rights and requirements of the Florida College Investment Plan's contingent benefactors.

**SUMMARY:** Requires a contingent benefactor for an Investment Plan account to satisfy the same requirements as a benefactor. Provides that only one contingent benefactor may be named on an application for an account.

**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:** 1009.971(1), (4), (6) FS.

**LAW IMPLEMENTED:** 1009.98 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:** October 31, 2008, 2:00 p.m.

**PLACE:** Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

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

19B-16.002 Application for Participation in the Program.

(1) Any person may apply for participation in the Program by submitting a completed Florida Prepaid College Plan and Florida College Investment Plan New Account Application, along with an initial contribution to the Program that meets the requirements of Rule 19B-16.004, F.A.C. Benefactors and designated beneficiaries do not have to be residents of the State of Florida. Any natural person named as the benefactor or contingent benefactor in a completed application must have reached the age of majority and must be a citizen or resident alien of the United States with a valid social security number. Any person named as the beneficiary in a completed application must be a citizen or resident alien of the United States with a valid social security number.

(2) No change.

(3) Only one (1) benefactor, one (1) co-benefactor and one (1) designated beneficiary can be named on an application, except that scholarship accounts may be established for the benefit of one (1) or more beneficiaries identified in the future. A benefactor may submit applications for more than one (1) designated beneficiary. More than one (1) benefactor may submit an application for the same designated beneficiary.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-16.004  
RULE TITLE: Payment and Minimum Contributions

PURPOSE AND EFFECT: This rule revises the rights and role of the contingent benefactor related to investments in the Florida College Investment Plan.

SUMMARY: Provides that a contingent benefactor may not direct the investments of any contributions to the Investment Plan. The same prohibition applies to benefactors and designated beneficiaries. Conforms this rule to the changes to Rule 19B-16.008, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.004 Payment and Minimum Contributions.

(1) No change.

(2) A Neither a benefactor, a contingent benefactor and nor a designated beneficiary shall not direct the investment of any contributions or amounts held in the Program.

(3) through (5) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 11-27-02, 12-28-03, 4-21-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-16.006  
RULE TITLE: Change of Benefactor

PURPOSE AND EFFECT: This rule revises the requirements to change the benefactor of a Florida College Investment Plan.

SUMMARY: Provides that if an account is established after February 1, 2009, that changes of the benefactor will require the notarized authorization of the benefactor and the contingent benefactor. Provides that the benefactor for an account may be changed by the personal representative of the estate of the deceased benefactor only if no contingent benefactor has been designated for the account. Conforms this rule to the changes to Rule 19B-16.008, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.006 Change of Benefactor.

(1) ~~The A-benefactor may transfer~~ ownership of a participation agreement may be transferred to another person at any time, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity. To complete a change of ownership, the benefactor must submit to the Board a notarized, written request to transfer the ownership of the participation agreement to a person who has achieved the age of majority together with an application executed by the person to whom the participation agreement is to be transferred. If the account was established on or after February 1, 2009, such request also must include the notarized signature of the contingent benefactor.

(2) No change.

(3) A change in the benefactor of an account may also be effected by a court order or if no contingent benefactor has been designated by the notarized, written request from the personal representative of the benefactor's estate accompanied by a certified copy of the death certificate of the benefactor and letters of administration issued to the personal representative. In either case, the successor benefactor must submit to the Board a completed application signed by the successor benefactor.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 5-30-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: RULE TITLE:

19B-16.007 Change of Designated Beneficiary

PURPOSE AND EFFECT: This rule revises the requirements to change the designated beneficiary of a Florida College Investment Plan.

SUMMARY: Provides that the contingent benefactor also must authorize changes of the designated beneficiary for Investment Plan accounts established on or after February 1, 2009. Conforms this rule to the changes to Rule 19B-16.008, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.007 Change of Designated Beneficiary.

Except when a participation agreement is established by a benefactor functioning in a custodial capacity, ~~a-benefactor may change~~ the designated beneficiary may be changed to any member of the family of the then-current designated beneficiary, at any time, by submitting a written, notarized request signed by the benefactor directing the Board to change the designated beneficiary for the account. If the account was established on or after February 1, 2009, such request also must include the notarized signature of the contingent benefactor.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 5-30-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 4, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 12, 2008

PLACE: Suite 210, Hermitage Building, 1801 Hermitage  
Boulevard, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Thomas J. Wallace, Executive  
Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee,  
Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

#### STATE BOARD OF ADMINISTRATION

##### Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.008  
RULE TITLE: Contingent Benefactor

PURPOSE AND EFFECT: This rule revises the requirements, rights and responsibilities of a contingent benefactor of a Florida College Investment Plan.

SUMMARY: Revises requirements for Investment Plan accounts established on or after February 1, 2009, to: a) provide that the benefactor and contingent benefactor each enjoy a survivorship right; and b) require the benefactor's and the contingent benefactor's authorization for requests to change the benefactor, contingent benefactor and designated beneficiary, to voluntarily terminate an Investment Plan account and to obtain refunds associated with the termination of an Investment Plan account. Allows benefactors and contingent benefactors to revise the requirements for Investment Plan accounts established prior to February 1, 2009, to include those requirements.

The changes made by this rule for the Investment Plan will apply to Investment Plans established on or after February 1, 2009, because that is the date similar rule changes for the Prepaid Plan will become effective. The changes being made for the Prepaid Plan will apply to applications for the Prepaid Plan received on or after February 1, 2009, the first day the Board will begin receiving Prepaid Plan applications for the 2009-2010 Open Enrollment. That is the earliest practical date the changes for the Prepaid Plan can be made effective. Making the changes to both plans effective on the same day will simplify administration and avoid customer confusion.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 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: October 31, 2008, 2:00 p.m.

19B-16.008 Contingent Benefactor.

(1) For accounts established prior to February 1, 2009:

(a) The benefactor may designate a contingent benefactor on the application who will enjoy a right of survivorship in the event of the death of the benefactor and who will become the owner of the account automatically upon the death of the benefactor, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity.

(b) Upon the death of the benefactor, the contingent benefactor shall become the benefactor if the Board receives a certified copy of the death certificate of the deceased benefactor and a completed application signed by the contingent benefactor.

(c) Subject to any applicable limitations associated with the benefactor functioning in a custodial capacity, the benefactor may change the contingent benefactor at any time without the consent of the contingent benefactor by submitting a written request signed by the benefactor to the Board.

(d) The benefactor may elect to change the rights of a contingent benefactor to be the same as those for accounts established on or after February 1, 2009, by submitting a written request to the Board. The request must contain the notarized signatures of the benefactor and the contingent benefactor. If the benefactor changes the rights enjoyed by the contingent benefactor to those for accounts established on or after February 1, 2009, the change in the contingent benefactor's rights is irrevocable, the provisions of paragraphs 19B-16.008(1)(a), (b) and (c), F.A.C., shall not apply to the account, the provisions of subsection 19B-16.008(2), F.A.C., shall apply to the account, and the account shall be deemed to have been established on or after February 1, 2009.

(2) For accounts established on or after February 1, 2009:

(a) The benefactor may designate a contingent benefactor on the application. When a contingent benefactor is designated, the benefactor and the co-benefactor each will enjoy a right of survivorship in the event of the death of the other and, if the Board receives a certified copy of the death certificate of the deceased benefactor or contingent benefactor, the survivor of them will become the sole owner of the account automatically, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity.

(b) Changes to the benefactor, contingent benefactor and designated beneficiary for a participation agreement, requests for the voluntary termination for a participation agreement and

requests for refunds associated with the termination of a participation agreement must be in writing and contain the notarized signatures of the benefactor and the contingent benefactor.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 5-30-02, Amended 11-27-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-16.009  
RULE TITLE: Rollover Distributions

PURPOSE AND EFFECT: This rule revises the requirements and the rights of a contingent benefactor’s authorization to request rollover distributions of a Florida College Investment Plan.

SUMMARY: Requires that contingent benefactors also authorize requests for rollover distributions from Investment Plan accounts that are established on or after February 1, 2009. Conforms this rule to the changes to Rule 19B-16.008, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.009 Rollover Distributions.

Except when functioning in a custodial capacity, a benefactor may make a transfer of funds into an account in the Program or from an account in the Program to the extent permitted by s. 529 of the Internal Revenue Code by submitting a notarized, written request to the Board. For accounts established on or after February 1, 2009, such transfers from an account also must include the notarized signature of the contingent benefactor.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(3) FS. History--New 5-30-02, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-16.010  
RULE TITLE: Termination and Withdrawal; Distributions

PURPOSE AND EFFECT: This rule revises the requirements for the authorization of the contingent benefactor of a Florida College Investment Plan to be terminated and a refund received.

SUMMARY: Provides that the contingent benefactor also must authorize requests to voluntarily terminate an Investment Plan account established on or after February 1, 2009, and receive a refund, and must authorize requests to receive a refund of the account balance of an involuntarily terminated Investment Plan account established on or after February 1, 2009. Conforms this rule to the changes to Rule 19B-16.008, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.010 Termination and Withdrawal; Distributions.

(1)(a) A benefactor may voluntarily terminate a participation agreement at any time by submitting a written, notarized request to terminate the participation agreement to the Board and receive a refund. For accounts established on or after February 1, 2009, such requests also must include the notarized signature of the contingent benefactor. Any written request for voluntary termination of a participation agreement shall be processed within thirty (30) days following receipt of the request by the Board. The amount of the refund ~~to the benefactor~~ will be the account balance. The refund shall be paid only to the benefactor.

(b) A benefactor may voluntarily terminate a participation agreement at any time by submitting a written, notarized request for a rollover distribution of the entire Account Balance. For accounts established on or after February 1, 2009, such requests also must include the notarized signature of the contingent benefactor. Any written request for a rollover distribution of the entire Account Balance must indicate the qualified tuition program to which said rollover distribution is to be made and will be processed within thirty (30) days following receipt of the request by the Board.

(c) A participation agreement shall be deemed to have been voluntarily cancelled when the benefactor requests a distribution of all funds in the account so that the account balance is zero. However, the benefactor of an account that has been voluntarily cancelled may reactivate the account and the participation agreement at any time by making a contribution to the account.

(2) through (4) No change.

(5) Upon involuntary termination of a participation agreement, the benefactor may obtain ~~will be entitled to~~ a refund of the account balance by submitting a written notarized request signed by the benefactor to the Board. For accounts established on or after February 1, 2009, such requests also must include the notarized signature of the contingent benefactor. Such refund shall be paid to the benefactor.

(6) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(3) FS. History--New 5-30-02, Amended 11-27-02, 4-21-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-16.011 RULE TITLE: Unclaimed Refunds

PURPOSE AND EFFECT: This rule revises the requirements for written notice of a terminated Investment Plan prior to the escheatment of its refund to the Trust Fund.

SUMMARY: Revises the requirements for written notice to benefactors that are due a refund for a terminated Investment Plan account prior to the escheatment of the refund to the Trust Fund. Conforms this rule to the changes to Rules 19B-16.008 and 19B-16.010, F.A.C.

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

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: October 31, 2008, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.011 Unclaimed Refunds.

(1) The Board will ~~shall~~ mail written notice to the any ~~an~~ benefactor of a ~~an account~~ terminated participation agreement when a refund for the account has been available for pursuant to Rule 19B-16.010, F.A.C., when the benefactor has not negotiated the refund check for such account after a period of six (6) years. The notice shall indicate the procedure which ~~the benefactor~~ must be followed to obtain a refund of the monies held by the Board for said accounts and that if a claim for a refund is not made within seven (7) years of the termination of the account that the funds shall be subject to disposition as provided under Section 1009.981(2)(b)10., F.S. An alphabetical list of the names of the account owners of such

accounts shall be posted on the Board’s website on the Internet. Any such refund for any account terminated pursuant to Rule 19B-16.010, F.A.C., which remains unclaimed after seven (7) years shall be subject to disposition pursuant to Section 1009.981(2)(b)10., F.S.

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(4) FS. History—New 5-30-02, Amended 1-1-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-208.403  
RULE TITLE: Random Drug Testing of Employees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarity as to the process following a positive drug test by noncertified staff versus certified staff and employees in trainee status.

SUMMARY: The proposed rule amends Rule 33-208.403, F.A.C., to insert “for staff not certified under Section 943.13, F.S.” in paragraph (13)(a); staff who are certified under Section 943.13, F.S., who receive a positive confirmed drug test, will be placed on leave status removed from the class and offer, if available, a non-certified position. The certified employee is given a referral to the employee assistance program and the Criminal Justice Standards and Training Commission is contacted and provided a report on the issue. These employees shall be required to complete treatment as recommended by the employee assistance program, or be dismissed, and submit to follow-up testing. The proposed rule also provides for the immediate dismissal of any employee in probationary or trainee status following a confirmed positive drug screening.

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, 944.474 FS.

LAW IMPLEMENTED: 112.0455, 944.09, 944.474 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: David Arthmann, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.403 Random Drug Testing of Employees.

(1) through (12) No change.

(13) In the case of positive test results for which the employee did not or could not provide valid documentation of lawful intake of the identified controlled substance, the employee shall be notified in writing of the positive test results and the consequences of the results, in accordance with the following:

(a) First time positive test result for staff not certified under Section 943.13, F.S.

1. through 8. No change.

(b) First time positive result for staff certified under Section 943.13, F.S.

1. All employees receiving a positive confirmed drug test will immediately be placed on leave status. If the employee refuses to be placed on leave status, the Department will initiate official proceedings to remove the employee from his position.

2. All employees receiving a positive confirmed drug test will be removed from the class. The Department will offer alternate non-certified position placement in accordance with the employee’s qualifications, if such is available. If no alternative position placement is available or the employee is unwilling to accept available placement options, the employee will be dismissed in accordance with department procedure.

3. All employees will be given a mandatory referral to the employee assistance program in accordance with department procedure.

4. The Criminal Justice Standards and Training Commission will be contacted and provided with a report in accordance with established reporting procedures.

5. All employees placed in an alternate position will be required to complete the course of treatment recommended by the employee assistance program treatment provider.

6. If an employee refuses to comply with all requirements for subparagraph (13)(b)5. above, he will be dismissed in accordance with department procedure.

7. Follow-Up Testing: All employees who remain employed following a first time positive confirmed drug test will be subject to follow-up urinalysis drug testing on a quarterly, semiannual, or annual basis for up to two years thereafter, pursuant to Section 112.0455, F.S.

(c)(b) No change.

(d) Employees in trainee or probationary status.

1. Any employee in trainee or probationary status receiving a positive confirmed drug test will be dismissed.

2. Any other governing licensure or certification board or body (relevant to the employee's position requirements) will be contacted and provided with a report in accordance with established reporting procedures.

(14) through (19) No change.

Specific Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS. History--New 9-11-05, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ralph Kiessig, Director of Human Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2008

#### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201  
RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-602.201, F.A.C., to allow wardens to establish local clothing procedures based upon confinement or other high security status when possession of multiple items presents a security risk, clarify the items which inmates may take when they are transferred to outside community hospital for treatment or to a court appearance, and for consistency regarding the items that inmates may possess as religious property, where restricted religious property shall be stored, how religious symbols shall be worn, and how religious property items will be approved for placement on inmates' property lists.

SUMMARY: The proposed amendment to Rule 33-602.201, F.A.C., requires that where wardens establish local clothing procedures the procedures shall comply with the following: clothing shall be exchanged on a one-for-one basis; inmates must have the opportunity for at least three exchanges per week or the same opportunity for exchange as provided to other inmates at the institution, whichever is greater; and local clothing storage procedures must be consistently applied for all inmates of a particular security or housing status. Additional restrictions or removal of clothing items for individual inmates for safety or security reasons shall be handled and documented in accordance with rules applicable to the particular confinement status.

The items inmates transferring to court or outside community hospital for treatment may take with them is amended to include personal hygiene items and prescription medication issued by health services. Religious property is amended to reflect those items which inmates may possess as part of their inmate property, those religious items which pose a security

risk when allowed in an inmate's cell and must be stored in the chapel, those items which may not be stored in the chapel, and those which may be worn at all times.

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: 944.09 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:

33-602.201 Inmate Property.

(1) The reception center Chief of Security shall ensure that property files are established for all new inmates. The inmate property file shall become part of the inmate's institutional file. All forms and correspondence pertaining to inmate property shall be placed in this file in chronological order. The Chief of Security or his designee shall be responsible for the maintenance of the inmate property file. An addendum will be made to the Form DC6-224, Inmate Personal Property List, ~~Form DC6-224~~, any time the status of inmate personal property changes. Examples of changes include when an inmate receives additional property through an approved source or when the inmate chooses to dispose of a broken or worn out item. Form DC6-224 is incorporated by reference in subsection (17) of this rule.

(2) through (3) No change.

(4) Authorized Property.

(a) No change.

(b) Wardens are authorized to establish local clothing storage procedures based upon confinement or other high security status when possession of multiple items presents a security risk for inmates in that status. Local clothing storage procedures shall comply with the following:

1. Clothing shall be exchanged on a one-for-one basis;

2. Inmates must have the opportunity for at least three exchanges per week or the same opportunity for exchange as provided to other inmates at the institution, whichever is greater;

3. Local clothing storage procedures must be consistently applied for all inmates of a particular security or housing status. Additional restrictions or removal of clothing items for

individual inmates for safety or security reasons shall be handled and documented in accordance with rules applicable to the particular confinement status.

(c)(b) No change.

(d)(e) No change.

(e)(d) Inmates shall be required to maintain receipts for items purchased from the canteen for as long as they possess the items. In instances where items purchased from the canteen are added to the Form DC6-224, Inmate Personal Property List, Form DC6-224, by the property officer, the inmate will not be required to maintain the original canteen receipt.

(f)(e) No change.

(5) No change.

(6) Storage of Excess Legal Materials.

(a) through (b) No change.

(c) Storage of Excess Active Legal Material.

1. No change.

2. When it is determined by the assistant warden or chief of security that an inmate has legal material that cannot be contained in the inmate's assigned locker, the inmate shall be given a written order from an employee of the department providing:

a. No change.

b. If, after organizing and inventorying his or her legal material the inmate will not be able to fit his active legal material in his assigned inmate locker, the inmate shall complete Form DC6-2006, a Request for Storage of Excess Active Legal Material, Form DC6-2006, and Form DC6-2008, an Excess Active Legal Material Inventory List, Form DC6-2008, to be submitted to the warden for review. Forms DC6-2006 and DC6-2008 are incorporated by reference in subsection (17) of this rule.

3. through 7. No change.

8. If the inmate fails to file written notice with the warden within 15 calendar days, fails to provide Form DC6-2007, Excess Inactive Legal Material Disposition Determination, as an attachment to his or her appeal, addresses more than one issue or in any other way violates the grievance procedure as described in Chapter 33-103, F.A.C., his or her appeal shall be returned without response to the issue raised.

9. through 10. No change.

11. Prior to being stored in excess storage, excess active legal material shall be placed in storage box(es) with interlocking flap, shall be numbered in sequential order and shall have the inmate's name and department of corrections number clearly written on the top and side of each box. Prior to being sealed, the box(es) shall be inspected by staff, in the presence of the inmate, for contraband. Each box shall be sealed in the presence of the inmate prior to being placed into excess storage. Form DC6-2008, An Excess Active Legal

Material Inventory List, Form DC6-2008, shall be completed or updated by the inmate before the box(es) are sent or returned to excess storage.

12. through 13. No change.

(d) No change.

(e) Inmate Access to Excess Active Legal Material.

1. through 4. No change.

5. Form DC6-2008, An Excess Active Legal Material Inventory List, Form DC6-2008, shall be used and updated each time legal material is stored in or exchanged with legal material from excess storage.

(f) No change.

(7) Impounded Property.

(a) No change.

(b) When personal property of an inmate is taken, it will be inventoried according to the following procedure on Form DC6-220, Inmate Impounded Personal Property List, and, whenever practical, in the presence of the inmate. Exceptions may be made when the inmate's presence during this process jeopardizes institutional security or in times of an emergency such as a general disturbance creating security concerns. New inmates being processed into the department at one of the reception centers will have their property recorded on Form DC6-220 with a copy being given to the inmate. Unauthorized property will be stored pending final disposition as provided in this rule. At the time of receipt into the department each inmate will also sign Form DC6-226, an Authorization for Disposition of Mail and Property, Form DC6-226, which authorizes the department to dispose of the property should the inmate abandon it. Form DC6-226 is incorporated by reference in subsection (17) of this rule.

1. through 5. No change.

(c) through (i) No change.

(8) Any inmate transferring to an outside community hospital for treatment or to a court appearance shall take only items of personal clothing and hygiene items and prescription medication issued by health services, except in those cases in which the inmate is expected to be absent for a period of more than 30 days. If the inmate is to return within 30 days, Remaining personal property shall be inventoried utilizing Form DC6-220, Inmate Impounded Personal Property List, and stored in a secure location. When the inmate returns, only those items that he possessed before transfer will be allowed.

(9) through (13) No change.

(14) Missing Inmate Property.

(a) When an inmate's property is being returned after being stored for any reason and items documented on the Form DC6-224, Inmate Property List, Form DC6-224, cannot be located this fact shall be documented on the form. Any request for compensation or replacement of missing items shall be initiated via the inmate grievance process by the inmate whose property is missing.

(b) through (e) No change.

(15) No change.

(16) ~~Approved~~ Religious Property.

(a) Inmates shall be permitted to possess the following religious items or material:

~~1. (a) Religious publications as defined in Rule 33-503.001, F.A.C., Scriptural or devotional books for personal use that are in compliance with admissibility requirements of Rule 33-501.401, F.A.C.~~

2. Items adhering to the tenets of a particular religion for wearing at all times or use during individual worship. Items may include:

a. Jewish – yarmulke;

b. Catholic – rosary;

c. Muslim – prayer rug, koofi;

d. Native American – medicine bag, headband, and;

e. Asatru or Odinism – runes and accompanying cloth bag.

3. Religious symbols such as a cross, Star of David, talisman, or other religious medallion. Religious symbols shall not be more than 2 inches in length or diameter. Religious symbols and items worn about the neck shall be worn under the shirt.

(b) Inmates shall not be permitted to possess the following religious items or materials which adhere to the tenets of a particular religion for individual worship or group worship which pose a security risk when allowed in an inmate’s cell or dorm. Inmates shall be permitted to use the following religious items or materials only under the supervision of the chaplain and items shall be stored in the chapel. Items required by the tenets of a particular religion, including:

1. Jewish – prayer shawl yarmulke, tefillin;

2. Wiccan – tarot cards; and Catholic – rosary;

3. Buddhist – meditation cushion or Zafu; Muslim – prayer rug, koofi; and

4. Native American – medicine bag, headband.

(c) Inmates shall not be permitted to possess religious items or materials intended for use in group worship. These group worship items shall not be stored at the institution, but may be brought in by volunteers for the religious observance. Group worship items include: Religious symbols such as a cross, Star of David, talisman, or other religious medallion. Religious symbols shall not be more than 2 inches in length or diameter.

1. Alcoholic beverages or wine;

2. Wiccan – stones or crystals.

(d) Approved Rreligious property and other religious items shall be acquired through an authorized vendor, canteen purchase, or bona fide religious organization.

(e) No change.

(f) Inmate requests for ~~other types of~~ religious property shall be reviewed by the chaplain to determine whether the item is required by the inmate’s particular religion and security

personnel to determine whether the item presents a threat to security and order. When items such as the tefillin or tarot cards are requested, a case-by-case evaluation shall be conducted by the chaplain and security personnel to determine whether the item presents a threat to security and order. In making the decision whether to allow the inmate to have the item in his possession, to allow the item to be stored in the chapel and used under supervision of the chaplain, or to deny the request for the item, staff shall consider the following factors:

1. The nature of the item requested and the particular dangers to security and order that the item presents;

2. The characteristics of the institution and of the general inmate population at the institution;

3. The custody level and record of the inmate requesting the item; and

4. Any other factors particular to the situation which impact on interests of security and order at that institution.

~~(g) All security issues related to approved religious property shall be addressed and resolved by security staff.~~

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

(a) Form DC6-224, Inmate Personal Property List, effective date 11-21-00.

(b) Form DC6-220, Inmate Impounded Personal Property List, effective date 10-23-06.

(c) Form DC6-226, Authorization for Disposition of Mail and Property, effective date 11-21-00.

(d) Form DC6-225, Inmate Partial Property Return Receipt, effective date 11-21-00.

(e) Form DC6-227, Receipt for Personal Property, effective date 11-21-00.

(f) Form DC6-238, Report of Risk Management Claim for Inmate Property, effective date 7-8-03.

(g) Form DC6-2006, Request for Storage of Excess Legal Material, effective date 7-8-03.

(h) Form DC6-2008, Excess Active Legal Material Inventory List, effective date 7-8-03.

(i) Form DC6-2007, Excess Inactive Legal Material Disposition Determination, effective date 7-8-03.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08, \_\_\_\_\_.

APPENDIX ONE  
PROPERTY LIST

No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Celeste Kemp, Chief, Inmate Grievances  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Walter A. McNeil, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: August 19, 2008  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: August 29, 2008

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                    RULE TITLE:  
 33-602.210                Use of Force

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to require designated officers to carry chemical agent dispensers designed for controlling incidents involving numerous inmates in large areas and to require all certified officers to carry a chemical agent dispenser designed for controlling incidents indoors and involving fewer inmates.

SUMMARY: The proposed amendment to Rule 33-602.210, F.A.C., requires designated officers to carry chemical agent dispensers designed for controlling incidents involving numerous inmates in large areas and requires all certified officers to carry a chemical agent dispenser designed for controlling incidents indoors and involving fewer inmates, and authorizes designated and certified officers to utilize chemical agents in certain circumstances. Form DC4-529, Staff Request/Referral, and Form DC4-711A, Refusal of Health Care Services are amended for clarity and DC4-711A is amended to include the following language "I acknowledge that I have been informed of the diagnosis, if known, nature and purposes of the proposed treatment or procedure, risks and benefits of the proposed treatment or procedure, alternative treatments and their risks and benefits and the consequences danger to my health and possibly to my life that may result from my refusal of this procedure/treatment." Form references throughout have been amended for clarity.

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: 776.07, 944.09, 944.35 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:

33-602.210 Use of Force.

(1) though (6) No change.

(7) The warden or, in his absence, the duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or, in his absence, the duty warden will be notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign ~~the Authorization for Use of Force Report, Form DC6-232, Authorization for Use of Force Report,~~ either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is incorporated by reference in subsection (22) of this rule.

(8) Whenever force is used the employee initially using force shall complete Form DC6-230, Institutions Report of Force Used, the completed form shall include a detailed written report of force used ~~shall be prepared, dated and signed by the initial employee using force. Form DC6-230, Institutions Report of Force Used, shall be used for this purpose.~~ If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 Section I shall prepare Form DC6-231, an Institutions Report of Force Used Staff Supplement,~~Form DC6-231.~~ The report shall describe in detail the type and amount of force used by him or her. Each employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 Section I shall prepare a separate Form DC6-230, Institutions Report of Force Used. Forms DC6-230 and DC6-231 are incorporated by reference in subsection (22) of this rule.

(9) No change.

(10) The warden or acting warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will

include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Form DC1-813, Use of Force File Checklist, ~~Form DC1-813~~. All inmate statements (subject and witnesses) shall be made in writing using Form DC6-112C, the Witness Statement, ~~Form DC6-112C~~. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete ~~an Incident Report~~, Form DC6-210, Incident Report. Form DC6-210 is incorporated by reference in subsection (22) of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review ~~the Use of Force File Checklist~~, Form DC1-813, Use of Force File Checklist and shall forward the videotape(s) and associated reports on the use of force and the warden's review to the institutional inspector within five working days. ~~Form DC1-813 is incorporated by reference in subsection (22) of this rule.~~ The institutional inspector will ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The Use of Force Unit within the OIG, following its review, will either approve the use of force action or disapprove it. If the Use of Force Unit finds that the use of force was appropriate, the OIG's written determination of the appropriateness of the force used and the reasons therefor, shall be forwarded to the circuit administrator or warden upon completion of the review. If the Use of Force Unit finds that the use of force was inappropriate, the OIG shall conduct a complete investigation into the incident and forward the findings of fact to the appropriate regional director. The OIG shall also advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall prepare Form DC6-296, Disapproved Use of Force/Disposition Report, and forward the materials to the service center employee relations supervisor. ~~Form DC6-296, Disapproved Use of Force/Disposition Report, shall be used for this purpose.~~ Form DC6-296 is incorporated by reference in subsection (22) of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. Form DC2-802, Use of Force Log, ~~Form DC2-802~~, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his ~~or her~~ designee shall be responsible for submitting accurate information to the personnel office in order to maintain Form DC2-802. Any use of force reports completed prior to April 15, 1998 shall also remain in the file. ~~Form DC2-802, Use of Force Log, is incorporated by reference in subsection (22) of this rule.~~

(11) Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign ~~an Incident Report~~, Form DC6-210, Incident Report, pursuant to Section 944.35(3)(d), F.S., specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. ~~Form DC6-210, Incident Report, is incorporated by reference in subsection (22) of this rule.~~

(12) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare Form DC6-232, Authorization for Use of Force Report, ~~a report~~ documenting the reasons that force or restraint was authorized. ~~Form DC6-232, Authorization for Use of Force Report, shall be used for this purpose.~~ The physician's or clinical associate's report shall be attached to Form DC6-230, the Institutions Report of Force Used, when actual force is used, or Form DC6-210, the Incident Report, ~~Form DC6-210~~, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign Form DC4-711A, a Refusal of Health Care Services, ~~Form DC4-711A~~, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection (22) of this rule. When the use of four-point or five-point psychiatric restraints is authorized and the inmate does not offer resistance to the application of the restraints, the completion of ~~an Institutions Report of Force Used~~, Form DC6-230, Institutions Report of Force Used, or ~~an Institutions Report of Force Used Staff Supplement~~, Form DC6-231, Institutions Report of Force Used Staff Supplement,

will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and ~~an Incident Report~~, Form DC6-210, Incident Report, will be completed. The videotape, the completed Incident Report, and the completed ~~Authorization for Use of Force Report~~, Form DC6-232, Authorization for Use of Force Report, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection (10) above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection (8) above will be followed.

(13) through (14) No change.

(15) Use of electronic immobilization devices.

(a) through (g) No change.

(h) In any case where electronic immobilization devices are used, ~~an Institutions Report of Force Used~~, Form DC6-230, Institutions Report of Force Used, shall be prepared ~~written~~ and shall include:

1. through 2. No change.

(i) through (l) No change.

(16) Use of Chemical Agents.

(a) The following chemical agents are authorized for use by the department:

1. No change.

2. CS – Orthochlorobenzal Malononitrile or Orthochlorobenzylidene Malononitrile – An irritant agent that causes eyes to burn and tear, nasal discharge, and skin and upper respiratory irritation.

a. No change.

b. When documentation is available, e.g., ~~previous Institutional Report of Force Used~~, Form DC6-230, Institutions Report of Force Used, to substantiate that the use of OC has in the past proven ineffective in controlling a specific inmate, the warden or duty warden has the option to authorize the use of CS as the initial/primary chemical agent.

c. through f. No change.

3. No change.

(b) No change.

(c) In controlled situations when time constraints are not an issue, chemical agents can only be used if authorized by the warden or, in his or her absence, the duty warden. Additionally, in accordance with paragraph (k) below, certified correctional staff will be ~~designated by the warden to carry chemical agents~~ and will be pre-authorized to administer chemical agents in instances where chemical agents must be used for intervention in self-defense, i.e., when the officer believes that he or she is

in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers or inmates.

(d) through (f) No change.

(g) No inmate shall be handcuffed solely for the purpose of administering chemical agents. If chemical agents are administered to a handcuffed inmate, an explanation as to why the removal of the handcuffs was not feasible shall be included in Section I of Form DC6-230, ~~the~~ Institutions Report of Force Used, ~~Form DC6-230~~.

(h) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. ~~The Chemical Agent Accountability Log~~, Form DC6-216, Chemical Agent Accountability Log, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing ~~the Chemical Agent Accountability Log~~, Form DC6-216. Form DC6-216 is incorporated by reference in subsection (22) of this rule.

(l) Issuance of chemical agents.

1. Certified officers assigned to major institutions and work camps are Staff designated by the Secretary of the Department as required to carry chemical agents and shall be issued one three or four ounce dispenser of OC pepper spray; with marking dye, after being properly trained in chemical agent utilization. These officers are authorized to administer chemical agents in spontaneous circumstances without additional authorization for intervention in self-defense, i.e., when the officer believes that he is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers, or inmates. Certified security officers assigned to armed perimeter posts may be exempted from this requirement by the warden.

2. Certified officers assigned to major institutions and posted to internal security, recreation field, shift supervisor posts, or designated as "A" team response members are authorized by the Secretary to be issued one twelve to thirteen ounce MK-9, or equivalent, fogger type dispenser of OC in addition to the dispenser issued in accordance with subparagraph (16)(l)1. These officers are authorized to administer the chemical agents listed in this subparagraph in spontaneous disturbance situations involving multiple inmates



in locations where large numbers of inmates are present, such as recreation fields, canteen, and meal lines. This option shall only be utilized in disturbance situations rising to the level of inmate involvement where this enhanced option is deemed necessary and shall not be used indoors.

3. The chemical agent dispenser shall be securely encased and attached to the officer's belt. Each ~~MK-4~~ chemical agent dispenser will be secured within a pouch or to a holstering device by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser Accountability Log, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Form DC6-213 is incorporated by reference into subsection (22) of this rule. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and Form DC6-210, an Incident Report, Form DC6-210, will be written. ~~Forms DC6-210 and DC6-213 are incorporated by reference in subsection (22) of this rule.~~ The arsenal sergeant shall maintain a mastery inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on ~~the~~ Form DC6-216, Chemical Agent Accountability Log, and attach a new seal.

(m)(+) In any case where chemical agents are used, an accurate record shall be maintained as to what type of agent was used, how much was used, method of administration, person authorized to draw chemical agent when issued from a secure location, person administering the chemical agent, location administered, and reason for use. This information shall be included in Section I of Form DC6-230, the Institutions Report of Force Used, ~~Form DC6-230.~~

(n)(+) No change.

(o)(+) Medical Requirements. Once the inmate is compliant, he shall be showered as soon as possible but not later than 20 minutes after final application of chemical agents. The inmate shall be examined by medical staff immediately after showering. In each instance a Form DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing

the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. ~~Form DC4-529 is incorporated by reference in subsection (22) of this rule.~~ Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

(p)(+) No change.

(q)(+) Inmates exposed to chemical agents shall be ordered by the shift supervisor to shower and change both inner and outer wear within 20 minutes after exposure for decontamination purposes.

1. If an inmate refuses to shower or change, the refusal shall result in a disciplinary report and be documented:

a. On Form DC6-210, Incident Report, by the shift supervisor; or

b. On Form DC6-229, Daily Record of Segregation, by the confinement lieutenant or shift supervisor, if the inmate is in confinement or close management. Form DC6-229 is incorporated by reference in Rule 33-602.220, F.A.C., ~~or~~

c. ~~On Form DC6-229A, by the close management lieutenant or shift supervisor, if the inmate is in close management. Form DC6-229A is incorporated by reference in Rule 33-601.800, F.A.C.~~

2. through 5. No change.

(17) Specialty Impact Munitions. Specialty impact munitions shall be used primarily by the department's rapid response teams and correctional emergency response teams during riots and disturbances. They are intended as a less lethal alternative to the use of deadly force. Specialty impact munitions shall only be employed by officers trained in their use and effects.

(a) through (g) No change.

(h) In any case where specialty impact munitions are deployed, ~~an Institutions Report of Force Used, Form DC6-230, Institutions Report of Force Used,~~ shall be filed in accordance with use of force procedures set forth in this rule.

(18) through (21) No change.

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

(a) through (b) No change.

(c) DC4-529, Staff Request/Referral, effective \_\_\_\_\_ ~~August 25, 2003.~~

(d) through (e) No change.

(f) DC4-711A, Refusal of Health Care Services, effective \_\_\_\_\_ ~~October 4, 2007.~~

(g) through (n) No change.

Specific Authority 944.09 FS. Law Implemented 776.07, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07, 3-3-08, 8-4-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
George Sapp, Assistant Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A McNeil, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.251  
RULE TITLE: Florida Medicaid Prescribed Drugs Reimbursement Methodology

PURPOSE AND EFFECT: The purpose of this rule is to state the reimbursement methodology for prescribed drug claims in the Florida Medicaid program.

SUMMARY: The purpose of this rule is to state the reimbursement methodology for prescribed drug claims in the Florida Medicaid program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Approximately 3,300 retail pharmacy providers of Medicaid prescription services are affected by this rule, and no individual Medicaid recipients are affected. Implementation of this rule will reduce the total ingredient cost reimbursement to all retail providers of Florida Medicaid prescription services approximately \$9.7 million annually, or about 0.74 percent of estimated total reimbursement annually. No transactional costs will be incurred pertaining to requirements of this rule. Some of these retail pharmacies may qualify as small businesses as defined by Section 288.703, F.S., however the number is not known. The percentage of ingredient cost reimbursement change is the same for all Medicaid retail pharmacy providers.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(20), 409.908, 409.912(39)(a) FS.

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

DATE AND TIME: November 4, 2008, 10:00 a.m. – 11:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marie Donnelly, Bureau of Medicaid Prescribed Drug Services, 2727 Mahan Drive, Mail Stop 38, Tallahassee, Florida 32308-5407, (850)487-4441

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.251 Florida Medicaid Prescribed Drugs Reimbursement Methodology.

(1) Reimbursement for prescribed drug claims is made in accordance with the provisions of Title 42, Code of Federal Regulations Sections 447.331-334. Reimbursement for covered drugs dispensed by a licensed pharmacy, approved as a Medicaid provider, or an enrolled dispensing physician filling his own prescriptions, shall not exceed the lower of:

(a) The estimated acquisition cost, defined as the lower of:  
1. Average Wholesale Price (AWP) minus 16.4%, or Wholesaler Acquisition Cost (WAC) plus 4.75%, plus a dispensing fee of \$4.23;

2. The Federal Upper Limit (FUL) established by the Centers for Medicare and Medicaid Services, plus a dispensing fee of \$4.23; or

(b) The State Maximum Allowable Cost (SMAC), plus a dispensing fee of \$4.23; or

(c) The provider's Usual and Customary (U&C) charge, inclusive of dispensing fee.

(2) For drugs purchased by qualified entities under Section 340B of the Public Health Service Act:

Covered entities and Federally Qualified Health Centers or their contracted agents that fill Medicaid patient prescriptions with drugs purchased at prices authorized under Section 340B of the Public Health Service Act must bill Medicaid for reimbursement at the actual acquisition cost plus a dispensing fee of \$7.50 for these drugs.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912 (39)(a) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marie Donnelly, Florida Medicaid Prescribed Drug Services  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-5.020  
 RULE TITLE: Provider Requirements

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider General Handbook, July 2008. The handbook revisions include the new Medicaid fiscal agent’s contact information, updated Medicaid provider enrollment and change of ownership policies as mandated by CS/HB 7083, and updated Medicare-Medicaid crossover policies. The effect of the rule amendment to Rule 59G-5.020, F.A.C., will be to incorporate by reference in rule the Florida Medicaid Provider General Handbook, July 2008.

**SUMMARY:** The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider General Handbook, July 2008. The effect of the rule amendment to Rule 59G-5.020, F.A.C., will be to incorporate by reference in rule the Florida Medicaid Provider General Handbook, July 2008.

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

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

**SPECIFIC AUTHORITY:** 409.919 FS.

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

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

**DATE AND TIME:** Monday, November 3, 2008, 2:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)488-9711, girardk@ahca.myflorida.com

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

59G-5.020 Provider Requirements.

(1) All Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the provisions of the Florida Medicaid Provider General Handbook, ~~July 2008 January 2007~~, which is incorporated by reference and available from the fiscal agent’s Web Portal website at <http://mymedicaid-florida.com> ~~floridamedicaid-~~

~~aes-inc.com~~. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. A Paper copy of the handbook may be obtained by calling the Provider Contact Center Enrollment at (800)289-7799 ~~377-8216~~ and selecting Option 7.

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

(3) The following forms that are included in the Florida Medicaid Provider General Handbook are incorporated by reference. In Chapter 3, Temporary Emergency Medicaid Identification Card, ~~July 2008 January 2007~~; one page; CF-ES 2681, Feb 2003, Notice and Proof of Presumptive Eligibility for Medicaid for Pregnant Women, one page; CF-ES Form 2014, Feb 2003, Authorization for Medicaid/Medikids Eligibility, one page; AHCA Form 5240-006, Unborn Activation Form, January 2007, one page; CF-ES 2039, Sep 2002, Medical Assistance Referral, two pages; In Chapter 4, and the AHCA-Med Serv 038 CTEC-07, July 2008 Revised March 2003, Crossover with TPL Claim and/or Adjustment Form, one page. The CF-ES forms are available from the Department of Children and Family Services. The other forms are available from the Medicaid fiscal agent’s Web Portal website at <http://mymedicaid-florida.com> ~~floridamedicaid-~~ ~~aes-inc.com~~. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the forms may be obtained by calling the Provider Contact Center Enrollment at (800)289-7799 ~~377-8216~~ and selecting Option 7.

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

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Karen Girard

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Holly Benson, Secretary

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 20, 2008

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NOS.:	RULE TITLES:
59G-7.003	Medicaid Third Party Liability Responsibility and Notices
59G-7.004	Forms
59G-7.0211	Exchange of Medicaid Data with Health Insurers
59G-7.023	Probable Existence of Third-Party Liability Established
59G-7.032	Recovery of Reimbursement – General
59G-7.0322	Conflicting Claims by Medicare and Medicaid
59G-7.0331	Small Claim Exception under Paragraph (11)(f) of the MTPLA
59G-7.0332	All Medical Assistance; Medicaid Program Repaid First
59G-7.034	Settlement Agreements
59G-7.035	Fees of Recipient’s Attorney
59G-7.051	Required to Seek Reimbursement
59G-7.053	Hospital Third-Party Liability Plan
59G-7.054	Prompt Repayment
59G-7.056	Benefits under Certain Plans
59G-7.057	Provider Third-Party Liability Audits
59G-7.058	Billing Statement and Medical Records
59G-7.0581	Statements as Notice
59G-7.060	Cooperation Required
59G-7.0601	Non-cooperation
59G-7.061	Duty to Inform
59G-7.062	Notice of Proceedings or Claim
59G-7.063	Settlement and Notice
59G-7.064	Appearance to Provide Information
59G-7.073	Proceeds of Tort Recovery Required to Be Held in Trust

**PURPOSE AND EFFECT:** To repeal rules which are either repetitive or are obsolete.

**SUMMARY:** The proposed repeal eliminates certain repetitive or obsolete rules. The rules are either repetitive as their language is in the Medicaid Third-Party Liability Act, Section 409.910, F.S. or reflect obsolete programs.

**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:** 20.05, 120.53,(1)(b), (c), 409.026(1), (6), (8), 409.285, 409.910(21), (22), (23), 409.919 FS.

**LAW IMPLEMENTED:** 120.52(16), 120.53(1)(b), (c), 120.57, 120.58, 120.68, 409.257, 409.901 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: Lee Peacock, Third Party Liability, 2727 Mahan Drive, Mail Stop 19, Tallahassee, Florida 32308-5407, (850)487-2622

THE FULL TEXT OF THE PROPOSED RULES IS:

59G-7.003 Medicaid Third Party Liability Responsibility and Notices.

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.003, Amended 10-3-96, Repealed.

59G-7.004 Forms.

Specific Authority 120.53(1)(b), (c), 409.026(1), (6), (8), 409.910(23), 409.919 FS. Law Implemented 120.52(16), 120.53(1), 409.910 FS. History–New 11-13-91, Formerly 10C-35.004, Amended 10-3-96, Repealed.

59G-7.0211 Exchange of Medicaid Data with Health Insurers.

Specific Authority 409.026(8), 409.910(22), (23), 409.919 FS. Law Implemented 409.910(20), 624.424(9), 641.261, 641.411 FS. History–New 11-14-89, Formerly 10C-7.0302, Amended 11-13-91, Formerly 10C-35.0211, Amended 10-3-96, Repealed.

59G-7.023 Probable Existence of Third-Party Liability Established.

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910(1), (3) FS. History–New 11-13-91, Formerly 10C-35.023, Amended 10-3-96, Repealed.

59G-7.032 Recovery of Reimbursement – General.

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.032, Amended 10-3-96, Repealed.

59G-7.0322 Conflicting Claims by Medicare and Medicaid.

Specific Authority 120.53(1)(b), (c), 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.53(1)(b), (c), 409.910 FS. History–New 11-13-91, Formerly 10C-35.0322, Amended 10-3-96, Repealed.

59G-7.331 Small Claim Exception under Paragraph (11)(f) of the MTPLA.

Specific Authority 120.53(1), 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.53(1), 409.910 FS. History–New 11-13-91, Formerly 10C-35.0331, Amended 10-3-96, Repealed.

**59G-7.0332 All Medical Assistance; Medicaid Program Repaid First.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.0332, Amended 10-3-96, Repealed.

**59G-7.034 Settlement Agreements.**

Specific Authority 20.05, 120.53(1)(b), (c), 409.026(8), 409.285, 409.910(23), 409.919 FS. Law Implemented 120.53(1)(b), (c), 120.57, 120.58, 409.285, 409.902, 409.910 FS. History–New 11-13-91, Formerly 10C-35.034, Amended 10-3-96, Repealed.

**59G-7.035 Fees of Recipient's Attorney.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.035, Amended 10-3-96, Repealed.

**59G-7.051 Required to Seek Reimbursement.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.051, Amended 10-3-96, Repealed.

**59G-7.053 Hospital Third-Party Liability Plan.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.053, Amended 10-3-96, Repealed.

**59G-7.054 Prompt Repayment.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.054, Amended 10-3-96, Repealed.

**59G-7.056 Benefits under Certain Plans.**

Specific Authority 409.026(8), 409.910(21), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS.; 42 U.S.C. ss. 1396a(a)(25), (a)(27), (a)(45), 1396k (Social Security Act ss. 1902(a)(25), (a)(27), (a)(45), 1912); 42 C.F.R. ss. 433.135-433.140, 447.15, 447.20, 447.21. History–New 11-13-91, Formerly 10C-35.056, Repealed.

**59G-7.057 Provider Third-Party Liability Audits.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.057, Amended 10-3-96, Repealed.

**59G-7.058 Billing Statement and Medical Records.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.058, Amended 10-3-96, Repealed.

**59G-7.0581 Statements as Notice.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.902, 409.907, 409.908, 409.910, 409.912, 409.913, 409.920 FS. History–New 11-13-91, Formerly 10C-35.0581, Amended 10-3-96, Repealed.

**59G-7.060 Cooperation Required.**

Specific Authority 120.53, 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.57, 120.58, 120.68, 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.060, Amended 10-3-96, Repealed.

**59G-7.0601 Non-cooperation.**

Specific Authority 120.53, 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.57, 120.58, 120.68, 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.0601, Amended 10-3-96, Repealed.

**59G-7.061 Duty to Inform.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.061, Amended 10-3-96, Repealed.

**59G-7.062 Notice of Proceedings or Claim.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.062, Amended 10-3-96, Repealed.

**59G-7.063 Settlement and Notice.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.063, Amended 10-3-96, Repealed.

**59G-7.064 Appearance to Provide Information.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 120.58, 409.257, 409.901, 409.902, 409.910, 409.920(2)(a), (c) FS. History–New 11-13-91, Formerly 10C-35.064, Amended 10-3-96, Repealed.

**59G-7.073 Proceeds of Tort Recovery Required to Be Held in Trust.**

Specific Authority 409.026(8), 409.910(23), 409.919 FS. Law Implemented 409.910 FS. History–New 11-13-91, Formerly 10C-35.073, Amended 10-3-96, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Lee Peacock

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Holly Benson

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 29, 2008

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-8.500  
 RULE TITLE: Cause of Disenrollment from Health Plans

**PURPOSE AND EFFECT:** The purpose of this proposed rule is to incorporate in administrative rule the reasons for which a recipient may disenroll from a managed care plan. The effect of the rule will be to incorporate the reasons in administrative rule for which a recipient may disenroll from a managed care plan.

**SUMMARY:** The purpose of this proposed rule is to incorporate in administrative rule the reasons for which a recipient may disenroll from a managed care plan.

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

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

**SPECIFIC AUTHORITY:** 409.91211, 409.9122, 409.919 FS.

**LAW IMPLEMENTED:** 409.912, 409.91211, 409.9122 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:** Tuesday, November 4, 2008, 2:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Jill Harvey, Program Administrator, 2562 Executive Circle East, Suite 100, Tallahassee, Florida 32301, (850)414-8108, harveyj@ahca.myflorida.com

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

59G-8.500 Cause for Disenrollment from Health Plans.

(1) Recipients subject to the 12-month enrollment period may request disenrollment from the health plan for cause at any time during their no-change period. Recipients making such requests must submit the request to the call center representative for a determination.

(2) For Cause Reasons. The following reasons constitute cause for disenrollment from the health plan:

(a) The recipient moves out of the county, or the recipient's address is incorrect and the recipient does not live in the county.

(b) The health care provider is no longer with the health plan.

(c) The recipient is excluded from enrollment.

(d) A substantiated marketing violation occurred with the individual recipient.

(e) The recipient is prevented from participating in the development of his treatment plan.

(f) The recipient has an active relationship with a health care provider who is not on the health plan's network, but is in the network of another health plan.

(g) The recipient is ineligible for enrollment in the health plan.

(h) The health plan no longer participates in the county in which the recipient resides.

(i) The recipient needs related services to be performed concurrently, but not all related services are available within the health plan network; or the recipient's primary care provider (PCP) has determined that receiving the services separately would subject the recipient to unnecessary risk.

(j) The health plan does not, because of moral or religious objections, cover the service the recipient seeks.

(k) Other reasons per 42 CFR 438.56(d)(2), including poor quality of care; lack of access to services covered under the contract; inordinate or inappropriate changes of PCPs; an unreasonable delay or denial of service; service access impairments due to significant changes in the geographic location of services; lack of access to providers experienced in dealing with the recipient's health care needs; or fraudulent enrollment.

(l) Recipients otherwise locked in who request enrollment in a specialty plan and meet the eligibility requirements for the specialty plan.

(m) Recipient received a notice from their plan of the reduction in required benefits at the end of the plan's annual contract year (for the next year).

(3) Changes without Cause. The following are reasons a recipient may change without cause at any time:

(a) The recipient missed his 60-day Open Enrollment period due to a temporary loss of eligibility, defined as sixty (60) days or less; or

(b) The State has imposed intermediate sanctions upon the health plan, as specified in 42 CFR 438.702(a)(3) for violations consistent with 42 CFR 438.700.

(4) Recipients whose request to disenroll from plans outside of their open enrollment period are denied will be mailed a Disenrollment Denial Letter, AHCA-MCM Form 100, July 2008, incorporated by reference.

Specific Authority 409.91211, 409.9122, 409.919 FS. Law Implemented, 409.912, 409.91211, 409.912 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jill Harvey

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2008

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-4.004  
 RULE TITLE: Certification Fees For Foreign Dental Educational Institutions

PURPOSE AND EFFECT: To create a rule setting certification fees for foreign educational institutions.

SUMMARY: This rule sets the registration fee, the certification application fee, and the renewal fee for foreign dental educational 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: 466.008 FS.

LAW IMPLEMENTED: 456.025, 466.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-4.004 Certification Fees For Foreign Dental Educational Institutions.

(1) The applicant for certification shall pay an initial nonrefundable registration fee of \$1,000.

(2) The fee for review of the certification application is \$40,000. At the end of the certification process, if any portion of this fee exceeds the documented reasonable costs and expenses actually used in reviewing and evaluating the application, the excess amount shall be refunded to the applicant.

(3) The fee for renewing a certification seven years after it was provisionally or fully granted by the department is \$500.

Specific Authority 466.008 FS. Law Implemented 456.025, 466.008 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Sue Foster

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-13.001  
 RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the requirements for continuing education for biennial renewal.

SUMMARY: The requirements for continuing education for biennial renewal will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule 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: 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5), (6), (7), 459.008, 459.008(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christy Robinson, Acting Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-13.001 Continuing Education for Biennial Renewal.

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. Five of the continuing medical education hours for renewal shall include a one hour Risk Management Course, one hour Florida Laws and Rules, one hour on the laws regarding the use and abuses of controlled substances, and two hours Prevention of Medical Errors Course. Beginning in the 2009-2011 licensure biennium, five of the continuing medical education hours for renewal shall include one hour of professional and medical ethics education, one hour Florida Laws and Rules, one hour

on the laws regarding the laws and rules related to prescribing controlled substances, and a two hour Prevention of Medical Errors Course.

(b) A licensee shall not be required to complete continuing medical education if the initial license is issued subsequent to July 1 of the second year of the biennium, except as found in paragraph 64B15-13.001(1)(a), F.A.C.

(c) A licensee shall complete a two (2) hour Domestic Violence Course as part of every third biennial renewal of licensure.

(d) A licensee shall complete a one (1) hour HIV/AIDS course no later than upon first biennial renewal of licensure.

(2) No change.

(3)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing, or eliminating identifiable risks and domestic violence as defined in Section 741.30, F.S.

(b) The continuing medical education found in paragraph 64B15-13.001(1)(a), F.A.C., with regard to professional and medical ethics Risk Management, Florida Laws and Rules, controlled substances and the prevention of medical errors shall be obtained by the completion of live, participatory attendance courses. However, the continuing medical education found in paragraphs 64B15-13.001(1)(c) and (d), F.A.C., with regard to HIV/AIDS and domestic violence, may be obtained by the completion of non-live/participatory attendance.

(c) For purposes of this rule, Florida laws and rules means Chapters 456 and 459, F.S., and Rule Chapter 64B15, F.A.C.

(d) The one hour of general continuing education Risk Management may be fulfilled by attending at least three (3) hours of disciplinary matters at a regular meeting of the Board of Osteopathic Medicine in compliance with the following:

1. The licensee must sign in with the Executive Director of the Board, or designee, before the meeting day begins.

2. The licensee must remain in continuous attendance.

3. The licensee must sign out with the Executive Director of the Board, or designee, at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. The licensee may receive CME credit in general continuing risk management education for attending the disciplinary portion of a Board meeting only if the licensee is attending on that day solely for that purpose; the licensee may not receive such credit if appearing at the Board meeting for another purpose. Members of the Board of Osteopathic Medicine may receive one (1) continuing education risk management credit for such attendance at one full day of disciplinary hearings at a regular meeting of the Board.

~~4. A licensee may use no more than five (5) hours of continuing education in the area of risk management for the purpose of completing the continuing education requirements for each biennial renewal.~~

(e) For purposes of this rule, a two hour Prevention of Medical Errors course shall include a study of root cause analysis, error reduction and prevention, and patient safety. The course shall address medication errors, surgical errors, diagnostic inaccuracies, and system failures, and shall provide recommendations for creating safety systems in health care organizations. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions: wrong-site/patient surgery; cancer; cardiac; timely diagnosis of surgical complications and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.

(4) No change.

(5) Home study hours up to a maximum of eight (8) hours per biennium may be utilized toward continuing education requirements for renewal. In order to be acceptable, said home study hours must be approved by the AOA, the AMA, the Board, or approved for credit as a college or university extension course with approved grading and evaluation standards. Any licensee who is a member of the Armed Forces of the United States on active duty and for a period of six (6) months after discharge from active duty may obtain all forty (40) hours of continuing education through home study.

(6) No change.

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5), (6), (7), 459.008, 459.008(4) FS. History—New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, 5-26-02, 5-10-04, 7-27-04, 2-9-05, 2-14-06, 1-29-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 22, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

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

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



**SUMMARY:** This rule is being revised to increase the biomedical waste program fees in order to reduce the program's operating deficit. Fees have not been increased since the implementation of the biomedical waste program, which was in 1992.

**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:** 381.006, 381.0098 FS.

**LAW IMPLEMENTED:** 381.0098(4) FS.

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

**DATE AND TIME:** November 14, 2008, 9:00 a.m.

**PLACE:** 4042 Bald Cypress Way, Room 301, Tallahassee, FL 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 7 days before the workshop/meeting by contacting: Gina Vallone-Hood, (850)245-4277 or Gina\_Vallone@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Gina Vallone-Hood via mail at HSEC, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 321399-1710, or by phone number (850)245-4277

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

64E-16.012 Fees.

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

(2) Fee schedule.

**Generator Permit:**

(application received by October 1)	<del>\$85.00</del> <del>\$55.00</del>
(application received after October 1)	<del>\$105.00</del> <del>\$75.00</del>

**Treatment Permit:**

(application received by October 1)	<del>\$85.00</del> <del>\$55.00</del>
(application received after October 1)	<del>\$105.00</del> <del>\$75.00</del>

**Storage Permit:**

(application received by October 1)	<del>\$85.00</del> <del>\$55.00</del>
(application received after October 1)	<del>\$105.00</del> <del>\$75.00</del>

**Transporter Registration (one vehicle):**

(application received by October 1)	<del>\$85.00</del> <del>\$55.00</del>
(application received after October 1)	<del>\$105.00</del> <del>\$75.00</del>

**Additional Vehicle** \$10.00

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

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

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

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Gina Vallone-Hood

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Edith Coulter

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 11, 2008

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** June 27, 2008

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
6A-1.09981	Implementation of Florida's System of School Improvement and Accountability

**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. 38, September 19, 2008 issue of the Florida Administrative Weekly.

Subsection (11)(a) is amended to read:

6A-1.09981 Implementation of Florida's System of School Improvement and Accountability.

(1) through (10) No change.

(11) Assistance and Intervention for Schools Designated School Performance Grade F or School Performance Grade D. Assistance and intervention plans shall be provided for each school designated School Performance Grade F and School Performance Grade D.

(a) Assistance for Schools Designated School Performance Grade F or School Performance Grade D. Each school designated School Performance Grade F or School

Performance Grade D shall develop its school improvement plan in collaboration with the school advisory council, school board and the Department. The school improvement plan shall take into account the unique demographic characteristics of the school. The school board shall have final approval of the plan. Each school designated School Performance Grade F or School Performance Grade D shall receive specific assistance and interventions, including additional resources if needed, from the district school board as provided in Section 1001.42(16)(c), Florida Statutes. The district's two-year plan of increasing individualized assistance and intervention for each school designated School Performance Grade F or School Performance Grade D shall be approved by the school board. Forms SIP-1, School Improvement Plan, and DIAIP-1, District Improvement, Assistance and Intervention Plan, and School Improvement Reporting Deadlines. The forms, requirements and deadlines for submission of the school improvement plans and two-year district assistance and intervention plans are located on the Department's Bureau of School Improvement website at <http://www.flbsi.org/>, ~~and are which is~~ hereby incorporated by reference in this rule to become effective with the date of this rule. Assistance shall be provided to each designated school in the district at increasingly intensive levels as long as the school continues to be so designated. For the purpose of documenting compliance with Section 1001.42(16)(c), Florida Statutes, school boards shall provide to the Department annually a copy of the approved assistance and intervention plan for each school designated School Performance Grade F in the district.

(b) through (15) No change.

Specific Authority 1001.02, 1008.22, 1008.33, 1008.345 FS. Law Implemented 1000.03, 1001.42, 1003.63, 1008.33, 1008.34, 1008.345, 1008.36 FS. History--New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, 5-15-06, 6-19-08, \_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Communities Trust**

RULE NOS.:	RULE TITLES:
9K-9.003	General Requirements and Eligibility Standards
9K-9.005	Application Review
9K-9.006	Project Evaluation Criteria
9K-9.008	Grant Contracts
9K-9.011	Title, Acquisition Procedures, Lease Agreements and Transfer of Title

**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. 36, September 5, 2008 issue of the Florida Administrative Weekly.

9K-9.003 General Requirements and Eligibility Standards. The following constitutes the general procedures for the Stan Mayfield Working Waterfront Florida Forever grant program of the Florida Communities Trust.

(1) Application Form. Stan Mayfield Working Waterfronts Grant Application Form, form number SMWW-1 (eff. ?-??-08), hereinafter Application Form SMWW-1, is prescribed for use with these rules and is incorporated by reference. Applications for funding must be submitted on Application Form SMWW-1. Applicants may only submit one Application Form per Project Site. A copy, or instructions for receiving the Application Form in an electronic format, may be obtained by writing to the, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, or by calling (850)922-2207.

(2) through (4) No change.

(5) Working Waterfront Activities. Business activities performed on a project site acquired under this program must derive their primary source of income from services supporting the commercial harvesting of wild or aquacultured marine organisms. Nothing in this rule shall be construed to relieve the Applicant from obtaining proper authorization from the Board of Trustees of Internal Improvement Trust Fund for any structures located on sovereign lands constructed with funds provided by the Florida Communities Trust. Any new structure to be located on sovereignty submerged lands shall comply with the criteria set forth in Chapter 18-21, F.A.C. including but not limited to the requirement that the structure(s) be water dependent.

(6) through (9) No change.

Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New \_\_\_\_\_.

**9K-9.005 Application Review.**

(1) Applications received by the Application deadline shall be reviewed and evaluated by Trust staff based on the materials submitted. Eligible Applicants will be notified of the ~~timely~~ receipt and status of their Application(s) via standard mail. Ineligible Applicants shall be notified via certified mail.

(2) through (3) No change.

Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New \_\_\_\_\_.

**9K-9.006 Project Evaluation Criteria.**

The evaluation of Applications shall be based on the criteria set forth in this rule chapter and the information in Application Form SMWW-1. Trust staff shall utilize the information contained in the Application (including exhibits) and all information obtained during its review of the Application, including information obtained during site visits, in drafting an evaluation report and developing a ranking report to present to the Governing Board. At a publicly noticed meeting, the

Governing Board will evaluate the reports and approve the recommended ranking report that will be presented to the Board of Trustees.

The Business Summary shall be evaluated for sufficiency based on information provided in Application Form SMWW-1. Staff from the Department of Agriculture and Consumer Services, and other state agencies as deemed necessary by the Trust, shall review each Business Summary and provide comments to the Trust. Trust staff shall prepare a recommended Business Summary sufficiency determination that takes into consideration comments received from the Department of Agriculture and Consumer Services and other agencies for consideration by the Governing Board. Applications containing a Business Summary deemed insufficient by the Trust will not be considered by the Board of Trustees.

An Application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does not apply to the proposed Project Site, the Applicant should state "No" in the response to the criterion.

Points shall be awarded when the following criteria are met:

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

(c) The Project Site has sustained ~~significant~~ hurricane damage in the past 5 years such that operating capacity was reduced or normal operations were interrupted for a period of not less than two weeks (5 points).

(3) through (4)(c) No change.

(d) The applicant has committed to major restoration of an existing boat ramp for commercial fishing vessels or to construct a new boat ramp for commercial fishing vessels (4 points).

(5) through (6) No change.

Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History–New \_\_\_\_\_.

9K-9.008 Grant Contracts.

(1) The established time frame for funding approval shall be for a period not to exceed 12 months. Approval shall be evidenced by a fully executed Grant Contract between the Trust and the Recipient. When the established time frame has expired, the project shall be terminated and funds committed to the project shall then be committed to other approved Applications. The Trust ~~may~~ shall extend the Grant Contract beyond the established time frame if significant progress is being made toward the acquisition of the project site or if extenuating circumstances beyond the control of the Applicant warrant an extension of time.

(2) through (4) No change.

Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History–New \_\_\_\_\_.

9K-9.011 Title, Acquisition Procedures, Lease Agreements and Transfer of Title.

This rule chapter and Chapter 9K-10, F.A.C., shall govern in all matters of title, acquisition procedures, lease agreements and transfer of title for lands acquired pursuant to this rule chapter.

Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History–New \_\_\_\_\_.

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:  
59G-4.320

RULE TITLE:  
Therapy Services  
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.

This is the second Notice of Change. The first Notice of Change was published in Vol. 34, No. 35, August 29, 2008, issue of the Florida Administrative Weekly. These changes are in response to written material received before and on the date of the final public hearing and comments made at the public hearing.

The rule incorporates by reference the Florida Medicaid Therapy Services Coverage and Limitations Handbook, July 2008. The following revisions were made to the handbook.

Page 1-2, Purpose and Definitions, Physical Therapy, Provider Qualifications and Enrollment. We changed the physical therapy definition back to the definition that is in the current Medicaid Therapy Services Coverage and Limitations Handbook, October 2003. The definition reads, "Physical therapy is a specifically prescribed program to develop, improve or restore neuro-muscular or sensory-motor function, relieve pain, or control postural deviations to attain maximum performance. Physical therapy services include evaluation and treatment of range-of-motion, muscle strength, functional abilities and the use of adaptive and therapeutic equipment. Examples are rehabilitation through exercise, massage, the use of equipment and habilitation through therapeutic activities."

Previous page 1-3, now page 1-2, Purpose and Definitions, Occupational Therapy. We changed the occupational therapy definition back to the definition that is in the current Medicaid Therapy Services Coverage and Limitations Handbook, October 2003. The definition reads, "Occupational therapy is the provision of services that addresses the developmental or

functional needs of a child related to the performance of self-help skills; adaptive behavior; and sensory, motor and postural development. Occupational therapy services include evaluation and treatment to prevent or correct physical and emotional deficits or to minimize the disabling effect of these deficits. Examples are perceptual motor activities, exercises to enhance functional performance, kinetic movement activities, guidance in the use of adaptive equipment and other techniques related to improving motor development.”

Previous page 1-3, now page 1-2, Purpose and Definitions, Speech-Language Pathology. We changed the occupational therapy definition back to the definition that is in the current Medicaid Therapy Services Coverage and Limitations Handbook, October 2003. The definition reads, “Speech-language pathology services involve the evaluation and treatment of disorders of verbal and written language, articulation, voice, fluency, phonology, mastication, deglutition, cognition, communication (including the pragmatics of verbal communication), auditory processing, visual processing, memory, comprehension and interactive communication as well as the use of instrumentation, techniques, and strategies to remediate and enhance the recipient’s communication needs, when appropriate. Services also include the evaluation and treatment of oral pharyngeal and laryngeal sensorimotor competencies. Examples are techniques and instrumentation to evaluate the recipient’s condition, remedial procedures to maximize the recipient’s oral motor functions and communication via augmentative and alternative communication (AAC) systems.”

Previous page 1-4, now page 1-3, Purpose and Definitions, Respiratory Therapy. We changed the occupational therapy definition back to the definition that is in the current Medicaid Therapy Services Coverage and Limitations Handbook, October 2003. The definition reads, “Respiratory therapy is treatment of conditions that interfere with respiratory functions or other deficiencies of the cardiopulmonary system. Respiratory therapy services include evaluation and treatment related to pulmonary dysfunction. Examples are ventilatory support; therapeutic and diagnostic use of medical gases; respiratory rehabilitation; management of life support systems and bronchopulmonary drainage; breathing exercises and chest physiotherapy.”

Page 2-1, Requirements to Receive Services, Introduction. We added the following sentence, “Florida Medicaid covers only the therapy services that are listed on the Procedure Codes and Maximum Fee Schedule in Appendix A.”

In addition, the following technical changes were made:

We corrected the page numbers on the Table of Contents and Page 1-1. Purpose and Definitions begins on page 1-1, Prepaid Therapies Program begins on page 1-3, Provider Qualifications begins on page 1-4, and Provider Responsibilities begins on page 1-8.

## DEPARTMENT OF MANAGEMENT SERVICES Communications and Information Technology Services

RULE NO.: 60FF-5.002  
RULE TITLE: Rural County Grants  
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. 28, July 11, 2008 issue of the Florida Administrative Weekly.

These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. The changes were approved by the Board at its September 18, 2008 meeting. After the changes are made, the rules will read as follows:

1. When changed, paragraph 60FF-5.002(2)(a) shall read as follows:

(a) Each rural county applying for rural county grant funds shall complete and submit W Form 1A, “Application for the E911 Rural County Grant Program,” effective 7/1/2008, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board  
ATTN: Administrative Assistant  
4050 Esplanade Way  
Building 4030 – Suite 160  
Tallahassee, Florida 32399-0950.

The applicant must provide the original grant application and nine copies postmarked or delivered to the Board’s Office on or before March 1 or October 1 of each year, dependent on the fall or spring application period.

2. When changed, paragraph 60FF-5.002(2)(c) shall read as follows:

(c) Equipment procurement shall be based on the county’s purchasing requirements and the applicable State purchasing requirements specified in Chapter 287, F.S., and the requirements of Section 112.061, F.S.

3. When changed, paragraph 60FF-5.002(2)(d) shall read as follows:

(d) Grant applications totaling \$25,000.00 or more must be accompanied by at least three written competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses. Sole source funding will be considered on a case-by-case basis. Justification for sole source funding should be provided with this application. Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county’s purchasing department

that the project is a sole source procurement based on the county's purchasing requirements. The letter should be provided with this application.

4. When changed, paragraph 60FF-5.002(2)(m) shall read as follows:

(m) The E911 Board will adjust the funds awarded to a rural county based upon eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

5. When changed, the Specific Authority, Law Implemented and History sections shall read as follows:

Specific Authority 365.172(6)(a)11. FS. Law Implemented 365.173(2)(g), 365.172(9)(a), (b), (c) FS. History–New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chairman, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

**DEPARTMENT OF MANAGEMENT SERVICES  
Communications and Information Technology Services**

RULE NO.: 60FF-5.003  
RULE TITLE: State Grant Programs  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 28, July 11, 2008 issue of the Florida Administrative Weekly.

These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. The changes were approved by the Board at its September 18, 2008 meeting. After the changes are made, the rules will read as follows:

1. When changed, paragraph 60FF-5.003(2)(c) shall read as follows:

(c) Equipment procurement shall be based on the county's purchasing requirements and the applicable State purchasing requirements specified in Chapter 287, F.S., and the requirements of Section 112.061, F.S.

2. When changed, paragraph 60FF-5.003(2)(d) shall read as follows:

(d) Grant applications totaling \$25,000.00 or more must be accompanied by at least three written competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses. Sole

source funding will be considered on a case-by-case basis. Justification and documentation for sole source funding should be provided with this application. Sole source funding will be approved if provided in accordance with Chapter 287, Florida Statutes, or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements. The letter should be provided with the application.

3. When changed, paragraphs 60FF-5.003(2)(f), (g) shall read as follows:

(f) No grant money will be awarded to be used for the purpose of paying county 911 salaries or call takers' salaries.

(g) Two or more counties may apply for a joint grant, but each county must complete and submit W Form 3A as requested and indicated.

4. When changed, paragraph 60FF-5.003(2)(l) shall read as follows:

(l) The E911 Board will adjust the amount awarded to a county based upon the availability of funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

5. When changed, paragraph 60FF-5.003(3)(a) shall read as follows:

(a) Schedule  
Counties submit applications: by October 1  
E911 Board evaluates applications: October – November  
Board votes on applications at regularly scheduled meetings: October – December  
Board notification of award and issuance of checks to counties approved for funding is contingent upon legislative funding release.

6. When changed, the Specific Authority, Law Implemented and History sections shall read as follows:

Specific Authority 365.172(6)(a)11. FS. Law Implemented 365.172(6)(a)3.b., 365.173(2)(i), 365.172(9)(a), (b), (c) FS. History–New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chairman, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**  
RULE NO.: 61H1-27.002  
RULE TITLE: Concentrations in Accounting and Business

**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. 32, August 8, 2008 issue of the Florida Administrative Weekly.

The change is in response to a discussion of the rule at a meeting of the Board held on September 15, 2008. The changes are as follows:

1. Subsection (2)(b) shall now read as follows:  
 39 semester or 58 quarter hours in general business education which shall include not less than the equivalent of 6 semester or 8 quarter hours in business law courses which shall include coverage of the uniform commercial code, contracts and torts. Vocational and clerical type courses will not count either toward the accounting requirement set forth in subsection 61H1-27.002(2), F.A.C., or this general business education requirement. Specialized industry courses will be acceptable as general business courses but not as accounting courses, unless as defined in subsection 61H1-27.002(2), F.A.C., and they have an accounting prefix; further such courses in order to qualify must be certified by the chairman of the school or college's accounting department as qualifying for general business credit. Written or oral communication courses will qualify for the general business requirement if they have a business or accounting prefix or if they are reflected in the catalog in the school or college as relating directly to the school or college's business or accounting requirements. A maximum of 9 semester hours (13 quarter hours) of computer courses and 6 upper division semester hours (8 quarter hours) of statistics courses will be accepted for purposes of meeting the general business requirement.

2. Subsection (3)(b) shall now read as follows:  
 24 semester or 36 quarter hours in general business education which shall include not less than the equivalent of 6 semester or 8 quarter hours in business law courses which shall include coverage of the uniform commercial code, contracts and torts. Vocational and clerical type courses will not count either toward the accounting requirement set forth in subsection 61H1-27.002(2), F.A.C., or this general business education requirement. Specialized industry courses will be acceptable as general business courses but not as accounting courses unless as defined in subsection 61H1-27.002(2), F.A.C., and they have an accounting prefix; further such courses in order to qualify must be certified by the chairman of the school or college's accounting department as qualifying for general business credit. Written or oral communication courses will qualify for the general business requirement if they have a business or accounting prefix or if they are reflected in the catalog in the school or college as relating directly to the school or college's business or accounting requirements. A maximum of 9 semester hours (13 quarter hours) of computer

courses and 6 upper division semester hours (8 quarter hours) of statistics courses will be accepted for purposes of meeting the general business requirement.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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**

**Division of Medical Quality Assurance**

RULE NO.:	RULE TITLE:
64B-3.006	Diagnostic Testing
<b>NOTICE OF CORRECTION</b>	

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 40, October 3, 2008 issue of the Florida Administrative Weekly.

The above-proposed rule was noticed in the August 22, 2008, issue of the Florida Administrative Weekly, Vol. 34, No. 34, on pages 4349 and 4350. The purpose and effect was inadequate. The purpose and effect is to implement Chapter 2007-324, 520, effective January 1, 2008, which requires the Department to list diagnostic tests that are not permitted under the personal injury protection statute.

The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the above change is: Larry McPherson, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NOS.:	RULE TITLES:
64D-3.029	Diseases or Conditions to be Reported
64D-3.030	Notification by Practitioners
64D-3.031	Notification by Laboratories

**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. 26, June 27, 2008 issue of the Florida Administrative Weekly.

64D-3.029 Diseases or Conditions to Be Reported.

(1) Diseases or conditions listed in subsection (3) below are of public health significance identified by the Department as of the date of these rules which must be reported by the practitioner, hospital, laboratory, or other individuals via telephone (with subsequent written report within 72 hours, see

Rules 64D-3.030-64D-3.033, F.A.C.), facsimile, electronic data transfer, or other confidential means of communication to the County Health Department having jurisdiction for the area in which the office of the reporting practitioner, hospital, laboratory or patient's residence is located consistent with the specific section and time frames in subsection (3) below relevant to the practitioners, hospitals and laboratories, respectively. Reporters are not prohibited from reporting diseases ~~and/or~~ conditions not listed by rule.

(2) Definitions to be used with subsection (3) below: (No change.)

(a) "Notifiable Diseases or Conditions" – The definitions of ~~"case" and "suspected case" and "confirmed case"~~ for reportable diseases or conditions are set forth in "Surveillance Case Definitions for Select Reportable Diseases in Florida," August 2008, incorporated by reference, available online at: [http://www.doh.state.fl.us/disease\\_ctrl/epi/surv/CaseDefAug2008.pdf](http://www.doh.state.fl.us/disease_ctrl/epi/surv/CaseDefAug2008.pdf). ~~www.doh.state.fl.us/disease\_ctrl/epi/topics/surv.htm. For any disease or condition for which Florida surveillance case definitions do not exist, the CDC case definitions set forth in Nationally Notifiable Infectious Diseases, Definition of Terms Used in Case Classification, incorporated by reference, available online at: www.cdc.gov/eppo/dphsi/casedef/definition\_of\_terms.htm should be used. Also see the footnotes to subsection (3).~~

(b) "Suspect Immediately" – A notifiable condition or urgent public health importance. Report without delay upon the occurrence of any of the following: Initial suspicion, receipt of a specimen with an accompanying request for an indicative or confirmatory test, findings indicative thereof, or suspected diagnosis. Reports that cannot timely be made during the County Health Department business day shall be made to the County Health Department after-hours duty official. If unable to do so, the reporter shall contact the Florida Department of Health after hours duty official at (850)245-4401. (No change.)

(c) "Immediately" – A notifiable condition of urgent public health importance. Report without delay upon the occurrence of any of the following: An indicative or confirmatory test, findings indicative thereof, or diagnosis. Reports that cannot timely be made during the County Health Department business day shall be made to the County Health Department after-hours duty official. If unable to do so, the reporter shall contact the Florida Department of Health after hours duty official at (850)245-4401. (No change.)

(d) "Next Business Day" – Report before the closure of the County Health Department's next business day following suspicion or diagnosis. (No change.)

(e) "Other" – Report consistent with the instruction in and footnotes to subsection (3) below. (No change.)

(3) "Table of Notifiable Diseases or Conditions to be Reported."

Practitioner Reporting					Laboratory Reporting					
Notifiable Diseases or Conditions	Timeframes				Evidence of current or recent infection with etiological agents	Submit isolates or specimens for confirmation*1	Timeframes			
	Immediately Suspect	Immediately	Next Business Day	Other			Immediately Suspect	Immediately	Next Business Day	Other
<u>Any case, cluster of cases, or outbreak of a disease or condition found in the general community or any defined setting such as a hospital, school or other institution, not listed in this Rule that is of urgent public health significance. This includes those indicative of person to person spread, zoonotic spread, the presence of an environmental, food or waterborne source of exposure and those that result from a deliberate act of terrorism. Any disease outbreak in a community, hospital or other institution or a foodborne or waterborne outbreak</u>	X	X			<u>Detection in one or more specimens of etiological agents of a disease or condition not listed in this Rule that is of urgent public health significance. Any grouping or clustering of patients having similar etiological agents that may indicate the presence of a disease outbreak</u>		X	X		
<u>Any grouping or clustering of patients having similar disease, symptoms or syndromes that may indicate the presence of a disease outbreak including those of biological agents associated with terrorism</u>	X	X			<u>Any grouping or clustering of patients having similar etiological agents that may indicate the presence of a disease outbreak including those of biological agents associated with terrorism.</u>		X	X		
Acquired Immune Deficiency Syndrome (AIDS)				2 Weeks	Not Applicable					
<u>Amebic Encephalitis</u>		X			<u>Naegleria fowleri, Balamuthia mandrillaris, or Acanthamoeba spp.</u>			X		
Anthrax	X	X			<u>Bacillus anthracis</u>	X	X	X		
<u>Arsenic*2</u>			X		<u>Laboratory results as specified in the surveillance case definition for arsenic poisoning *2</u>				X	
Botulism, foodborne	X	X			<u>Clostridium botulinum or botulinum toxin</u>	X	X	X		
Botulism, infant			X		<u>Clostridium botulinum or botulinum toxin</u>	X			X	



Botulism, other (includes wound and unspecified)	X	X			<i>Clostridium botulinum</i> or botulinum toxin	X	X	X		
Brucellosis	X	X			<i>Brucella abortus, B. melitensis, B. suis, B. canis</i>	X	X	X		
California serogroup virus neuroinvasive and non-neuroinvasive disease			X		California encephalitis viruses, Jamestown Canyon, Keystone, Lacrosse, snowshoe hare, trivittatus viruses	X				X
Campylobacteriosis			X		<i>Campylobacter</i> species					X
Cancer (except non-melanoma skin cancer, and including benign and borderline intracranial and CNS tumors) *3 *2				6 Months	Pathological or tissue diagnosis of cancer (except non-melanoma skin cancer and including benign and borderline intracranial and CNS tumors)					6 Months
Carbon monoxide poisoning			X		A volume fraction $\geq 0.09$ (9%) of carboxyhemoglobin in blood					X
CD-4	Not Applicable				CD-4 absolute count and percentage of total lymphocytes *4 *3					3 days
Chancroid			X		<i>Haemophilus ducreyi</i>					X
Chlamydia			X		<i>Chlamydia trachomatis</i>					X
Chlamydia in pregnant women and neonates			X		<i>Chlamydia trachomatis</i>					X
Chlamydia in children < 12 years of age *5e *4			X		<i>Chlamydia trachomatis</i>					X
Cholera	X	X			<i>Vibrio cholerae</i>	X	X	X		
Ciguatera fish poisoning (Ciguatera)			X		Not Applicable					
<i>Clostridium perfringens</i> , epsilon toxin (disease due to)			X		<i>Clostridium perfringens</i> , epsilon toxin					X
Congenital anomalies *6 *5				6 Months	Not Applicable					
Conjunctivitis in neonates < 14 days old			X		Not Applicable					
Creutzfeld-Jakob disease (CJD) *7 *6			X		14-3-3 protein from CSF or any brain pathology suggestive of CJD *7 *6					X
Cryptosporidiosis			X		<i>Cryptosporidium parvum</i>					X
Cyclosporiasis			X		<i>Cyclospora cayentanensis</i>	X				X
Dengue			X		Dengue virus	X				X
Diphtheria	X	X			<i>Corynebacterium diphtheriae</i>	X	X	X		
Eastern equine encephalitis virus neuroinvasive and non-neuroinvasive disease			X		Eastern equine encephalitis virus	X				X
Ehrlichiosis/Anaplasmosis Ehrlichiosis, human granulocytic (HGE)			X		<i>Anaplasma phagocytophilum, Ehrlichia chaffeensis, or E. ewingii</i> <i>Ehrlichia phagocytophilia</i> .	X				X
Ehrlichiosis, human monocytic (HME)			X		<i>Ehrlichia chaffeensis</i>					X
Ehrlichiosis/Anaplasmosis – undetermined or unspecified Ehrlichiosis, human other or unspecified agent			X	-	<i>Ehrlichia or Anaplasma</i> species, other	X				X

Encephalitis, other (non-arboviral)			X		Isolation from or demonstration in brain or central nervous system tissue or cerebrospinal fluid, of any pathogenic virus				X	
Enteric disease due to <i>Escherichia coli</i> O157:H7		X			<i>Escherichia coli</i> O157:H7	X		X		
Enteric disease due to other pathogenic <i>Escherichia coli</i> *8 *7		X			<i>Escherichia coli</i> *8 *7			X		
Giardiasis (acute)			X		<i>Giardia</i> species				X	
Glanders	X	X			<i>Burkholderia mallei</i> ,	X	X	X		
Gonorrhea			X		<i>Neisseria gonorrhoeae</i>				X	
Gonorrhea in children < 12 years of age *5 *4			X		<i>Neisseria gonorrhoeae</i>				X	
Gonorrhea in pregnant women and neonates			X		<i>Neisseria gonorrhoeae</i>				X	
Gonorrhea (Antibiotic Resistant)			X		<i>Neisseria gonorrhoeae</i> *9 *8				X	
Granuloma Inguinale			X		<i>Calymmatobacterium granulomatis</i>				X	
<i>Haemophilus influenzae</i> , meningitis and invasive disease	X	X			<i>Haemophilus influenzae</i>	X	X	X		
Hansen disease (Leprosy)			X		<i>Mycobacterium leprae</i>				X	
Hantavirus infection		X			Hantavirus	X		X		
Hemolytic uremic syndrome		X			Not Applicable					
Hepatitis A *10 *9		X			Hepatitis A *10 *9				X	
Hepatitis B, C, D, E and G Virus *10 *9			X		Hepatitis B, C, D, E and G Virus *10 *9				X	
Hepatitis B surface antigen (HBsAg)-positive in a pregnant woman or a child up to 24 months old			X		Hepatitis B surface antigen (HBsAg)				X	
Herpes simplex virus (HSV) in infants up to <u>60 days old</u> <del>six (6) months of age</del> with disseminated infection with involvement of liver, encephalitis and infections limited to skin, eyes and mouth *11 *10			X		HSV 1 or HSV 2 by direct FA, PCR, DNA or Culture *11 *10				X	
HSV – anogenital in children < 12 years of age *5*11 *4*10			X		HSV 1 or HSV 2 by direct FA, PCR, DNA or Culture *11 *10				X	

Human immunodeficiency virus (HIV)				2 Weeks	Repeatedly reactive enzyme immunoassay, followed by a positive confirmatory tests, (e.g. Western Blot, IFA): Positive result on any HIV virologic test (e.g. p24 AG, Nucleic Acid Test (NAT/NAAT) or viral culture). All viral load (detectable and undetectable) test results *12*13, *4+					3 days
Human immunodeficiency virus (HIV) Exposed Newborn – infant < 18 months of age born to a HIV infected woman			X		All HIV test results (e.g., positive or negative immunoassay, positive or negative virologic tests) for those < 18 months of age					3 days
Human papillomavirus papilloma virus (HPV) associated laryngeal papillomas or recurrent respiratory papillomatosis in children <6 years of age *5 *4			X		HPV DNA				X	
HPV – anogenital in children <12 years of age *5 *4			X		HPV DNA				X	
Human papillomavirus ONLY physicians licensed as pathologists need report as directed under Laboratory Reporting*14 → HPV cancer associated strains*12			X		1) Positive test for any high risk human papillomavirus (HPV) type (e.g., 16, 18, 31, 33, 35, 39, 45, 51, 52, 56, 59, 68, etc)*15 2) Abnormal cervical and anogenital cytologies consistent with “Bethesda 2001 Terminology” *15 3) Abnormal histologies including*15: a. cervical vaginal intraepithelial neoplasia (CIN 1, 2, or 3) b. vulvar intraepithelial neoplasia (VIN 1, 2, or 3) c. vaginal intraepithelial neoplasia (VAIN 1, 2, or 3) d. anal intraepithelial neoplasia (AIN 1, 2, or 3) DNA typing of HPV strains 16, 18, 31, 33, 35, 36, 45 Abnormal histologies consistent with Bethesda 2001 Terminology *13				X	

Influenza due to novel or pandemic strains	X	X			Isolation of influenza virus from humans of a novel or pandemic strain	X	X	X		
Influenza-associated pediatric mortality in persons aged < 18 years			X		Influenza virus – associated pediatric mortality in persons aged <18 years (if known)	X		X		
Lead poisoning *16 *14				X	All blood lead test results*16 tests with detectable blood lead values *14					X
Legionellosis				X	<i>Legionella</i> species					X
Leptospirosis				X	<i>Leptospira interrogans</i>					X
Listeriosis			X		<i>Listeria monocytogenes</i>			X		
Lyme disease				X	<i>Borrelia burgdorferi</i>					X
Lymphogranuloma Venereum (LGV)				X	<i>Chlamydia trachomatis</i>					X
Malaria				X	<i>Plasmodium falciparum</i> , <i>P. vivax</i> , <i>P. ovale</i> , <i>P. malariae</i>	X				X
Measles (Rubeola)	X	X			Measles virus *17 *15	X	X	X		
Melioidosis	X	X			<i>Burkholderia pseudomallei</i>	X	X	X		
Meningitis, bacterial, cryptococcal and mycotic (other than meningococcal or <i>H. influenzae</i> or pneumococcal)				X	Isolation or demonstration of any bacterial or fungal species in cerebrospinal fluid					X
Meningococcal Disease, includes meningitis and meningococemia	X	X			<i>Neisseria meningitidis</i> (serogroup needed)	X	X	X		
Mercury poisoning				X	Laboratory results as specified in the surveillance case definition for mercury poisoning					X
Mumps				X	Mumps virus					X
Neurotoxic shellfish poisoning				X	Laboratory results as specified in the surveillance case definition for Neurotoxic shellfish poisoning				X	
Pertussis			X		<i>Bordetella pertussis</i>				X	
Pesticide-related illness and injury				X	Laboratory results as specified in the surveillance case definition for pesticide related illness and injury					X
Plague	X	X			<i>Yersinia pestis</i>	X	X	X		
Poliomyelitis, paralytic and non-paralytic	X	X			Poliovirus	X	X	X		
Psittacosis (Ornithosis)				X	<i>Chlamydophila psittaci</i> (formerly known as <i>Chlamydia psittaci</i> )	X				X
Q Fever				X	<i>Coxiella burnetii</i>	X				X
Rabies, animal			X		Rabiesvirus			X	X	
Rabies, human			X		Rabiesvirus			X	X	
Rabies, possible exposure *18 *16	X	X			Not Applicable					
Ricin toxicity	X	X			Ricin toxin (from <i>Ricinus communis</i> castor beans)	X	X	X		

Rocky Mountain spotted fever			X		<i>Rickettsia rickettsii</i>	X			X	
Rubella, including congenital	X	X			Rubella virus *17 *15	X	X	X		
St. Louis encephalitis (SLE) virus neuroinvasive and non-neuroinvasive disease			X		St. Louis encephalitis virus	X			X	
Salmonellosis			X-		<i>Salmonella</i> species by species serogroup and serotype				X	
Saxitoxin poisoning including Paralytic shellfish poisoning (PSP)			X		Saxitoxin				X	
Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV) disease	X	X			SARS-associated Coronavirus (SARS-CoV)	X	X	X		
Shigellosis			X		<i>Shigella</i> species by species serogroup				X	
Smallpox	X	X			Variola virus (orthopox virus)	X	X	X		
<u><i>Staphylococcus aureus</i> - community associated mortality *19</u>			X		<u><i>Staphylococcus aureus</i> - community associated mortality *20</u>	X				
<u>Not Applicable</u>					<u><i>Staphylococcus aureus</i> isolated from a normally sterile site *21</u>				X	
<i>Staphylococcus aureus</i> with intermediate or full resistance to vancomycin (VISA, VRSA)			X		<i>Staphylococcus aureus</i> with intermediate or full resistance to vancomycin (VISA, VRSA); Laboratory results as specified in the surveillance case definition. *22	X			X	
Staphylococcus enterotoxin B			X		Staphylococcus enterotoxin B	X			X	
Streptococcal disease, invasive, Group A			X		<i>Streptococcus pyogenes</i> , Group A, isolated from a normally sterile site (does not include throat specimens)				X	
<i>Streptococcus pneumoniae</i> , invasive disease	Not Applicable				<i>Streptococcus pneumoniae</i> isolated from a normally sterile site *23				X	
<i>Streptococcus pneumoniae</i> , invasive disease in children < 5 years, drug sensitive and resistant			X		<i>Streptococcus pneumoniae</i> isolated from a normally sterile site *23				X	
Syphilis			X		<i>Treponema pallidum</i>				X	
Syphilis in pregnant women and neonates			X		<i>Treponema pallidum</i>				X	
Tetanus			X		<i>Clostridium tetani</i>				X	
Toxoplasmosis, acute			X		<i>Toxoplasma gondii</i>				X	
Trichinellosis (Trichinosis)			X		<i>Trichinella spiralis</i>				X	
Tuberculosis (TB) *24 *17			X		<i>Mycobacterium tuberculosis</i> complex *24 *17				X	
Tularemia	X	X			<i>Francisella tularensis</i>	X	X	X		
Typhoid fever			X		<i>Salmonella typhi</i>	X		X		

Typhus fever ( <u>outbreak</u> ) (epidemic)	X	X			<i>Rickettsia prowazekii</i>	X	X	X		
Typhus fever (endemic)			X		<i>Rickettsia typhi, R. felis</i>	X			X	
Vaccinia disease	X	X			Vaccinia virus	X	X	X		
Varicella (ChickenPox) *25 *18			X		Varicella virus				X	
Varicella mortality			X		Varicella virus				X	
Venezuelan equine encephalitis virus neuroinvasive and non-neuroinvasive	X	X			Venezuelan equine encephalitis virus	X	X	X		
Vibriosis (Vibrio infections, other than Cholera)			X		All non-cholera <i>Vibrio</i> species including, <i>V. alginolyticus, V. damsela, V. fluvialis, V. furnissii, V. hollisae, V. mimicus, V. parahaemolyticus, V. vulnificus</i>	X			X	
Viral hemorrhagic fevers	X	X			Ebola, Marburg, Lassa, Machupo viruses	X	X	X		
West Nile virus neuroinvasive and non-neuroinvasive disease			X		West Nile virus	X			X	
Western equine encephalitis virus neuroinvasive and non-neuroinvasive disease			X		Western equine encephalitis virus	X			X	
Yellow fever	X	X			Yellow fever virus	X		X		

\*1 – Submission of isolates or specimens for confirmation: (No change.)

a. Each laboratory that obtains a human isolate or a specimen from a patient shall send specimens (such as isolates, sera, ~~serums~~, slides or diagnostic preparations) to the Florida Department of Health, Bureau of Laboratories for confirmation or additional characterization of the organism. Contact 1(866)352-5227 for the address of your regional laboratory, which will maintain a record indicating the date that these specimens were submitted to the laboratory.

b. Persons submitting specimens for reportable laboratory tests to the Florida Department of Health, Bureau of Laboratories, pursuant to subsection 64D-3.003(4), F.A.C., are required to supply the laboratories with sufficient information to comply with the provisions of this section.

c. For the address of your closest regional Florida Department of Health laboratory location, contact 1(866)352-5227. This location will receive isolates or specimens and maintain a record to indicate the date that these specimens were submitted to the laboratory.

d. Laboratories shall submit isolates or specimens to the Florida Department of Health, Bureau of Laboratories for confirmation or additional characterization of the organism for any notifiable disease as requested by the county health department director or administrator or their designee. Some

additional information regarding such requests can be found in the document “Surveillance Case Definitions for Select Reportable Diseases in Florida”.

e. Laboratories are not prohibited from submitting isolates or specimens from a patient for a disease or condition that is not designated in the Table of Notifiable Diseases or Conditions to be Reported in this Rule.

\*2 – Special reporting requirements for Arsenic: Test results should only be reported if the test occurred 72 hours after the patient’s consumption of seafood.

\*3\*2 – Notification within six months of diagnosis and within six months of each treatment.

Exceptions are located in Rule 64D-3.007, F.A.C.

\*4\*3 – All CD4s, with or without confirmed HIV infection.

\*5\*4 – Child abuse should be considered by a practitioner upon collection of a specimen for laboratory testing in any person 12 years of age or under, excluding neonates. Reporting of a STD case to a county health department does not relieve the practitioner of their mandatory reporting responsibilities regarding child abuse pursuant to Section 39.201, F.S.

\*6\*5 – Exceptions are located in Rule 64D-3.035, F.A.C.

\*7\*6 – Practitioners should contact the Department of Health, Bureau of Epidemiology at (850)245-4401 to arrange appropriate autopsy and specimen collection.

~~\*8\*7~~ – Non-O:157:H7, including enterotoxigenic, enteroinvasive, enteropathogenic, enterohemorrhagic, enteroaggregative strains and shiga toxin positive strains.

~~\*9\*8~~ – Special reporting requirements for Antibiotic Resistant *Neisseria gonorrhoeae*:

a. Report susceptibility test results (zone sizes for disk diffusion; MICs for E-test or agar dilution) for the following antibiotics: Azithromycin, Cefixime, Ceftriaxone, Ciprofloxacin, Erythromycin, Ofloxacin, Penicillin, Spectinomycin, and Tetracycline.

~~\*10\*9~~ – Special reporting requirements for Hepatitis:

a. Positive results should be accompanied by any hepatitis testing conducted: and

b. All serum aminotransferase levels.

~~\*11\*10~~ – A 4-fold titer rise in paired sera by various serologic tests confirmatory of primary infection; presence of herpes-specific IgM suggestive but not conclusive evidence of primary infection.

~~\*12\*11~~ – Special requirements for STARHS (Serologic Testing Algorithm for Recent HIV Seroconversion):

a. Each laboratory that reports a confirmed positive HIV test in persons 13 years of age and older must also report a serologic testing algorithm for recent HIV seroconversion (STARHS) test result.

b. In lieu of producing this test result, each laboratory that reports a confirmed positive HIV test must submit a sample for additional testing using STARHS (Serologic Testing Algorithm for Recent HIV Seroconversion). The laboratory is permitted to send the remaining blood specimen or an aliquot of at least 0.5 ml to the Florida Department of Health, Bureau of Laboratories, 1217 Pearl Street, Jacksonville, Florida 32202-3926.

c. Laboratories electing to send a blood specimen will contact the Florida Department of Health, Bureau of Laboratories at (904)791-1500 to receive specimen maintenance and shipping instructions.

d. Nationally based laboratories with an existing contract to ship specimens directly to a STARHS laboratory designated by the National Centers for Disease Control and Prevention will not be required to send a specimen to the Florida Department of Health Laboratory.

~~\*13~~ – If a genotype is performed, the fasta files containing the nucleotide sequence data, including the protease and reverse transcriptase regions must be reported.

~~\*12~~ – Practitioners need only to report the presence of cancer associated strains, not abnormal cytologies to the Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A-19, Tallahassee, Florida 32399-1712, (850)245-4303.

~~\*14~~ – Practitioners need not report, unless licensed as a pathologist.

~~\*13~~ – Special reporting requirements for abnormal histologies:

~~a.~~ Report only classifications consistent with Bethesda 2001 Terminology of ASC-US, ASC-H, HSIL, LSIL, CIN 1, CIN 2, CIN 3 and AGC to the Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A-19, Tallahassee, Florida 32399-1712, (850)245-4303.

~~b.~~ All such reports must be received by the Department electronically in HL-7 format.

~~\*15~~ – Special reporting requirements for laboratories and pathologists:

~~a.~~ Report to the Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A-19, Tallahassee, Florida 32399-1716, (850)245-4303.

~~b.~~ Paper reports are not required. In accordance with paragraph 64D-3.031(5)(b), F.A.C., once Electronic Laboratory Reporting is initiated with the Department, all reports should be made electronically.

~~\*16\*14~~ – Special reporting requirements for reporting blood lead tests:

a. All blood lead tests are considered evidence of a suspected case and are to be reported to the Florida Department of Health, Bureau of Community Environmental Health, Childhood Lead Poisoning Prevention Program, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1712, (850)245-4277. This reporting requirement pertains to: 1) laboratories and, 2) practitioners that conduct on site blood lead analysis (i.e., practitioners that use portable lead care analyzers or other devices to perform blood lead analysis).

b. All such reports must be received by the Department electronically.

~~\*17\*15~~ – IgM serum antibody or viral culture test orders for measles (rubeola) or rubella should be reported as suspect immediately, but not IgG results.

~~\*18\*16~~ – Includes a bite or other significant exposure to a human or domestic animal (including all pets and livestock) by an animal:

a. That results in rabies prophylaxis for the person exposed, rabies testing ~~and~~ or quarantine of the animal causing the exposure; or

b. That is capable of transmitting herpes B viruses (includes exposures from nonhuman primates).

~~\*19~~ – As specified in the surveillance case definition for mortality in a person infected with community associated *Staphylococcus aureus*. For *S. aureus* mortality cases, a *S. aureus* culture shall be sent to the Florida Department of Health, Bureau of Laboratories, 1217 Pearl Street, Jacksonville, Florida 32202-3926, (904)791-1500. When pneumonia was present, a suitable respiratory specimen for viral testing should be submitted if available.

\*20 – Laboratories that have an isolate from a patient known to have died from community associated Staphylococcus aureus must submit isolates to Florida Department of Health, Bureau of Laboratories, 1217 Pearle Street, Jacksonville, Florida 32202-3926, (904)791-1500.

\*21 – Special reporting requirements for Staphylococcus aureus:

a. Antibiotic sensitivities must be included.

b. Paper reports are not required. In accordance with paragraph 64D-3.031(5)(b), F.A.C., once Electronic Laboratory Reporting is initiated with the Department, all reports should be made electronically.

\*22 – Special reporting requirements for Staphylococcus aureus with intermediate or full resistance to vancomycin (VISA, VRSA):

a. Antibiotic sensitivities must be included.

\*23 – Special reporting requirements for Streptococcus pneumoniae:

a. Antibiotic sensitivities must be included.

\*24\*17 – Special reporting requirements for Tuberculosis:

a. Test results must also be submitted by laboratories to the Department of Health, Bureau of Tuberculosis and Refugee Health, 4052 Bald Cypress Way, Bin A20, Tallahassee, Florida 32399-1717, (850)245-4350;

b. The 15-digit spoligotype (octal code) must be reported. If the spoligotyping is not available, the isolate must be submitted to the Department of Health, Bureau of Laboratories, 1217 Pearle Street, Jacksonville, Florida 32202-3926, (904)791-1500. The Department will provide the mailing materials and pay mailing costs.

\*25\*18 – Special reporting requirements for Varicella (chickenpox) – Besides the information required to be reported in subsection 64D-3.030(3), F.A.C., practitioners shall also provide date of vaccination.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.53(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (2), (6), 383.06, 384.23, 384.25, 385.202, 392.53 FS. History–New \_\_\_\_\_.

Editorial Note: History–Formerly 10D-3.62, 10D-3.062, and 64D-3.002.

64D-3.030 Notification by Practitioners.

(1) Each practitioner licensed under Chapters 458, 459, 460, 462, 464, 467 and 474, F.S., and medical examiner appointed pursuant to Chapter 406, F.S., who diagnoses, treats or suspects a case, or who suspects an occurrence of a disease or condition listed in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C., including in persons who at the time of death were so affected, shall report or cause to be reported all such diagnoses or suspicions per this rule. Reporting of specimen results by a laboratory to a county

health department director, administrator or designee does not nullify the practitioner's obligation to report said disease or condition. (No change.)

(2) Any request for laboratory test identification shall be considered a suspicion of disease. However, practitioners need only to report suspected cases if indicated in the "suspect immediately" column under practitioners in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C. (No change.)

(3) Any report of a notifiable disease or condition required by this rule, except for cancer, congenital anomalies and HIV/AIDS, shall be reported on the Florida Department of Health Disease Report Form (DH Form 2136, 3/06), incorporated by reference, available at the Department of Health, Division of Disease Control, 4052 Bald Cypress Way, Bin A-09, Tallahassee, FL 32399-1714, or on a form supplied by the provider that includes the following: (No change.)

(a) The patient's: (No change.)

1. First and last name, including middle initial; (No change.)

2. Address, including city, state and zip code; (No change.)

3. Telephone number, including area code; (No change.)

4. Date of birth; (No change.)

5. Sex; (No change.)

6. Race; (No change.)

7. Ethnicity (specify if of Hispanic descent or not of Hispanic descent); (No change.)

8. Pregnancy status if applicable; (No change.)

9. Social Security number; (No change.)

10. Date of onset of symptoms; (No change.)

11. Diagnosis. (No change.)

(b) Type of diagnostic tests (for example culture, IgM, serology, Mantoux TB skin test, nucleic acid amplification test or Western Blot); (No change.)

(c) Type of specimen (for example stool, urine, blood, mucus, etc.); (No change.)

(d) Date of specimen collection; (No change.)

(e) Site (for example cervix, eye, etc., if applicable); (No change.)

(f) Diagnostic test results including: reference range, titer when quantitative procedures are performed, and all available results concerning additional characterization of the organism;

(g) For Tuberculosis, the 15-digit spoligotype (octal code) must be reported; (No change.)

(h) Treatment given; (No change.)

(i) Name, address and telephone number of the attending practitioner; (No change.)

(j) Other necessary epidemiological information as well as additional specimen collection or laboratory testing requested by the county health department director or administrator or their designee.



(4) The practitioner who first authorizes, orders, requests or submits a specimen to a licensed laboratory for testing for any agent listed in Rule 64D-3.029, F.A.C., shall obtain and provide ~~is responsible for obtaining and providing~~ the information required by subparagraphs 64D-3.031 (3)(a)1.-10., F.A.C., at the time the specimen is sent ~~to or received by the~~ laboratory.

(5) Special reporting requirements for HIV and AIDS: (No change.)

(a) All cases of HIV or AIDS, which meet the Centers for Disease Control and Prevention (CDC) case definitions set forth in CDC Guidelines for National Human Immunodeficiency Virus Case Surveillance, Including Monitoring for Human Immunodeficiency Virus Infection and Acquired Immunodeficiency Syndrome, published in Morbidity and Mortality Weekly Report (MMWR) Vol. 48 [RR-13, December 10, 1999], incorporated by reference, available online at: [www.cdc.gov/mmwr/PDF/RR/RR4813.pdf](http://www.cdc.gov/mmwr/PDF/RR/RR4813.pdf), shall be reported on the Adult HIV/AIDS Confidential Case Report, CDC 50.42A Rev. 03/2007, ~~01/2003~~ incorporated by reference, or the Pediatric HIV/AIDS Confidential Case Report, CDC 50.42B Rev. 01/2003, incorporated by reference, along with the Department of Health Addendum for Adult HIV/AIDS Confidential Case Report, DH Form 2134, (09/08), ~~(December 2006)~~, incorporated by reference. All forms are available at county health departments or at the Department of Health, Bureau of HIV/AIDS, 4052 Bald Cypress Way, Bin A-09, Tallahassee, Florida 32399-1715, (850)245-4334.

(b) HIV exposed newborns shall be reported on the Pediatric HIV/AIDS Confidential Case Report, CDC 50.42B Rev. 01/2003, incorporated by reference in paragraph 64D-3.030(5)(a), ~~(b)~~, F.A.C.

~~(6)(7)~~ Each practitioner who makes a diagnosis of or treats any notifiable disease or condition shall make their patient medical records for such diseases or conditions available for on-site inspection by the Department or its authorized representatives.

Specific Authority 381.0011(13), 381.003(2), 381.0031(5), 381.0031(6), 383.06, 384.25(1), 384.33, 392.53(1), 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (2), (6), 384.23, 384.25, 385.202, 392.53 FS. History—New \_\_\_\_\_.

Editorial Note: History—Formerly 10D-3.097, 64D-3.016 and 64D-3.022.

#### 64D-3.031 Notification by Laboratories.

(1) Each person or designee who is in charge of a public, federal, private, military or hospital laboratory responsible for receiving the initial order to perform serologic, immunologic, microscopic, biochemical, molecular or cultural tests on specimens derived from a human body or an animal or for collecting the specimen shall report or cause to be reported any laboratory test suggestive of or diagnostic of diseases or

conditions listed in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C., per this rule. (No change.)

(2) Receipt of a laboratory test order requesting the identification of reportable agents shall be considered by the laboratory as an indication of suspected diagnosis. However, laboratories need only to report suspected cases if indicated in the “suspect immediately” column under laboratories in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C. (No change.)

(3) To allow follow-up of laboratory findings suggestive of or diagnostic of diseases or conditions in the Table of Notifiable Diseases or Conditions, the form upon which the information will be reported shall be furnished by the laboratory that includes the following information: (No change.)

(a) The Patient’s: (No change.)

1. First and last name, including middle initial; (No change.)
2. Address including street city, state and zip code; (No change.)
3. Phone number, including area code; (No change.)
4. Date of birth; (No change.)
5. Sex; (No change.)
6. Race; (No change.)
7. Ethnicity (specify if of Hispanic descent or not of Hispanic descent); (No change.)
8. Pregnancy status if applicable; (No change.)
9. Social Security number; (No change.)

(b) The Laboratory (No change.)

1. Name, address and telephone number of laboratory performing test; (No change.)
2. Type of specimen (for example stool, urine, blood, mucus, etc.); (No change.)
3. Date of specimen collection; (No change.)
4. Site (for example cervix, eye, etc., if applicable); (No change.)
5. Date of report; (No change.)
6. Type of tests performed and results, including reference range, titer when quantitative procedures are performed, and including all available results on speciating, grouping or typing of organisms; (No change.)
7. Submitting provider’s name, address including street, city, zip code and telephone number, including area code; (No change.)

8. National Provider Identification (NPI) Number.

(4) Laboratories located out of state, licensed under Part 1, Chapter 483, F.S., who collect specimens in Florida or who receive the initial order for testing from a practitioner, blood bank, plasmapheresis center or other health care provider

located in Florida, shall report in the same way as if the findings had been made by a laboratory located in Florida. (No change.)

(5) Upon the Department's implementation of its Electronic Laboratory Reporting System (ELR) for laboratory findings suggestive of or diagnostic of diseases or conditions, reports will be submitted electronically to the Department using Health Level Seven (HL7) version 2.3.1 format or ASCII delimited flat files which reflect comparable content to HL7 version 2.3.1. utilized by the Department of Health. The CDC Implementation Guide, Health Level Seven Specifications for Electronic Laboratory-Based Reporting of Public Health Information, October 1997, for Transmission of Laboratory-Based Reporting of Public Health Information, using version 2.3.1 of the Health Level Seven (HL7) Standard Protocol, incorporated by reference, is available online at: http://www.cdc.gov/ncdd/ELR/HL7Spec.pdf. ~~the Department of Health, ELR Project, 4052 Bald Cypress Way, Bin A 12, Tallahassee, Florida 32399-1715.~~

(a) The Department's ELR System shall include: (No change.)

1. The initial contact with the reporting laboratory; (No change.)
2. A content review and testing of the laboratories' HL7 transmissions; and (No change.)
3. The transition from testing to production for the HL7 laboratory transmissions. (No change.)

(b) The Department and laboratory will agree on a date of implementation (No change.)

(c) Laboratories reporting electronically through ELR and the Department shall agree to a date that the transmission of findings suggestive of or diagnostic of diseases or conditions listed in the Table of Notifiable Disease or Conditions, Rule 64D-3.029, F.A.C., electronically in HL7 version 2.3.1 format to the Department is acceptable and considered good faith reporting and the laboratory will no longer be required to submit paper forms pursuant to subsection 64D-3.031(3), F.A.C; (No change.)

(d) The Department shall ensure access to the laboratory findings suggestive of or diagnostic of disease or conditions listed in the Table of Notifiable Diseases or Conditions to authorized representatives of the department. (No change.)

(7)(a) In order to study disease incidence, each laboratory licensed to perform tests for any notifiable disease or condition shall report the test volume for each related diagnostic test performed for the notifiable diseases listed in Rule 64D-3.029, F.A.C. (No change.)

(6) This section does not prohibit a laboratory from making a report by telephone, in writing, or facsimile to the county health department having jurisdiction for the area in which the office of the submitting practitioner or the patient's residence is located. (No change.)

(b) Reports are to be filed annually on or before April 1 of each year to the Department electronically in a format agreed upon by the department and the laboratory with the following information: (No change.)

1. Type of diagnostic test; (No change.)
2. Patient's date of birth; (No change.)
3. Patient's sex; (No change.)
4. Race; (No change.)
5. Ethnicity (specify if of Hispanic descent or not of Hispanic descent). (No change.)

(8) Each laboratory licensed to perform tests for any reportable disease or condition shall make its records for such diseases or conditions available for on-site inspection by the Department or its authorized representatives. (No change.)

Specific Authority 381.0011(7), 381.0011(13), 381.003(2), 381.0031(5), 381.0031(6), 384.33, 392.66 FS. Law Implemented 381.0011, 381.003, 381.0031, 384.25(1), 392.53(1) FS. History—New

Editorial Note: History—Formerly 10D-3.66, 10D-3.066, 64D-3.003, 64D-3.017 and 64D-3.023

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-16.003	Case Reviews
65C-16.005	Evaluation of Applicants
65C-16.013	Determination of Maintenance Subsidy Payments
65C-16.017	Florida Adoption Reunion Registry
65C-16.018	Adoption Benefits for Qualifying Employees of State Agencies

**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. 23, June 6, 2008 issue of the Florida Administrative Weekly.

65C-16.003 Case Reviews.

(2)(b) Quarterly Case Staffings. Staff responsible for planning for children in need of adoption will meet together as a team to collectively discuss ~~staff~~ and assess the needs of waiting children and available families. The teams will meet as often as necessary to assure that permanency needs are met. ~~Each waiting child is to be staffed at least quarterly. The team will meet at least quarterly for each waiting child.~~ 65C-16.004 Recruitment, Screening and Application Process/Adoptive Applicants.

(3) The recruitment activities shall reflect the ethnic and racial diversity of children needing adoptive placement pursuant to the Indian Child Welfare Act and Multi-Ethnic Placement Act.

(5) An application to adopt must be made on form CF-FSP 5071, PDF 08/2008, Adoptive Home Application, which is incorporated by reference and which includes necessary identifying information and information required by statute. If a community based provider chooses to use its own form, that form must contain all of the elements of CF-FSP 5071, PDF 08/2008, which is incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL.

#### 65C-16.005 Evaluation of Applicants.

(3)(m) ~~All adoptive parent applicants must disclose to the department or community based care provider any prior or pending local, state or national criminal proceedings in which they have been involved. Affidavit of Good Moral Character. All adoptive parent applicants must complete an affidavit of good moral character (Form CF 1649, Affidavit of Good Moral Character), hereby incorporated by reference, attesting to their own good moral character. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL. Foster parents who are adopting a foster child in their home and who have completed this affidavit as a part of their licensing requirements need not complete it again;~~

(3)(o) Use of References. A minimum of five written references will be required. At least two of the references will be non-relatives. References must be obtained from persons who either: 1) have had the opportunity to observe the applicants in situations that may give some indication for their capacity for parenthood, or 2) who as a result of their relationship to the applicant, possess or should possess documentation or knowledge of the applicant's capacity for parenthood, deviant behavior or immoral character. References should be obtained from employers of applicants and from schools or day care providers who have had an opportunity to know the family.

#### 65C-16.013 Determination of Maintenance Subsidy Payments.

(9) The adoption assistance agreement (Form CF FSP 5079~~4~~, PDF 08/2008, Adoption Assistance Agreement), hereby incorporated by reference, must be signed and dated by all parties prior to the finalization of the adoption. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL. The effective date of the agreement is the date of placement in the adoptive home, or in the case of adoption by the current caregiver, on the date the memorandum of agreement to adopt is signed. Payments may not be made for any months in which there is no adoption assistance agreement in place.

#### 65C-16.017 Florida Adoption Reunion Registry.

(3)(a) Any person may register by completing and submitting the application for registry services (Form CF 1490, PDF 08/2008, Application for Registry Services), hereby incorporated by reference, indicating to whom they consent to release identifying information about themselves. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL.

(6)(a) Any registrant may change the name, address or telephone number associated with their registration, may limit or restrict their consent to release information, or may completely withdraw from the registry at any time using Form CF 1491 PDF 08/2008, Application to Update Information on File with Adoption Registry, hereby incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL.

(10) CF1490, PDF 08/2008, ~~09/2000~~ Applications for Registry Services, and CF1491, PDF 08/2008, ~~09/2000~~ Application to Update Information on File with Adoption Registry, which are incorporated by reference, are available upon request from the Department's Office of Family Safety, Interstate Compact Office at 1317 Winewood Blvd., Tallahassee, FL.

#### 65C-16.018 Adoption Benefits for Qualifying Employees of State Agencies.

(9) The Department shall hold an annual open enrollment period for submission of applications between the first business day of August and the last business day of October. To apply for this benefit, the applicant shall fully complete and submit the State of Florida Application for Adoption Benefit Form, CF-FSP 5327, Sep. 2008, which is hereby incorporated by reference, and is available online at <http://www.dcf.state.fl.us/adoption/adoptbenefitsprogram.shtml>.

## Section IV Emergency Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Standards

RULE NO.:	RULE TITLE:
5FER08-2	Volatility Standards for Gasoline
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: As a result of the effects on the supply and distribution of fuel caused by tropical storms and hurricanes during August and September, extreme and unusual circumstances exist that will prevent the distribution of an adequate fuel supply to consumers in specified Florida counties. On September 11, 2008, the United States Environmental Protection Agency (EPA) issued a fuel	

volatility waiver to nine southeastern states including Florida. Further, several other southeastern states have issued similar fuel volatility waivers extending through October 31, 2008. Pursuant to these actions by the EPA and other southeastern states, and following the adoption of this emergency rule, waiving certain volatility standards in specified Florida counties will allow for adequate and rapid distribution of available fuel, helping to stabilize the fuel market in the specified counties, thus protecting the welfare of Florida consumers in these counties. Specifically, the affected counties in Florida are Jefferson, Leon, Wakulla, Gadsden, Liberty, Franklin, Jackson, Calhoun, Gulf, Holmes, Washington, Bay, Walton, Okaloosa, Santa Rosa, and Escambia.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** This emergency rule was initiated at the request of fuel suppliers in order to more adequately meet the fuel needs of Florida consumers in these specified counties, as a result of current fuel shortages created from recent tropical storms and hurricanes, in particular Hurricane Ike. This emergency rule will help alleviate present distribution difficulties and shortages of motor fuel resulting from these weather events and could not be implemented in time to provide relief to affected Florida consumers through non-emergency rule making procedures.

**SUMMARY:** This emergency rule allows for the retail distribution and sale of gasoline of a different volatility class than adopted in ASTM International designation D4814-07b and Rule 5F-2.001, F.A.C., for the period beginning September 26, 2008, through October 31, 2008, in Jefferson, Leon, Wakulla, Gadsden, Liberty, Franklin, Jackson, Calhoun, Gulf, Holmes, Washington, Bay, Walton, Okaloosa, Santa Rosa, and Escambia Counties in Florida. The specific standards affected are below.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Dr. Matthew D. Curran, (850)488-9740

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

5FER08-2 Volatility Standards for Gasoline.

(1) Volatility Class D-4 fuels as specified in ASTM International designation D4814-07b, shall be allowed for the time period from September 26, 2008, through October 31, 2008, for retail distribution and sale in Jefferson, Leon, Wakulla, Gadsden, Liberty, Franklin, Jackson, Calhoun, Gulf, Holmes, Washington, Bay, Walton, Okaloosa, Santa Rosa, and Escambia Counties.

(2) The Vapor Lock Protection Class requirement as specified in subparagraph 5F-2.001(1)(a)3., F.A.C., for gasoline containing nine (9) through ten (10) percent ethanol by volume shall be allowed a minimum test temperature for a vapor-liquid ratio of twenty (20) of 107 °F for the time period from September 26, 2008, through October 31, 2008, for retail distribution and sale in Jefferson, Leon, Wakulla, Gadsden,

Liberty, Franklin, Jackson, Calhoun, Gulf, Holmes, Washington, Bay, Walton, Okaloosa, Santa Rosa, and Escambia Counties.

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History--New 9-26-08.

**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:** September 26, 2008

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

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

**DEPARTMENT OF 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."

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
68DER08-3	Emergency Regulation of Vessel Traffic – St. Johns River and Tributaries

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Additional rain and continued flooding from Tropical Storm Fay have caused severe flooding along various portions of the St. Johns River. The river has overflowed its banks in many places and expanded into the flood plain. This flooded condition has created an immediate danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land have become wholly or partially submerged, creating hazards to navigation. These objects include without limitation, dwellings, electrical and telephone wires, utility poles, trees and stumps, docks and wharfs, boat houses, and sheds. The turbulent and muddy water has caused boats to collide dangerously upon submerged objects without warning. The flood now submerges the accustomed footpaths and handholds. Within these submerged areas, vessel wakes could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death. Operation of vessels on the waters of the St. Johns River, its associated lakes, and its tributaries from Lake George to State Road 50 presents an immediate danger to vessels and their occupants and to persons

in or near the river when the river is at or above flood stage. Based on river flood levels, emergency regulations either exclude or restrict vessel operation to Idle Speed No Wake.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** There is general concurrence from Volusia, Seminole, Brevard, Orange and Lake Counties, the United States Coast Guard, the Florida Fish & Wildlife Conservation Commission's field office in Ocala, and the FWC Boating and Waterways Section, that enactment of the restricted areas based on water levels and gauge readings within segments of the St. Johns River, its associated lakes, and its tributaries is essential for the protection of public safety.

The boating restricted areas established in this emergency rule shall be active and enforceable only when the water levels are as specified in each area. The Commission established regulations based on the United States Geological Survey gauge levels as displayed by the National Weather Service's Advanced Hydrologic Prediction Service. These river levels are available in real time to the general public and to law enforcement agencies through the National Weather Service's web site at [www.weather.gov/ahps](http://www.weather.gov/ahps).

This emergency rulemaking is being coordinated with the United States Coast Guard, the United States Army Corps of Engineers, and the sheriffs of the affected counties. The Commission has consulted with the Executive Office of the Governor and through the sheriffs of the respective counties coordinated this action with the Board of County Commissioners of each county in which the restricted areas are located. The emergency rule will be forwarded to the United States Coast Guard Seventh District for publication in their weekly Local Notice to Mariners. The boating public will be notified by publication in the local notice, by marine VHF radio broadcast of the Coast Guard's local notice, by personal contact from law enforcement officers, and by regulatory markers posted at boat ramps and other access points to the boating restricted areas.

Because the water levels on the St. Johns River are in constant flux, varying in response to wind directions, wind speed, and accumulated rainfall, the danger to life and property is such that normal rulemaking procedures would not adequately protect the public from the anticipated harm. The procedures used in this emergency rulemaking action are therefore fair under the circumstances.

**SUMMARY:** This emergency rule supersedes and replaces Emergency Rule 68DER08-2 filed for adoption with the Department of State on August 29, 2008. This action establishes: 1) An Idle Speed No Wake boating restricted area on the waters south of Lake George fender system to the Highlands Park Canal at Day Mark 39 to be in effect and enforceable when the St. Johns River is at specified flood stage levels, 2) An Idle Speed and No Vessel boating restricted area from the Highlands Park Canal at Day Mark 39 and the I-4 Bridge to be in effect and enforceable when the St. Johns River

is at specified flood stage levels, 3) An Idle Speed boating restricted area from the I-4 Bridge to a select location within the southern portion of Lake Monroe to be in effect and enforceable when the St. Johns River is at specified flood stage levels, 4) An Idle Speed and a No Vessel boating restricted area in a select location within the southern portion of Lake Monroe to S. R. 46 (south of Lake Harney) to be in effect and enforceable when the St. Johns River is at specified flood stage levels, 5) An Idle Speed boating restricted area at Baxter's Point to 300 feet southeast of the Hatbill Road Boat Ramp to be in effect and enforceable when the St. Johns River is at specified flood stage levels, and 6) A No Vessel boating restricted area within Lake Jessup west of the S.R. 417 Bridge in effect and enforceable when the St. Johns River is at specified flood stage levels. The exclusion areas will not apply to vessels under the command of U.S. Coast Guard licensed Masters, vessels owned or operated by governmental entities or are being used for governmental purposes, or persons resident at riparian property. Vessels are required to proceed only at Idle Speed No Wake. Residents will be allowed access to their properties at Idle Speed No Wake, but will be required to carry proof of residency and have it available for inspection.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Major Paul Ouellette, Boating and Waterways Section, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

68DER08-3 Emergency Regulation of Vessel Traffic – St. Johns River and Tributaries.

(1) This emergency rule supersedes and replaces Emergency Rule 68DER08-2 filed for adoption with the Department of State on August 29, 2008.

(2) For the purpose of protecting public safety during flood conditions, the following boating restricted areas are established on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, as follows:

(a) Lake George fender system and Highlands Park Canal at Day Mark 39 – An Idle Speed No Wake boating restricted area on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, from a line drawn perpendicular to the centerline of the Lake George fender system south to the line drawn perpendicular to the centerline of the Highlands Park Canal at the south end of that canal at Day Mark 39, to be in effect and enforceable when the St. Johns River level is at 2.8 feet or higher as indicated by the United States Geological Survey gauge at the S. R. 40 Bridge over the St. Johns River at Astor (ASTF1).

(b) Highlands Park Canal at Day Mark 39 and the I-4 Bridge –

1. An Idle Speed No Wake boating restricted area on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, from a line drawn perpendicular to the centerline of the Highlands Park Canal at the south end of that canal at Day Mark 39 to the centerline of the north span (westbound lanes) of the I-4 Bridge over the St. Johns River, to be in effect and enforceable when the St. Johns River level is at 4.2 feet or higher as indicated by the United States Geological Survey gauge at the S. R. 44 Bridge over the St. Johns River near Deland (DLAF1).

2. A No Vessel boating restricted area on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, from a line drawn perpendicular to the centerline of the Highlands Park Canal at the south end of that canal at Day Mark 39 to the centerline of the north span (westbound lanes) of the I-4 Bridge over the St. Johns River, to be in effect and enforceable when the St. Johns River level is at 5.0 feet or higher as indicated by the United States Geological Survey gauge at the S. R. 44 Bridge over the St. Johns River near Deland (DLAF1).

(c) I-4 Bridge and Lake Monroe Vicinity - An Idle Speed No Wake boating restricted area on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, from the centerline of the north span (westbound lanes) of the I-4 Bridge south and east to a line drawn at 81 degrees 15 minutes 00 seconds West Longitude within Lake Monroe, to be in effect and enforceable when the St. Johns River level is at 7.0 feet or higher as indicated by the United States Geological Survey gauge at the U.S. Highway 17/92 Bridge over the St. Johns River near Sanford (SNFF1).

(d) Lake Monroe to S.R. 46 (South of Lake Harney) –

1. An Idle Speed No Wake boating restricted area from a line drawn at 81 degrees 15 minutes 00 seconds West Longitude within Lake Monroe, southeast to the S.R. 46 Bridge south of Lake Harney to be in effect and enforceable when the St. Johns River level is at 8.5 feet or higher as indicated by the United States Geological Survey gauge at the S.R. 46 Bridge over the St. Johns River above Lake Harney near Geneva (GENF1).

2. A No Vessel boating restricted area from a line drawn at 81 degrees 15 minutes 00 seconds West Longitude within Lake Monroe, southeast to the S.R. 46 Bridge south of Lake Harney to be in effect and enforceable when the St. Johns River level is at 9.0 feet or higher as indicated by the United States Geological Survey gauge at the S.R. 46 Bridge over the St. Johns River above Lake Harney near Geneva (GENF1).

(e) Baxter's Point – An Idle Speed No Wake boating restricted area on the St. Johns River, from shoreline to shoreline and including its associated lakes and its tributaries, from a line drawn perpendicular to the centerline of the St. Johns River at Baxter's Point to a line drawn perpendicular to the centerline of the St. Johns River 300 feet southeast of the Hatbill Road Boat Ramp to be in effect and enforceable when

the St. Johns River level is at 9.0 feet or higher as indicated by the United States Geological Survey gauge at the S.R. 46 Bridge over the St. Johns River above Lake Harney near Geneva (GENF1).

(f) Lake Jessup – No Vessel boating restricted area within Lake Jessup, from shoreline to shoreline west of the centerline of the S.R. 417 Bridge to be in effect and enforceable when the St. Johns River level is at 9.0 feet or higher as indicated by the United States Geological Survey gauge at the S.R. 46 Bridge over the St. Johns River above Lake Harney near Geneva (GENF1).

(3)(a) The restrictions in this rule do not apply:

1. In situations requiring immediate action to protect life, limb, and property from imminent danger;

2. To law enforcement or fire fighting vessels;

3. To rescue vessels owned or operated by governmental entities;

(b) The No Vessel restrictions in subsection (2) do not apply to the following vessels:

1. Any vessel under the command of an individual licensed by the United States Coast Guard to serve as Master of Steam or Motor Vessels;

2. Vessels owned or operated by governmental entities or are being used for governmental purposes under contract with a governmental entity.

3. Vessels operated by individuals resident at riparian property within the No vessel boating restricted area may traverse these waters but must proceed directly to and from their properties without delay or diversion and must carry proof of residency and have it available for inspection on board the vessel.

4. Proceed only at Idle Speed No Wake.

(4) When in Effect – each boating restricted area established in subsection (2) shall be active and enforceable only when the water level is as specified in each respective paragraph. For purposes of this emergency rule, all referenced river levels are as displayed by the National Weather Service's Advanced Hydrologic Prediction Service on its web site at [www.weather.gov/ahps](http://www.weather.gov/ahps).

(5) As provided in Section 327.70, F.S., this emergency rule shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the various counties through which these waters flow and their respective deputies, and any other duly constituted law enforcement officers.

(6) Except as provided in subsection (7), any person failing to comply with the provision of this emergency rule shall be guilty of a noncriminal infraction, punishable as provided in Section 327.73, F.S.

(7) No person shall at any time willfully or wantonly operate any vessel at a speed or in a manner so as to cause a wake that endangers or is likely to endanger life or limb, or damage the property of, any person. Section 327.33(1), F.S.,

provides that any person who willfully or wantonly operates any vessel at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, any person, commits the offence of reckless operation, a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, F.S.

(8) This emergency rule takes effect immediately upon being filed with the Department of State and will continue in effect for 90 days or until the Executive Director of the Agency finds that the flooding conditions have sufficiently abated so that the restrictions are no longer justified.

(9) This emergency rule does not affect existing state boating restricted areas described in Rules 68C-22.012 and 68D-24.018, F.A.C., that are outside the areas regulated in this emergency rule.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.33, 327.46 FS. History—New 9-25-08.

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: September 25, 2008

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## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

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

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

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### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT by the Florida Public Service Commission that Florida Natural Gas Association's (FNGA's) petition for temporary waiver of the service line abandonment provision of Rule 25-12.045, Florida Administrative Code, filed on March 1, 2007, in Docket No. 070135-GU was approved by the Commission at its May 22, 2007, Agenda Conference. Order No. PSC-07-0488-PAA-GU, issued June 8, 2007, memorialized the decision. On June 29, 2007, FNGA filed a Protest and/or Request for Clarification of Proposed Agency Action Order No. PSC-07-0488-PAA-GU, because its members would have been adversely impacted by the ambiguity in the Order. The Commission clarified the ambiguity stating "[w]e believe that the intent of the language on page 3 of Order No. PSC-07-0488-PAA-GU was to remind FNGA members that despite the temporary waiver of Rule 25-12.045(1)(b) and (1)(c), they are still required to disconnect

gas service in a safe manner." Order No. PSC-07-0830-PAA-GU, issued October 15, 2007, memorialized the decision. The rule pertains to actions that must be taken by local distribution companies for inactive gas lines that have been used, but became inactive with no prospect for reuse. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on March 23, 2007.

A copy of the Order can be obtained from either: Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

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### **ADMINISTRATION COMMISSION**

NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Administration Commission, received a petition for variance from or waiver of the 20 percent ROGO allocation reduction in Rule 28-20.110, F.A.C., filed by the Board of County Commissioners of Monroe County, Florida. The Board of County Commissioners of Monroe County are seeking a temporary variance and/or waiver from that portion of Rule 28-20.110, F.A.C., which provides for a minimum reduction of 20% in new residential building permit allocations should the Administration Commission find that the County has not made "substantial progress" towards its Year Ten Work Program. The Board of County Commissioners of Monroe County request a temporary variance and/or waiver for a period of one year.

Any interested person or other agency may submit written comments on the petition to: Barbara Leighty, Clerk of the Administration Commission, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)487-1884. Comments must be received by the Clerk within 14 days after this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Barbara Leighty, Administration Commission, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)487-1884.

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### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on September 3, 2008, the St. Johns River Water Management District, received a petition for variance from Brevard County, Florida, pursuant to Section 120.542, Florida Statutes. Petitioner is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), for Environmental Resource Permit (ERP) Application 40-009-113120-2. The permit applicant is proposing to construct a surface water management system and mass

grading plan, including wet detention ponds that discharge into the Melbourne-Tillman Water Control District canal system, for a public school project known as High School CCC – Malabar Road Extension, in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3, A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These rules are intended to protect the water resources of the state by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed with: Robert Nawrocki, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2008-90.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)312-2347.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on September 19, 2008, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on May 8, 2008, by Kevin Crawford. The Notice of Petition for Waiver or Variance was published in Vol. 34, No. 21, of the May 23, 2008, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-27.002(2)(a), F.A.C., entitled “Concentrations in Accounting and Business” which requires that an applicant for licensure hold a baccalaureate degree from an accredited college or university and have earned 36 semester or 54 quarter hours in accounting education above the elementary level. The Board considered the instant Petition at a duly-noticed public meeting, held June 11, 2008, in Tampa, Florida.

The Board’s Order denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 473.306(2), Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-27.002(2)(a), 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.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Board of Medicine, received a petition for waiver or variance filed on behalf of Geoffrey David Coughlin, M.D., from subsection 64B8-4.004(2), F.A.C., with regard to the requirement for an approved residency of at least two years in one specialty area. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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NOTICE IS HEREBY GIVEN THAT on September 18, 2008, the Board of Medicine, received a petition for waiver or variance filed by Saied Talaie, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner’s medical school. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

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NOTICE IS HEREBY GIVEN THAT on September 16, 2008, the Board of Optometry, received a petition for Variance or Waiver filed on September 16, 2008 on behalf of Susan Rost Monahan, O.D. Petitioner seeks a variance of Rule 64B13-4.001, F.A.C, entitled “Examination Requirements.” Specifically, the Petitioner, an out-of-state optometrist who has applied for an optometrist license in Florida, requests for reasons stated in the petition that the Board waive the requirement under Rule 64B13-4.001, F.A.C., pertaining to the National Examinations Requirements.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on September 15, 2008, the Department of Children and Family Services, received a petition for Waiver of Rule 65C-14.024, F.A.C., Staffing Requirements. The petition was received from Charlee Program, assigned Case No. 08-023W. Rule 65C-14.024, F.A.C., states the facility shall have adequate staff coverage at all times to provide the services identified in the agency's statement of purpose.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on September 16, 2008, the Department of Children and Family Services, received a petition for Waiver of subsection 65C-15.017(3), F.A.C., from Youth and Family Alternatives, Inc. and Kysa Donawa, assigned Case No. 08-024W. Subsection 65C-15.017(3), F.A.C., states agency staff responsible for performing casework services shall have a bachelor's degree in social work or related area of study or a master's degree in social work or a related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on September 8, 2008, the Department of Children and Family Services, received a petition for Waiver of subsection 65C-14.055(1), F.A.C., from Ellaine Bonita Newell and Choose to Believe, Inc., assigned Case No. 08-022W. Subsection 65C-14-055(1), F.A.C., states that the facility shall employ staff to perform administrative, supervisory, service, and care functions. These personnel shall have the following qualifications: Executive directors hired after the date that this rule becomes effective shall have a bachelor's degree from a college or university and at least 3 years of experience in management or supervision.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

## FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-48.027(1)(f)(2003), Florida Administrative Code, from The Arlington, LP and CEC

Arlington, LLC, ("Petition"). The Petition is seeking a waiver of the requirement regarding the issuance of building identification numbers (BINs).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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 September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Banyan Senior Limited Partnership

DATE PETITION WAS FILED: August 25, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0075(7)(a), Florida Administrative Code.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, September 5, 2008, Vol. 34, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to [Sherry.Green@floridahousing.org](mailto:Sherry.Green@floridahousing.org). The Final Order is posted on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org).

NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 67-48.0075(7)(a)1., Florida Administrative Code from Camacol Tower, Ltd., ("Petition"). The Petition is seeking a waiver of the rule in order to modify and delete 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, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 67-48.0075(7)(a)1., Florida Administrative Code, from Cape Morris Cove Partners, L.L.L.P., ("Petition"). The Petition is seeking a waiver of the rule in order to modify and delete 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, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 67-48.0075(7)(a)1., Florida Administrative Code, from Cape Morris Cove II Partners, L.L.L.P., ("Petition"). The Petition is seeking a waiver of the rule in order to modify and delete the automatic forgiveness term for supplemental loans awarded during the 2008 Universal Application Cycle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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 September 26, 2008, the Florida Housing Finance Corporation has issued an order.  
NAME OF THE PETITIONER: CARLISLE GROUP IV, LTD.

DATE PETITION WAS FILED: August 26, 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, September 5, 2008, Vol. 34, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to [Sherry.Green@floridahousing.org](mailto:Sherry.Green@floridahousing.org). The Final Order is posted on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org).

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NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Carlisle Group VI, Ltd.

DATE PETITION WAS FILED: August 27, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(j), Florida Administrative Code.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, September 5, 2008, Vol. 34, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, (850)488-4197 or e-mail to [Sherry.Green@floridahousing.org](mailto:Sherry.Green@floridahousing.org). The Final Order is posted on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org).

NOTICE IS HEREBY GIVEN THAT on October 1, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subsection 67-48.002(88)(2007), Florida Administrative Code, from Dixie Court III, Ltd., ("Petition"). The Petition is seeking a variance from the 2007 Qualified Allocation Plan's prohibition from returning Housing Credits prior to the last quarter of 2009.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Dixie Court III, Ltd.

DATE PETITION WAS FILED: August 26, 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, September 5, 2008, Vol. 34, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to [Sherry.Green@floridahousing.org](mailto:Sherry.Green@floridahousing.org). The Final Order is posted on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org).

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NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Eden Gardens Apartments

DATE PETITION WAS FILED: August 25, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(g), Florida Administrative Code.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, September 5, 2008, Vol. 34, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, (850)488-4197 or e-mail to [Sherry.Green@floridahousing.org](mailto:Sherry.Green@floridahousing.org). The Final Order is posted on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org).

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NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Elmwood Terrace Limited Partnership

DATE PETITION WAS FILED: August 25, 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, September 5, 2008, Vol. 34, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, (850)488-4197 or e-mail to [Sherry.Green@floridahousing.org](mailto:Sherry.Green@floridahousing.org). The Final Order is posted on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org).

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NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Fairview Cove, LLLP

DATE PETITION WAS FILED: August 25, 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, September 5, 2008, Vol. 34, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 67-48.0075(7)(a)1., Florida Administrative Code, from Fountains at Falkenburg II, L.L.L.P., (“Petition”). The Petition is seeking a waiver of the rule in order to modify and delete 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, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Fountains at Millenia III, L.L.L.P.

DATE PETITION WAS FILED: August 25, 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, September 5, 2008, Vol. 34, No. 36

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on September 30, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-48.004(14)(e), Florida Administrative Code, from Fountains at Millenia IV, L.L.L.P., (“Petition”). The Petition is seeking a waiver of the rule regarding a change in the site for the development.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: HIGHLAND GARDENS DEVELOPMENT, LTD.

DATE PETITION WAS FILED: July 2, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(e), 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: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Liberty Gateway, Ltd.

DATE PETITION WAS FILED: August 25, 2008  
 RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(j), Florida Administrative Code.  
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, September 5, 2008, Vol. 34, No. 36.  
 THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 67-48.0075(7)(a)1., Florida Administrative Code, from Malabar Cove, L.L.L.P., ("Petition"). The Petition is seeking a waiver of the rule in order to modify and delete 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, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on September 30, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-48.004(14)(e), Florida Administrative Code, from Malabar Cove II, Ltd., ("Petition"). The Petition is seeking a waiver of the rule regarding a change in the site for the development.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of

publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.  
 NAME OF THE PETITIONER: Oaks at Stone Fountain LP  
 DATE PETITION WAS FILED: August 26, 2008  
 RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(e), Florida Administrative Code.  
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, September 5, 2008, Vol. 34, No. 36.  
 THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.  
 NAME OF THE PETITIONER: Oviedo Town Centre II, LLLP  
 DATE PETITION WAS FILED: August 25, 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, September 5, 2008, Vol. 34, No. 36.  
 THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: September 26, 2008  
 THE GENERAL BASIS FOR THE DECISION: The Petitioner filed a Notice of Voluntary Withdrawal on September 10, 2008.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk at (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 67-48.0075(7)(a)1., Florida Administrative Code, from Oviedo Town Centre II Partners, L.L.L.P., (“Petition”). The Petition is seeking a waiver of the rule in order to modify and delete the automatic forgiveness term for supplemental loans awarded during the 2008 Universal Application.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.  
NAME OF THE PETITIONER: Oviedo Town Centre III, L.L.L.P.

DATE PETITION WAS FILED: August 25, 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, September 5, 2008, Vol. 34, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, (850)488-4197 or e-mail to [Sherry.Green@floridahousing.org](mailto:Sherry.Green@floridahousing.org). The Final Order is posted on Florida Housing’s website at [www.floridahousing.org](http://www.floridahousing.org).

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NOTICE IS HEREBY GIVEN THAT on September 30, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-48.004(14)(e), Florida Administrative Code, from Oviedo Town Centre III, L.L.L.P., (“Petition”). The Petition is seeking a waiver of the rule regarding a change in the site for the development.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on September 30, 2008, the Florida Housing Finance Corporation, received a petition for Waiver paragraph 67-48.004(14)(e), Florida Administrative Code, from Oviedo Town Centre Development Group, L.L.L.P., (“Petition”). The Petition is seeking a waiver of the rule regarding a change in the site for the development.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing’s website at [www.floridahousing.org](http://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.

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NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.  
NAME OF THE PETITIONER: Powers 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: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

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NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 67-48.0075(7)(a)1., Florida Administrative Code, from Rolling Acres Club II, L.L.L.P., ("Petition"). The Petition is seeking a waiver of the rule in order to modify and delete 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, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on September 30, 2008, the Florida Housing Finance Corporation, received a petition for Variance subsection 67-48.002(83)(2007), Florida Administrative Code, from St. Giles Manor, Ltd., ("Petition"). The Petition is seeking a variance from the 2007 Qualified Allocation Plan's prohibition from returning Housing Credits prior to the last quarter of 2009.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.  
NAME OF THE PETITIONER: Sea Grape II, Ltd.  
DATE PETITION WAS FILED: August 26, 2008

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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, September 5, 2008, Vol. 34, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

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NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(e), Florida Administrative Code, from Sea Grape II, Ltd., ("Petition"). The Petition is seeking a waiver of the rule to allow for a change of its development site.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. 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.

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NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Sea Grape II, Ltd. – FHFC  
Case No. 2008-053VW

DATE PETITION WAS FILED: July 8, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(e), 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 CLOSED THE FILE: September 26, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner filed a Notice of Withdrawing Petition for Waiver on August 25, 2008.

A copy of the Order may be obtained by contacting: Sherry Green, Public Records Clerk at (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on September 29, 2008, the Florida Housing Finance Corporation, received a petition for Waiver subparagraph 67-48.0075(7)(a)1., Florida Administrative Code, from Southwinds Partners, L.L.L.P., ("Petition"). The Petition is seeking a waiver of the rule in order to modify and delete 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, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: SUNRISE COMMONS, 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, August 22, 2008, Vol. 34, No. 34.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Valencia Pointe Associates, Ltd.

DATE PETITION WAS FILED: August 25, 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, September 5, 2008, Vol. 34, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on September 26, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Village Carver Phase II, LLC

DATE PETITION WAS FILED: August 26, 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, September 5, 2008, Vol. 34, No. 36.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: September 26, 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 may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

## Section VI

### Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration  
 Financial Services Commission  
 Department of Veterans' Affairs  
 Department of Highway Safety and Motor Vehicles  
 Department of Law Enforcement  
 Department of Revenue  
 Department of Education  
 Administration Commission  
 Florida Land and Water Adjudicatory Commission  
 Board of Trustees of the Internal Improvement Trust Fund  
 Department of Environmental Protection

DATE AND TIME: October 28, 2008, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency,

viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or

sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## DEPARTMENT OF STATE

**NOTICE OF CANCELLATION** – The Florida **Department of State** announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 6, 2008, 11:30 a.m.

**PLACE:** R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399-0250

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

**NOTE: THIS MEETING HAS BEEN CANCELLED.**

A copy of the agenda may be obtained by contacting: Catherine Clark at (850)245-6354.

For more information, you may contact: Catherine Clark at (850)245-6354.

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## DEPARTMENT OF LEGAL AFFAIRS

The **Florida Elections Commission** announces a public meeting to which all persons are invited.

**DATES AND TIME:** Wednesday, November 12, 2008; Thursday, November 13, 2008, 8:30 a.m. – 6:30 p.m.

**PLACE:** Senate Office Building, 404 South Monroe Street, Room 401, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

Parts of the meeting will be confidential.

For a copy of the agenda or additional information call: Patsy Rushing at (850)922-4539 or write to 107 W. Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050.

Pursuant to the provisions of 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: Patsy Rushing, Commission Clerk at (850)922-4529, ext. 103 or by e-mail: patsy.rushing@myfloridalegal.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patsy Rushing, Commission Clerk at (850)922-4539, ext. 103 or by e-mail: patsy.rushing@myfloridalegal.com.

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Division of Plant Industry** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** October 29, 2008, 1:00 p.m. – 5:00 p.m.; October 30, 2008, 8:00 a.m. – 12:00 Noon

**PLACE:** Doyle Conner Building, 1911 S. W. 34th Street, Gainesville, FL 32608

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Minutes to previous meeting; grant proposals; plant index.

A copy of the agenda may be obtained by contacting: Tyson Emery at (352)372-3505, ext. 162.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Tyson Emery at (352)372-3505, ext. 162.

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The **Viticulture Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2008, 9:00 a.m. – 3:00 p.m.  
 PLACE: Leroy Collins Building, Innovation Park – Large Conference Room, 2051 East Dirac Drive, Tallahassee, FL 32310, (850)488-0163  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.  
 A copy of the agenda may be obtained by contacting: Tom Thomas at (850)922-9827.

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The Florida **Department of Agriculture and Consumer Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 29, 2008, 1:30 p.m.  
 PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Repair Advisory Council will be meeting to discuss consumer-related issues, proposed legislation for the 2009 Florida session addressing issues of interest to consumers, and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: Mrs. LuAnn F. Stiles, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

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The Florida **Department of Agriculture and Consumer Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 30, 2008, 10:00 a.m.  
 PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss; proposed legislation for the 2009 Florida session addressing issues of interest to consumers; and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: Mrs. LuAnn F. Stiles, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

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NOTICE OF CORRECTION – The **Florida Aquaculture Interagency Coordinating Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 21, 2008, 10:30 a.m.  
 PLACE: Division of Aquaculture, Conference Room, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Kim Norgren, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301, (850)488-4033.

Pursuant to the provisions of 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: Kim Norgren at (850)488-4033. If you are 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: Kim Norgren at (850)488-4033.

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## DEPARTMENT OF EDUCATION

The Florida **Department of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2008, 8:30 a.m.

PLACE: Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting agenda will consist of the approval of minutes of the State Board meeting held August 19, 2008, and updates on various reports and status of education initiatives by the Chairman and Commissioner. Items for consideration include: Commissioner's Recommendations on Exclusivity for School Districts to Authorize Charter Schools in their Geographical Areas; Next Generation Strategic Plan; Amendment to Rule 6A-1.09981, F.A.C., Implementation of Florida's System of School Improvement and Accountability; Amendment to Rule 6A-1.0014, F.A.C., Comprehensive Management Information System; Repeal of Rule 6A-1.04511, F.A.C., Full-time Equivalent Student Membership in Basic Programs Beyond the One Hundred Eighty (180) Day School Year; Repeal of Rule 6A-1.057, F.A.C., Petty Cash Funds; Repeal of Rule 6A-1.079, F.A.C., Leave to be Used for the Purposes Set Forth in Application; Repeal of Rule 6A-1.0942, F.A.C., State Student Assessment Test Requirements for Graduation from High School; Amendment to Rule 6A-3.0171, F.A.C., Responsibilities of School Districts for Student Transportation; Amendment to Rule 6A-4.004, F.A.C., Florida Educator's Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages; Amendment to Rule 6A-4.0083, F.A.C., School Principal – Administrative Class; Repeal of Rule 6A-6.0131, F.A.C., Responsibilities for Local Sponsors for Implementing the Education for the Handicapped Adult Program; Repeal of Rule 6A-6.0132, F.A.C., Education for Handicapped Adult Program; Amendment to Rule 6A-6.024, F.A.C., School Entry Health Examinations; Amendment to Rule 6A-6.03011, F.A.C., Special Programs for Students Who Are Mentally Handicapped; Amendment to Rule 6A-6.03018, F.A.C., Special Programs for Students with Specific Learning Disabilities; New Rule 6A-6.0651, F.A.C., Alternative Credit

Pilot Program; Amendment to Rule 6A-6.0960, F.A.C., Corporate Tax Credit Scholarship Program; Amendment to Rule 6A-6.0981, F.A.C., School District Virtual Instruction Program; Repeal of Rule 6A-7.080, F.A.C., Rebinding and Rehabilitation of Textbooks; Repeal of Rule 6A-10.006, F.A.C., Rules and Procedures for Cabinet Review and Approval of Appointees to Membership on the Board of Regents; Repeal of Rule 6A-10.007, F.A.C., Rules and Procedures for State Board of Education Review and Approval of Appointees to Membership on a Community College Board of Trustees; Repeal of Rule 6A-10.0342, F.A.C., Vocational Education Program Performance Reporting; New Rule 6A-10.070, F.A.C., Discounted Computers and Internet Access for Students; Appointments to the Education Practices Commission; and other matters as may be appropriate.

A copy of the agenda may be obtained by contacting: Department of Education's website at <http://www.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 7 days before the workshop/meeting by contacting: Office of Equity and Access at (850)245-9531. If you are 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: Lynn Abbott at (850)245-9661.

The Florida **Department of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: October 27, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: Department of Education, 325 West Gaines Street, Room 1721, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: ESOL and Reading Inservice Requirements. The purpose of this meeting is for selected stakeholders to discuss changes to current ESOL and Reading Inservice Requirements.

A copy of the agenda may be obtained by contacting: Lori Rodriguez, Chief, Bureau of Academic Achievement Through Language Acquisition at (850)245-0417 or [Lori.Rodriguez@fldoe.org](mailto:Lori.Rodriguez@fldoe.org).

The **Education Practices Commission** announces a hearing to which all persons are invited.

A Teacher Hearing Panel

DATE AND TIME: October 22, 2008, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Senate Office Building, Room 401, 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Janice Harris or Kathleen M. Richards.

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DATE AND TIME: October 23, 2008, 9:00 a.m. or as soon thereafter as can be heard

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If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Janice Harris or Kathleen M. Richards.

The **Education Practices Commission** announces a hearing to which all persons are invited.

A Teacher Hearing Panel

DATE AND TIME: October 24, 2008, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Senate Office Building, Room 401, 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Janice Harris or Kathleen M. Richards.

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2008, 9:30 a.m. – 11:30 a.m.

PLACE: Meeting will take place via conference call. Dial-in number: 1(888)808-6959, Conference Code: 2450467

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup will develop strategic goals recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Oppen at jopper@distancelearn.org.

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Meeting will take place via conference call. Dial-in number: 1(888)808-6959, Conference Code: 2450467

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup will develop instructional and faculty effectiveness recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Oppen at jopper@distancelearn.org.

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: November 7, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Meeting will take place via conference call. Dial-in number: 1(888)808-6959, Conference Code: 0710265

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup will develop fiscal policy and access recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Oppen at jopper@distancelearn.org.

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: December 5, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Meeting will take place via conference call. Dial-in number: 1(888)808-6959, Conference Code: 0710265

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup will develop fiscal policy and access recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Oppen at jopper@distancelearn.org.

## DEPARTMENT OF COMMUNITY AFFAIRS

The **State Emergency Response Commission for Hazardous Materials**, Subcommittee on Training announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 24, 2008, 10:00 a.m.

PLACE: Sadowski Building, Room 325B, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss projects listed on their Strategic Initiatives Work Plan.

Those interested in participating in the conference call, please contact Tim Date, Florida Division of Emergency Management at (850)410-1272, to obtain the conference call number.

A copy of the agenda may be obtained by contacting: Tim Date, Division of Emergency Management, State Emergency Response Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The State Emergency Response Commission at

(850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Communities Trust** announces a workshop to which all persons are invited.

**FIRST WORKSHOP – TALLAHASSEE**

**DATE AND TIME:** Monday, October 13, 2008, 1:00 p.m. – 5:00 p.m.

**PLACE:** Department of Community Affairs, Sadowski Building, Kelley Training Center, Room 305, Tallahassee, Florida. Directions: (850)922-2207

**SECOND WORKSHOP – BREVARD COUNTY**

**DATE AND TIME:** Wednesday, October 15, 2008, 1:00 p.m. – 5:00 p.m.

**PLACE:** Brevard County Office Complex, Space Coast Room, Building C, 2725 Judge Fran Jamieson Way, Viera, FL 32940

**THIRD WORKSHOP – CRYSTAL RIVER**

**DATE AND TIME:** Thursday, October 16, 2008, 1:00 p.m. – 5:00 p.m.

**PLACE:** Crystal River City Hall, 123 N. W. Highway 19, Crystal River, FL 34428

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of these workshops is to provide information and technical assistance to eligible applicants to assist in the preparation of applications for the Stan Mayfield Working Waterfronts program under the Florida Communities Trust’s Florida Forever Program.

**ACTION TO BE TAKEN:** Information will be presented to assist interested persons in completing the Stan Mayfield Working Waterfront Program application form (SMWW-1) and in understanding the review, evaluation, and acquisition procedures.

The Agenda for the workshops will be as follows:

1. Call to order.
2. Explanation by representatives of the Trust as to the purpose of the Stan Mayfield Working Waterfronts Program and the application procedure.
3. Public questions.
4. Adjournment.

**WHERE TO OBTAIN COPIES:** Copies of the Stan Mayfield Working Waterfronts application form SMWW-1 and Rule Chapters 9K-9 and 9K-10, F.A.C., the rules governing this program will be available at the workshops or may be obtained by visiting the Trust website at: [www.floridacommunitydevelopment.org/fct/](http://www.floridacommunitydevelopment.org/fct/), calling (850)922-2207 or by writing to Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

A copy of the agenda may be obtained by contacting: Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207.

Pursuant to the provisions of 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 Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207. If you are 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 Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207

**DEPARTMENT OF TRANSPORTATION**

The Florida **Department of Transportation** announces a hearing to which all persons are invited.

**DATE AND TIMES:** November 5, 2008, 6:00 p.m. – 8:00 p.m.; Formal Presentation, 7:00 p.m.

**PLACE:** Hialeah Fire Station # 7, 7590 W. 24th Ave., Hialeah, FL 33016

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of State Project Number: 407718-1-52-01, otherwise known as the SR 916/N.W. 138th Street widening from N.W. 67th Avenue (Ludlam Road) to SR 823/N.W. 57th Avenue (Red Road). The study seeks to improve safety by restriping, reconstructing the roadway pavement, constructing a sidewalk along the south side of N. W. 138th Street, improving intersections, and adding new lighting & signalization. It also seeks to improve parking and vehicle access, widen SR 916/N.W. 138th Street from 3 to 5 lanes, install new guardrails and landscaping, and improve roadway drainage throughout the corridor.

A copy of the agenda may be obtained by contacting: Ms. Vilma Croft, P.E., Project Manager, District Six Planning and Environmental Management Office, Florida Department of Transportation, 1000 N. W. 111 Ave., Room 6111A, Miami, FL 33172, (305)470-5240 or by e-mail at [vilma.croft@dot.state.fl.us](mailto:vilma.croft@dot.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 7 days before the workshop/meeting by contacting: Brian Rick by telephone at (305)470-5225 or by e-mail at [brian.rick@dot.state.fl.us](mailto:brian.rick@dot.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).

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

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

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**DEPARTMENT OF CITRUS**

The Florida **Department of Citrus** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, October 21, 2008, 1:30 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to give all interested parties an opportunity to engage in a public discussion of the unified juice tax proposal, and other appropriate mechanisms for funding Florida Department of Citrus marketing and research programs.

A copy of the agenda may be obtained by contacting: Teresa Czerny at (863)499-2500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dianne Screws at (863)499-2500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Teresa Czerny at (863)499-2500.

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The Florida **Department of Citrus**, Florida Citrus Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 22, 2008, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, program evaluation measurements, licensing, rulemaking, and other matters addressed during monthly meetings of the Commission.

A copy of the agenda may be obtained by contacting: Linda Gurney at (863)499-2500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Dianne Screws at (863)499-2500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Linda Gurney at (863)499-2500.

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**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*October 27, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: October 28, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by

contacting: Office of Commission Clerk at (850)413-6770 or writing to: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website at: <http://www.floridapsc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces two public meetings to which all persons are invited.

DATE AND TIME: Friday, November 7, 2008, 10:00 a.m.

PLACE: City Commission Meeting Room, 2nd Floor, 9 Harrison Avenue, Panama City, Florida

DATE AND TIME: Friday, November 14, 2008, 10:00 a.m.

PLACE: Duval County School Board Meeting Room, 1st Floor, 1701 Prudential Drive, Jacksonville, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Docket Number 080318-GU – Petition for rate increase by Peoples Gas System. The purpose of these customer service hearings is to take testimony from the public on the quality and adequacy of Peoples Gas System's service and other matters related to Peoples Gas System's petition for a rate increase. The procedure at these hearings shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross examination at the conclusion of their testimony.

A copy of the agenda may be obtained by contacting: Office of the Commission Clerk at (850)413-6770.

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 at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Caroline Klancke, Office of the General Counsel at (850)413-6220.

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## EXECUTIVE OFFICE TO THE GOVERNOR

The **Governor's Office of Film and Entertainment**, Music Recording Industry Task Force announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 23, 2008, 9:00 a.m.

PLACE: Please Call: 1(888)808-6959, Conference Code: 4104765

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss issues impacting Florida's music recording industry. Also to develop recommendations regarding strategies for strengthening and expanding Florida's current music recording industry, and to hear public input and advisement.

A copy of the agenda may be obtained by contacting: The Governor's Office of Film and Entertainment.

Pursuant to the provisions of 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 Film and Entertainment at (850)410-4765. If you are 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: Office of Film and Entertainment at (850)410-4765.

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The **Office of Tourism, Trade, and Economic Development** announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2008, 9:00 a.m.

PLACE: Room 2103, The Capitol, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Evaluation of Proposals for the AG Holley Project.

A copy of the agenda may be obtained by contacting: Michelle Ramsey Dennard, Senior Attorney, Office of Tourism, Trade, and Economic Development at (850)487-2568.



For more information, you may contact: Michelle Ramsey Dennard, Senior Attorney, Office of Tourism, Trade, and Economic Development at (850)487-2568.

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### REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2008, 6:00 p.m.

PLACE: Inn Hotel and Suites, 213 Southwest Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2008, 6:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2008, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 15, 2008, 10:00 a.m.

PLACE: 631 N. Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Ruth Little at (407)623-1075 or by email at [rlittle@ecfrpc.org](mailto:rlittle@ecfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Ruth Little. If you are 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.

#### REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 20, 2008, 10:30 a.m.

PLACE: Board Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: PLANNING TECHNICAL ADVISORY COMMITTEE MEETING

A copy of the agenda may be obtained by contacting: SFRTA Planning Office at (954)788-7928.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 24, 2008, 9:30 a.m.

PLACE: Board Room, South Florida Regional Transportation Authority, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: GOVERNING BOARD MEETING

A copy of the agenda may be obtained by contacting: Executive Office at (954)788-7915.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

#### WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: October 23, 2008, 1:00 p.m. (EDT); 11:30 p.m. – 12:30 p.m., District Lands Committee – to discuss Land Acquisition matters; 1:15 p.m., Public Hearing on Consideration of Regulatory Matters; 1:30 p.m., Public Hearing on Consideration of Land Acquisition Matters

PLACE: District Headquarters, 10 miles west of Tallahassee on Highway 90, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

A copy of the agenda may be obtained by contacting: Robin Tucker, NFWMD, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 (also available through the Internet at [www.nfwmd.state.fl.us](http://www.nfwmd.state.fl.us)).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District**, Southern Region announces a public meeting to which all persons are invited.

Southern Region Recreational Public Meeting

DATE AND TIME: Thursday, October 23, 2008, 6:00 p.m. – 8:00 p.m.

PLACE: Brevard County Government Center, Building C, 1st Floor, County Commission Chambers Room, 2725 Judge Fran Jamieson Way, Viera, FL 32940

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Southern Recreational Public Meeting will review land management and land acquisition activities in the Southern Region.

A copy of the agenda may be obtained by contacting: Terri Mashour at (386)329-4855.

Pursuant to the provisions of 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: Karen Davis at (386)329-4404. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 14, 2008, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: COASTAL RIVERS BASIN BOARD MEETING AND WORKSHOP: Consider Basin business and annual planning workshop. Ad Order 47706.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 15, 2008, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: MANASOTA BASIN BOARD MEETING AND WORKSHOP: Consider Basin business and annual planning workshop. Ad Order 47706.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 16, 2008, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: WITHLACOOCHEE BASIN BOARD MEETING AND WORKSHOP: Consider Basin business and annual planning workshop. Ad Order 47706.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 20, 2008, 3:00 p.m.

PLACE: Southwest Florida Water Management District, 1st Floor, Conference Rooms A & B, 2379 Broad Street, Brooksville, Florida 34604

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion of council business for the Citrus/Hernando Waterways Restoration Council. Following the Council meeting to discuss task force business will be the Hernando County Task Force meeting at 3:45 p.m.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4227.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: 1(800)423-1476 (Florida), or (352)796-7211, extension 4226, Fax: (352)797-5806, TDD ONLY 1(800)231-6103 (Florida). If you are 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 **Southwest Florida Water Management District**, Industrial Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 21, 2008, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301 N., Tampa, FL 33637

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a regularly scheduled meeting of the Industrial Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899, or 1(800)423-1476 (FL only) or (352)796-7211, ext. 4402.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Teri Hudson at the above address or phone number.

The **Southwest Florida Water Management District**, Public Supply Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 21, 2008, 1:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 N., Tampa, FL 33637

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a regularly scheduled meeting of the Public Supply Advisory Committee to discuss committee business and issues.

A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899, or 1(800)423-1476 (FL only) or (352)796-7211, ext. 4402.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Teri Hudson at the above address or phone number.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Peer Review of the Adequacy of Technical Information to Support Minimum Inflow Needs for Biscayne Bay

DATES AND TIME: Tuesday, October 28, 2008; Wednesday, October 29, 2008, 8:30 a.m. – 4:30 p.m.

PLACE: Rosenstiel School of Marine and Atmospheric Science Auditorium, 4600 Rickenbacker Causeway, Miami, Florida 33149-1098

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** South Florida Water Management District's Water Supply Department hosts an independent peer review of the adequacy of technical information to support minimum inflow needs for Biscayne Bay.

A copy of the agenda may be obtained by contacting: Jason Godin, Water Supply Department, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 2992 or (561)682-2992, email: jgodin@sfwmd.gov or available online under the Biscayne Bay section of the Natural System Technical Document Peer Review web conference board available at: <http://webboard.sfwmd.gov/default.asp?boardid=NSTDPR>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: 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.

**COMMISSION FOR THE TRANSPORTATION  
DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, October 29, 2008, 5:30 p.m. – until completion

PLACE: Baptist Medical Park, 9400 University Parkway, Pensacola, FL 32514, (850)208-6000. Conference Call Number: 1(888)808-6959; Conference Code: 34767

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear comments from the public regarding the Transportation Disadvantaged program.

A copy of the agenda may be obtained by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

Pursuant to the provisions of 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: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700. If you are 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: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

The Florida **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 30, 2008, 8:30 a.m. – until completion

PLACE: Hilton Pensacola Beach, 12 Via de Luna Drive, Pensacola Beach, FL 32561. Conference Call Number: 1(888)808-6959; Conference Code: 34767

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the hiring process for the new Executive Director.

A copy of the agenda may be obtained by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

Pursuant to the provisions of 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: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700. If you are 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: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

The Florida **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 30, 2008, 10:00 a.m. – until completion

PLACE: Hilton Pensacola Beach, 12 Via de Luna Drive, Pensacola Beach, FL 32561. Conference Call Number: 1(888)808-6959, Conference Code: 34767

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general Commission Business.

A copy of the agenda may be obtained by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

Pursuant to the provisions of 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: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700. If you are 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: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

**SPACE FLORIDIA**

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 21, 2008, 9:00 a.m. – 10:00 a.m. (Eastern Time)

PLACE: Space Florida Conference Room – Teleconference, Kennedy Space Center Visitor Complex, Cape Canaveral, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Executive Committee.

A copy of the agenda may be obtained by contacting: Deb Spicer at dspicer@spaceflorida.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 3 days before the workshop/meeting by contacting: Deb Spicer at dspicer@spaceflorida.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: Deb Spicer at dspicer@spaceflorida.gov.

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 22, 2008, 9:00 a.m. – 10:00 a.m.

PLACE: Space Florida Conference Room – Teleconference, Kennedy Space Center Visitor Complex, Cape Canaveral, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Combined Budget & Finance Committee Meeting and Audit Committee Meeting.

A copy of the agenda may be obtained by contacting: Denise Swanson at dswanson@spaceflorida.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 3 days before the workshop/meeting by contacting: Denise Swanson at dswanson@spaceflorida.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: Denise Swanson at dswanson@spaceflorida.gov.

**DEPARTMENT OF ELDER AFFAIRS**

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2008, 10:00 a.m. – 5:00 p.m. (EST)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the National Governors Association (NGA) project. The project’s focus is as follows: (1) To engage older adults, including retiring baby boomers, in meaningful paid and non-paid work in Florida’s communities. (2) To attract experienced professionals into Florida’s workforce in the areas of health care, education and other professions since the state faces serious future challenges in its workforce in these areas. The NGA has created a Florida Team to work on this important project.

A copy of the agenda may be obtained by contacting: Anne Rogers, Department of Elder Affairs, Office of the Secretary, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or via Email at rogersa@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Anne Rogers, Department of Elder Affairs, Office of the Secretary, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or via Email at rogersa@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).

For more information, you may contact: Anne Rogers, Department of Elder Affairs, Office of the Secretary, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or via Email at rogersa@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2008, 10:00 a.m.

PLACE: 4160 Woodcock Ave., Jacksonville, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Michael Milliken at (904)391-3942.

Pursuant to the provisions of 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: Michael Milliken at (904)391-3942. If you are 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: Michael Milliken at (904)391-3942.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: October 30, 2008, 9:30 a.m.

PLACE: 1101 Gulf Breeze Parkway, Gulf Breeze, Florida 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Micheal Phillips at (850)916-6720.

Pursuant to the provisions of 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: Micheal Phillips at (850)916-6720. If you are 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: Micheal Phillips at (850)916-6720.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** on behalf of the Low Income Pool (LIP) Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2008, 1:30 p.m. – 4:30 p.m.  
 PLACE: Conference Call 1(888)808-6959, Conference Code 4138067

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

A copy of the agenda may be obtained by contacting: Edwin Stephens at (850)413-8067 or Suncom 294-067, stephene@ahca.myflorida.com, with any questions or to obtain an agenda when it is set.

For more information, you may contact: Edwin Stephens at (850)413-8067 or Suncom 294-8067, stephene@ahca.myflorida.com.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Southwood Shared Resource Center (SSRC)** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2008, 1:30 p.m. – 4:30 p.m. or until board business is concluded

PLACE: Betty Easley Center, 4075 Esplanade Way, Conference Room 152, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the SSRC Board of Trustees. Section 282.205, F.S., establishes the Southwood Shared Resource Center, formerly the Shared Resource Center, to enhance communication among state agencies and identify statewide enterprise information technology solutions.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.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 by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

The **Department of Management Services** announces a joint meeting of the Standard Operating Procedures and Technical Committees of the Joint Forces on State Agency Law Enforcement Communications announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 16, 2008, 8:30 a.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Passcode 4108307. Woodcrest Office Complex, Building K, 325 John Knox Road, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matter of the Statewide Law Enforcement Radio System.

A copy of the agenda may be obtained by contacting: Vic Cullars, Florida Department of Law Enforcement at (850)410-8300 or Todd Preston, Fish and Wildlife Conservation Commission at (850)410-0656, ext. 17120.

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

The **Department of Management Services** announces a meeting of the Joint Task Force on State Agency Law Enforcement Communications announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2008, 9:30 a.m.

PLACE: Department of Management Services, 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matter for the Statewide Law Enforcement Radio System.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting. If you are 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 **Commission on Human Relations** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 29, 2008, 9:00 a.m.

PLACE: The phone number to contact is 1(888)808-6959, when prompted enter the VCS Conference Code 1021548, followed by the # key. Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 200, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: October 28, 2008, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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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, 9:00 a.m. or soon thereafter

PLACE: The Doubletree Hotel Tampa Westshore Airport, 4500 West Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider case #2007-053174 and case #2007-053156.

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: 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: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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The **Board of Professional Engineers** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 12, 2008, 8:30 a.m.

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by contacting: Carrie A. Flynn.

Pursuant to the provisions of 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: Carrie A. Flynn. If you are 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: Carrie A. Flynn.

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The **Board of Professional Engineers**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 18, 2008, 8:30 a.m.

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

A copy of the agenda may be obtained by contacting: Carrie A. Flynn.

Pursuant to the provisions of 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: Carrie A. Flynn. If you are 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: Carrie A. Flynn.

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The **Board of Professional Geologists** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, October 22, 2008, 1:00 p.m.; Thursday, October 23, 2008, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Board Room, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application review and general board business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399. If you are hearing or

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399.

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2008, 9:00 a.m. – 4:00 p.m.

PLACE: Gaylord Palms Hotel, 6000 West Osceola Parkway, Kissimmee, FL 34746

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Biomedical-Pharmacy Technical Advisory Committee, composed of technical experts from both government and private industry, will 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 by e-mail at [yvonne.peters@dep.state.fl.us](mailto:yvonne.peters@dep.state.fl.us) or by phone at (850)245-8707.

Pursuant to the provisions of 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: Yvonne Peters by e-mail at [yvonne.peters@dep.state.fl.us](mailto:yvonne.peters@dep.state.fl.us) or by phone at (850)245-8707. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

The Florida **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIMES: Tuesday, October 14, 2008, 10:00 a.m. – Conclusion; 1:00 p.m. – 2:00 p.m., Full Task Force is invited to participate in the call to enhance report development

PLACE: Toll-Free Conference Call Number: 1(888)808-6959, Code: 1792178

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a conference call for the Governor’s Task Force on Autism Spectrum Disorders Current and Future Outlook Committee. The Task Force will discuss the scope and prioritization of autism issues to be addressed as listed in Executive Order 08-36 for the development of a report of recommendations due to the Governor by March 20, 2009.

There will be no formal agenda for this 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 2 days before the workshop/meeting by contacting: Lona Taylor at (850)245-4242 or Lona\_Gibson-Taylor@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [www.healthyfloridians.com/autism.html](http://www.healthyfloridians.com/autism.html).

For more information, you may contact: [www.healthyfloridians.com/autism.html](http://www.healthyfloridians.com/autism.html).

The Florida **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 21, 2008, 11:00 a.m. – 5:00 p.m. or conclusion

PLACE: Toll-Free Conference Call Number: 1(888)808-6959, Code: 1792178

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a conference call for the Governor’s Task Force on Autism Spectrum Disorders Costs of Autism Committee. The Task Force will discuss the scope and prioritization of autism issues to be addressed as listed in Executive Order 08-36 for the development of a report of recommendations due to the Governor by March 20, 2009.

There will be no formal agenda for this 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 2 days before the workshop/meeting by contacting: Lona Taylor at (850)245-4242 or Lona\_Gibson-Taylor@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [www.healthyfloridians.com/autism.html](http://www.healthyfloridians.com/autism.html).

The Florida **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 15, 2008, 10:00 a.m. – 5:00 p.m. or conclusion

PLACE: Toll-Free Conference Call Number: 1(888)808-6959, Code: 1792178

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a conference call for the Governor’s Task Force on Autism Spectrum Disorders Putting the Pieces Together Committee. The Task Force will discuss the scope and prioritization of autism issues to be addressed as listed in Executive Order 08-36 for the development of a report of recommendations due to the Governor by March 20, 2009.

There will be no formal agenda for this 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 2 days before the workshop/meeting by contacting: Lona Taylor at (850)245-4242 or Lona\_Gibson-Taylor@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Correctional Medical Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2008, 2:00 p.m. – 5:00 p.m.

PLACE: Conference Call: 1(888)808-6959 (Toll Free), Conference Code: 5391969. 4030 Esplanade Way, Bldg. 4030, Room 280N, Tallahassee, FL 32399-1732.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

A copy of the agenda may be obtained by contacting: Correctional Medical Authority at (850)245-4557.

Pursuant to the provisions of 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: Correctional Medical Authority at (850)245-4557. If you are 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: Correctional Medical Authority at (850)245-4557.

The **Correctional Medical Authority** announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 23, 2008, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5391969. 4030 Esplanade Way, Bldg. 4030, Room 280N, Tallahassee, FL 32399-1732.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by contacting: Correctional Medical Authority at (850)245-4557.

Pursuant to the provisions of 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: Correctional Medical Authority at (850)245-4557. If you are 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: Correctional Medical Authority at (850)245-4557.

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The Florida **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 24, 2008, 10:00 a.m. – 5:00 p.m. or conclusion

PLACE: Toll-Free Conference Call Number: 1(888)808-6959, Code: 1792178

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a conference call for the Governor's Task Force on Autism Spectrum Disorders Window of Opportunity Committee. The Task Force will discuss the scope and prioritization of autism issues to be addressed as listed in Executive Order 08-36 for the development of a report of recommendations due to the Governor by March 20, 2009.

There will be no formal agenda for this 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 2 days before the workshop/meeting by contacting: Lona Taylor at (850)245-4242 or Lona\_Gibson-Taylor@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [www.healthyfloridians.com/autism.html](http://www.healthyfloridians.com/autism.html).

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The Florida **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 30, 2008, 10:00 a.m. – 5:00 p.m. or conclusion

PLACE: Toll-Free Conference Call Number: 1(888)808-6959, Code: 1792178

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a conference call for the Governor's Task Force on Autism Spectrum Disorders full Task Force. The Task Force will discuss the scope and prioritization of autism issues to be addressed as listed in Executive Order 08-36 for the development of a report of recommendations due to the Governor by March 20, 2009.

There will be no formal agenda for this 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 2 days before the workshop/meeting by contacting: Lona Taylor at (850)245-4242 or Lona\_Gibson-Taylor@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [www.healthyfloridians.com/autism.html](http://www.healthyfloridians.com/autism.html).

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The **Board of Clinical Laboratory Personnel** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, October 24, 2008, 9:30 a.m.

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 9849329103. Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or accessing [www.doh.state.fl.us/mqa/clinlab/index.html](http://www.doh.state.fl.us/mqa/clinlab/index.html).

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Dentistry** announces a public meeting to which all persons are invited.

DATES AND TIMES: December 11, 2008, 4:00 p.m.;  
December 12, 2008, 8:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport,  
Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To  
conduct general board business.

A copy of the agenda may be obtained by contacting: 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, 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 Florida **Board of Nursing**, South Probable Cause Panel  
announces a telephone conference call to which all persons are  
invited.

DATE AND TIME: October 23, 2008, 4:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me  
Number: 1(888)808-6959, Code 2458182

GENERAL SUBJECT MATTER TO BE CONSIDERED: For  
cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Rick  
García, Executive Director, 4052 Bald Cypress Way, Bin  
#C02, Tallahassee, FL 32399-3257.

Pursuant to the provisions of the Americans with Disabilities  
Act, any person requiring special accommodations to  
participate in this workshop/meeting is asked to advise the  
agency at least 48 hours before the workshop/meeting by  
contacting: the Board at (850)245-4125. If you are hearing or  
speech impaired, please contact the agency using the Florida  
Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770  
(Voice).

If any person decides to appeal any decision made by the  
Board with respect to any matter considered at this meeting or  
hearing, he/she will need to ensure that a verbatim record of  
the proceeding is made, which record includes the testimony  
and evidence from which the appeal is to be issued.

The **Board of Nursing Home Administrators** announces a  
public meeting to which all persons are invited.

DATE AND TIME: Friday, October 24, 2008, 9:00 a.m.

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft.  
Lauderdale, Florida 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General board business.

A copy of the agenda may be obtained by contacting: Joe  
Baker, Jr., Executive Director, Board of Nursing Home  
Administrators, 4052 Bald Cypress Way, Bin #C07,  
Tallahassee, Florida 32399-3257 or accessing [www.doh.state.  
fl.us/mqa/nurshomes/index.html](http://www.doh.state.fl.us/mqa/nurshomes/index.html).

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

If any person decides to appeal any decision made by the  
Board with respect to any matter considered at this meeting or  
hearing, he/she will need to ensure that a verbatim record of  
the proceeding is made, which record includes the testimony  
and evidence from which the appeal is to be issued.

The **Board of Podiatric Medicine** announces a telephone  
conference call to which all persons are invited.

DATE AND TIME: Monday, October 27, 2008, 8:00 a.m.

PLACE: Conference Call: Meet Me Number: 1(888)808-6959,  
Conference Code: 9849329103. Department of Health, 4052  
Bald Cypress Way, Bin #C07, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General board business and a public hearing pursuant to  
Section 120.54(3), Florida Statutes, to consider comments  
regarding Notice of Intent to Repeal Rule 64B18-23.001,  
Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Joe  
Baker, Jr., Executive Director, Board of Podiatric Medicine,  
4052 Bald Cypress Way, Bin #C07, Tallahassee, FL  
32399-3257 or accessing [www.doh.state.fl.us/mqa/podiatry/  
index.html](http://www.doh.state.fl.us/mqa/podiatry/<br/>index.html).

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

If any person decides to appeal any decision made by the  
Board with respect to any matter considered at this meeting or  
hearing, he/she will need to ensure that a verbatim record of  
the proceeding is made, which record includes the testimony  
and evidence from which the appeal is to be issued.

The **Council of Licensed Midwifery** announces a telephone  
conference call to which all persons are invited.

DATE AND TIME: Monday, October 27, 2008, 9:00 a.m. or soon thereafter

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Council of Licensed Midwifery, (850)245-4161 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Division of Children's Medical Services** announces a public meeting to which all persons are invited.

DATES AND TIMES: October 6, 2008, 11:00 a.m.; October 20, 2008, 2:00 p.m.; November 4, 2008, 11:00 a.m.; November 18, 2008, 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9217263#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Health Care Task Force for Youth and Young Adults with Disabilities Education and Training Subcommittee Transition Work Group.

A copy of the agenda may be obtained by contacting: Linda Reynolds at (850)245-4213.

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, Circuit 10 announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 17, 2008, 9:30 a.m.

PLACE: Department of Children and Family Services, 1055 U.S. Hwy. 17 North, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Chapter 39 Local Planning Team of the Office of Adoption and Child Protection.

A copy of the agenda may be obtained by contacting: Diane Dvorak, Department of Children and Family Services at (863)619-4100.

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

For more information, you may contact: Diane Dvorak, Department of Children and Family Services at (863)619-4100.

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The **Agency for Persons with Disabilities** announces a public meeting to which all persons are invited.

DATE AND TIME: October 24, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting will be to discuss and provide suggested language or examples of processes within each rule chapter that require improvement in language for clarity and to ensure that the intent of the rule can be carried out in an effective and efficient manner.

SUMMARY: Promulgation of a seclusion and restrain rule (Chapter 65G-8, F.A.C.) was mandated by the Legislature at Section 393.13(4)(h)2., Florida Statutes, ("the agency shall adopt by rule standards and procedures relating to the use of restraint and seclusion") the Agency filed the rule for adoption in its present form, and became effective August 7, 2008. APD recognizes that, as with any new rule, the language and requirements can be fine-tuned through rule amendments; therefore, to refine some of the present wording, the Agency is scheduling a meeting to consider the suggestions and concerns regarding rule language improvements. This notice is to alert interested parties who may wish to participate in this workshop.

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

SPECIFIC AUTHORITY: 393.501(1) FS.

LAW IMPLEMENTED: 393.13(4)(h), 916.1093(2) FS.

PERSON TO BE CONTACTED REGARDING AMENDMENT TO THIS RULE IS: Steve Coleman, Ph.D., Senior Behavior Analyst, at the above address and at (850)414-8695.

A copy of the agenda may be obtained by contacting: Steve Coleman at (850)414-8695.

## FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: November 6, 2008, 10:00 a.m.

PLACE: The video conference main meeting site will be at FWC, 620 South Meridian Street, Bryant Building, Room 272, Tallahassee, Florida 32399-1600 with additional sites, at FWC, South Region A Office, 8535 Northlake Boulevard, South Region Conference Room, West Palm Beach, Florida 33412 and FWC, Fish and Wildlife Research Institute, 100 Eighth Avenue, S. E., St. Petersburg, Florida 33701-5095.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Boating Advisory Council.

A copy of the agenda may be obtained by contacting: FWC, Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Bryant Building, Tallahassee, Florida 32399-1600, or by calling Ms. Shelly Gurr at (850)488-5600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: FWC, Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Bryant Building, Tallahassee, Florida 32399-1600, or by calling Ms. Shelly Gurr at (850)488-5600.

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## DEPARTMENT OF FINANCIAL SERVICES

The **Division of Funeral, Cemetery, and Consumer Services** (the "Division") announces the following public meetings relating to implementation of Chapter 497, Florida Statutes announces a public meeting to which all persons are invited.

The Finance Committee of the Board of Funeral, Cemetery, and Consumer Services

DATES AND TIME: October 21, 2008; October 28, 2008; November 6, 2008; November 18, 2008; November 25, 2008; December 9, 2008; December 16, 2008; January 6, 2009; January 13, 2009; January 20, 2009; January 27, 2009, 10:00 a.m.

The Rules Committee of the Board of Funeral, Cemetery, and Consumer Services

DATES AND TIME: October 29, 2008; November 26, 2008; December 30, 2008; January 28, 2008, 10:00 a.m.

PLACE: Room 2100, Alexander Building, 2020 Capital Circle, S. E., Tallahassee, FL. Committee members may attend in person or by teleconference. The public may attend in person at the meeting location, where the Division will provide

phone equipment so that in-person attendees may hear and speak to members participating by teleconference. A limited number of teleconference connections for non-committee members may be available, for more info contact: LaTonya Bryant at LaTonya.Bryant@myfloridacfo.com or (850)413-3039.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meetings of the Finance Committee and Rules Committee scheduled above are in addition to meetings previously scheduled, except that the Finance Committee meeting previously scheduled for Oct. 16, 2008, is cancelled.

The agenda for individual rules committee meetings will be published on the Division's webpage, at least 7 days prior to the meeting.

CANCELLATIONS: One or more of the above referenced meetings may be cancelled. Notice of any cancellation will be posted by the Division at least 48 hours in advance, on the Division's webpage. Interested persons should monitor that webpage.

A copy of the agenda may be obtained by contacting: LaTonya Bryant at (850)413-3039. The agenda for all the Finance Committee meetings will consist of review of projected revenue and expenses relating to implementation of Chapter 497, Florida Statutes, and consideration of fee increases affecting license applicants and licensees under Chapter 497, F.S. If other matters are to be addressed at any particular Finance Committee meeting, a supplemental agenda will be published on the Division's website at least 7 days before the meeting.

The Division's webpage is at the following web address: [www.myfloridacfo.com/FuneralCemetery/](http://www.myfloridacfo.com/FuneralCemetery/).

Pursuant to the provisions of 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: LaTonya Bryant at (850)413-3039. If you are 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: LaTonya Bryant at LaTonya.Bryant@myfloridacfo.com or (850)413-3039.

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## FINANCIAL SERVICES COMMISSION

The **Office of Insurance Regulation** announces a public meeting to which all persons are invited.

DATE AND TIME: November 3, 2008, 1:00 p.m.

PLACE: Office of Insurance Regulation, 200 East Gaines Street, Larson Building, Room B33, Tallahassee, FL 32399-0331

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To appoint a new chairperson and vice chairperson for the Advisory Council and discuss issues currently facing the Continuing Care industry.

A copy of the agenda may be obtained by contacting: Mr. Christopher Struk at Christopher.Struk@floir.com or (850)413-2480.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mr. Christopher Struk at Christopher.Struk@floir.com or (850)413-2480. If you are 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 **Financial Services Commission** announces a hearing to which all persons are invited.

**DATES AND TIMES:** Corresponding Meeting of the Cabinet Aides, October 22, 2008, 9:00 a.m.; October 28, 2008, 9:00 a.m., during a regular meeting of the Financial Services Commission

**PLACE:** Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is the Final Public Hearing on the adoption of proposed amendments to Rule Chapter 69U-100, Florida Administrative Code, published on August 22, 2008, in Vol. 34, No. 34, of the Florida Administrative Weekly. 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.

A copy of the agenda may be obtained by contacting: Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Andrea Moreland, Office of Financial Regulation at (850)410-9601 or [andrea.moreland@flofr.com](mailto:andrea.moreland@flofr.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are 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: Andrea Moreland, Office of Financial Regulation at (850)410-9601 or [andrea.moreland@flofr.com](mailto:andrea.moreland@flofr.com).

### **WEST CENTRAL FLORIDA AREA AGENCY ON AGING, INC.**

The **West Central Florida Area Agency on Aging, Inc.** announces five public hearings to which all persons are invited.

Polk County

**DATE AND TIME:** Tuesday, October 14, 2008, 9:00 a.m. – 11:00 a.m.

**PLACE:** USF RATH Senior ConNexTions & Education Center, 1350 E. Main Street, C-200, Bartow, FL 33830

Hardee County

**DATE AND TIME:** Tuesday, October 14, 2008, 2:00 p.m. – 3:30 p.m.

**PLACE:** Catheryn McDonald Senior Center, 310 N. 8th Avenue, Wauchula, FL 33873

Manatee County

**DATE AND TIME:** Wednesday, October 15, 2008, 9:00 a.m. – 11:00 a.m.

**PLACE:** Renaissance on 9th, 1816 9th Street West, Bradenton, FL 34205

Hillsborough County

**DATE AND TIME:** Wednesday, October 22, 2008, 9:00 a.m. – 11:00 a.m.

**PLACE:** Tampa Lighthouse for the Blind, 1106 W. Platt Street, Tampa, FL 33606

Highlands County

**DATE AND TIME:** Wednesday, November 5, 2008, 9:00 a.m. – 11:00 a.m.

**PLACE:** Florida Hospital Heartland, 4200 Sun 'n Lake Blvd., Sebring, FL 33872

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The West Central Florida Area Agency on Aging, Inc. (WCFAAA) is seeking public comment on funding allocations currently being provided for elder services.

A copy of the agenda may be obtained by contacting: [nelsonp@elderaffairs.org](mailto:nelsonp@elderaffairs.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 4 days before the workshop/meeting by contacting: Paula Nelson at 1(800)326-2226, ext. 5583. Space is limited and reservations are required. If you are 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: West Central Florida Area Agency on Aging, Inc., 5905 Breckenridge Parkway, Suite F, Tampa, FL 33610, e-mail: nelsonp@elderaffairs.org. Comments will be accepted via mail or email until October 24, 2008.

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**CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.**

The **Center for Independent Living in Central Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2008, 6:00 p.m.

PLACE: Center for Independent Living in Central Florida, Inc., 720 North Denning Drive, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Annual Meeting.

A copy of the agenda may be obtained by contacting: Luana Kutz at (407)623-1070, lkutz@cilorlando.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Luana Kutz at (407)623-1070, lkutz@cilorlando.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Luana Kutz at (407)623-1070, lkutz@cilorlando.org.

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**FLORIDA INDEPENDENT LIVING COUNCIL, INC.**

The **Florida Independent Living Council, Inc.** announces a telephone conference call to which all persons are invited.

MEETING: Youth Senate Meeting

DATE AND TIME: Wednesday, October 15, 2008, 5:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Network of Centers Organizational Meeting

DATE AND TIME: Tuesday, October 21, 2008, 10:00 a.m. – 11:30 a.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.

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**SOIL AND WATER CONSERVATION DISTRICTS**

The **South Dade Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2008, 9:30 a.m.

PLACE: Florida City Service Center Conference Room, Suite 102, 1450 N. Krome Ave. Florida City, FL 33034

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular agenda items for presentation to Board of Supervisors: Nursery BMP Lap Report, MIL Reports, District Projects.

A copy of the agenda may be obtained by contacting: Wendy Lobos.

For more information, you may contact: Morgan Levy, Administrator at (305)242-1288.

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The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2008, 8:15 a.m.

PLACE: 1416 U.S. 90 East, USDA Center, Madison, FL 32340

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Doris Newman at (850)973-6595.

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**CITIZENS PROPERTY INSURANCE CORPORATION**

NOTICE OF CANCELLATION – The **Citizens Property Insurance Corporation**, Consumer Services Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 22, 2008, 3:00 p.m. (EST)

PLACE: Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Please note: this meeting has been CANCELLED.

A copy of the agenda may be obtained by contacting: Sara Golding at 1(800)807-7647, extension 3874.

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The **Citizens Property Insurance Corporation**, Depopulation Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 23, 2008, 11:00 a.m. or immediately following the Board of Governor's meeting



PLACE: Tampa International Airport Marriott, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, business before the committee.

A copy of the agenda may be obtained by contacting: Nedra Davis at 1(800)807-7647, extension 3808.

Pursuant to the provisions of 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: Nedra Davis at 1(800)807-7647, extension 3808. If you are 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: Nedra Davis at 1(800)807-7647, extension 3808.

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### **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: October 22, 2008, 2:00 p.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.

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### **TRANSPORTATION AND EXPRESSWAY AUTHORITY MEMBERSHIP OF FLORIDA**

The **Transportation and Expressway Authority Membership of Florida** (TEAMFL) announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, October 23, 2008, 3:00 p.m. – 5:00 p.m., Focus Sessions: Toll Operations & Public Involvement, Engineering, Finance; Friday, October 24, 2008, 9:00 a.m. – 12:00 Noon, General Session

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E. Coastline Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: “Any Port in a Storm...Ports, Rail & Roads: Where Do They All Lead?” Opening Remarks: Mayor John Peyton, City of Jacksonville and Cleve Warren, Chairman, Jacksonville Transportation Authority. Presentations: “The State of Florida’s Ports” – John LaCapra, President, Florida Ports Council; “Jacksonville Port Authority Update” – Rick Ferrin, Executive Director, JaxPort; “First Coast Outer Beltway Update” – James Bennett, FDOT; “Florida Rail Update” – John Koch, CSX (Invited); “Initiative for Surface Transportation Improvements to Accommodate Port Growth” – Michael Blaylock, Executive Director, Jacksonville Transportation Authority; “Port of Miami Update” – Bill Johnson, Executive Director, Port of Miami; “Port of Tampa Update” – Richard Wainio, Port Director, Port of Tampa.

A copy of the agenda may be obtained by contacting: TEAMFL, 2121 Camden Road, Suite B, Orlando, FL 32803, (407)896-0035, teamfl@teamfl.org.

For more information, you may contact: Bob Hartnett, President/CEO, TEAMFL, 2121 Camden Road, Suite B, Orlando, FL 32803, teamfl@teamfl.org, (407)896-0035.

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### **FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST**

The **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 24, 2008, 10:30 a.m. – 12:00 Noon

PLACE: Orange County Comptroller, 201 S. Rosalind Ave., 4th Floor, Comptroller Conference Room, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: FLGIT Board of Trustee Topics.

The minutes from the prior meeting and the agenda will be forwarded approximately 1 week prior to the meeting.

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### **FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION**

The **Florida Local Government Finance Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 24, 2008, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Commission will be for the purposes of reviewing the statewide pooled commercial paper loan

program for Florida governmental entities. The Commission is an unincorporated, nonprofit association whose members are comprised of Brevard County, Florida, Charlotte County, Florida, Collier County, Florida, Lee County, Florida, Osceola County, Florida and Sarasota County, Florida.

A copy of the agenda may be obtained by contacting: Elizabeth Newberry, Florida Association of Counties, 100 South Monroe Street, Tallahassee, Florida 32301.

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**FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION**

The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 28, 2008, 2:00 p.m.

PLACE: Sawgrass Marriott, Jacksonville, FL 33082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The RFA Selection Committee will receive and consider issues involving the Prospective Deficiency Fund, The Alvin E. Smith Grant program, and such other business properly brought before the Committee.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 28, 2008, 4:00 p.m.

PLACE: Sawgrass Marriott, Jacksonville, FL 33082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Claims and Underwriting Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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The **Florida Medical Malpractice Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 29, 2008, 9:00 a.m.

PLACE: Sawgrass Marriott, Jacksonville, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Governors will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, RFA Selection Committee, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained by contacting: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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**FLORIDA INSURANCE GUARANTY ASSOCIATION, INC.**

The Finance and Audit Committee of the **Florida Insurance Guaranty Association, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 17, 2008, 3:30 p.m. (EST)

PLACE: Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FIGA Finance and Audit Committee will meet regarding the general business of the Committee.

A copy of the agenda may be obtained by contacting: Cathy Irvin at (850)386-9200, ext. 1810.

Pursuant to the provisions of 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, ext. 1810. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Florida Insurance Guaranty Association, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 18, 2008, 9:30 a.m. (EST)

PLACE: Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FIGA 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, ext. 1810.

Pursuant to the provisions of 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, ext. 1810. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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## Section VII

### Notices of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has received the petition for declaratory statement from Ken Norton, on behalf of Power Design, Inc., on September 19, 2008. Petitioner seeks clarification of the requirements of Rule 9B-3.0472, Florida Administrative Code, for carbon monoxide detectors as to high density or high rise residential buildings with attached garages and/or fossil fueled appliances. It has been assigned the number DCA08-DEC-275. A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

#### 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 Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Richard Hoffman, President of de la Bahia Condominium Association, Inc., Docket No. 2008046156 on August 19, 2008. The following is a summary of the agency's disposition of the petition: Ordered that de la Bahia Condominium Association, Inc., must conduct a vote to readopt or reaffirm its present bylaw staggering the terms of directors every two years under the amendment to Section 718.112(2)(d)1., Florida Statutes, adopted by Chapter 2008-28, Section 7, Laws of Florida.

A copy of the Order Disposing 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 Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Sea Fields Club, Inc.; Docket No. 2008024082 on April 21, 2008. The following is a summary of the agency's disposition of the petition: Ordered that if Sea Fields Club, Inc., a Florida cooperative, amends its governing documents to define the cost of insuring the items inside the unit as a common expense, then the insurance will be a common expense under Section 719.107(1)(a), Florida Statutes.

A copy of the Order Disposing 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 IGT, Inc., on September 10, 2008, in DBPR Case No. 2008050762 (DS 2008-066). 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 that it intends to offer to the public for slot machine gaming which incorporates a visual presentation of 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.

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 IGT, Inc., on September 10, 2008, in DBPR Case No. 2008050490 (DS 2008-067). 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 that it intends to offer to the public for slot machine gaming which incorporates a visual presentation of Keno 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.

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 IGT, Inc., on September 11, 2008, in DBPR Case No. 2008050809 (DS 2008-068). 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 that it intends to offer to the public for slot machine gaming which incorporates a visual presentation of

blackjack Petitioner calls “Digital 21 Blackjack” (“D21”), which machine 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.”

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Larry E. McDonald, on or about September 22, 2008. The petition seeks the agency’s opinion as to the applicability of Florida Fire Prevention Code 2004 Ed., including NFPA 1, NFPA 101 as it applies to the petitioner.

Petitioner poses these questions regarding a permit application his company submitted for a new business Non-Required fire alarm system in a separated tenant space in a single story building in Pasco County. If the occupancy Chapter of NFPA 101, or any other section of Statute or Code, makes no specific requirement for Annunciation for a Fire Alarm System, is it within the authority of the AHJ to require Annunciation, or specific degrees of annunciation, such as an “Addressable System?” If there is no requirement for Annunciation for the occupancy, is there any part of the Code that would require Supervising Station annunciation of each initiating device (such as with “Contact ID”)?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, or (850)413-4238, Fax: (850)922-1235 or (850) 488-0697 (please advise if you would

like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to Lesley.Mendelson@myfloridacfo.com.

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## 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:**

Florida Outdoor Advertising Association vs. Department of Transportation; Case No.: 08-4572RP; Rule No.: 14-10.0043

Retail Beverage Council of the Florida Retail Federation; Wine and Spirits Distributors of Florida, Inc.; and Beer Industry of Florida, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-4618RP; Rule Nos.: 61A-1.0105, 61A-1.01010, 61A-1.01011, 61A-1.01012, 61A-1.0108, 61A-1.01022

Anheuser-Busch, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-4784RP; Rule No.: 61A-1.0109

Florida Beer Wholesalers Association, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-4670RX; Rule Nos.: 61A-1.01016, 61A-1.01017, 61A-1.01019, 61A-1.01023

Florida Beer Wholesalers Association, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-4751RP; Rule Nos.: 61A-1.0109, 61A-1.0105, 61A-1.0108, 61A-1.01010, 61A-1.01011, 61A-1.01012

Hamid Bagloo, M.D. vs. Agency for Health Care Administration; Case No.: 08-4288RU

### **Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Center for Education Advocacy, Inc., Rosemary N. Palmer and Donna Lorman vs. State Board of Education and Department of Education; Case No.: 08-3496RP; Rule Nos.: 6A-6.03028, 6A-6.03311, 6A-6.03312, 6A-6.03411; Dismissed

William Lane vs. Department of Law Enforcement; Case No.: 07-4495RX; Rule Nos.: 11D-8.011, 11D-8.012, 11D-8.013, 11D-8.014, Dismissed

Promise Healthcare, Inc. and Select Specialty Hospital-Orlando, Inc. (Intervenors) vs. Agency Health Care Administration; Case No.: 07-3403RP; Rule No.: 59C-1.002; Invalid

Select Specialty Hospital Orlando, Inc. vs. Agency for Health Care Administration; Case No.: 07-3404RP; Rule No.: 59C-1.002; Invalid

Florida Beer Wholesalers Association, Inc. vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 08-4751RP; Rule Nos.: 61A-1.0109, 61A-1.0105, 61A-1.0108, 61A-1.01010, 61A-1.01011, 61A-1.01012; Dismissed

Atlantic Housing Partners, LLP vs. Florida Housing Finance Corporation; Case No.: 08-3894RP; Rule Nos.: 67-21.003, 67-48.004, Voluntarily Dismissed

The Florida Insurance Council, Inc.; The American Insurance Association; Property Casualty Insurers Association of America; and National Association of Mutual Insurance Companies vs. Department of Financial Services and Financial Services Commission, Office of Insurance Regulation; Case No.: 07-3705RP; Rule Nos.: 69O-125.005, 69O-125.006; Dismissed

Life Insurance Settlement Association vs. Office of Insurance Regulation and Financial Services Commission; Case No.: 08-1645RP; Rule No.: 69O-204.101; Invalid

Schwab Materials, Inc. vs. Department of Financial Services and Lee County, Florida (Intervenor); Case No.: 08-0538RU, Dismissed

Florida Association for Child Care Management, Inc. vs. Early Learning Coalition of Duval and Agency for Workforce Innovation; Case No.: 08-1717RU; Dismissed

Orange County, Florida vs. South Florida Water Management District; Case No.: 08-2624RU; Voluntarily Dismissed

Hamid Bagloo, M.D. vs. Agency for Health Care Administration; Case No.: 08-4288RU; Voluntarily Dismissed

Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges

NONE

Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee

NONE

Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

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

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

**REGIONAL PLANNING COUNCILS**

Request for Proposals  
For a Feasibility Study  
RFP #ED-03

The Southwest Florida Regional Planning Council (the "Council") requests proposals from qualified firms interested in preparing a feasibility study for a regional incubator network.

**Schedule**

The due date for proposals is October 31, 2008, 12:00 Noon. An Advisory Committee consisting of representatives from each of the counties in the study region will review and rank the proposals. The Advisory Committee reserves the right to request firms responding to this RFP for additional information or to make oral presentations. The Council will not reimburse firms for any expenses incurred in connection with this RFP including the cost of preparing the initial response, preparing additional requested information, or travel expenses relating to oral presentations.

It is expected that oral presentations via conference call, if necessary, will occur on November 6, 2008. Firms requested to make oral presentations via conference call will be notified on

or before November 4, 2008. The Advisory Committee will make a final consultant selection no later than November 7, 2008.

A pre-bid meeting will be held on Friday, October 17, 2008, using WebEx technology meeting initiated by the Southwest Florida Regional Planning Council from 10:00 a.m. – 12:00 Noon. The meeting is not mandatory and potential proposers may participate by phone by calling 1(888)808-6959, and the conference code is 2550232.

The final product is due on or before August 31, 2009.

Requests For Information and Instruction

The original proposal and ten copies must be submitted to the office listed below. All copies must be submitted by the due date and time of 12:00 Noon, October 31, 2008. All bids must be date and time stamped to indicate receipt before the bid opening. Firms mailing proposals should allow a sufficient mail delivery period to ensure timely arrival of their proposals.

The Council cannot waive or excuse late receipt of a proposal which is delayed for any reason. Any proposal received after the bid opening date and time will be immediately disqualified in accordance with the Council's rules and regulations.

Submit one (1) original and ten (10) copies of the proposal to:

Ms. Nichole Gwinnett  
Southwest Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901  
(239)338-2550

Due date for proposals is October 31, 2008 by 12:00 Noon  
Inquiries/Requests for Clarification

Written questions must be received no later than ten (10) working days prior to the Proposal acceptance date. Should any questions or responses require revisions to the Request for Proposal as originally published, such revisions will be by formal amendment only. Other than minor procedural matters, questions regarding this proposal must be in writing and submitted to:

Ms. Jennifer Pellechio, Senior Planner  
Southwest Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901  
(239)338-2550, ext. 218

Addenda to the Request for Proposal

If it becomes necessary to revise any part of the RFP, addenda will be provided to all entities who received the original RFP and to any other interested parties. Potential proposers should clearly understand that any verbal representations made or assumed to be made during any oral discussions held between representatives of potential proposers and any employee of the

Council are not binding on the Council. Only that information requested in writing and added to the Request for Proposal via an addendum is binding.

**Lobbying**

All firms are hereby placed on notice that the Council and the Advisory Committee do not wish to be lobbied, either individually or collectively, about a project for which a firm has submitted a proposal. During the process, from proposal closing to Council selection, no firm or its agent shall contact any employee of the Council or member of the Advisory Committee in reference to this proposal, with the exception of the Purchasing Agent or the designee(s). Failure to abide by this provision may serve as grounds for disqualification for award of this contract to the firm.

**Public Record**

All records submitted to the Council related to purchase orders/contracts are considered public records. All bids, proposals, or offers submitted by vendors shall become public information and are available for inspection during normal business hours.

**Rejection of Proposals**

The Council reserves the right to reject any or all proposals, to re-solicit for proposals, if desired, and upon recommendation and justification by the Advisory Committee, to accept the proposal which in the judgment of the Council and the Advisory Committee is deemed the most advantageous for the public.

Any proposal which is incomplete, conditional, obscure, or which contains irregularities of any kind, may be rejected on that basis. In the event of default of the successful proposer, or the proposer's refusal to enter into contract with the Council, the Council reserves the right to accept the proposal of any other proposer or to re-advertise using the same or revised documentation, at its sole discretion.

The Council reserves the right to withdraw this RFP at any time and for any reason. Receipt of proposal materials by the Council or submission of a proposal to the Council confers no rights upon the proposer nor obligates the Council in any manner.

**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 CHILDREN AND FAMILY SERVICES**

**INVITATION TO BID**

Proposals are requested from qualified General Contractors by the Department of Children and Families, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 08245330  
 PROJECT: WINDOW REPLACEMENT  
 BUILDINGS 1235, 1250, 1260 & 1265  
 FLORIDA STATE HOSPITAL  
 CHATTAHOOCHEE, FLORIDA

**PREQUALIFICATION:** The Owner accepts bids from those firms which demonstrate current relevant licensure with the Florida Department of Business and Professional Registration by submittal of a copy of that license or certificate with their bid and compliance with the pre-qualification requirements as stated hereinbefore and in the project specifications. In the General and Technical Specifications, Exhibit 9, Owner's Experience Questionnaire and Contractor's Financial Statement shall be submitted with bid.

The work includes but is not limited to the removal of windows, sun screens, security screens and associated framing materials to allow for the installation of new pre-finished aluminum window units including sub-frames, wood blocking, trim and all other items necessary to complete the window installation for Buildings 1235, 1250, 1260, & 1265 and provide the required window warranties.

**BID GUARANTEE:** On projects where the base bid and sum of all additives exceeds \$100,000.00, bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

**PUBLIC CONSTRUCTION BOND:** If the construction award is \$100,000.00 or more, a Public Construction Bond, Exhibit 4, is required.

**BID DATE AND TIME:** Sealed bids will be received at the architect's office located at 1382 Timberlane Road, Suite C, Tallahassee, Florida 32312, on Wednesday, November 12, 2008 until 2:00 p.m. (Local Time), at which time they will be publicly opened and read aloud.

**PRE-BID INSPECTION:** The pre-bid inspection will be meeting at the Operations and Facilities Building, Florida State Hospital, Chattahoochee, on Thursday, October 23, 2008, 1:30 p.m. (Local Time). An informative meeting will take place at this location followed by a visit to each building location. All others visiting after this time shall be by appointment only. Bidders setting up an appointment after October 23rd must contact: Mr. Rob Elliott, Operations and Facilities at (850)663-7152, Florida State Hospital to arrange a site visit. All questions pertaining to this project must be addressed to the architect.

**PROPOSAL:** Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained for \$100.00 refundable from the architect:

HICKS NATION ARCHITECTS, INC.  
 1382 TIMBERLANE ROAD  
 TALLAHASSEE, FLORIDA 32312  
 TELEPHONE: (850)893-1130

**CONTRACT AWARD:** The bid tabulation and Notice of Award Recommendation will be posted by 2:00 p.m. (Local Time), on November 13, 2008, at the Architects Office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be otherwise notified. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures: the Owner will award the contract to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C.

**BALFOUR BEATTY CONSTRUCTION, LLC**

**INVITATION FOR QUALIFIED CONTRACTORS TO SUBMIT SEALED BIDS**

Balfour Beatty Construction LLC (BBC) is requesting SEALED BIDS from qualified Contractors for the above referenced project until 2:00 p.m., November 20, 2008, at the address provided below: Sealed bids will be opened publicly immediately following the 2:00 p.m. cut off.

Address: 804 N. W. Jackson Bluff Rd.  
 Mayo, FL 32066  
 Phone: (386)294-3100  
 Fax: (386)294-2485  
 E-Mail: kgray@balfourbettyus.com  
 Bid Package will be available at NGI.

Interested parties can obtain plans, specifications, bid package and prequalification forms at the following location starting October 15, 2008.

NGI (Ocala)  
 (352)622-5039  
 304A Southwest Broadway Street  
 Ocala, FL 34474

**SEALED BIDS AND PREQUALIFICATION FORMS ARE TO BE SENT TO:**

Kevin Gray  
 Balfour Beatty Construction  
 804 N. W. Jackson Bluff Rd.  
 Mayo, FL 32066

for receipt prior to 2:00 p.m., November 20, 2008. A pre-bid conference will be held at 10:30 a.m., Wednesday, October 22, 2008. The location of the pre-bid conference is: Mayo Correctional Annex Project Construction Trailer Conference Room, 804 N. W. Jackson Bluff Rd., Mayo, FL 32066 (same location bids will be received).

Balfour Beatty Construction does not discriminate on the basis of race, color, religion, age, sex, national origin, marital status, handicap or other reason prohibited by law.  
 LICENSE CGC 05623.

**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.**

**Request for Proposals (RFP)  
 Training and Conferences**

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability of a Request for Proposals (RFP). Interested parties should obtain a copy of RFP #2009-IP-100 for specific information related to funding amounts. Copies of the RFP can be downloaded for the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301; or calling (850)488-4180; 1(800)580-7801 (Toll Free); 1(888)488-8633 (TDD). To register to receive electronic mail (email) notices of future RFPs, please visit our website ([www.fddc.org](http://www.fddc.org)) and click on "Funding Opportunities" in the left hand browser list, then click on the "Sign Up Now" in E-Mail Sign Up box and follow the directions.

This Request for Proposal (RFP) is being issued by the Florida Developmental Disabilities Council to provide opportunities for public and private sector agencies, organizations, and other interested individuals to conduct local, regional, or statewide workshops, training sessions, and conferences that are directed at enhancing the quality of life for families and individuals with developmental disabilities in their community and reflect the Council's mission and goals. This RFP is in response to the need demonstrated by the numerous requests received by the Council for funds to support workshops, training sessions and conferences. The Council believes that individuals with developmental disabilities should be included in all aspects of life – school, community, work, and play. Appropriate supports and services are needed to ensure full participation in the community. Successful inclusion and attainment of services and supports requires advocacy by individuals with developmental disabilities and their families. Such advocacy necessitates knowledge of disabilities, available supports and services, program requirements, best practices, federal and state laws, and numerous other aspects of the issues and systems for disability services. Advocates who are more informed are better equipped to obtain the supports they need to live successful lives in the community. Advocates need training and access to information to help them navigate the complex disability system and empower them to obtain the support they need.



Proposals should be submitted according to the appropriate quarterly deadlines to ensure they are received at least three (3) months prior to the date of the training or conference for which proposer is requesting funding. Submission of written questions is encouraged of all prospective proposers.

The first quarter deadline for submitting written questions for this RFP is Wednesday, October 22, 2008 by 4:00 p.m. (EDT). Written questions will only be accepted by fax, mail, or hand delivery. Questions submitted by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of October 27, 2008. The first quarterly deadline for submitting proposals for this RFP to FDDC is Monday, December 15, 2008 by 2:00 p.m. (EST).

The second quarter deadline for submitting written questions for this RFP is Friday, January 2, 2009 by 4:00 p.m. (EST). Written questions will only be accepted by fax, mail, or hand delivery. Questions submitted by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of January 5, 2009. The second quarterly deadline for submitting proposals for this RFP to FDDC is Monday, March 2, 2009 by 2:00 p.m. (EST).

The third quarter deadline for submitting written questions for this RFP is Thursday, April 2, 2009 by 4:00 p.m. (EDT). Written questions will only be accepted by fax, mail, or hand delivery. Questions submitted by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of April 6, 2009. The third quarterly deadline for submitting proposals for this RFP to FDDC is Wednesday, June 3, 2009 by 2:00 p.m. (EDT).

The fourth quarter deadline for submitting written questions for this RFP is Thursday, July 9, 2009 by 4:00 p.m. (EDT). Written questions will only be accepted by fax, mail, or hand delivery. Questions submitted by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of July 13, 2009. The fourth quarterly deadline for submitting proposals for this RFP to FDDC is Thursday, September 3, 2009 by 2:00 p.m. (EDT).

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## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

#### NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES DCA DOCKET NUMBER 46-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Okaloosa County, Cinco Bayou, Destin, Fort Walton Beach, Laurel Hill, Mary Esther, Niceville, Shalimar and the Okaloosa County School Board, 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 Okaloosa County Department of Growth Management, 1804 Lewis Turner Blvd., Suite 200, Fort Walton Beach, Florida 32547.

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 Sections 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Okaloosa County, Cinco Bayou, Destin, Fort Walton Beach, Laurel Hill, Mary Esther, Niceville Shalimar and the Okaloosa County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. 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.

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-s-Mike McDaniel, Chief  
Office of Comprehensive Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

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NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
 INTERLOCAL AGREEMENT CONSISTENT WITH  
 SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES  
 DCA DOCKET NUMBER 47-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Okeechobee County, Okeechobee City and the Okeechobee County School Board, 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 Okeechobee County Planning and Development, 499 N. W. 5th Avenue, Okeechobee, Florida 34972.

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 Sections 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Okeechobee County, Okeechobee City and the Okeechobee County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. 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.

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-s-Mike McDaniel, Chief  
 Office of Comprehensive Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
 INTERLOCAL AGREEMENT CONSISTENT WITH  
 SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES  
 DCA DOCKET NO. 53-03

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Polk County School Board and the City of Bartow, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Bartow, 450 North Wilson Avenue, Bartow, Florida 33831-1069.

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: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Polk County School Board and the City of Bartow. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed

time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

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-s-Mike McDaniel, Chief  
Office of Comprehensive Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

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## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Astronautical Bashan Motorcycle Manufacture Co. Ltd. (BASH) at 11485 South Cleveland Avenue, Suite 1, Fort Myers (Lee County), Florida 33907-2843, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843; principal investor(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843.

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.

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### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 11485 South Cleveland Avenue, Suite 1, Fort Myers (Lee County), Florida 33907-2843, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843; principal investor(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843.

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.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 11485 South Cleveland Avenue, Suite 1, Fort Myers (Lee County), Florida 33907-2843, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843; principal investor(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843.

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 Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 11485 South Cleveland Avenue, Suite 1, Fort Myers (Lee County), Florida 33907-2843, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843; principal investor(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843.

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 Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 11485 South Cleveland Avenue, Suite 1, Fort Myers (Lee County), Florida 33907-2843, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843; principal investor(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843.

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.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BMS Motorsports, Inc., intends to allow the establishment of Southwest Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 1401 Flightline Boulevard, Suite 3, Deland (Volusia County), Florida 32724, on or after September 17, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Southwest Scooters, Inc. are dealer operator(s): Thomas MacNaughton, 1401 Flightline Boulevard, Suite 3, Deland, Florida 32724; principal investor(s): Thomas MacNaughton, 1401 Flightline Boulevard, Suite 3, Deland, Florida 32724.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Patrick Kim, President, BMS Motorsports, Inc., 1201 Jellick Avenue, City of Industry, California 91748.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Base Auto, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 6232 East Highway 98, Panama City (Bay County), Florida 32404, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Base Auto, LLC are dealer operator(s): Scott Jestice, 3201 Bob Jones Drive, Panama City, Florida 32444 and Bryon Robbins, 8730 Thomas Drive, Suite 113, Panama City, Florida 32408; principal investor(s): Scott Jestice, 3201 Bob Jones Drive, Panama City, Florida 32444.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Base Auto, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 6232 East Highway 98, Panama City (Bay County), Florida 32404, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Base Auto, LLC are dealer operator(s): Scott Jestice, 3201 Bob Jones Drive, Panama City, Florida 32444 and Bryon Robbins, 8730 Thomas Drive, Suite 113, Panama City, Florida 32408; principal investor(s): Scott Jestice, 3201 Bob Jones Drive, Panama City, Florida 32444.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Carl's Speed Shop, Inc., as a dealership for the sale of Hyosung motorcycles (HYOS) at 1050 South Nova Road, Ormond Beach (Volusia County), Florida 32174, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Carl's Speed Shop, Inc. are dealer operator(s): Carl Morrow, 132 Squirrel Lane, Ormond Beach, Florida 32174; principal investor(s): Carl Morrow, 132 Squirrel Lane, Ormond Beach, Florida 32174.

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 Carter Brothers Manufacturing Co., Inc., intends to allow the establishment of DK Cycles, Inc. dba DK Cycles, as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (SANY) at 1341 Washington Avenue, Miami Beach (Dade County), Florida 33139, on or after September 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of DK Cycles, Inc. dba DK Cycles are dealer operator(s): David Buzaglo, 1341 Washington Avenue, Miami Beach, Florida 33139; principal investor(s): David Buzaglo, 1341 Washington Avenue, Miami Beach, Florida 33139.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jack Mullinax, Carter Brothers Manufacturing Co., Inc., 1871 U.S. Highway 231 South, Brundidge, Alabama 36010.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hanma Enterprises, Inc., intends to allow the establishment of Eco Green Machine, LLC d/b/a Eco Green Machine, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 7000 Park Boulevard, Pinellas Park (Pinellas County), Florida 33781, on or after September 25, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Eco Green Machine, LLC d/b/a Eco Green Machine are dealer operator(s): Patcharee Clark, 7000 Park Boulevard, Pinellas Park, Florida 33781; principal investor(s): Patcharee Clark, 7000 Park Boulevard, Pinellas Park, Florida 33781.

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: Hui Shan, Hanma Enterprises, Inc., 10540 Bissonnet Street, #100, Houston, Texas 77099.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Finishline Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 13220 Gulf Boulevard, Madeira Beach (Pinellas County), Florida 33708, on or after November 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Finishline Scooters, LLC are dealer operator(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771; principal investor(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Finishline Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 13220 Gulf Boulevard, Madeira Beach (Pinellas County), Florida 33708, on or after November 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Finishline Scooters, LLC are dealer operator(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771; principal investor(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Flyscooters, LLC, intends to allow the establishment of Acme Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 358 South Cypress Drive, Tequesta (Palm Beach County), Florida 33469, on or after October 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Acme Scooters, Inc. are dealer operator(s): David Wakefield, 358 South Cypress Drive, Tequesta, Florida 33469; principal investor(s): David Wakefield, 358 South Cypress Drive, Tequesta, Florida 33469.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Daniel Pak, Flyscooters, LLC, 6050 Lowell Street, #111, Emeryville California 94608.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Flyscooters, LLC, intends to allow the establishment of Acme Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 358 South Cypress Drive, Tequesta (Palm Beach County), Florida 33469, on or after October 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Acme Scooters, Inc. are dealer operator(s): David Wakefield, 358 South Cypress Drive, Tequesta, Florida 33469; principal investor(s): David Wakefield, 358 South Cypress Drive, Tequesta, Florida 33469.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be



submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Daniel Pak, Flyscooters, LLC, 6050 Lowell Street, #111, Emeryville California 94608.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Scooter Nation, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corp. (HONL) at 3399 Northwest 72 Avenue, #126, Miami (Dade County), Florida 33122, on or after September 25, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Nation, Inc. are dealer operator(s): Nestor J. Triana, 3399 Northwest 72 Avenue, #125, Miami, Florida 33122; principal investor(s): Nestor J. Triana, 3399 Northwest 72 Avenue, #125, Miami, Florida 33122.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of Scooter Nation, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 3399 Northwest 72 Avenue, #126, Miami (Dade County), Florida 33122, on or after September 25, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Nation, Inc. are dealer operator(s): Nestor J. Triana, 3399 Northwest 72 Avenue, #125, Miami, Florida 33122; principal investor(s): Nestor J. Triana, 3399 Northwest 72 Avenue, #125, Miami, Florida 33122.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Chuanl Motorcycle USA Co. Ltd., intends to allow the establishment of Kitai Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle

Manufacturing Co. Ltd. (CHUA) at 228 3rd Street, Jacksonville Beach (Duval County), Florida 32250, on or after September 24, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Kitai Powersports, Inc. are dealer operator(s): Claudio Biltoc, 228 3rd Street, Jacksonville Beach, Florida 32250; principal investor(s): Rustin L. Murray, 400 Pimlico Street North, St. Augustine, Florida 32092.

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: Cynthia Booker, Chuanl Motorcycle USA Co. Ltd., 1036 Jacobson Road, Suite 200, Garland, Texas 75042.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Richard Maurice d/b/a M & M Motors, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 528 East Base Street, Suite 2, Madison (Madison County), Florida 32340, on or after November 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Richard Maurice d/b/a M & M Motors are dealer operator(s): Richard Maurice, 213 Northeast College Trail, Madison, Florida 32340; principal investor(s): Richard Maurice, 213 Northeast College Trail, Madison, Florida 32340.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Richard Maurice d/b/a M & M Motors, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 528 East Base Street, Suite 2, Madison (Madison County), Florida 32340, on or after November 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Richard Maurice d/b/a M & M Motors are dealer operator(s): Richard Maurice, 213 Northeast College Trail, Madison, Florida 32340; principal investor(s): Richard Maurice, 213 Northeast College Trail, Madison, Florida 32340.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Motomojo, Inc., intends to allow the establishment of Mopeds & More, Inc., as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycle Group Corp. (QINJ) at 6169 South Pine Avenue, Ocala (Marion County), Florida 34480, on or after September 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mopeds & More, Inc. are dealer operator(s): Brian Martin, 6169 South Pine Avenue, Ocala, Florida 34480; principal investor(s): Brian Martin, 6169 South Pine Avenue, Ocala, Florida 34480.

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: Paul McGregor, Motomojo, Inc., 2028 Weems Road, 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 BRP US, Inc., intends to allow the establishment of North Florida Cycles, LLC, as a dealership for the sale of motorcycles manufactured by Bombardier Recreational Products, Inc. (BMBR) at 2630 U.S. 1 South, St. Augustine (St. Johns County), Florida 32086, on or after September 22, 2008.

The name and address of the dealer operator(s) and principal investor(s) of North Florida Cycles, LLC are dealer operator(s): Mark Allen, 3097 Antigua Drive, Jacksonville Beach, Florida 32250 and Wendi L. Allen, 3097 Antigua Drive, Jacksonville Beach, Florida 32250; principal investor(s): Mark Allen, 3097 Antigua Drive, Jacksonville Beach, Florida 32250.

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: Genevieve Dubois, Bombardier Recreational Products US, Inc., 10101 Science Drive, Sturtevant, Wisconsin 53177.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Lifan Industry, Inc., intends to allow the establishment of Andrew J. Biggar d/b/a Orange City Cycle, as a dealership for the sale of motorcycles manufactured by Chongqing Lifan Industry Group (CHOL) at 2305 South Volusia Avenue, Orange City (Volusia County), Florida 32763, on or after September 30, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Andrew J. Biggar d/b/a Orange City Cycle are dealer operator(s): Andrew J. Biggar, 2305 South Volusia Avenue, Orange City, Florida 32763; principal investor(s): Andrew J. Biggar, 2305 South Volusia Avenue, Orange City, Florida 32763.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Peter Xie, General Manager, American Lifan Industry, Inc., 10990 Petal Street, Suite 500, Dallas, Texas 75238.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Putnam City Motors, Inc. d/b/a PC Motors, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 7033 Beach Boulevard, Jacksonville (Duval County), Florida 32216, on or after September 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Putnam City Motors, Inc. d/b/a PC Motors are dealer operator(s): Claudio Beltoc, 7033 Beach Boulevard, Jacksonville, Florida 32216; principal investor(s): Claudio Beltoc, 143 Belmont, St. Augustine, Florida 32084.

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: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Putnam City Motors, Inc. d/b/a PC Motors, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 7033 Beach Boulevard, Jacksonville (Duval County), Florida 32216, on or after September 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Putnam City Motors, Inc. d/b/a PC Motors are dealer operator(s): Claudio Beltoc, 7033 Beach Boulevard, Jacksonville, Florida 32216; principal investor(s): Claudio Beltoc, 143 Belmont, St. Augustine, Florida 32084.

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: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Putnam City Motors, Inc. d/b/a PC Motors, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 7033 Beach Boulevard, Jacksonville (Duval County), Florida 32216, on or after September 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Putnam City Motors, Inc. d/b/a PC Motors are dealer operator(s): Claudio Beltoc, 7033 Beach Boulevard, Jacksonville, Florida 32216; principal investor(s): Claudio Beltoc, 143 Belmont, St. Augustine, Florida 32084.

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: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Putnam City Motors, Inc. d/b/a PC Motors, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 7033 Beach Boulevard, Jacksonville (Duval County), Florida 32216, on or after September 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Putnam City Motors, Inc. d/b/a PC Motors are dealer operator(s): Claudio Beltoc, 7033 Beach Boulevard, Jacksonville, Florida 32216; principal investor(s): Claudio Beltoc, 143 Belmont, St. Augustine, Florida 32084.

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: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Devon Motorcycles, Inc., intends to allow the establishment of Beach Street Bikes, Inc. d/b/a Pompano Pats Motorcycles, as a dealership for the sale of motorcycles manufactured by Jincheng Corporation (JINS) at 910 West International Speedway Boulevard, Daytona Beach (Volusia County), Florida 32114, on or after October 30, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Beach Street Bikes, Inc. d/b/a Pompano Pats Motorcycles are dealer operator(s): Patrick Johnson, 1422 Covered Bridge Drive, Deland, Florida 32114; principal investor(s): Ronald Hurtibise, 602 Princewood Drive, Deland, Florida 32114.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Debbie Hurley, Devon Motorcycles, Inc., 1100 First Avenue, Suite 100, King of Prussia, Pennsylvania 19406.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Wooten's Auto Corp., Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 2522 North Florida Avenue, Hernando, (Citrus County), Florida 34442, on or after November 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wooten's Auto Corp., Inc. are dealer operator(s): Josh Wooten, 1466 East Monopoly, Inverness, Florida 34453; principal investor(s): Josh Wooten, 1466 East Monopoly, Inverness, Florida 34453.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Wooten's Auto Corp., Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 2522 North Florida Avenue, Hernando (Citrus County), Florida 34442, on or after November 15, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wooten's Auto Corp., Inc. are dealer operator(s): Josh Wooten, 1466 East Monopoly, Inverness, Florida 34453; principal investor(s): Josh Wooten, 1466 East Monopoly, Inverness, Florida 34453.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Stepanek's Auto Sales & Service, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Kaier Motorcycle Manufacture Co. Ltd. (KAIR) at 1210 Oslo Road, Vero Beach (Indian River County), Florida 32962, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Stepanek's Auto Sales & Service, Inc. are dealer operator(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966; principal investor(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Stepanek's Auto Sales & Service, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 1210 Oslo Road, Vero Beach (Indian River County), Florida 32962, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Stepanek's Auto Sales & Service, Inc. are dealer operator(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966; principal investor(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Stepanek's Auto Sales & Service, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 1210 Oslo Road, Vero Beach (Indian River County), Florida 32962, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Stepanek's Auto Sales & Service, Inc. are dealer operator(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966; principal investor(s): John S. Stepanek, 2410 47th Terrace, Vero Beach, Florida 32966.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Manatee Pride Auto Sales, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 5327 14th Street West, Bradenton (Manatee County), Florida 34207, on or after November 2, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Manatee Pride Auto Sales, Inc. are dealer operator(s): Bob Carl, 2807 Country River Drive, Parrish, Florida 34219 and Joe Kovatch, 3027 27th Court E, Palmetto, Florida 34221; principal investor(s): Jill Carl, 2807 Country River Drive, Parrish, Florida 34219.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Manatee Pride Auto Sales, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 5327 14th Street West, Bradenton (Manatee County), Florida 34207, on or after November 2, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Manatee Pride Auto Sales, Inc. are dealer operator(s): Bob Carl, 2807 Country River Drive, Parrish, Florida 34219 and Joe Kovatch, 3027 27th Court E, Palmetto, Florida 34221; principal investor(s): Jill Carl, 2807 Country River Drive, Parrish, Florida 34219.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.



If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Topline Enterprises, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Kaier Motorcycle Manufacture Co. Ltd. (KAIR) at 15818 U.S. 19, Hudson (Pasco County), Florida 34667, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Topline Enterprises, Inc. are dealer operator(s): Robert Waters, 13633 Britton Drive, Hudson, Florida 34667, Joan Waters, 13633 Britton Drive, Hudson, Florida 34667 and Cheryl Waters, 13633 Britton Drive, Hudson, Florida 34667; principal investor(s): Robert Waters, 13633 Britton Drive, Hudson, Florida 34667 and Joan Waters, 13633 Britton Drive, Hudson, Florida 34667.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Topline Enterprises, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 15818 U.S. 19, Hudson (Pasco County), Florida 34667, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Topline Enterprises, Inc. are dealer operator(s): Robert Waters, 13633 Britton Drive, Hudson, Florida 34667, Joan Waters, 13633 Britton Drive, Hudson, Florida 34667 and Cheryl Waters, 13633 Britton Drive, Hudson, Florida 34667; principal investor(s): Robert Waters, 13633 Britton Drive, Hudson, Florida 34667 and Joan Waters, 13633 Britton Drive, Hudson, Florida 34667.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Topline Enterprises, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 15818 U.S. 19, Hudson (Pasco County), Florida 34667, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Topline Enterprises, Inc. are dealer operator(s): Robert Waters, 13633 Britton Drive, Hudson, Florida 34667, Joan Waters, 13633 Britton Drive, Hudson, Florida 34667 and Cheryl Waters, 13633 Britton Drive, Hudson, Florida 34667; principal investor(s): Robert Waters, 13633 Britton Drive, Hudson, Florida 34667 and Joan Waters, 13633 Britton Drive, Hudson, Florida 34667.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Iverson's Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 2223 Bee Ridge Road, Sarasota (Sarasota County), Florida 34239, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Iverson's Scooters, Inc. are dealer operator(s): Randy Kricke, 742 Siesta Key, Sarasota, Florida 34239 and Mari Morton, 742 Siesta Key, Sarasota, Florida 34239; principal investor(s): Randy Kricke, 742 Siesta Key, Sarasota, Florida 34239 and Mari Morton, 742 Siesta Key, Sarasota, Florida 34239.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Iverson's Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 2223 Bee Ridge Road, Sarasota (Sarasota County), Florida 34239, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Iverson's Scooters, Inc. are dealer operator(s): Randy Kricke, 742 Siesta Key, Sarasota, Florida 34239 and Mari Morton, 742 Siesta Key, Sarasota, Florida 34239; principal investor(s): Randy Kricke, 742 Siesta Key, Sarasota, Florida 34239 and Mari Morton, 742 Siesta Key, Sarasota, Florida 34239.

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: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Kangdi Vehicles Co. Ltd. (KANG) at 11485 South Cleveland Avenue, Suite 1, Fort Myers (Lee County), Florida 33907-2843, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843; principal investor(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843.

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.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Meitian Motorcycle Co. Ltd. (MEIT) at 11485 South Cleveland Avenue, Suite 1, Fort Myers (Lee County), Florida 33907-2843, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843; principal investor(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843.

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.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co.

Ltd. (MENG) at 11485 South Cleveland Avenue, Suite 1, Fort Myers (Lee County), Florida 33907-2843, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843; principal investor(s): James Lynch, 11485 South Cleveland Avenue, Suite 1, Fort Myers, Florida 33907-2843.

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.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Aston Martin Lagonda of North America, intends to allow the establishment of TT of Orange, Inc. d/b/a Aston Martin Orlando, as a dealership for the sale of Aston Martin vehicles (ASTO) at 4249 Millenia Boulevard, Orlando (Orange County), Florida 32839, on or after September 24, 2008.

The name and address of the dealer operator(s) and principal investor(s) of TT of Orange, Inc. d/b/a Aston Martin Orlando are dealer operator(s): Terry Taylor, 515 North Flagler Drive, P400, West Palm Beach, Florida 33401 and Peter Wilson, 1935 Lake Markham Preserve, Sanford, Florida 32771; principal investor(s): Terry Taylor, 515 North Flagler Drive, P400, West Palm Beach, Florida 33401 and Peter Wilson, 1935 Lake Markham Preserve, Sanford, Florida 32771.

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: Julian Jenkins Vice President, Aston Martin Lagonda of North America, 1 Premier Place, Irvine, California 92618-3334.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of J & F South Florida Investments, Inc. d/b/a Treasure Coast Scooters and Things, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 7320 South US 1, Port St. Lucie (St. Lucie County), Florida 34952, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of J & F South Florida Investments, Inc. d/b/a Treasure Coast Scooters and Things are dealer operator(s): James Lott, 7320 South U.S. 1, Port St. Lucie, Florida 34952; principal investor(s): James Lott, 7320 South U.S. 1, Port St. Lucie, Florida 34952.

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: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of J & F South Florida Investments, Inc. d/b/a Treasure Coast Scooters and Things, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 7320 South U.S. 1, Port St. Lucie (St. Lucie County), Florida 34952, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of J & F South Florida Investments, Inc. d/b/a Treasure Coast Scooters and Things are dealer operator(s): James Lott, 7320 South U.S. 1, Port St. Lucie, Florida 34952; principal investor(s): James Lott, 7320 South U.S. 1, Port St. Lucie, Florida 34952.

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: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of J & F South Florida Investments, Inc. d/b/a Treasure Coast Scooters and Things, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 7320 South US 1, Port St. Lucie (St. Lucie County), Florida 34952, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of J & F South Florida Investments, Inc. d/b/a Treasure Coast Scooters and Things are dealer operator(s): James Lott, 7320 South U.S. 1, Port St. Lucie, Florida 34952; principal investor(s): James Lott, 7320 South U.S. 1, Port St. Lucie, Florida 34952.

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: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of J & F South Florida Investments, Inc. d/b/a Treasure Coast Scooters and Things, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 7320 South U.S. 1, Port St. Lucie (St. Lucie County), Florida 34952, on or after September 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of J & F South Florida Investments, Inc. d/b/a Treasure Coast Scooters and Things are dealer operator(s): James Lott, 7320 South U.S. 1, Port St. Lucie, Florida 34952; principal investor(s): James Lott, 7320 South U.S. 1, Port St. Lucie, Florida 34952.

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: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Lifan Industry, Inc., intends to allow the establishment of Tri County Cycles, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Lifan

Industry Group (CHOL) at 1007 South 14th Street, Fort Pierce (St. Lucie County), Florida 34982, on or after September 30, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Tri County Cycles, Inc. are dealer operator(s): Robert Pohorance, 2305 South Volusia Avenue, Orange City, Florida 32763; principal investor(s): Robert Pohorance, 2305 South Volusia Avenue, Orange City, Florida 32763.

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: Peter Xie, General Manager, American Lifan Industry, Inc., 10990 Petal Street, Suite 500, Dallas, Texas 75238.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Yuan Cheng International Group, Inc. d/b/a New Star Technology, intends to allow the establishment of Eco Green Machine, LLC d/b/a Eco Green Machine, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 7000 Park Boulevard, Pinellas Park (Pinellas County), Florida 33781, on or after October 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Eco Green Machine, LLC d/b/a Eco Green Machine are dealer operator(s): Patcharee Clark, 7000

Park Boulevard, Pinellas Park, Florida 33781; principal investor(s): Patcharee Clark, 7000 Park Boulevard, Pinellas Park, Florida 33781.

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, 10830 Ada Avenue, Montclair, California 91763.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Yuan Cheng International Group, Inc. d/b/a New Star Technology, intends to allow the establishment of Eco Green Machine, LLC d/b/a Eco Green Machine, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 7000 Park Boulevard, Pinellas Park (Pinellas County), Florida 33781, on or after October 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Eco Green Machine, LLC d/b/a Eco Green Machine are dealer operator(s): Patcharee Clark, 7000 Park Boulevard, Pinellas Park, Florida 33781; principal investor(s): Patcharee Clark, 7000 Park Boulevard, Pinellas Park, Florida 33781.

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, 10830 Ada Avenue, Montclair, California 91763.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Yuan Cheng International Group, Inc. d/b/a New Star Technology, intends to allow the establishment of Southeast Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 1401 Flightline Boulevard, Suite 3, Deland (Volusia County), Florida 32724, on or after September 17, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Southeast Scooters, Inc. are dealer operator(s): Thomas MacNaughton, 1401 Flightline Boulevard, Suite 3, Deland, Florida 32724; principal investor(s): Thomas MacNaughton, 1401 Flightline Boulevard, Suite 3, Deland, Florida 32724.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Yuan Cheng, President, Yuan Cheng International Group, Inc. d/b/a New Star Technology, 10830 Ada Avenue, Montclair, California 91763.

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.

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: Patrick Kim, President, BMS Motorsports, Inc., 1201 Jellick Avenue, City of Industry, California 91748.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BMS Motorsports, Inc., intends to allow the establishment of Southwest Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 1401 Flightline Boulevard, Suite 3, Deland (Volusia County), Florida 32724, on or after September 17, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Southwest Scooters, Inc. are dealer operator(s): Thomas MacNaughton, 1401 Flightline Boulevard, Suite 3, Deland, Florida 32724; principal investor(s): Thomas MacNaughton, 1401 Flightline Boulevard, Suite 3, Deland, Florida 32724.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

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

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

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**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."

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**FLORIDA STATE CLEARINGHOUSE**

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at <http://www.dep.state.fl.us/>.



us/secretary/oip/state\_clearing/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

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#### **DEPARTMENT OF HEALTH**

On September 29, 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 Gary Ellwyn Foster, L.M.T. license number MA 29812. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 29, 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 Timea E. Higgins, L.P.N. license number PN 1332191. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On October 1, 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 Elizabeth Daniel Hope, L.P.N. license number LPN 5171846. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 29, 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 Elizabeth R. Jackson, C.N.A. license number CNA 144720. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On October 1, 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 Roberta Vernarsky, L.P.N. license number LPN 881221. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and

welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

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., October 31, 2008):

**APPLICATION TO MERGE**

Constituent Institutions: Florida Bank, Tampa, Florida and Florida Bank of Sarasota, Sarasota, Florida

Resulting Institution: Florida Bank

Received: September 25, 2008

**EXPANDED FIELD OF MEMBERSHIP**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.fldfs.com/ofr/banking/cufm.asp>.

Name and Address of Applicant: Florida West Coast Credit Union, 1225 Millennium Parkway, Brandon, Florida, 33511

Expansion Includes: Select employee group

Received: September 24, 2008

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN September 22, 2008  
 and September 26, 2008

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**

**Division of Elections**

1S-2.009	9/23/08	10/13/08	34/33	
1S-2.0091	9/23/08	10/13/08	34/33	
1S-2.0095	9/23/08	10/13/08	34/33	

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

40E-2.091	9/24/08	10/14/08	34/27	34/35
40E-8.421	9/24/08	10/14/08	34/27	
40E-20.091	9/24/08	10/14/08	34/27	34/35

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid Program Office**

59G-13.081	9/23/08	10/13/08	34/26	
59G-13.084	9/23/08	10/13/08	34/26	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

61G1-21.003	9/26/08	10/16/08	33/27	33/43
61G1-24.002	9/26/08	10/16/08	33/27	33/43

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-204.800	9/22/08	10/1/08	34/35	
62-210.200	9/22/08	10/12/08	34/25	
62-210.300	9/22/08	10/12/08	34/25	34/34
62-210.310	9/22/08	10/12/08	34/25	34/34
62-210.350	9/22/08	10/12/08	34/25	
62-210.900	9/22/08	10/12/08	34/25	
62-213.900	9/22/08	10/12/08	34/25	34/34
62-257.301	9/22/08	10/12/08	34/25	
62-257.900	9/22/08	10/12/08	34/25	34/34

**DEPARTMENT OF HEALTH**

**Board of Optometry**

64B13-18.002	9/26/08	10/16/08	34/34	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

69J-123.002	9/24/08	10/14/08	34/25	
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