

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0391
RULE TITLE: Grading System for State-Approved Supplemental Educational Services Providers

PURPOSE AND EFFECT: The purpose of this rule development is to implement a grading system for state-approved supplemental educational services providers as required by the 2008 amendments to Section 1008.331, Florida Statutes. The effect is a rule that is consistent with 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 HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 8, 2009, 9:00 a.m. – 12:00 noon

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Suite 1721/25, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samantha Love, Policy Consultant, Bureau of Student Assistance, 325 West Gaines Street, 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 or go to <https://app1.fldoe.org/rules/default.aspx>.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.004	Sales Tax Brackets
12A-1.038	Consumer’s Certificate of Exemption; Exemption Certificates
12A-1.039	Sales for Resale
12A-1.060	Registration
12A-1.061	Rentals, Leases, and Licenses to Use Transient Accommodations
12A-1.0911	Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors
12A-1.097	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.004, F.A.C. (Sales Tax Brackets), is to update the information on how to obtain copies of tax rate tables from the Department.

The purpose of the proposed amendments to Rule 12A-1.038, F.A.C. (Consumer’s Certificate of Exemption; Exemption Certificates), and Rule 12A-1.039, F.A.C. (Sales for Resale), is to clarify that a transaction authorization number used by dealers to document tax-exempt sales or sales made for the purposes of resale may be obtained prior to or at the time of sale.

The purpose of the proposed amendments to subsection (3), Registration of Transient Accommodations, of Rule 12A-1.060, F.A.C. (Registration), and subsection (7), Registration, of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), is to add the requirement for the taxpayer to provide a federal identification number, social security number, or taxpayer identification number; and to provide that the Department uses the social security numbers as unique identifiers for the administration of Florida’s taxes, and that they are held confidential by the Department.

The purpose of the proposed amendments to Rule 12A-1.0911, F.A.C. (Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors), is to remove unnecessary provisions regarding the revocation of a sales and use direct pay permit. Administrative rules regarding the revocation of a license, which includes a direct pay permit, have been established by the Administration Commission in Rule Chapter 28-106, F.A.C. All agencies must comply with these rules.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of sales and use tax for the enterprise zone jobs credit, the special estimation of taxes for boat, motor vehicle, or aircraft dealers, and the verification of customers authorized to purchase for resale; and (2) remove forms previously used for the reporting of sales tax collected by tax collectors and for the reporting regarding interest earned on the investment of funds by county officers that are now reported and remitted by electronic means to the Department.

Specifically, Form DR-15ZC (Application for Florida Enterprise Zone Jobs Credit for Sales Tax) and the instructions on Form DR-15ZCN are being revised to simplify the application and the instructions and provide necessary technical changes.

Form DR-300400 (Boat, Motor Vehicle, or Aircraft Dealer Application for Special Estimation of Taxes), used by the Department in the administration of the estimated sales tax provisions of Section 212.11(1)(d), F.S., is revised to reorganize and simplify the instructions for boat, motor vehicle, and aircraft dealers to submit an application to report estimated tax under that statutory provision. No procedural changes are being implemented with these revisions.

Form DR-600013 (Request for Verification that Customers are Authorized to Purchase for Resale) is revised to provide that a diskette or compact disk (CD) containing specified records must be submitted to verify which customers of a business are authorized to purchase for resale. The Department is no longer able to receive information for verification purposes on cartridge tapes. Revisions are also made to clarify the instructions regarding the verification process.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the revisions to these forms used by the Department in the administration of sales and use tax.

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., (11), 212.17(6), 212.18(2), (3), 212.183, 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, 212.053(10), 212.054, 212.055, 212.0596(1), (2), 212.0598, 212.06, 212.0601, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (2), (4), (5), 212.12(1), (2), (5), (6), (7), (9), (11), (12), (13), 212.13, 212.14(4), (5), 212.16(1), (2), 212.17, 212.18(2), (3), 212.183, 212.21(2), 213.053(10), 213.235, 213.29, 213.37, 213.756, 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.

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

DATE AND TIME : January 15, 2009, 11:00 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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet L.

Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-78.005
RULE TITLE: Participation by Disadvantaged Business Enterprises

PURPOSE AND EFFECT: The language in the "Special Provisions for DBE Contracts" is amended and the reference to the Code of Federal Regulations is updated in order to incorporate the 2008 edition of 49 C.F.R. Part 26. Finally, a reference to 72 Federal Register No. 62 is added for informational purposes.

SUBJECT AREA TO BE ADDRESSED: The language in the "Special Provisions for DBE Contracts" is amended and the reference to the Code of Federal regulations is updated.

SPECIFIC AUTHORITY: 337.125, 337.137, 339.0805 FS.

LAW IMPLEMENTED: 337.125, 337.137, 339.0805 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station #58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-78.005 Participation by Disadvantaged Business Enterprises.

(1) The major purpose of the Disadvantaged Business Enterprise (DBE) Program is to assure nondiscrimination and DBE utilization in road and bridge construction and maintenance projects. Contractors are required to comply with the following special provision contained in all road and bridge contracts:

Special Provision for DBE Contracts

General. Prior to award of the contract, have an approved DBE Affirmative Action Program Plan filed with the Equal Opportunity Office. Update and resubmit the plan every three years. No contract will be awarded until the Department approves the Plan. The DBE Affirmative Action Program Plan and commitment to carry out the Plan must be incorporated into and become part of the awarded contract. Per 49 C.F.R. 26.13(b) each Contract FDOT signs with a Contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: "The Contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of DOT-assisted Contracts. Failure by the Contractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as the recipient deems appropriate." ~~Failure to keep these commitments will be deemed noncompliance with these specifications and a breach of the contract. Take all necessary and reasonable steps to ensure that Disadvantaged Business Enterprises, as defined in 49 C.F.R. Part 26, have the opportunity to participate in, compete for, and perform subcontracts. Do not discriminate on the basis of age, race, color, religion, national origin, sex, or disability in the award and performance of this contract.~~

Plan Requirements. Include the following in the DBE Affirmative Action Program Plan:

A policy statement, expressing a commitment to use DBEs in all aspects of contracting to the maximum extent feasible. The policy making body must issue a policy statement signed by the chairperson, which expresses its commitment to utilize DBEs, outlines the various levels of responsibility, and states the objectives of the program. Circulate the policy statement throughout the Contractor's organization.

The designation of a Liaison Officer with the contractor's organization, as well as support staff, necessary and proper to administer the program, and a description of the authority, responsibility, and duties of the Liaison Officer and support staff. The Liaison Officer and staff are responsible for developing, managing, and implementing the program on a day-to-day basis for carrying out technical assistance activities for DBEs and for disseminating information on available business opportunities so that the DBEs are provided an equitable opportunity to participate in contracts let by the Department. Use techniques to facilitate DBE participation in contracting activities which include such as:

1. Soliciting price quotations and arranging a time for the review of plans, quantities, specifications, and delivery schedules, and for the preparation and presentation of quotations.
2. Providing assistance to DBEs in overcoming barriers such as the inability to obtain bonding, financing, or technical assistance.
3. Carrying out information and communication programs or workshops on contracting procedures and specific contracting opportunities in a timely manner, with such programs being bilingual, where appropriate.
4. Encouraging eligible DBEs to apply for certification with the Department.
5. Contacting Minority Contractor Associations and city and county agencies with programs for disadvantaged individuals for assistance in recruiting and encouraging eligible DBE contractors to apply for certification with the Department.

DBE Records and Reports. Submit the Anticipated DBE Participation Statement at or before the Pre-construction Conference. Report monthly, through the Equal Opportunity Reporting System, ~~manually or~~ on the Department's website, actual payments, retainage of all DBE and Minority Business Enterprise (MBE) subcontractors and DBE and MBE construction material ; minority status, and work type of all subcontractors and major suppliers. The Equal Opportunity Office will provide instructions on accessing this system. Develop a record keeping system to monitor DBE affirmative action efforts which include the following:

1. The procedures adopted to comply with these specifications;
2. The number of subordinated contracts on Department projects awarded to DBEs;
3. The dollar value of the contracts awarded to DBEs;
4. The percentage of the dollar value of all subordinated contracts awarded to DBEs as a percentage of the total contract amount.
5. A description of the general categories of contracts awarded to DBEs; and
6. The specific efforts employed to identify and award contracts to DBEs.

Upon request, provide the records to the Department for review.

All such records are required to be maintained for a period of five years following acceptance of final payment and available for inspection by the Department and the Federal Highway Administration.

(2) 49 C.F.R. Part 26 (~~10-1-08~~ ~~40-1-03~~ Edition) is incorporated herein by reference and adopted by the Department for participation by disadvantaged business enterprises in the Department’s federally funded projects. The provisions of 64 Federal Register No. 21, February 2, 1999, and 68 Federal Register No. 115, June 16, 2003, and 72 Fed. Register No. 62, April 2, 2007, are available from the Department for informational purposes only. They also can be obtained on the Internet at <http://www.gpoaccess.gov/fr/index.html>.

Specific Authority 337.125, 337.137, 339.0805 FS. Law Implemented 337.125, 337.137, 339.0805 FS. History–New 12-9-81, Amended 5-23-84, Formerly 14-78.05, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, 8-31-04,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.012	Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund
19-8.013	Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.
19-8.028	Reimbursement Premium Formula
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

PURPOSE AND EFFECT: To discuss proposed amendments to the following rules: Rule 19-8.010, F.A.C., the annual Reimbursement Contract, Rule 19-8.012, F.A.C., the procedures to determine ineligibility or exemption from participation in the Florida Hurricane Catastrophe Fund, Rule 19-8.013, F.A.C., Revenue Bonds Issued Pursuant to Section 215.555(6), F.S., Rule 19-8.028, F.A.C., the annual Reimbursement Premium Formula, Rule 19-8.029, F.A.C., the Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Responsibilities.

SUBJECT AREA TO BE ADDRESSED: Contract requirements, exemption and ineligibility, bonding, premium formula requirements, insurer reporting requirements for the 2009-2010 contract year, and insurer responsibilities.

SPECIFIC AUTHORITY: 215.555 FS.

LAW IMPLEMENTED: 215.555 FS.

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

DATE AND TIME: January 9, 2009, 9:00 a.m. – 12:00 Noon (ET)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy Allen, Senior FHCF Attorney, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300; telephone (850)413-1341; email: tracy.allen@sbafla.com

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.:	RULE TITLE:
40B-3.411	Completion Report

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-3, Florida Administrative Code, to require a latitude and longitude for each well on water well completion reports. The effect of the proposed rule amendments will provide for better identification of wells in the data base, and in turn, staff will be able to better assist with public inquiries.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will require a latitude and longitude for each well on water well completion reports, thereby enabling staff to better assist the public when inquiries are made.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.308, 373.309, 373.313, 373.326, 373.342 FS.

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

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

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-400.091	Publications and Agreements Incorporated by Reference
40B-400.115	Limiting Conditions

PURPOSE AND EFFECT: The purpose of the rule development is to update these sections of Chapter 40B-400, Florida Administrative Code (F.A.C.), to amend and include additional items incorporated by reference in Rule 40B-400.091, F.A.C. The proposed rule development will also amend limiting conditions for environmental resource permits (ERP), in Rule 40B-400.115, F.A.C. The effect of the proposed rule development will be to amend the ERP Applicant's Handbook regarding the de-listing of the bald eagle as threatened species, include a new publication incorporated by reference, Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, and correct terminology to reflect the new publication incorporated by reference. In addition, the proposed rule development will amend procedures for notification if historical or archaeological artifacts are discovered on property permitted under an ERP.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will incorporate the most recent version of the Environmental Resource Permit (ERP) Applicant's Handbook, which will de-list the bald eagle, incorporate a new publication, Florida Stormwater, Erosion and Sedimentation Control Inspectors Manual, and correct terminology to reflect the new publication incorporated by reference. In addition, the proposed rule development will amend procedures for notification if historical or archaeological artifacts are discovered on property permitted under an ERP.

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.415, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) FS.

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

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

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-2.042	General Permit by Rul
40C-2.101	Publications Incorporated by Reference
40C-2.301	Conditions for Issuance of Permits

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to amend the General Permit by Rule that regulates small irrigation uses below consumptive use permit thresholds in Rule 40C-2.041, F.A.C. Amendments include: repeal of the exceptions from irrigation day and time limitations for use of reclaimed water and the use of recycled water from wet detention treatment ponds for irrigation; providing that when a reclaimed water provider cannot feasibly operate its disposal system unless it provides reclaimed water to its customers on a more frequent basis than would occur under the limitations in the General Permit by Rule irrigation schedules, then such customers who receive written notification that this condition exists can irrigate with reclaimed water on the additional days specified in the notification; and revising Rule 40C-2.101, F.A.C., and the Applicant's Handbook: Consumptive Uses of Water, to reflect these changes. The District is also considering amending Rules 40C-2.101 and 40C-2.301, F.A.C., and the Applicant's Handbook: Consumptive Uses of Water, to address the use of reclaimed water and the use of recycled water from wet detention treatment ponds for irrigation by applicants who require a consumptive use permit from the District and do not qualify for the General Permit by Rule.

SUBJECT AREA TO BE ADDRESSED: Amendments related to the use of water for irrigation in both the General Permit by Rule for small water uses and the conditions for issuance of permits applicable to applicants who require a consumptive use permit from the District and do not qualify for the General Permit by Rule.

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

LAW IMPLEMENTED: 373.118, 373.219, 373.223, 373.250, 373.609 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sandy Bertram, Asst. District Clerk, (386)329-4127. If you are 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street,

Palatka, Florida 32177-2529, (386)329-4459, email nmesser@sjrwmd.com. Rule Text for Rules 40C-2.101 and 40C-2.301 is not available at this time

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.042 General Permit by Rule.

A general consumptive use permit by rule is hereby established for consumptive uses of water listed below that do not meet or exceed any permitting threshold under subsection 40C-2.041(1), F.A.C., except as provided in subsection (8). However, this section shall not apply to domestic uses of water by individuals, i.e., water used for the household purposes of drinking, bathing, cooking or sanitation. Persons using or proposing to use water in a manner not authorized under this section, must obtain a permit pursuant to Chapter 40C-2, 40C-20, or 40C-22, F.A.C.

(1) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water from any source to irrigate agricultural crops, nursery plants, golf courses, and recreational areas, provided the irrigation does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily. Such water use shall be subject to the following exceptions:

(a) No change.

~~(b) The use of water for irrigation from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented by water from another source during peak demand periods.~~

~~(c) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off site surface water, or public supply sources.~~

(d) through (n) renumbered (b) through (l) No change.

(2)(a) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water from any source for landscape irrigation, provided the irrigation does not occur more than two days per week and does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily. An irrigator may select the two irrigation days unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). A contiguous property may be divided into different zones and each zone may be irrigated on different days than other zones of the property unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). However, no single zone may be irrigated more than 2 days a week. Additionally, any person who irrigates landscape with an automatic lawn sprinkler system installed after May, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system

when adequate rainfall has occurred. For the purpose of this rule, "landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way. For the purpose of this rule, "landscape irrigation" does not include golf course greens, tees, fairways, primary roughs, and vegetation associated with intensive recreational areas such as, but not limited to, playgrounds, football, baseball and soccer fields. Landscape irrigation shall be subject to the following exceptions:

1. through 6. No change.

~~7. The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.~~

~~8. The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off site surface water, or public supply sources.~~

(b) through (d) No change.

(e) Although the use of reclaimed water for landscape irrigation is subject to the irrigation schedule set forth in paragraph 40C-2.042(2)(a), F.A.C., in those limited conditions described in this paragraph, a person is authorized to irrigate landscape with reclaimed water on more than the 2 days specified. This additional authorization is provided under certain conditions because some reclaimed water providers cannot feasibly operate their wastewater disposal systems currently unless they provide reclaimed water to their customers for use on a more continuous basis than what would occur under the day limitations. Those persons who receive written notification from their reclaimed water provider that this condition exists are authorized to irrigate landscape with reclaimed water on those additional days specified in the notification. The additional authorization shall cease upon written notification that this condition no longer exists. During the period in which additional days of irrigation are authorized, the irrigation prohibition between 10:00 a.m. and 4:00 p.m. shall continue to apply.

(3) through (8) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.219, 373.223, 373.250, 373.609 FS. History—New 7-23-91, Amended 1-7-99, 2-15-06,_____.

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

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

PURPOSE AND EFFECT: The rulemaking is intended to develop District-wide water use permitting rules that include water conservation standards and criteria consistent with those adopted for the Southern Water Use Caution Area for public supply, recreation and aesthetic water uses and to enhance and add conservation measures District-wide for public supply, recreation and aesthetic water uses.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to the District water use permitting rules in Chapter 40D-2, F.A.C., and Part B, Basis of Review For Water Use Permit Applications, of the Water Use Permit Information Manual regarding additional and enhanced conservation requirements for public supply, recreation and aesthetic water use permits. Some of the requirements for public supply permits within the Southern Water Use Caution Area (SWUCA) are proposed to apply also in areas not within the SWUCA. These include conservation rate structures, water billing requirements, water audits, wholesale permits and annual reports for public supply utilities. Some of the other District-wide proposed additions and enhancements include, limiting unaccounted water to a maximum of ten percent of production, requiring utilities to report conservation programs and initiatives within their service areas, information regarding reclaimed water generation, use and rate structure information, landscape codes, efficient irrigation of common areas and water conservation projects/programs. Also proposed are amendments to apply District-wide the SWUCA conservation requirements for recreation and aesthetic water use permits, including a phased elimination of irrigation of golf course roughs and adding identification and repair of system water losses. Other requirements may be developed during rulemaking.

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

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

DATE AND TIME: January 9, 2009, 1:00 p.m.

PLACE: Southwest Florida Water Management District, Tampa Service Office, Governing Board Room, 7601 U.S. Highway 301, Tampa, FL 33637-6759

Pursuant to the provisions of 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: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. If you are 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: Charlotte Edwards, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

AGENCY FOR HEALTH CARE ADMINISTRATION**Certificate of Need**

RULE NO.: 59C-1.0355
 RULE TITLE: Hospice Programs

PURPOSE AND EFFECT: The administrative rule related to Certificate of Need for Hospice programs has been determined to require revision to incorporate the data reports from the Department of Health Office of Vital Statistics and the Office of the Governor Population Estimates. While this revision is a change that will recognize a process that has been in place for some time, it will require that a rule promulgation be initiated.

SUBJECT AREA TO BE ADDRESSED: Certificate of need rule on Hospice Fixed Need Pool and Needs Projection statistical utilization and implementation.

SPECIFIC AUTHORITY: 408.15(8), 408.034(3), (5) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(d), 408.043(2), 400.606(4), (5) 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: Calvin J. Vice, Sr., PhD, 2727 Mahan Drive, MS #28, Tallahassee, Florida 32308, (850)488-8672

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.0355 Hospice Programs.

(1) Agency Intent. This rule implements the provisions of subsection 408.034(3), paragraphs 408.036(1) (d) ~~and (e)~~, and subsection 408.043(2), F.S. It is the intent of the agency to ensure the availability of hospice programs as defined in this rule to all persons requesting and eligible for hospice services,

regardless of ability to pay. This rule regulates the establishment of new hospice programs, the construction of freestanding inpatient hospice facilities as defined in this rule, and a change in licensed bed capacity of a freestanding inpatient hospice facility. A separate certificate of need application shall be submitted for each service area defined in this rule.

(2) Definitions.

(a) "Agency." The Agency for Health Care Administration.

(b) "Approved Hospice Program." A hospice program for which the agency has issued an intent to grant a certificate of need, or has issued a certificate of need, and that is not yet licensed as of 3 weeks prior to publication of the fixed need pool.

(c) "Contractual Arrangement." An arrangement for contractual services, as described in Section 400.6085, F.S.

(d) "Fixed Need Pool." The fixed need pool defined in subsection 59C-1.002(19)(20), F.A.C. The agency shall publish a fixed need pool for hospice programs twice a year.

(e) "Freestanding Inpatient Hospice Facility." For purposes of this rule, a facility that houses inpatient beds licensed exclusively to the hospice program but does not house any inpatient beds licensed to a hospital or nursing home.

(f) "Hospice Program." A program described in subsections 400.601(3)(2), 400.602(1)(5), 400.609, and 400.6095(1), F.S., that provides a continuum of palliative and supportive care for the terminally ill patient and his family. Hospice services must be available 24 hours a day, 7 days a week, and must be available to all terminally ill persons and their families without regard to age, gender, national origin, sexual orientation, disability, diagnosis, cost of therapy, ability to pay, or life circumstances.

(g) "Inpatient Bed." Inpatient beds located in a freestanding inpatient hospice facility, a hospital, or a nursing home and available for hospice inpatient care.

(h) "Local Health Council." The council referenced in Section 408.033(1), F.S.

(i) "Planning Horizon." The date by which a proposed new hospice program is expected to be licensed. For purposes of this rule, the planning horizon for applications submitted between January 1 and June 30 is July 1 of the year 1 year subsequent to the year the application is submitted; the planning horizon for applications submitted between July 1 and December 31 is January 1 of the year 2 years subsequent to the year the application is submitted.

(j) "Residential Facility." For purposes of this rule, a facility operated by a licensed hospice program to provide a residence for hospice patients, as defined in Section 400.601(5)(4), F.S. A residential facility is not subject to regulation under this rule. Provided, however, that a proposal to convert such a residence to a freestanding inpatient hospice facility is subject to regulation under this rule.

(k) "Service Area." The geographic area consisting of a specified county or counties, as follows:

1. Service Area 1 consists of Escambia, Okaloosa, Santa Rosa, and Walton Counties.

2. Service Area 2A consists of Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties.

3. Service Area 2B consists of Franklin, Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla Counties.

4. Service Area 3A consists of Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Putnam, Suwannee, and Union Counties.

5. Service Area 3B consists of Marion County.

6. Service Area 3C consists of Citrus County.

7. Service Area 3D consists of Hernando County.

8. Service Area 3E consists of Lake and Sumter Counties.

9. Service Area 4A consists of Baker, Clay, Duval, Nassau, and St. Johns Counties.

10. Service Area 4B consists of Flagler and Volusia Counties.

11. Service Area 5A consists of Pasco County.

12. Service Area 5B consists of Pinellas County.

13. Service Area 6A consists of Hillsborough County.

14. Service Area 6B consists of Hardee, Highlands, and Polk Counties.

15. Service Area 6C consists of Manatee County.

16. Service Area 7A consists of Brevard County.

17. Service Area 7B consists of Orange and Osceola Counties.

18. Service Area 7C consists of Seminole County.

19. Service Area 8A consists of Charlotte and DeSoto Counties.

20. Service Area 8B consists of Collier County.

21. Service Area 8C consists of Glades, Hendry and Lee Counties.

22. Service Area 8D consists of Sarasota County.

23. Service Area 9A consists of Indian River County.

24. Service Area 9B consists of Martin, Okeechobee, and St. Lucie Counties.

25. Service Area 9C consists of Palm Beach County.

26. Service Area 10 consists of Broward County.

27. Service Area 11 consists of Dade and Monroe Counties.

(l) "Terminally Ill." As defined in subsection 400.601(10)(9), F.S., terminally ill refers to a medical prognosis that a patient's life expectancy is 1 year or less if the illness runs its normal course.

(3) General Provisions.

(a) Quality of Care. Hospice programs shall comply with the standards for program licensure described in Chapter 400, Part IV ~~VI~~, F.S., and Chapter ~~58A-2~~ ~~59A-2~~, F.A.C. Applicants proposing to establish a new hospice program shall demonstrate how they will meet the standards.

(b) Conformance with Statutory Review Criteria. A certificate of need for the establishment of a new hospice program, construction of a freestanding inpatient hospice facility, or change in licensed bed capacity of a freestanding inpatient hospice facility, shall not be approved unless the applicant meets the applicable review criteria in Sections 408.035 and 408.043(2), F.S., and the standards and need determination criteria set forth in this rule. Applications to establish a new hospice program shall not be approved in the absence of a numeric need indicated by the formula in paragraph (4)(a) of this rule, unless other criteria in this rule and in Sections 408.035 and 408.043(2), F.S., outweigh the lack of a numeric need.

(4) Criteria for Determination of Need for a New Hospice Program.

(a) Numeric Need for a New Hospice Program. Numeric need for an additional hospice program is demonstrated if the projected number of unserved patients who would elect a hospice program is 350 or greater. The net need for a new hospice program in a service area is calculated as follows:

$$(HPH) - (HP) \geq 350$$

where:

(HPH) is the projected number of patients electing a hospice program in the service area during the 12 month period beginning at the planning horizon. (HPH) is the sum of (U65C x P1) + (65C x P2) + (U65NC x P3) + (65NC x P4)

where:

U65C is the projected number of service area resident cancer deaths under age 65, and P1 is the projected proportion of U65C electing a hospice program.

65C is the projected number of service area resident cancer deaths age 65 and over, and P2 is the projected proportion of 65C electing a hospice program.

U65NC is the projected number of service area resident deaths under age 65 from all causes except cancer, and P3 is the projected proportion of U65NC electing a hospice program.

65NC is the projected number of service area resident deaths age 65 and over from all causes except cancer, and P4 is the projected proportion of 65NC electing a hospice program.

The projections of U65C, 65C, U65NC, and 65NC for a service area are calculated as follows:

$$U65C = (u65c/CT) \times PT$$

$$65C = (65c/CT) \times PT$$

$$U65NC = (u65nc/CT) \times PT$$

$$65NC = (65nc/CT) \times PT$$

where:

u65c, 65c, u65nc, and 65nc are the service area's current number of resident cancer deaths under age 65, cancer deaths age 65 and over, deaths under age 65 from all causes except cancer, and deaths age 65 and over from all causes except cancer.

CT is the service area's current total of resident deaths, excluding deaths with age unknown, and is the sum of u65c, 65c, u65nc, and 65nc.

PT is the service area's projected total of resident deaths for the 12-month period beginning at the planning horizon.

"Current" deaths means the number of deaths during the most recent calendar year for which data are available from the Department of Health ~~and Rehabilitative Services~~' Office of Vital Statistics at least 3 months prior to publication of the fixed need pool.

"Projected" deaths means the number derived by first calculating a 3-year average resident death rate, which is the sum of the service area resident deaths for the three most recent calendar years available from the Department of Health ~~and Rehabilitative Services~~' Office of Vital Statistics at least 3 months prior to publication of the fixed need pool, divided by the sum of the July 1 estimates of the service area population for the same 3 years. The resulting average death rate is then multiplied by the projected total population for the service area at the mid-point of the 12-month period which begins with the applicable planning horizon. Population estimates for each year will be the most recent population estimates from published by the Office of the Governor at least 3 months prior to publication of the fixed need pool. The following materials are incorporated by reference within this rule: Department of Health Office of Vital Statistics death statistics received October 2007 and the Office of the Governor Population Estimates received September 2007.

The projected values of P1, P2, P3, and P4 are equal to current statewide proportions calculated as follows:

$$P1 = (Hu65c/Tu65c)$$

$$P2 = (H65c/T65c)$$

$$P3 = (Hu65nc/Tu65nc)$$

$$P4 = (H65nc/T65nc)$$

where:

Hu65c, H65c, Hu65nc, and H65nc are the current 12-month statewide total admissions of hospice cancer patients under age 65, hospice cancer patients age 65 and over, hospice patients under age 65 admitted with all other diagnoses, and hospice patients age 65 and over admitted with all other diagnoses. The current totals are derived from reports submitted under subsection (9) of this rule.

Tu65c, T65c, Tu65nc, and T65nc are the current 12-month statewide total resident deaths for the four categories used above.

(HP) is the number of patients admitted to hospice programs serving an area during the most recent 12-month period ending on June 30 or December 31. The number is derived from reports submitted under subsection (9) of this rule.

350 is the targeted minimum 12-month total of patients admitted to a hospice program.

(b) Licensed Hospice Programs. Regardless of numeric need shown under the formula in paragraph (4)(a), the agency shall not normally approve a new hospice program for a service area unless each hospice program serving that area has been licensed and operational for at least 2 years as of 3 weeks prior to publication of the fixed need pool.

(c) Approved Hospice Programs. Regardless of numeric need shown under the formula in paragraph (4)(a), the agency shall not normally approve another hospice program for any service area that has an approved hospice program that is not yet licensed.

(d) Approval Under Special Circumstances. In the absence of numeric need identified in paragraph (4)(a), the applicant must demonstrate that circumstances exist to justify the approval of a new hospice. Evidence submitted by the applicant must document one or more of the following:

1. That a specific terminally ill population is not being served.
2. That a county or counties within the service area of a licensed hospice program are not being served.
3. That there are persons referred to hospice programs who are not being admitted within 48 hours (excluding cases where a later admission date has been requested). The applicant shall indicate the number of such persons.

(e) Preferences for a New Hospice Program. The agency shall give preference to an applicant meeting one or more of the criteria specified in subparagraphs 1. through 5.:

1. Preference shall be given to an applicant who has a commitment to serve populations with unmet needs.
2. Preference shall be given to an applicant who proposes to provide the inpatient care component of the hospice program through contractual arrangements with existing health care facilities, unless the applicant demonstrates a more cost-efficient alternative.
3. Preference shall be given to an applicant who has a commitment to serve patients who do not have primary caregivers at home; the homeless; and patients with AIDS.
4. In the case of proposals for a hospice service area comprised of three or more counties, preference shall be given to an applicant who has a commitment to establish a physical presence in an underserved county or counties.
5. Preference shall be given to an applicant who proposes to provide services that are not specifically covered by private insurance, Medicaid, or Medicare.

(5) Consistency with Plans. An applicant for a new hospice program shall provide evidence in the application that the proposal is consistent with the needs of the community and other criteria contained in local health council plans and the State Health Plan. The application for a new hospice program shall include letters from health organizations, social services organizations, and other entities within the proposed service area that endorse the applicant's development of a hospice program.

(6) Required Program Description. An applicant for a new hospice program shall provide a detailed program description in its certificate of need application, including:

- (a) Proposed staffing, including use of volunteers.
 - (b) Expected sources of patient referrals.
 - (c) Projected number of admissions, by payer type, including Medicare, Medicaid, private insurance, self-pay, and indigent care patients for the first 2 years of operation.
 - (d) Projected number of admissions, by type of terminal illness, for the first 2 years of operation.
 - (e) Projected number of admissions by two age groups, under 65 and 65 or older, for the first 2 years of operation.
 - (f) Identification of the services that will be provided directly by hospice staff and volunteers and those that will be provided through contractual arrangements.
 - (g) Proposed arrangements for providing inpatient care (e.g., construction of a freestanding inpatient hospice facility; contractual arrangements for dedicated or renovated space in hospitals or nursing homes).
 - (h) Proposed number of inpatient beds that will be located in a freestanding inpatient hospice facility, in hospitals, and in nursing homes.
 - (i) Circumstances under which a patient would be admitted to an inpatient bed.
 - (j) Provisions for serving persons without primary caregivers at home.
 - (k) Arrangements for the provision of bereavement services.
 - (l) Proposed community education activities concerning hospice programs.
 - (m) Fundraising activities.
- (7) Construction of a Freestanding Inpatient Hospice Facility. The agency will not normally approve a proposal for construction of a freestanding inpatient hospice facility unless the applicant demonstrates that the freestanding facility will be more cost-efficient than contractual arrangements with existing hospitals or nursing homes in the service area. The application shall include the following:
- (a) A description of any advantages that the hospice program will achieve by constructing and operating its own inpatient beds.

(b) Existing contractual arrangements for inpatient care at hospitals and nursing homes; or, in the case of a proposed new hospice program, contacts made with hospitals and nursing homes regarding contractual arrangements for inpatient care.

(c) Anticipated sources of funds for the construction.

(8) Change in Licensed Bed Capacity of a Freestanding Inpatient Hospice Facility. A hospice program proposing to change the licensed bed capacity of its freestanding inpatient hospice facility shall indicate in its application:

(a) The annual occupancy rate for the freestanding inpatient hospice facility beds for the most recent 12-month period preceding the application submission.

(b) The extent to which the number of contracted beds in hospitals and nursing homes will be modified as a result of the change in licensed capacity of the freestanding inpatient hospice facility.

(9) Semi-Annual Utilization Reports. Each hospice program shall report utilization information to the agency or its designee on or before July 20 of each year and January 20 of the following year. The July report shall indicate the number of new patients admitted during the 6-month period composed of the first and second quarters of the current year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The January report shall indicate the number of new patients admitted during the 6-month period composed of the third and fourth quarters of the prior year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The following detail shall also be provided.

(a) For the number of new patients admitted:

1. The 6-month total of admissions under age 65 and age 65 and over by type of diagnosis (e.g., cancer; AIDS).
2. The number of admissions during each of the 6 months covered by the report, by service area of residence.

(b) For the patient census on April 1 or October 1, as applicable, the number of patients receiving hospice care in:

1. A private home.
2. An adult congregate living facility.
3. A hospice residential unit.
4. A nursing home.
5. A hospital.

(10) Grandfathering Provisions. A hospice program licensed as of the effective date of this rule is authorized to continue to serve all counties in the service area where its principal place of business is located. A hospice program whose certificate of need or current license permits hospice services in a county or counties in an adjacent service area may continue to serve those adjacent counties. Any expansion to provide service to other counties in an adjacent service area is subject to regulation under this rule.

Specific Authority 408.15(8), 408.034(3), (5) FS. Law Implemented 408.034(3), 408.035, 408.036(1)(d), ~~(e), (e), (f)~~, 408.043(2), 400.606(4), (5) FS. History—New 4-17-95, Amended 7-30-95, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NOS.:	RULE TITLES:
61G1-22.002	Schedule for Award of Interior Design Professional Experience
61G1-22.003	Education Requirements for Interior Designers

PURPOSE AND EFFECT: The Board proposes to review the existing language in these rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Schedule for Award of Interior Design Professional Experience; Education Requirements for Interior Designers.

SPECIFIC AUTHORITY: 481.203(8), 481.209(2), 481.2055 FS.

LAW IMPLEMENTED: 481.203(8), 481.209(2), 481.2055 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.:	RULE TITLE:
64B6-5.001	Continuing Education as a Condition for Renewal

PURPOSE AND EFFECT: The proposed changes will require in person attendance at all continuing education courses and will require HIV/AIDS for the first renewal only.

SUBJECT AREA TO BE ADDRESSED: Continuing Education as a Condition for Renewal.

SPECIFIC AUTHORITY: 456.013(6), (8), 484.044, 484.047(1), (4) FS.

LAW IMPLEMENTED: 456.013(6), (8), 484.044, 484.047(1), (4) FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-5.002 RULE TITLE: Continuing Education Programs

PURPOSE AND EFFECT: The proposed changes will require in person attendance at all continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Programs.

SPECIFIC AUTHORITY: 456.013(7)-(9), 484.044, 484.047(4) FS.

LAW IMPLEMENTED: 456.013(7)-(9), 484.047(4) FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-6.004 RULE TITLE: Certified Testing Room

PURPOSE AND EFFECT: The proposed changes would adopt and incorporate the waiver form in rule, indicate a website where the form may be obtained, and required, if applicable, the executed waiver to be attached to the clients copy of the contract and a copy to be retained by the licensee.

SUBJECT AREA TO BE ADDRESSED: Certified Testing Room.

SPECIFIC AUTHORITY: 484.044, 484.0501(6) FS.

LAW IMPLEMENTED: 484.047, 484.0501 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-8.002 RULE TITLE: Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists

PURPOSE AND EFFECT: The proposed changes will adopt and incorporate by reference the form in rule and indicate a website where the form may be obtained.

SUBJECT AREA TO BE ADDRESSED: Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists.

SPECIFIC AUTHORITY: 484.044, 484.0445 FS.

LAW IMPLEMENTED: 484.0445 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-8.003 RULE TITLE: Trainee Stages, Minimum Training Requirements, and Training Program

PURPOSE AND EFFECT: The proposed changes will require a hearing aid specialists trainee to complete Stage I, the International Hearing Society Home Study Course, before beginning Stage II of the training program.

The rule adopts and incorporates by reference the Sponsor Report Form and Training Program Continuation Request Form and provides a website to obtain the forms.

SUBJECT AREA TO BE ADDRESSED: Trainee Stages, Minimum Training Requirements, and Training programs.

SPECIFIC AUTHORITY: 484.044, 484.0445(1) FS.

LAW IMPLEMENTED: 484.0445, 484.045 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007
RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address revised forms in the rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of revised forms.

SPECIFIC AUTHORITY: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Larry

McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.009
RULE TITLE: Applications

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to incorporate revised licensure applications in the application rule.

SUBJECT AREA TO BE ADDRESSED: Various application forms for licensure.

SPECIFIC AUTHORITY: 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-22.001
RULE TITLE: Definitions

PURPOSE AND EFFECT: Establish rules necessary for the implementation of Section 1004.435, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Financial aid for cancer patients in selected hospitals and clinics.

SPECIFIC AUTHORITY: 1004.435(5)(c), (d) FS.

LAW IMPLEMENTED: 1004.435 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

Middleton, M.H.A., Executive Director, H. Lee Moffitt Cancer Center & Research Institute, 129202 Magnolia Drive, Tampa, Florida 33612

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-12.011
 RULE TITLE: Regulations Governing the Establishment and Operation of Game Farms

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to promulgate a new rule pertaining to the establishment and operation of game farms in Florida. The proposed rule will replace the substantive portions of existing statute, Section 379.302, Florida Statutes. That statute is expected to be repealed by the Legislature after this replacement rule is adopted. The proposed rule also clarifies the requirements for lawful operation of game farms in Florida. SUBJECT AREA TO BE ADDRESSED: Establishment and operation of game farms in Florida.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 379.3711 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: Captain Linda E. Harrison, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-7.602
 RULE TITLE: Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule

PURPOSE AND EFFECT: To amend the rule to adopt revised reference manuals for medical billing, filing, and reporting, including the Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), 2008; the 2008 ICD-9-CM Professional for Hospitals, Volumes 1, 2 and 3, International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2007, Ingenix, Inc. (American Medical

Association); the Physician ICD-9-CM 2008, Volumes 1 & 2, International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2007, Ingenix, Inc. (American Medical Association); the National Uniform Billing Committee Official UB-04 Data Specifications Manual 2009, version 3.00, July 2008; and the Current Procedural Terminology (CPT®), 2008 Professional Edition, Copyright 2007, American Medical Association. The proposed amendment also transfers ambulatory surgical centers billing from Form DFS-F5-DWC-9 (CMS-1500 Health Insurance Claim Form) to Form DFS-F5-DWC-90 (UB-04 CMS-1450, Uniform Bill), effective 04/01/2009, incorporates by reference a revised hospital billing instruction form, Form DFS-F5-DWC-90-B (Completion Instructions for Form DFS-F5-DWC-90 for use by hospitals) and a new ambulatory surgical center billing instruction form, Form DFS-F5-DWC-90-C (Completion Instructions for Form DFS-F5-DWC-90, for use by ambulatory surgical centers), both of which supply guidance regarding the completion of Form DFS-F5-DWC-90. The proposed amendment also adds statutory definitions for "Home Health Agency" and "Nursing Homes", and provides new billing forms and completion instructions for each respective application. Form DFS-F5-DWC-90-D (for Home Health Agencies) and Form DFS-F5-DWC-90-E (for Nursing Homes), including their respective completion instructions, Form DFS-F5-DWC-90-D (Completion Instructions for Home Health Agencies), and Form DFS-F5-DWC-90-E (Completion Instructions for Nursing Homes), have been incorporated by reference. The proposed amendment further clarifies the meaning of "Recognized Provider" and changes "Principal Physician" to "Primary Physician" when referring to the treating physician responsible for oversight of medical care, treatment and referrals for injured employees. A definition for "Explanation of Bill Review Code" has also been added. The electronic record layout for form DFS-F5-DWC-90 in the Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), 2008, also adds new fields for the submission of a facility's Florida Agency for Health Care Administration ambulatory surgical center number and National Provider Identifier (NPI) number. New fields are also provided for the submission of data regarding procedures, service and supply codes, and code modifiers, as paid by the insurer. These changes, in conjunction with the introduction of refined edits, provide enhanced medical data submission and facilitate the Department's ability to monitor and promote compliance by insurers and submitters with the requirements associated with electronic submission, filing, and reporting of data to the Division of Workers' Compensation. The proposed amendment deletes subsection (7), "Insurer Administrative Penalties and Administrative Fines for Untimely Health Care Provider-Payment of Medical Bills". That subsection shall be consolidated into Rule Chapter 69L-24, F.A.C., "Workers'

Compensation Insurers' Standards and Practices", as part of a restructuring and realignment of rules that consolidates disparate rule elements into their most appropriate chapter. The proposed amendment also provides new language which clarifies billing instructions for dentists and oral surgeons who dispense medications, as well as for those entities that are neither physicians nor recognized health care providers. New language is also added which emphasizes that insurers, or entities acting on behalf of insurers, are responsible for correcting and resubmitting previously accepted data later deemed inadequate by the Division. Finally, the proposed amendment deletes obsolete references and language, renumbers the rule, and makes ministerial changes where necessary.

SUBJECT AREA TO BE ADDRESSED: Health care provider, insurer, and submitter responsibilities for medical billing, filing, and reporting.

SPECIFIC AUTHORITY: 440.13(4), 440.15(3)(b), (d), 440.185(5), 440.525(2), 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.09, 440.13(2)(a), (3), (4), (6), (11), (12), (14), (16), 440.15(3)(b), (d), 440.185(5), (9), 440.20(6), 440.525(2), 440.593 FS.

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

DATE AND TIME: Wednesday, January 14, 2009, 10:00 a.m.

PLACE: 104J Hartman Bldg., 2012 Capital Circle S. E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sam Willis, Office of Medical Services, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4225, (850)413-1898.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT

69L-7.602 Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule

(1) Definitions. As used in this rule:

(a) through (b) No change.

~~(c) "Agency" means the Agency for Health Care Administration as defined in Section 440.02(3), F.S.~~

~~(c)(4) "Ambulatory Surgical Center" is defined in Section 395.002(3), F.S.~~

~~(d)(e) "Billing" means the process by which a health care provider submits a medical claim form or medical bill to an insurer, service company/third party administrator or any entity~~

acting on behalf of the insurer, to receive reimbursement for medical services, goods or supplies provided to an injured employee.

~~(e)(f)~~ "Catastrophic Event" means the occurrence of an event outside the control of an insurer, submitter, service company/third party administrator or any entity acting on behalf of the insurer, such as an electronic data transmission failure due to a natural disaster or an act of terrorism (including but not limited to cyber terrorism), in which recovery time will prevent an insurer, submitter, service company/third party administrator or any entity acting on behalf of the insurer from meeting the filing and reporting requirements of Chapter 440, F.S., and this rule. Programming errors, system malfunctions or electronic data interchange transmission failures that are not a direct result of a catastrophic event are not considered to be a catastrophic event as defined in this rule. See subsection (6)(d) for requirements to request approval of an alternative method and timeline for medical report filing with the Division due to a catastrophic event.

~~(f)(g)~~ "Charges" means the dollar amount billed.

~~(g)(h)~~ "Charge Master" means for hospitals a comprehensive listing of all the goods and services for which the facility maintains a separate charge, with the facility's charge for each of the goods and services, regardless of payer type and means for ASCs a listing of the gross charge for each CPT[®] procedure for which an ASC maintains a separate charge, with the ASC's charge for each CPT[®] procedure, regardless of payer type.

~~(h)(i)~~ "Claims-Handling Entity File Number" means the number assigned to the claim file by the insurer or service company/third party administrator for purposes of internal tracking.

~~(i)(j)~~ "Current Dental Terminology" (CDT) means the American Dental Association's reference document containing descriptive terms to identify codes for billing and reporting dental procedures.

~~(j)(k)~~ "Current Procedural Terminology" (CPT[®]) means the American Medical Association's reference document (HCPCS Level I) containing descriptive terms to identify codes for billing and reporting medical procedures and services.

~~(k)(l)~~ "Date Insurer Paid" or "Date Insurer Paid, Adjusted, Disallowed or Denied" means the date the insurer, service company/third party administrator or any entity acting on behalf of the insurer mails, transfers or electronically transmits payment to the health care provider or the health care provider representative. If payment is disallowed or denied, "Date Insurer Paid" or "Date Insurer Paid, Adjusted, Disallowed or Denied" means the date the insurer, service company/third party administrator or any entity acting on behalf of the insurer mails, transfers or electronically transmits the appropriate

notice of disallowance or denial to the health care provider or the health care provider representative. See paragraph (5)(1) for the requirement to accurately report the “date insurer paid”.

(l)(~~m~~) “Date Insurer Received” means the date that a Form DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-90 or the electronic form equivalent is in the possession of the insurer, service company/third party administrator or any entity acting on behalf of the insurer. See paragraph (5)(l) for the requirement to accurately report the “date insurer received”. If a medical bill meets any of the criteria in paragraph (5)(j) of this rule and possession of the form is relinquished by the insurer, service company/TPA or any entity acting on behalf of the insurer by returning the medical bill to the provider with a written explanation for the insurer’s reason for return, then “date insurer received” shall not apply to the medical bill as submitted.

(m)(~~n~~) “Deny” or “Denied” means payment is not made because the service rendered is treatment for a non-compensable injury or illness.

(n)(~~o~~) “Department” means Department of Financial Services (DFS) as defined in Section 440.02(12), F.S.

(o)(~~p~~) “Disallow” or “Disallowed” means payment is not made because the service rendered has not been substantiated for reasons of medical necessity, insufficient documentation, lack of authorization or billing error.

(p)(~~q~~) “Division” means the Division of Workers’ Compensation (DWC) as defined in Section 440.02(14), F.S.

(q)(~~r~~) “Electronic Filing” means the computer exchange of medical data from a submitter to the Division in the standardized format defined in the Florida Medical EDI Implementation Guide (MEIG).

(r)(~~s~~) “Electronic Form Equivalent” means the format, provided in the Florida Medical EDI Implementation Guide (MEIG) to be used when a submitter electronically transmits required data to the Division. Electronic form equivalents do not include transmission by facsimile, data file(s) attached to electronic mail, or computer-generated paper-forms.

(s)(~~t~~) “Electronically Filed with the Division” means the date an electronic filing has been received by the Division and has successfully passed structural and data-quality edits.

(t)(~~u~~) “Entity” means any party involved in the provision of or the payment for medical services, care or treatment rendered to the injured employee, excluding the insurer, service company/third party administrator or health care provider as identified in this section.

(u)(~~v~~) “Explanation of Bill Review” (EOBR) means the written notice of payment or notice of adjustment, disallowance or denial sent by an insurer, service company/third party administrator or any entity acting on behalf of an insurer to a health care provider containing code(s) and code descriptor(s), in conformance with subsection paragraph (5)(~~o~~) of this rule.

(v) “Explanation of Bill Review Code” (EOBR Code) means a code listed in paragraph (5)(o)2. of this rule that describes the basis for the reimbursement decision of an insurer, service company/TPA or any entity acting on behalf of the insurer.

(w) through (y) No change.

(z) “Home Health Agency” is defined in Section 400.462(12), F.S. “Hospital” is defined in Section 395.002(13), F.S.

(aa) “Home Medical Equipment Provider” is defined in Section 400.925(7), F.S. “ICD-9-CM International Classification of Diseases” (ICD-9) is the U.S. Department of Health and Human Services’ reference document listing the official diagnosis and inpatient procedure code sets.

(bb) “Hospital” is defined in Section 395.002(12), F.S. “Insurer” is defined in Section 440.02(38), F.S.

(cc) “ICD-9-CM International Classification of Diseases” (ICD-9) is the U.S. Department of Health and Human Services’ reference document listing the official diagnosis and inpatient procedure code sets. “Insurer Code Number” means the number the Division assigns to each individual insurer, self-insured employer or self-insured fund.

(dd) “Insurer” is defined in Section 440.02(38), F.S. “Itemized Statement” means a detailed listing of goods, services and supplies provided to an injured employee, including the quantity and charges for each good, service or supply.

(ee) “Insurer Code Number” means the number the Division assigns to each individual insurer, self-insured employer or self-insured fund. “Medical Bill” means the document or electronic equivalent submitted by a health care provider to an insurer, service company/TPA or any entity acting on behalf of the insurer for reimbursement for services or supplies (e.g. DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, DFS-F5-DWC-90 or the provider’s usual invoice or business letterhead) as appropriate pursuant to paragraph (4)(b) of this rule.

(ff) “Itemized Statement” means a detailed listing of goods, services and supplies provided to an injured employee, including the quantity and charges for each good, service or supply. “Medically Necessary” or “Medical Necessity” is defined in Section 440.13(1)(l), F.S.

(gg) “Medical Bill” means the document or electronic equivalent submitted by a health care provider to an insurer, service company/TPA or any entity acting on behalf of the insurer for reimbursement for services or supplies (e.g. DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, DFS-F5-DWC-90 or the provider’s usual invoice or business letterhead) as appropriate pursuant to paragraph (4)(b) of this rule. “NDC Number” means the National Drug Code (NDC) number, assigned under Section 510 of the Federal Food, Drug, and Cosmetic Act, which identifies the drug product labeler/vendor, product, and trade package size. The NDC

number is an eleven-digit number that is expressed in the universal 5-4-2 format and included on all applicable reports with each of the three segments separated by a dash (-).

(hh) “Medically Necessary” or “Medical Necessity” is defined in Section 440.13(1)(l), F.S. “Pay” or “Paid” means payment is made applying the applicable reimbursement formula to the medical bill as submitted.

(ii) “NDC Number” means the National Drug Code (NDC) number, assigned under Section 510 of the Federal Food, Drug, and Cosmetic Act, which identifies the drug product labeler/vendor, product, and trade package size. The NDC number is an eleven-digit number that is expressed in the universal 5-4-2 format and included on all applicable reports with each of the three segments separated by a dash (-). “Physician” is defined in Section 440.13(1)(q), F.S.

(jj) “Nursing Home Facility” is defined in Section 400.021(12), F.S. “Principal Physician” means the treating physician responsible for the oversight of medical care, treatment and attendance rendered to an injured employee, to include recommendation for appropriate consultations or referrals.

(kk) “Pay” or “Paid” means payment is made applying the applicable reimbursement formula to the medical bill as submitted. “Report” means any form related to medical services rendered, in relation to a workers’ compensation injury, that is required to be filed with the Division under this rule.

(ll) “Physician” is defined in Section 440.13(1)(q), F.S. “Service Company/Third Party Administrator (TPA)” means a party that has contracted with an insurer for the purpose of providing services necessary to adjust workers’ compensation claims on the insurer’s behalf.

(mm) “Primary Physician” means the treating physician responsible for the oversight of medical care, treatment and attendance rendered to an injured employee, to include recommendation for appropriate consultations or referrals. “Service Company/Third Party Administrator (TPA) Code Number” means the number the Division assigns to a service company, adjusting company, managing general agent or third party administrator.

(nn) “Recognized Practitioner” means a non-physician health care provider licensed by the Department of Health who, upon referral from a physician, can render direct billable services independent of the direct supervision of a physician. “Submitter” means an insurer, service company/TPA, entity or any other party acting as an agent on behalf of an insurer, service company/TPA or any entity to fulfill any insurer responsibility to electronically transmit required medical data to the Division.

(oo) “Report” means any form related to medical services rendered, in relation to a workers’ compensation injury, that is required to be filed with the Division under this rule. “UB-92, National Uniform Billing Data Element Specifications as

Adopted by the Florida State Uniform Billing Committee, November 2006” (UB-92 Manual) is the reference document providing billing and reporting completion instructions for the Form DFS-F5-DWC-90 (UB-92 HCFA-1450, Uniform Bill, Rev. 1992).

(pp) “Service Company/Third Party Administrator (TPA)” means a party that has contracted with an insurer for the purpose of providing services necessary to adjust workers’ compensation claims on the insurer’s behalf. “UB-04 Manual” means the National Uniform Billing Committee Official UB-04 Data Specifications Manual 2007, which is the reference document providing billing and reporting completion instructions for the Form DFS-F5-DWC-90 (UB-04 CMS-1450, Uniform Bill, Rev. 2007).

(qq) “Service Company/Third Party Administrator (TPA) Code Number” means the number the Division assigns to a service company, adjusting company, managing general agent or third party administrator.

(rr) “Submitter” means an insurer, service company/TPA, entity or any other party acting as an agent on behalf of an insurer, service company/TPA or any entity to fulfill any insurer responsibility to electronically transmit required medical data to the Division.

(ss) “UB-04 Manual” means the National Uniform Billing Committee Official UB-04 Data Specifications Manual 2009, which is the reference document providing billing and reporting completion instructions for the Form DFS-F5-DWC-90 (UB-04 CMS-1450, Uniform Bill, Rev. 2006).

(2) Forms Incorporated by Reference for Medical Billing, Filing and Reporting.

~~(a)1. Form DFS-F5-DWC-9 (CMS-1500 Health Insurance Claim Form, Rev. 12/90); Form DFS-F5-DWC-9-A (Completion Instructions for Form DFS-F5-DWC-9: comprised of three sets of completion instructions for use by health care providers, ambulatory surgical centers, and work hardening and pain management programs), Rev. 5/26/05. Effective to bill for dates of service up to and including 03/31/07.~~

~~(a)2. Form DFS-F5-DWC-9 (CMS-1500 Health Insurance Claim Form, Rev. 08/05); Form DFS-F5-DWC-9-B (Completion Instructions for Form DFS-F5-DWC-9: comprised of three sets of completion instructions for use by health care providers, ambulatory surgical centers, and work hardening and pain management programs), Rev. 1/1/07. May be used to bill for dates of service up to and including 3/31/07 and shall be used to bill for dates of service on and after 4/1/07.~~

(b)1. Form DFS-F5-DWC-10 (Statement of Charges for Drugs and Medical Supplies Form), Rev. 2/14/06. Effective to bill for dates of service up to and including 3/31/07.

~~2. Form DFS-F5-DWC-10 (Statement of Charges for Drugs and Medical Supplies Form), Rev. 1/1/07. May be used to bill for dates of service up to and including 3/31/07 and shall be used to bill for dates of service on and after 4/1/07.~~

~~(e)1. Form DFS-F5-DWC-11 (American Dental Association Dental Claim Form, Rev. 2002); Form DFS-F5-DWC-11-A (Completion Instructions for Form DFS-F5-DWC-11), Rev. 5/26/05. Effective to bill for dates of service up to and including 3/31/07.~~

~~(c)2. Form DFS-F5-DWC-11 (American Dental Association Dental Claim Form, Rev. 2006); Form DFS-F5-DWC-11-B (Completion Instructions for Form DFS-F5-DWC-11), Rev. 1/1/07. May be used to bill for dates of service up to and including 3/31/07 and shall be used to bill for dates of service on and after 4/1/07.~~

(d) Form DFS-F5-DWC-25 (Florida Workers' Compensation Uniform Medical Treatment/Status Reporting Form), Rev. ~~1/31/08~~ 2/4/06.

~~(e)1. Form DFS-F5-DWC-90 (UB-92 HCFA 1450, Uniform Bill, Rev. 1992). Effective for submissions up to and including 5/22/07.~~

~~(e)2. Form DFS-F5-DWC-90 (UB-04 CMS-1450, Uniform Bill, Rev. 2006); Form DFS-F5-DWC-90-B (Completion Instructions for Form DFS-F5-DWC-90 for use by hospitals), Rev. 1/1/09; 4/1/07. Form DFS-F5-DWC-90-C (Completion Instructions for Form DFS-F5-DWC-90 for use by Ambulatory Surgical Centers), Form DFS-F5-DWC-90-D (Completion Instructions for Form DFS-F5-DWC-90 for use by Home Health Agencies), Form DFS-F5-DWC-90-E (Completion Instructions for Form DFS-F5-DWC-90 for use by Nursing Homes), New 1/1/09. May be used to bill for submissions between 3/1/07 and 5/22/07 and shall be used to bill for submissions on and after 5/23/07.~~

(f) Obtaining Copies of Forms and Instructions.

1. A copy of ~~either revision of~~ the Form DFS-F5-DWC-9 can be obtained from the CMS web site: <http://www.cms.hhs.gov/forms/>. Completion instructions for ~~either revision of~~ the form can be obtained from the Department of Financial Services/Division of Workers' Compensation (DFS/DWC) web site: <http://www.myfloridacfo.com/WC/forms.html> <http://www.fldfs.com/WC/forms.html#7>.

2. A copy of ~~either revision of~~ the Form DFS-F5-DWC-10 and completion instructions for ~~either revision of~~ the form can be obtained from the DFS/DWC web site: <http://www.myfloridacfo.com/WC/forms.html> <http://www.fldfs.com/WC/forms.html#7>.

3. A copy of ~~either revision of~~ the Form DFS-F5-DWC-11 can be obtained from the American Dental Association web site: <http://www.ada.org/>. Completion instructions for ~~either revision of~~ the form can be obtained from the DFS/DWC web site: <http://www.myfloridacfo.com/WC/forms.html> <http://www.fldfs.com/WC/forms.html#7>.

4. A copy of the Form DFS-F5-DWC-25 and completion instructions can be obtained from the DFS/DWC web site: <http://www.myfloridacfo.com/WC/forms.html> <http://www.fldfs.com/WC/forms.html#7>.

5. A copy of either revision of the Form DFS-F5-DWC-90 can be obtained from the CMS web site: <http://www.cms.hhs.gov/forms/>. Completion instructions for Form DFS-F5-DWC-90 (Rev. 1992) can be obtained from the UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee (Rev. September 2006) and subparagraph (4)(b)4. of this rule. A copy of the Completion instructions for completion of Form DFS-F5-DWC-90 (Rev. 2006), Form DFS-F5-DWC-90-B (for hospitals) (Rev. 1/1/09 4/1/07), Form DFS-F5-DWC-90-C (for ASCs) (New 1/1/09), Form DFS-F5-DWC-90-D (for Home Health Agencies), Form DFS-F5-DWC-90-E (for Nursing Homes), can be obtained from the DFS/DWC web site: <http://www.myfloridacfo.com/WC/forms.html> <http://www.fldfs.com/WC/forms.html#7>.

(g) In lieu of submitting a Form DFS-F5-DWC-10, when billing for drugs or medical supplies, alternate billing forms are acceptable if:

1. No change.

2. The form provides all information required to be submitted to the Division, pursuant to the ~~date applicable~~ Florida Medical EDI Implementation Guide (MEIG), on the Form DFS-F5-DWC-10. Form DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 shall not be submitted as an alternate form.

(3) Materials Adopted by Reference. The following publications are incorporated by reference herein:

(a) UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee (Rev. September 2006). A copy of this manual can be obtained from the Florida Hospital Association by calling (407) 841-6230.

(b) ~~The Florida Medical EDI Implementation Guide (MEIG), 2006, applicable for data submission until 7/1/07. The Florida Medical EDI Implementation Guide (MEIG), 2006 can be obtained from the DFS/DWC web site:~~ http://www.fldfs.com/WC/edi_med.html.

~~(a)(e)~~ The American Medical Association Healthcare Common Procedure Coding System, Medicare's National Level II Codes (HCPCS), as adopted in Rule 69L-7.020, F.A.C.

~~(b)(d)~~ The Current Procedural Terminology (CPT[®]), as adopted in Rule 69L-7.020, F.A.C.

~~(c)(e)~~ The Current Dental Terminology (CDT-2005), as adopted in Rule 69L-7.020, F.A.C.

~~(d)(f)~~ The 2002~~7~~ ICD-9-CM Professional for Hospitals, Volumes 1, 2 and 3, International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2008~~6~~, Ingenix, Inc. (American Medical Association).

(e)(e) The Physician ICD-9-CM 2009~~7~~, Volumes 1 & 2, International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2008~~6~~, Ingenix, Inc. (American Medical Association).

(f)(h) The American Medical Association's Guide to the Evaluation of Permanent Impairment, as adopted in Rule 69L-7.604, F.A.C.

(g)(i) The Minnesota Department of Labor and Industry Disability Schedule, as adopted in Rule 69L-7.604, F.A.C.

(h)(j) The Florida Impairment Rating Guide, as adopted in Rule 69L-7.604, F.A.C.

(i)(k) The 1996 Florida Uniform Permanent Impairment Rating Schedule, as adopted in Rule 69L-7.604, F.A.C.

(j)(l) National Uniform Billing Committee Official UB-04 Data Specifications Manual 2009~~7~~, version 34.00, July 2008 ~~September 2006~~, as adopted by the National Uniform Billing Committee. A copy of this manual can be obtained from the National Uniform Billing Committee web site: <http://www.nubc.org/UB-04%20SUBSCRIPTION%20ORDER%20FORM.doc>

(k)(m) The Florida Medical EDI Implementation Guide (MEIG), 2009~~7~~, ~~applicable for data submission on or after 4/2/07 and required for all data submission on or after 8/9/07.~~ The Florida Medical EDI Implementation Guide (MEIG), 2009~~7~~ can be obtained from the DFS/DWC web site: http://www.myfloridacfo.com/WC/edi_med.html ~~http://www.fdfs.com/WC/edi_med.html~~.

(l)(n) Current Procedural Terminology (CPT[®]), 2009~~7~~ Professional Edition, Copyright 2008~~6~~, American Medical Association.

(4) No change.

(a) No change.

1. No change.

2. Each health care provider is responsible for submitting any additional form completion information and supporting documentation, when it is requested, in writing, by the insurer at the time of authorization ~~or at the time a reimbursement request is received.~~

3. Each health care provider shall resubmit a medical claim form or medical bill with insurer requested documentation when the EOB provides an explanation for the disallowed service disallowance based on the lack of documentation submitted with the medical bill.

4. Insurers and health care providers shall utilize only the Form DFS-F5-DWC-25 for physician reporting of the injured employee's medical treatment/status. No ~~Any~~ other reporting forms may ~~not~~ be used in lieu of or supplemental to the Form DFS-F5-DWC-25. Provider failure to accurately complete and submit the DFS-F5-DWC-25, in accordance with the Form DFS-F5-DWC-25 Completion/Submission Instructions adopted in this rule, may result in the Department Agency imposing sanctions or penalties pursuant to subsection 440.13(8), F.S. or subsection 440.13(11), F.S.

a. through b. No change.

5. through 9. No change.

10. A health care provider shall bill multiple services rendered on the same date of service on a single bill.

(b) Special Billing Requirements.

1. When anesthesia services are billed on a Form DFS-F5-DWC-9, completion of the form must include the CPT[®] code and the "P" code (physical status modifier), which correspond with the procedure performed, in Field 24D. Anesthesia health care providers shall enter the date of service and the 5-digit qualifying circumstance code, which correspond with the procedure performed, in Field 24D on the next line, if applicable.

2. through 3. No change.

a. through c. No change

4. For hospital billing, the following special requirements apply:

a. No change.

I. through III. No change.

IV. Make written entry "implant(s)" followed by the reimbursement amount calculated pursuant to Rule 69L-7.501, F.A.C., in Form Locator 80 of Form revision 2006 – 'Remarks' on the DFS-F5-DWC-90. When entering the CPT[®], HCPCS or unique workers' compensation codes in Form Locator 44 on the Form DFS-F5-DWC-90, the hospital shall utilize CPT[®], HCPCS or unique workers' compensation codes provided in the Florida Workers' Compensation Health Care Provider Reimbursement Manual adopted in Rule 69L-7.501, F.A.C.

b. No change.

I. Enter the CPT[®], HCPCS or unique workers' compensation unique code ~~(provided in the Florida Workers' Compensation Health Care Provider Reimbursement Manual as incorporated for reference in Rule 69L-7.501, F.A.C.)~~ in Form Locator 44 on the Form DFS-F5-DWC-90, where applicable to bill outpatient radiology, clinical laboratory and physical, occupational or speech therapy charges; and

II. Make written entry "scheduled" or "non-scheduled" in ~~Form Locator 84 of Form revision 1992 and in Form Locator 80 of Form revision 2006 – 'Remarks' on the DFS-F5-DWC-90,~~ when billing outpatient surgery or outpatient surgical services; and

~~III. Make written entry "implant(s)" followed by the reimbursement calculation made pursuant to Rule 69L-7.501, F.A.C., in Form Locator 84 of Form revision 1992 and in Form Locator 80 of Form revision 2006 – 'Remarks' on the DFS-F5-DWC-90, directly after entry of "scheduled" or "non-scheduled", when present;~~

~~III.IV.~~ Attach an itemized statement with charges based on the facility's Charge Master if there is no line item detail shown on the Form DFS-F5-DWC-90; and

~~IV.V.~~ Submit all applicable documentation ~~or certification~~ required pursuant to Rule 69L-7.501, F.A.C.;

~~V.VI.~~ Bill professional services provided by a physician ~~or recognized practitioner, physician assistant, advanced registered nurse practitioner, or registered nurse first assistant~~ on the Form DFS-F5-DWC-9, regardless of employment arrangement;

5. A certified, licensed physician assistant, anesthesia assistant and registered nurse first assistant who provides services as a surgical assistant, in lieu of a second physician, shall bill on a Form DFS-F5-DWC-9 entering the CPT[®] code(s) plus modifier(s), which represent the service(s) rendered, in Field 24D, and must enter his/her Florida Department of Health license number in Field 33b.

6. Ambulatory Surgical Centers (ASCs) shall bill as follows:

a. For dates of service up to and including 9/17/09, ASCs shall bill on a Form DFS-F5-DWC-9 using the American Medical Association's CPT[®] procedure codes, or using the unique workers' compensation unique procedure code 99070 with required modifiers and shall bill charges based on the ASC's Charge Master except when billing for procedure code 99070.

b. For dates of service on or after 9/18/09, Ambulatory Surgical Centers shall bill on Form DFS-F5-DWC-90 and shall enter the CPT[®], HCPCS or workers' compensation unique code in Form Locator 44 for each service rendered. ASCs shall use revenue code 0278 when billing for implant devices, associated disposable instrumentation, and applicable shipping and handling pursuant to Rule 69L-7.100, F.A.C., ASC medical bills shall be accompanied by all applicable documentation ~~or certification~~ required pursuant to Rule 69L-7.100, F.A.C.

7. Home Health Agencies (HHA) shall bill on Form DFS-F5-DWC-90. ~~Federal Facilities shall bill on their usual form.~~

a. For dates of service up to and including 9/17/09, HHAs shall bill on letterhead or invoice.

b. For dates of service on or after 9/18/09, HHAs shall bill on Form DFS-F5-DWC-90 and shall enter the CPT[®], HCPCS, HIPPS or workers' compensation unique codes in Form Locator 44 for each service rendered.

8. Nursing homes shall bill on Form DFS-F5-DWC-90. ~~Out of State health care providers shall bill on the applicable medical bill form pursuant to paragraph (4)(c) of this rule.~~

a. For dates of service up to and including 9/17/09, Nursing Homes shall bill on letterhead or invoice.

b. For dates of service on or after 9/18/09, Nursing Homes shall bill on Form DFS-F5-DWC-90 and shall enter the CPT[®], HCPCS, HIPPS or workers' compensation unique codes in Form Locator 44 for each service rendered.

9. ~~Federal Facilities shall bill on their usual form. Dental Services-~~

a. ~~Dentists shall bill for services on a Form DFS-F5-DWC-11.~~

b. ~~Oral surgeons shall bill for oral and maxillofacial surgical services on a Form DFS-F5-DWC-9. Non-surgical dental services shall be billed on a Form DFS-F5-DWC-11.~~

10. ~~Out-of-State health care providers shall bill on the applicable medical bill form pursuant to paragraph (4)(c) of this rule. Pharmaceutical(s), Durable Medical Equipment and Medical Supplies-~~

a. ~~When dispensing commercially available medicinal drugs commonly known as legend or prescription drugs:~~

I. ~~Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the NDC number, in the universal 5-4-2 format, in Field 9, with each segment separated by a dash (-).~~

II. ~~Physicians, physician assistants or ARNPs shall bill on Form DFS-F5-DWC-9 and shall enter the NDC number, in the universal 5-4-2 format, in Field 24D, with each segment separated by a dash (-). Optionally, the unique workers' compensation code 96370 may be entered in addition to the NDC number in Field 24D.~~

III. ~~Hospitals shall bill on Form DFS-F5-DWC-90 using the appropriate revenue codes.~~

b. ~~When dispensing medicinal drugs which are compounded and the prescribed formulation is not commercially available:~~

I. ~~Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the unique workers' compensation code 96371 in Field 9.~~

II. ~~Physicians, physician assistants or ARNPs shall bill on Form DFS-F5-DWC-9 and shall enter the unique workers' compensation code 96371 in form Field 24D.~~

III. ~~Hospitals shall bill on Form DFS-F5-DWC-90 using the appropriate revenue codes.~~

c. ~~When dispensing over-the-counter drug products:~~

I. ~~Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the NDC number, in the universal 5-4-2 format in form Field 9, with each segment separated by a dash (-).~~

II. ~~Physicians, physician assistants or ARNPs shall bill on Form DFS-F5-DWC-9, shall enter the NDC number in the universal 5-4-2 format, in Field 24D, with each segment separated by a dash (-). The requirement to enter the NDC number in Field 24D supersedes the instruction to enter 99070 in the Florida Workers' Compensation Health Care Provider Reimbursement Manual.~~

III. ~~Hospitals shall bill on Form DFS-F5-DWC-90 using the appropriate revenue codes.~~

d. ~~When administering or dispensing injectable drugs:~~

I. ~~Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the NDC number, in the universal 5-4-2 format, in form Field 9, with each segment separated by a dash (-).~~

H. Physicians, physician assistants or ARNPs shall bill on a Form DFS-F5-DWC-9 and enter the appropriate HCPCS "J" code in form Field 24D. When an appropriate HCPCS "J" code is not available for the injectable drug, enter the NDC number, in the universal 5-4-2 format in form Field 24D with each segment separated by a dash (-).

II. Hospitals shall bill on Form DFS-F5-DWC-90 using the appropriate revenue codes.

e. When dispensing durable medical equipment (DME):

I. Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the applicable HCPCS code in Field 21 on form revision 2/14/06 and in Field 21 on form revision 1/1/07.

H. Physicians, physician assistants or ARNPs shall bill on Form DFS-F5-DWC-9, shall enter the applicable HCPCS code in Field 24D and attach documentation indicating the actual cost of the supply, including applicable manufacturer's shipping and handling.

III. Hospitals shall bill on Form DFS-F5-DWC-90 using the applicable revenue codes.

IV. Ambulatory Surgical Centers shall bill for these products on Form DFS-F5-DWC-9 using applicable HCPCS codes.

V. Medical Suppliers shall bill on Form DFS-F5-DWC-10 and shall enter the applicable HCPCS code in form Field 21 on form revision 2/14/06 and in Field 21 on form revision 1/1/07. The requirement to enter the HCPCS code when billing for medical equipment or supplies supersedes the instruction that "the medical supplier is not required to submit codes" in the Florida Workers' Compensation Health Care Provider Reimbursement Manual.

f. When dispensing medical supplies which are not incidental to a service or procedure:

I. Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the applicable HCPCS code in Field 16 on form revision 2/14/06 and in Field 21 on form revision 1/1/07.

H. Physicians, physician assistants or ARNPs shall bill on Form DFS-F5-DWC-9, shall enter the applicable HCPCS code in Field 24D and attach documentation indicating the actual cost of the supply, including applicable manufacturer's shipping and handling. The requirement to enter the HCPCS code when billing for medical equipment or supplies supersedes the instruction "under the specific HCPCS code or 99070" in the Florida Workers' Compensation Health Care Provider Reimbursement Manual.

III. Hospitals shall bill on Form DFS-F5-DWC-90 under the applicable revenue codes.

IV. Ambulatory Surgical Centers shall bill separately for these products on Form DFS-F5-DWC-9 and shall enter the applicable CPT[®] code or HCPCS in Field 24D.

V. Medical Suppliers shall bill on Form DFS-F5-DWC-10 and shall enter the applicable HCPCS code in Field 16 on form revision 2/14/06 and in Field 19 on form revision 1/1/07. The

requirement to enter the HCPCS code when billing for medical equipment or supplies supersedes the instruction that "the medical supplier is not required to submit codes" in the Florida Workers' Compensation Health Care Provider Reimbursement Manual.

g. Pharmacists who provide Medication Therapy Management Services shall bill for these services on a Form DFS-F5-DWC-9 by entering the appropriate CPT[®] code(s) 0115T, 0116T or 0117T that represent the service(s) rendered in form Field 24D, shall enter their Florida Department of Health license number in Field 33b and shall submit a copy of the physician's written prescription with the medical bill.

h. Pharmacists and medical suppliers may only bill on an alternate to Form DFS-F5-DWC-10 when an insurer has pre approved use of the alternate form. Forms DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 shall not be approved for use as the alternate form.

11. Dental Services. Physicians billing for a failed appointment for a scheduled independent medical examination (when the injured employee does not report to the physician office as scheduled) shall bill on their invoice or letterhead. The invoice shall not be a Form DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, or DFS-F5-DWC-90.

a. Dentists shall bill for services on Form DFS-F5-DWC-11.

b. Oral surgeons shall bill for oral and maxillofacial surgical services on a Form DFS-F5-DWC-9. Non-surgical dental services shall be billed on Form DFS-F5-DWC-11.

c. When dispensing medications, dentists and oral surgeons shall submit charges on the forms specified in paragraph 11.a. and 11.b. above.

12. Pharmaceutical(s), Durable Medical Equipment and Medical Supplies. Health care providers receiving reimbursement under any payment plan (pre-payment, prospective pay, capitation, etc.) must accurately complete the Form DFS-F5-DWC-9 and submit the form to the insurer.

a. When dispensing commercially available medicinal drugs commonly known as legend or prescription drugs:

I. Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the NDC number, in the universal 5-4-2 format, in Field 9, with each segment separated by a dash (-).

II. Physicians, physician assistants or ARNPs shall bill on Form DFS-F5-DWC-9 and shall enter the NDC number, in the universal 5-4-2 format, in Field 24D, with each segment separated by a dash (-). Optionally, the workers' compensation unique code 96370 may be entered in addition to the NDC number in Field 24D.

III. Hospitals shall bill on Form DFS-F5-DWC-90 using the appropriate revenue codes.

b. When dispensing medicinal drugs which are compounded and the prescribed formulation is not commercially available:

I. Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the workers' compensation unique code 96371 in Field 9.

II. Physicians, physician assistants or ARNPs shall bill on Form DFS-F5-DWC-9 and shall enter the workers' compensation unique code 96371 in form Field 24D.

III. Hospitals shall bill on Form DFS-F5-DWC-90 using the appropriate revenue codes.

c. When dispensing over-the-counter drug products:

I. Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the NDC number, in the universal 5-4-2 format in form Field 9, with each segment separated by a dash (-).

II. Physicians, physician assistants or ARNPs shall bill on Form DFS-F5-DWC-9, shall enter the NDC number in the universal 5-4-2 format, in Field 24D, with each segment separated by a dash (-).

III. Hospitals shall bill on Form DFS-F5-DWC-90 using the appropriate revenue codes.

d. When administering or dispensing injectable drugs:

I. Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the NDC number, in the universal 5-4-2 format, in form Field 9, with each segment separated by a dash (-).

II. Physicians, physician assistants or ARNPs shall bill on a Form DFS-F5-DWC-9 and enter the appropriate HCPCS "J" code in form Field 24D. When an appropriate HCPCS "J" code is not available for the injectable drug, enter the NDC number, in the universal 5-4-2 format in form Field 24D with each segment separated by a dash (-).

III. Hospitals shall bill on Form DFS-F5-DWC-90 using the appropriate revenue codes.

e. When dispensing durable medical equipment (DME):

I. Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the applicable HCPCS code in Field 21 on form revision 1/1/07.

II. Physicians and recognized practitioners shall bill on Form DFS-F5-DWC-9, shall enter the applicable HCPCS code in Field 24D and attach documentation indicating the actual cost of the supply, including applicable manufacturer's shipping and handling.

III. Hospitals shall bill on Form DFS-F5-DWC-90 using the applicable revenue codes.

IV. Medical Suppliers shall bill on Form DFS-F5-DWC-10 and shall enter the applicable HCPCS code in form Field 21 on form revision 1/1/07.

f. When dispensing medical supplies which are not incidental to a service or procedure:

I. Pharmacists shall bill on Form DFS-F5-DWC-10 and shall enter the applicable HCPCS code in Field 21 on form revision 1/1/07.

II. Physicians and recognized practitioners shall bill on Form DFS-F5-DWC-9, shall enter the applicable HCPCS code in Field 24D and attach documentation indicating the actual cost of the supply, including applicable manufacturer's shipping and handling.

III. Hospitals shall bill on Form DFS-F5-DWC-90 under the applicable revenue codes.

IV. Medical Suppliers shall bill on Form DFS-F5-DWC-10 and shall enter the applicable HCPCS code in Field 21 on form revision 1/1/07.

g. Pharmacists who provide Medication Therapy Management Services shall bill for these services on Form DFS-F5-DWC-9 by entering the appropriate CPT[®] code(s) 99605, 99606 or 99607 that represent the service(s) rendered in form Field 24D, shall enter their Florida Department of Health license number in Field 33b and shall submit a copy of the physician's written prescription with the medical bill.

h. Pharmacists and medical suppliers may only bill on an alternate to Form DFS-F5-DWC-10 when an insurer has pre-approved use of the alternate form. Forms DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 shall not be approved for use as the alternate form.

13. Physicians billing for a failed appointment for a scheduled independent medical examination (when the injured employee does not report to the physician office as scheduled) shall bill on their invoice or letterhead. The invoice shall not be Form DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, or DFS-F5-DWC-90. Health care providers and other insurer-authorized providers rendering services reimbursable under workers' compensation, whose billing requirements are not otherwise specified in this rule (e.g. home health agencies, independent, non-hospital based ambulance services, air-ambulance, emergency medical transportation, non-emergency transportation services, translation services, etc.) shall bill on their invoice or business letterhead. These providers shall not submit the Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 or DFS-F5-DWC-90 as an invoice.

14. Health care providers receiving reimbursement under any payment plan (pre-payment, prospective pay, capitation, etc.) must accurately complete the Form DFS-F5-DWC-9 and submit the form to the insurer.

15. Entities that are not physicians or recognized practitioners authorized by an insurer to render services reimbursable under workers' compensation shall bill on their invoice or letterhead. These providers shall not bill using Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 or DFS-F5-DWC-90 as an invoice.

(c) Bill Completion.

1. No change.

2. Billing elements required by the Division to be completed by a health care provider are identified in ~~specific Form DFS-F5-DWC-9-A or Form DFS-F5-DWC-9-B~~ (completion instructions), ~~as appropriate for the date of the revised form,~~ available at the following websites:

a. ~~http://www.myfloridacfo.com/WC/pdf/DWC-9instrHCP_1-1-07.pdf~~ ~~<http://www.fldfs.com/wc/pdf/DWC-9instrHCP.pdf>~~ when submitted by Licensed Health Care Providers;

b. ~~http://www.myfloridacfo.com/WC/pdf/DWC-9instrASC_1-1-07.pdf~~ ~~<http://www.fldfs.com/wc/pdf/DWC-9instrASC.pdf>~~ when submitted by Ambulatory Surgical Centers for dates of service up to and including 9/17/09;

c. ~~http://www.myfloridacfo.com/WC/pdf/DWC-9instrWHPM_1-1-07.pdf~~ ~~<http://www.fldfs.com/wc/pdf/DWC-9instrWHPM.pdf>~~ when submitted by Work Hardening and Pain Management Programs.

3. Billing elements required by the Division to be completed for Pharmaceutical or Medical Supplier Billing are identified in ~~specific Form DFS-F5-DWC-10~~ (completion instructions), ~~as appropriate for the date of the revised form,~~ available at website: ~~<http://www.myfloridacfo.com/WC/forms.html>~~ ~~<http://www.fldfs.com/WC/forms.html#7>~~.

4. Billing elements required by the Division to be completed for Dental Billing are identified in ~~specific Form DFS-F5-DWC-11-A or Form DFS-F5-DWC-9-B~~ (completion instructions), ~~as appropriate for the date of the revised form,~~ available at website: ~~<http://www.myfloridacfo.com/WC/forms.html>~~ ~~<http://www.fldfs.com/WC/forms.html#7>~~.

5. Billing elements required by the Division to be completed for ~~Form DFS-F5-DWC-90 Hospital Billing~~ are identified in ~~the UB-92 Manual, the UB-04 Manual, and as follows: Form DFS-F5-DWC-90-B (completion instructions) and subparagraph (4)(b)4. of this rule.~~

a. For Hospital billing, Form DFS-F5-DWC-90-B (UB-04) – B Completion Instructions, Rev. 1/1/2009 and subparagraph (4)(b)4. of this rule.

b. For Ambulatory Surgical Center billing, Form DFS-F5-DWC-90-C (UB-04) – C Completion Instructions, New 1/1/2009 and subparagraph (4)(b)6. of this rule.

c. For Home Health Agency billing, Form DFS-F5-DWC-90-D (UB-04) – D Completion Instructions, New 1/1/2009 and subparagraph (4)(b)7. of this rule.

d. For Nursing Home billing, Form DFS-F5-DWC-90-E (UB-04) – E Completion Instructions, New 1/1/2009 and subparagraph (4)(b)8. of this rule.

6. ~~A An insurer can require a health care provider shall submit to complete additional data elements or supporting documentation that are not required by the insurer in writing pursuant to paragraph (5)(b) of this rule. Division on Form DFS-F5-DWC-9 or DFS-F5-DWC-11.~~

(5) Insurer Responsibilities.

(a) An insurer is responsible for meeting its obligations under this rule regardless of any business arrangements with any service company/TPA, submitter or any entity acting on behalf of an insurer under which claims are paid, adjusted and paid, disallowed, denied, or otherwise processed or submitted to the Division.

(b) At the time of authorization for medical service(s) ~~or at the time a reimbursement request is received,~~ an insurer shall notify each health care provider, in writing, of additional form completion requirements or supporting documentation that are necessary for reimbursement determinations.

(c) At the time of authorization for medical service(s), an insurer shall inform in-state and out-of-state health care providers of the specific reporting, billing and submission requirements of this rule and provide the specific address for submitting a reimbursement request.

(d) Insurers, service company/TPAs or entities acting on behalf of insurers and health care providers shall utilize only the Form DFS-F5-DWC-25 for physician reporting of an injured employee's medical treatment/status. ~~No Any~~ other reporting forms may ~~not~~ be used in lieu of or supplemental to the Form DFS-F5-DWC-25.

(e) Required data elements on each Form DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, and DFS-F5-DWC-90, for both medical only and lost-time cases, shall be filed with the Division within 45-calendar days of when the medical bill is paid, adjusted, disallowed or denied by the insurer, service company/TPA or any entity acting on behalf of the insurer. The 45-calendar day filing requirement includes initial submission and correction and re-submission of all errors identified in the "Medical Claim Processing Report", as defined in the date-applicable Florida Medical EDI Implementation Guide (MEIG).

(f) An insurer shall be responsible for accurately completing required data filed with the Division, pursuant to the ~~date-applicable~~ Florida Medical EDI Implementation Guide (MEIG) and subparagraphs (4)(c)2.-5. of this rule. Additionally, an insurer or entity acting on behalf of an insurer shall be responsible for correcting previously accepted data that is deemed inaccurate by the Division through audit or analysis, and resubmitting the corrected and accurate data in accordance with the requirements set forth in paragraph (6)(e) of this rule.

(g) When an injured employee does not have a Social Security Number or division-assigned number, the insurer must contact the Division via information provided on the following website: ~~<http://www.myfloridacfo.com/WC/organization/odqc.html>~~ ~~<http://www.fldfs.com/WC/organization/odqc.html>~~ (under Records Management) to obtain a division-assigned number prior to submitting the medical report to the Division.

(h) An insurer, service company/TPA or any entity acting on behalf of an insurer must report to the Division the procedure code(s), number of line-items billed, diagnosis

code(s), modifier code(s), NDC number and amount(s) charged, as billed by the health care provider when reporting these data to the Division. However, the insurer, service company/TPA or any entity acting on behalf of an insurer may correct the procedure code(s) or modifier code(s) or NDC number to effect payment and shall report both the provider billed code(s) and insurer adjusted code(s) pursuant to the ~~date-appropriate~~ MEIG. The insurer, service company/TPA or any entity acting on behalf of an insurer shall utilize the EOBR code “80” to notify the health care provider concerning any such billing errors and shall transmit EOBR code “80”, in instances when the carrier corrects the provider coding, when reporting to the Division.

(i) An insurer, service company/TPA or any entity acting on behalf of the insurer shall manually or electronically date stamp accurately completed Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-90 or the electronic form equivalent on the “date insurer received” as defined in paragraph (1)(~~l~~~~m~~) of this rule.

(j)1. No change.

a. No change.

b. Return the medical bill to the provider within twenty-one (21) days of the “Date Insurer Received” with a written statement identifying the criteria under which the medical bill is being returned ~~within twenty one (21) days of the “Date Insurer Received”~~. The written statement sent to the provider with the returned medical bill shall bear the following statement CAPITALIZED and in **BOLD** print: **“A HEALTH CARE PROVIDER MAY NOT BILL THE INJURED EMPLOYEE FOR SERVICES RENDERED FOR A COMPENSABLE WORK-RELATED INJURY”**.

2. If the insurer returns a medical bill to the provider pursuant to subparagraph (5)(j)5. of this rule, the written statement, which must accompany the returned bill must include all criteria upon which the return of the medical bill are based.

3. If the criterion upon which the return of the medical bill is based includes any of the criteria in sub-subparagraphs (5)(j)5.d.-g.-f. of this rule, the written statement must identify the information that is illegible, incorrect, or omitted.

4. No change.

5. No change.

a. through e. No change.

f. Billing information required by this rule is illegible on the medical bill; or

g.f. Billing information required by this rule is omitted on the medical bill.

6. No change.

(k) through (l) No change.

1. No change.

a. through d. No change.

2. No change.

a. through f. No change.

3. through 4. No change.

4. No change.

a. If the “date insurer received” is the date the insurer gains possession of the health care provider’s medical bill and the “date insurer paid” is the date the health care provider’s payment is mailed, transferred or electronically transmitted by the insurer, then Payment Code “x” 1 must be transmitted on each individual form-type electronic submission. (“x” must equal ‘R’, ‘M’ or ‘C’ as denoted in Appendix D of the ~~date-appropriate~~ Florida Medical Implementation EDI Guide (MEIG).) When submitting Payment Code “x” 1 to the Division, the insurer is declaring that no “entity” as defined in paragraph (1)(~~l~~~~m~~) of this rule is involved in the medical bill claims-handling processes related to “date insurer received” or “date insurer paid”.

b. If the “date insurer received” is the date the “entity” acting on behalf of the insurer gains possession of the health care provider’s medical bill and the “date insurer paid” is the date the health care provider’s payment is mailed, transferred or electronically transmitted by the “entity” acting on behalf of the insurer, then Payment Code “x” 2 must be transmitted on each individual form-type electronic submission. (“x” must equal ‘R’, ‘M’ or ‘C’ as denoted in Appendix D of the ~~date-appropriate~~ Florida Medical Implementation EDI Guide (MEIG).) When submitting Payment Code “x” 2 to the Division, the insurer is declaring that the specified “entity” as defined in paragraph (1)(~~l~~~~m~~) of this rule is acting on behalf of the insurer for purposes of the medical bill claims-handling processes related to “date insurer received” and “date insurer paid”.

c. If the “date insurer received” is the date the insurer gains possession of the health care provider’s medical bill and “date insurer paid” is the date the health care provider’s payment is mailed, transferred or electronically transmitted by the “entity” acting on behalf of the insurer, then Payment Code “x” 3 must be transmitted on each individual form-type electronic submission. (“x” must equal ‘R’, ‘M’ or ‘C’ as denoted in Appendix D of the ~~date-appropriate~~ Florida Medical Implementation EDI Guide (MEIG).) When submitting Payment Code “x” 3 to the Division, the insurer is declaring that no “entity” as defined in paragraph (1)(~~l~~~~m~~) of this rule is involved in the medical bill claims-handling process related to “date insurer received”.

d. If the “date insurer received” is the date the “entity” acting on behalf of the insurer gains possession of the health care provider’s medical bill and the “date insurer paid” is the date the health care provider’s payment is mailed, transferred or electronically transmitted by the insurer, then Payment Code “x” 4 must be transmitted on each individual form-type electronic submission. (“x” must equal ‘R’, ‘M’ or ‘C’ as denoted in Appendix D of the ~~date-appropriate~~ Florida Medical

Implementation EDI Guide (MEIG).) When submitting Payment Code “x” 4 to the Division, the insurer is declaring that no “entity” as defined in paragraph (1)(t)(u) is involved in the medical bill claims-handling processes related to “date insurer paid”.

(m) No change.

(n) An insurer, service company/TPA or any entity acting on behalf of the insurer is not required to report electronically as medical payment data to the Division, those payments made for failed appointments for scheduled independent medical examinations, for federal facilities billing on their usual form, for duplicate medical bills, for medical bills outside Florida jurisdiction, or for health care providers in subparagraph (4)(b)15,13, who bill on their invoice or letterhead.

(o) No change.

1. No change.

2. Use the EOBR codes and code descriptors as follows up through the date for reporting production data with the Medical Data System in the Claim Record Layout-Revision “D” as required in subparagraph (6)(f) of this rule:

a. 01 Services not authorized, as required.

b. 02 Services denied as not related to the compensable work injury.

c. 03 Services related to a denied work injury: Form DFS-F2-DWC-12 on file with the Division.

d. 04 Services billed are listed as not covered or non-covered (“NC”) in the applicable reimbursement manual.

e. 05 Documentation does not support the level, intensity, frequency, duration or provision of service(s) billed. (Insurer must specify to the health care provider.)

f. 06 Location of service(s) is not consistent with the level of service(s) billed.

g. 07 Reimbursement equals the amount billed.

h. 08 Reimbursement is based on the applicable reimbursement fee schedule.

i. 09 Reimbursement is based on any contract.

j. 10 Reimbursement is based on charges exceeding the stop-loss point.

k. 11 Reimbursement is based on insurer re-coding. (Insurer must specify to the health care provider.)

l. 12 Charge(s) are included in the per diem reimbursement.

m. 13 Reimbursement is included in the allowance of another service. (Insurer must specify procedure to the health care provider.)

n. 14 Itemized statement not submitted with billing form.

o. 15 Invalid code. (Use only when other valid codes are present.)

p. 16 Documentation does not support that services rendered were medically necessary.

~~q. 17 Required supplemental documentation not filed with the bill. (Insurer must specify required documentation to the health care provider.)~~

~~r. 18 Duplicate Billing: Service previously paid, adjusted and paid, disallowed or denied on prior claim form or multiple billing of service(s) billed on same date of service.~~

~~s. 19 Required Form DFS-F5-DWC-25 not submitted within three business days of the first treatment pursuant to Section 440.13(4)(a), F.S.~~

~~t. 20 Other: Unique EOBR code descriptor. Use of EOBR code “20” is restricted to circumstances when an above-listed EOBR code does not explain the reason for payment, adjustment and payment, disallowance or denial of payment. When using EOBR code “20”, an insurer must reflect code “20” and include the specific explanation of the code on the EOBR sent to the health care provider. The insurer, service company/TPA or any entity acting on behalf of the insurer must maintain a standardized EOBR code descriptor list.~~

~~2.3. When reporting production data with the Medical Data System in the Claim Record Layout-Revision “E” “D” as required in subparagraph (6)(f) of this rule, the insurer shall comply with the following instructions pertaining to EOBRs: In completing an Explanation of Bill Review (EOBR) an insurer shall, for each line item billed, select the EOBR code(s) from the list below which identifies(y) the reason(s) for the insurer’s reimbursement decision for each line item. The insurer may utilize up to three EOBR codes for each line item billed. When utilizing more than one EOBR, the insurer shall list the EOBR codes that describe the basis for its reimbursement decision in descending order of importance. An insurer, service company/TPA or any entity acting on behalf of the insurer shall submit to the Division the Explanation of Bill Review (EOBR) code, relating to the adjudication of each line item billed, in descending order of importance. The EOBR code list is as follows:~~

~~06 – Payment disallowed: location of service(s) is not consistent with the level of service(s) billed.~~

~~10 – No change.~~

~~21 – No change.~~

~~22 – No change.~~

~~23 – No change.~~

~~24 – No change.~~

~~25 – No change.~~

~~26 – No change.~~

~~30 – Payment disallowed: lack of authorization: no authorization given for service rendered or notice provided for emergency treatment pursuant to Section 440.13(3), F.S.~~

~~40 – No change.~~

~~41 – Payment disallowed: insufficient documentation: level of evaluation and management service not supported by documentation. (Insurer must specify missing components of evaluation and management code description.)~~

42 – No change.

43 – No change.

44 – No change.

45 – No change.

46 – No change.

47 – No change.

48 – No change.

49 – No change.

50 – Payment disallowed: insufficient documentation: specific requested documentation requested in writing at the time of authorization not submitted with the medical bill. (Insurers must specify omitted documentation.)

51 – No change.

52 – Payment disallowed: insufficient documentation: supply(ies) incidental to the procedure. (Insurer must specify which supply is incidental to which procedure.)

53 – No change.

54 – No change.

60 – Payment disallowed: billing error: line item service previously billed and reimbursement decision previously rendered ~~processed on prior medical bill.~~

61 – Payment disallowed: billing error: duplicate bill. (Shall not be transmitted electronically to the Division.) ~~same service billed multiple times on same date of service.~~

62 – Payment disallowed: billing error: incorrect procedure, modifier, NDC number, or supply code.

63 – Payment disallowed: billing error: service billed is integral component of another procedure code. (Insurer must specify inclusive procedure code.)

64 – No change.

65 – No change.

66 – Payment disallowed: billing error: omitted procedure, modifier or supply code or NDC number.

71 – No change.

72 – No change.

73 – No change.

74 – No change.

75 – Payment adjusted: insufficient documentation: specific requested documentation requested in writing at the time of authorization not submitted with the medical bill.

80 – Payment adjusted: billing error: correction of procedure, modifier, NDC number or supply code.

81 – No change.

~~82 – Payment adjusted: payment modified pursuant to carrier charge analysis.~~

83 – No change.

84 – No change.

90 – No change.

91 – No change.

92 – No change.

93 – No change.

94 – No change

95 – No change.

(p) An insurer, service company/TPA, submitter or any entity acting on behalf of the insurer shall make available to the Division ~~and to the Agency~~, upon request and without charge, a legibly reproduced copy of the electronic form equivalents or Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-25, DFS-F5-DWC-90, supplemental documentation, proof of payment, EOBR and the insurer written documentation required in subparagraphs (5)(j)6. and (5)(l)2. of this rule.

(q) An insurer, service company/TPA or any entity acting on behalf of the insurer to pay, adjust, disallow or deny a filed bill shall submit to the health care provider an Explanation of Bill Review, utilizing only the EOBR codes and code descriptors, as set forth in paragraph (o) of this section, and shall include the insurer name and specific insurer contact information. An insurer, service company/TPA or any entity acting on behalf of the insurer shall notify the health care provider of notice of payment or notice of adjustment, disallowance or denial only through an EOBR. An EOBR shall specifically state that the EOBR constitutes notice of disallowance or adjustment of payment within the meaning of Section 440.13(7), F.S. An EOBR shall specifically identify the name and mailing address of the entity the carrier designates to receive service on behalf of the “carrier and all affected parties” for the purpose of receiving the petitioner’s service of a copy of a petition for reimbursement dispute resolution by certified mail, pursuant to Section 440.13(7)(a), F.S.

(r) through (t) No change.

1. No change.

2. Submit the data as a replacement submission pursuant to the ~~date appropriate~~ MEIG; and

3. No change.

4. Report the “Date Insurer Received” as 22 days after the date the Determination was received by certified mail, in instances where the insurer has waived its rights under Chapter Section 120, F.S., or report the “Date Insurer Received” as the date the carrier received the Final Order by certified mail, in instances where the insurer has invoked its rights pursuant to Chapter Section 120, F.S., whichever occurs first.

(u) No change.

(v) When an insurer, service company/TPA, any entity acting on behalf of the insurer renders reimbursement for multiple bills received from a health care provider, the insurer shall report required data elements to the Division for each individual bill, including “Date Insurer Received” and “Date Insurer Paid”, submitted by the health care provider and shall not combine multiple bills received from a health care provider into a single medical bill data submission (~~i.e. a single bill equals a single datum transmission~~).

(6) No change.

(a) No change.

(b) Required data elements shall be submitted in compliance with the instructions and formats as set forth in the ~~date appropriate~~ Florida Medical EDI Implementation Guide (MEIG).

(c) through (d) No change.

(e) When filing any medical report replacement that corrects a rejected medical report bill or replaces a previously accepted medical report bill, the submitter shall use the same control number as the original submission. The replacement report submission shall contain all information necessary to process the medical report bill including all services and charges from the claim as billed by the health care provider and all payments made by the insurer to the health care provider. Additionally, an insurer or entity acting on behalf of an insurer shall follow the EDI medical bill replacement methodology specified in the 2008 Florida Medical EDI Implementation Guide (MEIG) after being notified by the Division that data previously accepted has been deemed inaccurate and responding to a written request from the Division to review, correct, and re-submit accurate data. Each Division written request shall have a specified timeline to which the insurer or entity acting on behalf of an insurer shall adhere. Information contained on the original submission is deemed independent and is not considered as a supplement to information contained in the replacement submission.

(f) Each ~~Additionally, an~~ insurer shall be responsible for accurately completing the electronic record-layout programming requirements for the reporting of the Form DFS-F5-DWC-9 Claim Detail Record Layout – Revision “E” “D”, Form DFS-F5-DWC-10 Claim Detail Record Layout – Revision “E” “D”, Form DFS-F5-DWC-11 Claim Detail Record Layout – Revision “E” “D” and Form DFS-F5-DWC-90 Claim Detail Record Layout – Revision “E” “D” in accordance with the Florida Medical EDI Implementation Guide (MEIG), 2009~~7~~, to the Division in accordance with the phase-in schedule as denoted below in subparagraphs 1., 2., and 3. of this section. The electronic record layout for Form DFS-F5-DWC-90 in the MEIG 2009 adds the new fields for facility name, facility address, Florida Agency for Health Care Administration facility license number, procedure, service or supply code as paid by the insurer, procedure, service or supply code modifier as paid by the insurer, and the line item amount paid by the insurer. The electronic record layout for Form DFS-F5-DWC-9 in the MEIG, 2007, adds the new fields for gender, date of birth, up to three new modifiers and a maximum of three EOBR codes per line item from the revised code set. The electronic record layout for Form DFS-F5-DWC-10 in the MEIG, 2007, adds the new fields for gender, date of birth, pharmacist’s Florida Department of Health license number, and, medical supply and equipment HCPCS code(s), quantity, purchase or rental date,

~~usual charge, amount paid, prescriber’s license number and a maximum of three EOBR codes per line item from the revised code set. The electronic record layout for Form DFS-F5-DWC-11 in the MEIG, 2007, adds the new fields for gender, date of birth and a maximum of three EOBR codes per line item from the revised code set. The electronic record layout for Form DFS-F5-DWC-90 in the MEIG, 2007, adds the new form locators for gender, date of birth, designation of surgery as scheduled or unscheduled, implant amount, up to three External Cause of Injury codes, four additional ICD-9 diagnostic codes, four other procedure codes, operating physician’s Florida DOH license number and a maximum of three EOBR codes per line item from the revised code set. The conversion implementation schedule is as follows:~~

1. Submitters who have been approved for reporting production data with the Medical Data System (Record Layout – Revision “D” “C”), between ~~04/01/2007 12/5/05~~ and ~~06/15/2007 2/24/06~~ shall begin testing on ~~05/18/2009 4/2/07~~ and shall complete the testing process with the new Revision “E” “D” record layouts no later than ~~06/26/2009 5/14/07~~.

2. Submitters who have been approved for reporting production data with the Medical Data System (Record Layout – Revision “D” “C”), between ~~06/16/2007 2/25/06~~ and ~~08/07/2007 3/31/06~~ shall begin testing on ~~06/29/2009 5/15/07~~ and shall complete the testing process with the new Revision “E” “D” record layouts no later than ~~08/07/2009 6/26/07~~.

3. Submitters who have been approved for reporting production data with the Medical Data System (Record Layout – Revision “D” “C”), between ~~08/08/2007 4/1/06~~ and the effective date of this rule shall begin testing on ~~08/10/2009 6/27/07~~ and shall complete the testing process with the new Revision “E” “D” record layouts no later than ~~09/18/2009 8/8/07~~.

4. The Division will, resources permitting, allow submitters that volunteer to complete the test transmission processes earlier than the schedule denoted above. Each voluntary submitter shall have six weeks to complete test transmission to production transmission processes, for all electronic form equivalents, that comply with requirements set forth in the Florida Workers’ Compensation Medical EDI Implementation Guide (MEIG), 2009~~7~~.

(g) All submitters shall be in production with the new Revision “E” “D” record layouts on ~~09/18/2009 8/9/07~~. ~~Optionally, after successful completion of the testing process and continuing up to and including 8/8/07, submitters may elect to submit all required medical reports as required in the new Revision “D” record layouts, as required in the current Revision “C” record layouts, or, as required in the Revision “C” record layouts for billings on the current medical claim forms and as required in the Revision “D” record layouts for billings on the new medical claim forms.~~

(h) Submitters who do not accurately complete and maintain electronic record-layout programming requirements of this rule shall not submit medical reports electronically until the submitter has been approved for reporting production data with the Medical Data System as necessary to meet the filing requirements of paragraph (5)(e) of this rule.

~~(7) Insurer Administrative Penalties and Administrative Fines for Untimely Health Care Provider Payment or Disposition of Medical Bills:~~

~~(a) The Department shall impose insurer administrative penalties for failure to comply with the payment, adjustment, disallowance or denial requirements pursuant to Section 440.20(6)(b), F.S. Timely performance standards for timely payments, adjustments and payments, disallowances or denials, reported on Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 and DFS-F5-DWC-90, shall be calculated and applied on a monthly basis for each separate form category that was received within a specific calendar month.~~

~~(b) Pursuant to Section 440.185(9), F.S., the Department shall impose insurer administrative fines for failure to comply with the submission, filing or reporting requirements of this rule. Insurer administrative fines shall be applied as follows:~~

~~1. Calculated on a monthly basis for each separate form category (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 and DFS-F5-DWC-90) received and accepted by the Division within a specific calendar month; and~~

~~2. Insurers are required to report all medical reports timely pursuant to paragraph (5)(e) of this rule. Insurers that fail to submit a minimum of 95% of all medical reports timely are subject to an administrative fine. Each untimely filed medical report which falls below the 95% requirement is subject to the following penalty schedule:~~

- ~~a. 1—30 calendar days late \$5.00;~~
- ~~b. 31—60 calendar days late \$10.00;~~
- ~~c. 61—90 calendar days late \$25.00;~~
- ~~d. 91 or greater calendar days late \$100.00.~~

~~3. Each medical report that does not pass the electronic reporting edits shall be rejected by the Division and considered not filed pursuant to paragraph (5)(e) of this rule. If the medical report remains rejected and not corrected, resubmitted and accepted by the Division for greater than 90 days, an administrative fine shall be assessed in the amount of \$100.00 for each such medical report. Rejected and not resubmitted medical reports will not be included in the 95% timely reporting requirement.~~

~~4. Untimely filed medical reports for a given month will be excluded from the administrative fine set forth in subparagraph (7)(b)3. above as falling within the performance standard between 100% and 95% in the following order:~~

- ~~a. Medical Reports filed 1—30 calendar days late; then~~

- ~~b. Medical Reports filed 31—60 calendar days late; then~~
- ~~c. Medical Reports filed 61—90 calendar days late; then~~
- ~~d. Medical Reports filed 91+ calendar days late.~~

Specific Authority 440.13(4), 440.15(3)(b), (d), 440.185(5), 440.525(2), 440.591, 440.593(5) FS. Law Implemented 440.09, 440.13(2)(a), (3), (4), (6), (11), (12), (14), (16), 440.15(3)(b), (d), 440.185(5), (9), 440.20(6), 440.525(2), 440.593 FS. History—New 1-23-95, Formerly 38F-7.602, 4L-7.602, Amended 7-4-04, 10-20-05, 6-25-06, 3-8-07, _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-149.205	Indemnity Standard Risk Rate
690-149.207	Health Maintenance Organization Standard Risk Rates

PURPOSE AND EFFECT: To comply with the statutory mandates of Section 627.6675(3), F.S., relating to the creation of standard risk rates.

SUBJECT AREA TO BE ADDRESSED: The creation of standard risk rates.

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

DATE AND TIME: January 5, 2009, 2:00 p.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: Dan Keating, Office of Insurance Regulation, E-mail dan.keating@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dan Keating, Office of Insurance Regulation, E-mail dan.keating@flor.com

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
1S-2.042 Third-Party Voter Registration
 Organizations

PURPOSE AND EFFECT: The primary purpose of the proposed new rule is to implement law regarding third-party voter registration organizations consistent with the requirements of Chapters 2005-278 and 2007-30, Laws of Florida.

SUMMARY: The proposed rule incorporates required forms for registration by third party voter registration organizations, for quarterly reports of such organizations, and complaints against such organizations. The rule also provides procedures to administer the administrative fine provisions of Section 97.0575, 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: 20.10(3), 97.012(15), 97.0575(1), (4), (8) FS.

LAW IMPLEMENTED: 97.021(15), 97.021(36), 97.053, 97.0575 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 12, 2009, 1:00 p.m.

PLACE: Room 307, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State; telephone: (850)245-6536; email: gjholland@dos.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: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State, telephone: (850)245-6536; email: gjholland@dos.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.042 Third-Party Voter Registration Organizations.

(1) Forms. The following forms are hereby incorporated by reference and available from the Division of Elections, R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at 850-245-6200, or by download from the Division's webpage at: <http://election.dos.state.fl.us/forms/index.shtml>:

(a) Form DS-DE 106 (eff. / /), entitled "Third-Party Voter Registration Organization Registration Form."

(b) Form DS-DE 107 (eff. / /), entitled "Quarterly Report Form for Organized Voter Registration Drives by Third-Party Voter Registration Organization."

(c) Form DS-DE 108 (eff. / /), entitled "Form for Complaint Against Third-Party Voter Registration Organization."

(2) Definitions. For purposes of Section 97.0575, F.S., the following definitions apply:

(a) "Affiliate organization" of a third-party voter registration organization means any person, as defined in Section 1.01(3), F.S., that is associated with the third-party voter registration organization as a subordinate, subsidiary, member, branch, chapter, as a central or parent organization, or through direct or indirect ownership or control. Ownership or control means substantial and effective, though not necessarily predominant, ownership or control.

(b) "Force majeure" means any event or occurrence of societal significance beyond the reasonable control and without the fault of the third-party voter registration organization which could not have been prevented, avoided, or overcome by the exercise of reasonable care, diligence, or oversight of the third-party voter registration organization, including, but not limited to, civil disturbances or acts of war; extraordinarily severe weather, such as hurricanes, floods, or tornadoes; or shortages of food, electric power, or fuel.

(c) "Impossibility of performance" means an actual impossibility or impracticability of compliance as the result of a condition or circumstance which the third-party voter registration organization did not create and could not reasonably have anticipated.

(d) "Organized voter registration drive" means any voter registration activity that is coordinated with, or directed by, a third-party voter registration organization and where one or more persons solicit or collect voter registration applications on behalf of the third-party voter registration organization.

(3) Registration. A third-party voter registration organization shall complete and file Form DS-DE 106 with the Division prior to conducting any voter registration activities. A third-party voter registration organization shall also use Form DS-DE 106 to update or withdraw its registration.

(4) Voter Registration Drive Quarterly Report. A third-party voter registration organization shall use Form DS-DE 107 to file quarterly reports with the Division as required by Section 97.0575(1), F.S. The quarterly reports shall be filed no later than April 15, July 15, October 15, and January 15 to cover the preceding calendar quarter, respectively. If a due date falls on a Saturday, Sunday, or legal holiday, the report is due on the next day which is not a Saturday, Sunday, or legal holiday.

(5) Complaints and Fines.

(a) Any person claiming to have provided a completed voter registration application to a third-party voter registration organization but whose name does not appear as an active voter on the voter registration rolls shall use Form DS-DE 108 to file the complaint with the Division.

(b) Any other person may report allegations of elections fraud, which includes irregularities or fraud involving voter registration, by filing a written complaint with the Division using Form DS-DE 34, entitled "Elections Fraud Complaint," incorporated by reference in Rule 1S-2.025, F.A.C.

(c) If the Division determines that a fine should be imposed on a third-party voter registration organization, the Division shall serve an administrative complaint pursuant to Rule 28-106.2015, F.A.C., upon the third-party voter registration organization by personal delivery or certified mail, return receipt requested. A third-party voter registration organization upon which the Division serves an administrative complaint may request a hearing in accordance with Sections 120.569 and 120.57, F.S., and subsection 28-106.2015(5), F.A.C.

Specific Authority 20.10(3), 97.012(15), 97.0575(1), (4), (8) FS. Law Implemented 97.012(15), (36), 97.053, 97.0575 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State, telephone: (850)245-6536; email: gjholland@dos.state.fl.us
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary of State
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.:
 5I-4.002
 5I-4.006

RULE TITLES:
 Purpose and Definitions
 Recreational Activities and Facilities

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update and clarify the existing fees for use of lands managed by the Department and the regulations for specific activities on these lands in accordance with state law. The effect will improve administration of Department programs and provide guidance for public use.

SUMMARY: These proposed rule amendments will update and clarify the existing fees for use of lands managed by the Department and the regulations for specific activities on these lands in accordance with state law.

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: 589.011(4), 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011(3), 589.071 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: January 12, 2009, 10:00 a.m. EST

PLACE: Eyster Conference Room, Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: John Waldron, (850)414-9852. If you are 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: John C. Waldron, Division of Forestry, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9852

THE FULL TEXT OF THE PROPOSED RULES IS:

5I-4.002 Purpose and Definitions.

The purpose of this chapter is to provide information regarding the utilization of lands and facilities managed or controlled by the Department of Agriculture and Consumer Services, Division of Forestry. The following words have the meaning indicated:

(1) through (26) No change.

(27) SCHEDULE OF FEES: The Division is authorized under ~~Section Chapter~~ 589.011(3), F.S., to set and charge fees for the use or operation of facilities on state forest or any lands leased to the Division for management purposes. A list of the current fees can be found in the document entitled "User Fees on Florida Division of Forestry Managed Lands, July 2008" which is hereby adopted and incorporated by reference. This fee schedule can be obtained by contacting any State Forest office, the Florida Division of Forestry, Bureau of Forest Management, 3125 Conner Blvd., Tallahassee, FL 32399-1650, or by visiting http://www.fl-dof.com/forest_recreation/fees.html. A schedule of current fees effective July 1, 2003 can be obtained through any local Division of Forestry office, by contacting the Florida Division of Forestry, Bureau of Forest Management, 3125 Conner Blvd., Tallahassee, FL 32399-1650 and they are located on the Division of Forestry's website located at http://www.fl-dof.com/state_forests/Forest_Fees.html.

(28) through (30) No change.

Specific Authority 589.011(4), 589.071, 589.12 FS. Law Implemented 589.011(3) ~~(4)~~, 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04,_____.

5I-4.006 Recreational Activities and Facilities.

(1) through (3) No change.

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

(h) Firearms are prohibited on managed lands except during scheduled hunting season or in designated areas. No loaded firearm is allowed in a camping area or day-use area anytime. On lands designated as wildlife management areas or wildlife and environmental areas firearms may be possessed as outlined in FWC Administrative Rule 68A-15.004 or 68A-17.004, F.A.C. Note: A person in possession of a valid Concealed Weapon or Firearm License may carry concealed handguns on managed lands (including non-wildlife management areas, camping areas and day-use areas) under the provisions of Section 790.06, F.S., throughout the year, unless otherwise prohibited pursuant to state or federal law.

(i) through (o) No change.

(5) through (7) No change.

Specific Authority 589.011(4), 589.071, 589.12 FS. Law Implemented 589.071 FS. History—New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04,_____.

\NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Karels, Director, Division of Forestry, Florida Department of Agriculture and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NOS.:	RULE TITLES:
5K-4.002	Adoption of Federal Regulations and Other Standards
5K-4.020	Food Permits; Requirements and Fees
5K-4.021	Food Manager Certification
5K-4.029	Tomato Packing Houses

PURPOSE AND EFFECT: The purpose of this rule is to establish inspection procedures and best management practices to enhance the safety of fresh tomatoes packed or repacked in Florida and to implement sections 11-13 of Chapter 2007-67, Laws of Florida, adopted during the 2007 Legislative Session. Procedures and processes will be developed to include sanitation and safety inspections of tomato packing and repacking houses. Guidelines adopted by FDACS entitled "The Tomato Best Practices Manual" (Ch. 5G-6, F.A.C.), which also relate to packing house operations and post harvest handling, are essential to the adoption and implementation of this proposed rule and have been integrated to apply needed practices and procedures for safe production and handling of tomatoes. These rules will have an effect on those establishments permitted by the FDACS in the State of Florida who handle tomatoes from arrival at tomato packing houses through distribution.

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

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

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

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

LAW IMPLEMENTED: 500.03(1)(j), (n), 500.09(1)(b), (4), 500.12(1)(a), (f), 500.147(6), 570.48(2)(e), 570.481(1)(a), (b) 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: January 9, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Dairy Conference Room, The Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

5K-4.002 Adoption of Federal Regulations and Other Standards.

(1) through (3) No change.

(4) Food Code – Provisions Adopted.

(a) No change.

(b) All provisions in the “2001 Food Code” and the “Supplement to the 2001 Food Code,” hereafter identified as “FDA Food Code”, that are adopted herein by reference shall apply to all food establishments regulated by the Florida Department of Agriculture and Consumer Services unless specifically exempted within this rule chapter. Interested parties may obtain copies of this publication by contacting the U.S. Government Printing Office, Superintendent of Documents, P. O. Box 371954, Pittsburgh, PA 15250-7954. Copies are also available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Room 289, Tallahassee, Florida 32399-1650.

(c) No change.

(5) No change.

Specific Authority 500.09, 500.12(1)(f), 500.12(5)(d), 500.12(6), 500.303, 500.304, 500.459, 570.07(23), (24) FS. Law Implemented 500.03, 500.032, 500.04, 500.09, 500.10, 500.11, 500.12(4)(a), 500.121, 500.13, 500.147, 500.166, 500.169, 500.172, 500.301, 500.303, 500.304, 500.459, 570.07(2), (6), (9), (16), (18), (24), 570.0725 FS. History–Revised 3-1-72, Amended 12-31-74, 1-18-83, 6-17-85, Formerly 5E-6.02, Amended 7-25-88, 4-13-92, Formerly 5E-6.002, Amended 8-8-95, 9-9-96, 12-10-96, 4-10-97, 9-8-97, 11-15-99, 2-5-04,_____.

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) through (bb) No change.

(cc) Tomato Packing House means any establishment that washes, packs, or otherwise treats tomatoes in their unpeeled, natural form before they are marketed.

(dd)(ee) Wholesale bakery. A food establishment that bakes breads, pastries or other similar baked goods, primarily for wholesale distribution.

(2) through (6) No change.

Specific Authority 500.09, 500.12(1)(b), 500.12(1)(f), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), (f), 500.12(2), 500.12(7), 500.121, 500.171, 500.172, 500.177, 570.15 FS. History–New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03, 11-1-04, 11-5-07, 10-28-08,_____.

5K-4.021 Food Manager Certification.

(1) through (2) No change.

(3) Food establishments shall designate in writing its food manager or managers. The designation shall be posted in a conspicuous place within the food establishment. The following types of food establishments are not required to designate a certified food manager:

(a) through (c) No change.

(d) Tomato packing houses.

(4) through (11) No change.

Specific Authority 500.12(6), 570.07(23) FS. Law Implemented 500.12(6) FS. History–New 1-11-94, Formerly 5E-6.021, Amended 1-23-97, 5-25-98,_____.

5K-4.029 Tomato Packing House.

(1) PURPOSE.

(a) This rule establishes inspection procedures and best management practices to enhance the safety of fresh tomatoes packed or repacked in tomato packing houses in Florida, as provided by Chapters 500 and 570, F.S.

(b) In addition to the requirements in statute, Chapters 500 and 570, F.S., and applicable Department rules in Chapters 5K-4 and 5G-6, F.A.C., tomato packers and repackers shall comply with the following rules.

(2) DEFINITIONS.

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

(b) “T-BMP” means Tomato Best Management Practices as specified in “The Tomato Best Practices Manual” as adopted and incorporated by reference in Department Rule 5G-6.009, F.A.C.

(c) “Tomato Packing House” means any establishment that washes, packs, or otherwise treats tomatoes in their unpeeled, natural form before they are marketed.

(3) INSPECTION.

(a) Regulatory inspections will be performed as frequently as needed to verify adherence to The Tomato Best Practices Manual for product packed or repacked and will be performed at least once annually in packing houses by the Department.

(b) Tomato packers and repackers shall comply with the requirements specified in The Tomato Best Practices Manual, as adopted and incorporated by reference in Department Rule 5G-6.009, F.A.C. A copy of this document may be obtained by contacting the Division of Fruit and Vegetables by mail at P. O. Box 1072, Winter Haven, Florida 33881-3403; by telephone at (863)291-5820; or, electronically through the Department Internet website at www.doacs.state.fl.us/fruits/.

(c) Tomato Packing Houses are exempt from compliance with the provisions of chapters 3 through 7 of the "FDA Food Code" as adopted in this rule chapter, paragraph 5K-4.002(4)(b), F.A.C.

(d) A handwashing sink supplied with running water shall be maintained within a tomato packing house so that it is accessible at all times for employee use and such sinks may not be used for purposes other than handwashing. Food employees shall use the designated handwash sink to wash their hands as specified in Chapter 2 of the FDA Food Code.

(e) Tomatoes in tomato packing houses shall be protected from contamination after rinsing or sanitization by storing the tomatoes in a clean, dry location where exposure to splash, dust, or other contamination is minimized. Tomatoes may not be stored:

1. In locker rooms;
2. In toilet rooms;
3. In dressing rooms;
4. In garbage rooms;
5. In mechanical rooms;
6. Under sewer lines that are not shielded to intercept potential drips;
7. Under leaking water lines or under lines on which water has condensed;
8. Under open stairwells; or
9. Under other sources of contamination.

Specific Authority 500.09(1)(b), (3), (4), 500.12(1)(f), 570.07(6), 570.07(23) FS. Law Implemented 500.03(1)(j), (n), 500.09(1)(b), (4), 500.12(1)(f), 570.48(2)(e) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Marion Aller, Director, Division of Food Safety, Department of Agriculture and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 7, 2008, Vol. 34, No. 45

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.012
 RULE TITLE: Purchasing Policies

PURPOSE AND EFFECT: To update the rule identified to reflect current purchasing practices and procedures to allow District School Boards to purchase goods and services more efficiently and effectively.

SUMMARY: The amendment of Rule 6A-1.012, F.A.C., is a substantial rewording of the existing rule to reflect current purchasing practices, to delineate the types of competitive solicitation available to District School Boards, when competitive solicitations are to be used, when competitive solicitations are not required, and how to procure goods and services without competitive procurement.

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: 1001.02(1), 1006.27, 1010.04 FS.

LAW IMPLEMENTED: 1006.27, 1001.42(4)(j), 1010.04 FS.

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

DATE AND TIME: January 21, 2009, 8:30 a.m.

PLACE: Kenwood School, 9300 S.W. 79th Avenue, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner, Finance and Operations, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-0406

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-1.012 follows. See Florida Administrative Code for present text)

6A-1.012 Purchasing Policies.

Each district school board shall establish purchasing rules which shall include but not be limited by the following:

(1) Definitions:

(a) The term "competitive solicitation" shall be defined for the purposes of this rule to include purchasing made through the issuance of an invitation to bid, request for proposals and invitation to negotiate. Competitive solicitations are not required for purchases made through the pool purchase provisions of Section 1006.27, Florida Statutes.

(b) "Invitation to bid" shall be defined for the purposes of this rule as a written solicitation for competitive sealed bids. The invitation to bid is used when the district school board is capable of specifically defining the scope of work for which a

contractual service is required or when the district school board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.

(c) "Invitation to negotiate" shall be defined for the purposes of this rule as a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the district school board determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.

(d) The term "proposer" shall be defined for the purposes of this rule to include those vendors submitting bids or responses to a competitive solicitation.

(e) "Request for proposals" shall be defined for the purposes of this rule as a written solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the district school board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the district school board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.

(f) The term "superintendent" shall be defined for the purposes of this rule to mean "superintendent or designee".

(2) The superintendent may be authorized to purchase commodities or contractual services where the total amount does not exceed an amount prescribed by the school board, and does not exceed the applicable appropriation in the district budget. The superintendent may also be authorized to purchase commodities or contractual services under Department of Management Services state term contracts. Assistants functioning under the superintendent's direction may be authorized to perform these purchasing tasks. No person, unless authorized to do so under the rules of the district school board, may make any purchase or enter into any contract involving the use of school funds; no expenditures for any such unauthorized purchase or contract shall be approved by the district school board.

(3) Before making any purchase of commodities or contractual services which the superintendent is authorized by the district school board to make or before recommending any purchase to the district school board, the superintendent shall, insofar as possible, propose standards and specifications. He or she shall see that the commodities or contractual services conform to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.

(4) In each school district in which the purchasing agent for any public agency is authorized by law to make purchases for the benefit of other governmental agencies within the county, the district school board shall have the option to purchase under the current contracts as may be established for any of the public agencies as set forth above at or below the unit price stated therein, if such purchase is to the economic advantage of the district school board, subject to conformance of the items of purchase to the standards and specifications prescribed by the superintendent for said district.

(5) As required by Section 1001.42(10)(j), Florida Statutes, the district school board shall receive and give consideration to the prices available to it under rules of the Department of Management Services, Division of Purchasing. District school boards may use prices established by the Division of Purchasing through its state purchasing agreement price schedule. If district school board policy provides for purchasing under this program of state purchasing agreements the conditions for use shall be those imposed on state agencies.

(6) In lieu of requesting competitive solicitations from three (3) or more sources, district school boards may make purchases at or below the specified prices from contracts awarded by other city or county governmental agencies, other district school boards, community colleges, federal agencies, the public or governmental agencies of any state, or from state university system cooperative bid agreements, when the proposer awarded a contract by another entity defined herein will permit purchases by a district school board at the same terms, conditions, and prices (or below such prices) awarded in such contract, and such purchases are to the economic advantage of the district school board.

(7) Except as authorized by law or rule, competitive solicitations shall be requested from three (3) or more sources for any authorized commodities or contractual services exceeding \$50,000. Districts may not divide the procurement of commodities or contractual services so as to avoid this monetary threshold requirement. District school boards, by rule, shall set this amount or a lesser amount and shall establish purchasing policy relative to purchases of a dollar value less than this formal monetary threshold.

(8) The district school board shall have the authority to reject any or all proposals submitted in response to any competitive solicitation and request new proposals or purchase the required commodities or contractual services in any other manner authorized by this section.

(9) In acceptance of responses to invitations to bid, the district school board may accept the proposal of the lowest responsive, responsible proposer. In the alternative, the district school board may also choose to award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees from whom commodities or contractual services would be purchased should the primary

awardee become unable to provide all of the commodities or contractual services required by the district school board during the term of the contract. Nothing herein is meant to prevent multiple awards to the lowest responsive and responsible bidders when such multiple awards are clearly stated in the bid solicitation documents.

(10) In acceptance of responses to requests for proposals, district school boards may award contracts to one or more responsive, responsible proposers in accordance with the selection criteria published in the request for proposal. The district school board is not required to request proposals for purchases made from contracts of the Department of Management Services as referenced in subsections (2) and (5) of this rule.

(11) The requirement for requesting competitive solicitations for commodities or contractual services from three or more sources is hereby waived as authorized by Section 1010.04(4)(a), Florida Statutes, for:

(a) The purchase by district school boards of professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services not subject to Section 218.391, F.S.; legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; and

(b) The purchase by district school boards of educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, dvds, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a governmental agency or a recognized educational institution; and

(12) Additional exemptions authorized under certain conditions:

(a) The requirements for requesting competitive solicitations and making purchases for commodities and contractual services as set forth in this section, are hereby waived as authorized by Section 1010.04(4)(a), Florida Statutes, when the following conditions have been met by the district school board:

1. Competitive solicitations have been requested in the manner prescribed by this rule, and
2. The district school board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time.

(b) When such a finding has been officially made, the district school board may enter into negotiations with suppliers of such commodities and contractual services and shall have

the authority to execute contracts with such vendors under whatever terms and conditions as the district school board determines to be in its best interests;

(c) If less than two responsive proposals for commodity or contractual services are received, the district school board may negotiate on the best terms and conditions or decide to reject all proposals. The district school board shall document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the school district in lieu of resoliciting proposals;

(d) Commodities or contractual services available only from a single source may be exempted from the competitive solicitation requirements. When a district school board believes that commodities or contractual services are available only from a single source, the district school board shall electronically or otherwise publicly post a description of the commodities or contractual services sought for a period of at least 7 business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the district school board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the district school board shall provide notice of its intended decision to enter a single source contract in the manner specified in Section 120.57(3), Florida Statutes, and may negotiate on the best terms and conditions with the single source vendor;

(e) District school boards may dispense with requirements for competitive solicitations for the emergency purchase of commodities or contractual services when the superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the school district requires emergency action. After the superintendent makes such a written determination, the district school board may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from at least two prospective vendors, which must be retained in the contract file, unless the superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the school district;

(f) A contract for commodities or contractual services may be awarded without competitive solicitations if state or federal law, a grant or a state or federal agency contract prescribes with whom the district school board must contract or if the rate of payment is established during the appropriations process;

(g) A contract for regulated utilities or government franchised services may be awarded without competitive solicitations;

(13) Insofar as practicable, all purchases shall be based on contracts, purchasing card systems, electronic procurements or purchase orders. Within limits prescribed by the district school board, the superintendent shall be authorized to approve purchases under rules of the district school board; provided that in so doing, he or she shall certify that funds to cover the expenditures are authorized by the budget and have not been encumbered.

(14) A district school board, when acquiring, whether by purchase, lease, lease with option to purchase, rental or otherwise, information technology, as defined in Section 282.0041(15), Florida Statutes, may make any acquisition through the bid competitive solicitation process as described herein or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the school district as determined by the district school board.

(15) Except as otherwise required by statute, a district school board, when purchasing insurance, entering risk management programs, or contracting with third party administrators, may make any such acquisitions through the competitive solicitation process as described herein or by direct negotiations and contract.

Specific Authority 1001.02(1), 1006.27, 1010.04 FS. Law Implemented 1006.27, 1001.42(4)(j), 1010.04 FS. History—Amended 12-17-65, 5-24-67, 9-17-72, 4-19-74, 9-19-74, Repromulgated 12-5-74, Amended 2-21-77, 3-10-85, Formerly 6A-1.12, Amended 6-29-89, 7-5-90, 6-10-92, 6-29-93, 4-25-96, 4-14-97, 7-17-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Champion, Deputy Commissioner, Finance and Operations

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.044 Pupil Attendance Records

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete from rule obsolete attendance forms and obsolete language relating to minimum time requirements.

SUMMARY: The rule provides for the checking and maintenance of student attendance and for the administration of student attendance policies.

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: 1001.02(1), 1003.01, 1003.23 FS.

LAW IMPLEMENTED: 1003.23 FS.

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

DATE AND TIME: January 21, 2009, 8:30 a.m.

PLACE: Kenwood School, 9300 S.W. 79th Avenue, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lavan Dukes, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.044 Pupil Attendance Records.

(1) Pupil attendance records shall be maintained for any student enrolled in public schools who is earning high school credit as provided in Section ~~1003.436~~ ~~232.2462~~, Florida Statutes, who is funded as provided in Chapter 1011~~236~~, Florida Statutes, and the Appropriations Act, or who is required to be in attendance by the compulsory attendance requirements as provided in Chapter ~~1003.232~~, Florida Statutes.

(2) through (4) No change.

(5) For the purpose of compliance with this rule, a pupil shall be deemed to be in attendance if actually present at school, or away from school on a school day and engaged in an educational activity which constitutes a part of the school-approved instructional program for that pupil. ~~Any such attendance must be in accordance with the minimum time requirements specified by Section 228.041(13), Florida Statutes.~~

(6) through (11) No change.

(12) Forms ESE 950 Automated Individual Student Attendance Record, Grades PK-12; ESE 953 Automated Individual Student Attendance by Period Record, Grades 9-12; ESE 954 Automated Individual Student Attendance by Period Summary, Grades 9-12 and ESE 981 Automated Student Attendance by Period Summary, Grades 9-12; ESE 955, Automated Multi-Day Student Attendance Register, Grades PK-12; ESE 956, Automated Multi-Day Student Attendance by Period, Grades 9-12; ESE 957, Automated Multi-Day Adult Student Attendance Register; ~~ESE 958 Adult Student Attendance Register; and ESE 982 Adult Student Attendance Roster~~ are hereby incorporated by reference and made a part of this rule to become effective November 2002. These forms may be obtained from Education Information and

Accountability Services, Division of Accountability, Research and Measurement Technology, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

Specific Authority ~~1001.02(1), 1003.01, 1003.23, 229.053(1), 232.02, 232.021, 232.022~~ FS. Law Implemented ~~1003.23, 232.021, 232.022, 232.023~~ FS. History—New 2-20-71, Amended 9-17-71, 10-18-71, Revised 8-19-72, Amended 11-18-72, Repromulgated 12-5-74, Formerly 6A-1.44, Amended 9-16-87, 1-11-88, 7-5-89, 10-3-91, 11-26-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jay Pfeiffer, Deputy Commissioner, Division of Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2008

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.04514
 RULE TITLE: Exceptional Student Membership in Mainstream Programs

PURPOSE AND EFFECT: This rule is to be repealed as it is now obsolete due to the revision of the Exceptional Student Education/Florida Education Finance Program (ESE/FEFP) funding model instituted by the Florida Legislature in 1997 in Section 1011.62(1)(e)1.c., Florida Statutes.

SUMMARY: The rule is to be repealed.

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

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

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

LAW IMPLEMENTED: 1001.42(4)(1), 1011.62(1) FS.

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

DATE AND TIME: January 21, 2009, 8:30 a.m.

PLACE: Kenwood School, 9300 S.W. 79th Avenue, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner, Finance and Operations, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-0406

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.04514 Exceptional Student Membership in Mainstream Programs.

Specific Authority 229.053(1), 230.23(4)(m) FS. Law Implemented 230.23(4)(m), 236.081(1)(f) FS. History—New 9-19-90, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Champion, Deputy Commissioner, Finance and Operations

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09421
 RULE TITLE: High School Competency Test Requirements

PURPOSE AND EFFECT: The proposed rule amendments require adult students who have not yet passed the High School Competency Test (HSCT) to meet the graduation testing requirement with passing scores on the Florida Comprehensive Assessment Test® (FCAT). The required passing scores on the FCAT were determined through a statistical analysis and are comparable to the passing scores previously required on the HSCT, in accordance with Section 1008.22(9), F.S. Beginning with the effective date of this rule, the HSCT will be discontinued, and adult students will be required to register for retake administrations of the FCAT to fulfill the graduation testing requirement for a high school diploma.

SUMMARY: This rule is amended to discontinue the administration of the HSCT and establish passing scores on the FCAT that are comparable to those required on the HSCT. The comparable passing scores on the FCAT will allow adult students to meet their high school testing requirement using a test that is supported by the current statewide assessment program and offered several times per year. In addition to these changes, obsolete provisions related to the administration and content of the HSCT are eliminated.

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: 1001.02, 1008.22(3)(c)5., 1008.22 (9) FS.

LAW IMPLEMENTED: 1001.02, 1008.22 FS.

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

DATE AND TIME: January 21, 2009; 8:30 a.m.
 PLACE: Kenwood School, 9300 SW 79th Avenue, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Cornelia Orr, Director, Assessment and School Performance, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09421 High School Competency Test Requirements. Beginning with the effective date of this rule, the student examination known as the High School Competency Test (HSCT) shall be discontinued. The minimum student performance skills and competencies required for high school graduation by Section 229.57(3)(c)5., Florida Statutes, for the period 1994-95 through 1998-99 shall be determined in the manner prescribed below:

~~(1) The student examination, known as the High School Competency Test, shall be administered annually under the direction and supervision of the Commissioner, and shall be:~~

- ~~(a) Kept secured at all times.~~
- ~~(b) Provided to testing centers in the quantity needed.~~
- ~~(c) Administered in accordance with standard written instructions appropriate for the examination.~~

~~(2) The test shall:~~

~~(a) Consist of two (2) sections; one (1) comprising communications skills, and one (1) comprising mathematical skills.~~

~~(b) Be derived from the skills adopted in subsection 6A-1.0941(1), F.A.C., for the time period from 1994-95 through 1998-99.~~

~~(1)(3) Adults who have taken the HSCT test previously but who have not yet earned passing scores in both sections of the test must meet the remaining testing requirements to may retake the examination at any subsequent scheduled administration.~~

~~(4) To qualify for a high school diploma by, each adult student must earning passing scores on both sections of the High School Competency Test or earn passing scores on the respective sections of the Florida Comprehensive Assessment Test (FCAT), as defined in Section 1008.22(3)(c), F.S., or scores on a standardized test that are concordant with passing scores on the FCAT as defined in Section 1008.22(9), F.S. High School Competency Test scores shall be reported in terms of an equated score scale. For eligible students, the The passing scale score for Grade 10 FCAT Reading shall be a score equal to or greater than two hundred sixty-eight (268) on the 100 to 500 scale seven hundred (700). For eligible students, the passing scale score for Grade 10 FCAT Mathematics shall be a score equal to or greater than two hundred seventy-eight (278) on the 100 to 500 scale.~~

~~(5) No time limit shall be established for answering the questions on the High School Competency Test; provided, however, that no student shall be permitted to answer test items which have been seen by the student at a time other than the examination session in which the test questions are given to the student and provided that the examination session shall not be longer than the length of time normally scheduled for a school day.~~

~~(2)(6) When the student earns a passing score on a section of the FCAT High School Competency Test, it shall be recorded in the student's cumulative record. If this the student has previously been awarded a Certificate of Completion in lieu of a standard high school diploma by virtue of failure to pass the HSCT High School Competency Test, such student shall be awarded a standard high school diploma. Adequate opportunity to be retested so as to earn a passing score shall remain available to each student until such time as the student earns passing scores on each section of the test.~~

~~(7) Once a student has passed a section of the test measuring skills adopted in subsection 6A-1.0941(1), F.A.C., for the time period 1985-86 through 1993-94, the student will not be required to pass that section of the test measuring skills adopted in subsection 6A-1.0941(1), F.A.C., for the time period from 1994-95 through 1998-99.~~

~~(8) Invalidity of a section of this rule shall not invalidate the remainder of the rule.~~

Specific Authority 1001.02, 1008.22(3)(c)5., 1008.22(9), 1008.22(11) FS. Law Implemented 1001.02, 1008.22 FS. History—New 1-2-95, Amended 12-19-95, 1-16-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jay Pfeiffer, Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09422	Florida Comprehensive Assessment Test Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to remove the passing score requirement on the grade 10 FCAT Writing+ to qualify for a standard high school diploma and to remove the current requirement for grade-level scale scores in order to comply with Senate Bill (SB) 1908. SB 1908 amended Section 1008.22, Florida Statutes, to require that the Commissioner discontinue administration of

multiple-choice test items on the comprehensive assessment of writing until a new comprehensive assessment of writing is administered in 2012-2013. The historical grade-level scale scores and the grade 10 passing standard will remain in rule for student results reported during the 2007 and 2008 FCAT Writing+ administrations which included multiple-choice items. Until a new comprehensive assessment of writing is administered in 2012-2013, the comprehensive assessment of writing will consist of a writing essay scored on a scale of 1 to 6. The score scale for the essay is being added to the rule for clarification purposes. There are no changes in practice; the FCAT writing holistic rubrics have always been on a scale of 1 to 6. The effect is the delay of the implementation of a high school graduation testing requirement in writing, as well as a delay in the use of multiple-choice test items on the statewide comprehensive assessment of writing. However, students will continue to be tested in writing in grades 4, 8, and 10.

SUMMARY: This rule is amended to remove the passing score requirement on the grade 10 FCAT Writing+ to qualify for a standard high school diploma and to remove the current requirement for grade-level scale scores.

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: 1001.02, 1008.22(3)(c)5., 1008.22(11) FS.

LAW IMPLEMENTED: 1001.02, 1001.11, 1008.22, 1008.25, 1008.33 FS.

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

DATE AND TIME: January 21, 2009, 8:30 a.m.

PLACE: Kenwood School, 9300 S.W. 79th Avenue, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Cornelia Orr, Director, Assessment and School Performance, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09422 Florida Comprehensive Assessment Test Requirements.

(1) through (3)(d) No change.

(e) The FCAT shall be administered to students in grades 3 through 9 not less than one time per year on a schedule approved by the Commissioner and up to three times per year for students who do not attain minimum performance expectations on the grade 10 FCAT as specified in subsections (7) ~~and (8)~~ of this rule.

(4) Examinee scores on FCAT reading and mathematics shall be reported on a score scale from 100 to 500 defined by the baseline test administered during January and February 1998, and a developmental scale of approximately 0 to 3000 that defines performance across grades 3 through 10. Examinee scores on FCAT Science shall be reported on a score scale from 100 to 500 defined by the baseline test administered during March 2003. Examinee scores on FCAT ~~writing~~ Writing+ shall be reported on a score scale from 1 to 6 defined by the FCAT writing holistic rubrics ~~100 to 500 defined by the baseline test administered during February 2006~~. Each examinee shall receive a total score for each subject area in addition to part scores that can be reliably reported.

(5) The total scores on FCAT Reading, Mathematics, ~~Writing+~~, and Science are also reported on an achievement-level scale. The total scores that correspond to each achievement level are shown in the following paragraphs.

(a) through (c) No change.

(d) ~~Beginning with the effective date of this rule, the~~ The achievement levels for the 2007 and 2008 FCAT Writing+ shall be as shown in the following table.

Writing+ grade-level scale scores (100 to 500) for each achievement level:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
4	100-239	240-289	290-364	365-426	427-500
8	100-249	250-298	299-355	356-415	416-500
10	100-249	250-299	300-341	342-402	403-500

The passing standard for the 2007 and 2008 Grade 10 FCAT Writing + shall be a score equal to or greater than 300 on the 100 to 500 scale. The achievement levels and passing standard specified in this subsection shall apply only to the 2007 and 2008 administrations of FCAT Writing +.

(6) Pursuant to Section 1008.22(3)(c)5., Florida Statutes, students who were enrolled in grade nine in the fall of 1999 and thereafter, shall be required to earn passing scores on the grade ten Florida Comprehensive Assessment Test in reading and mathematics. ~~Students who were enrolled in grade nine in the fall of 2006 and thereafter, shall be required to earn passing scores on the grade ten Florida Comprehensive Assessment Test in writing.~~

(7) No change.

~~(8) For students in the graduating class of 2009-10 school year and beyond, the passing score for the writing test shall be a score equal to or greater than 300 on the 100 to 500 scale.~~

~~(8)(9)~~ The Commissioner of Education shall review annually student performance levels and recommend to the State Board of Education whether to maintain the existing passing scores and achievement levels or to increase one or more of the requirements.

~~(9)(10)~~ The test shall be administered according to a schedule approved by the Commissioner.

~~(10)(11)~~ Students with disabilities may be provided test modifications or accommodations in accordance with the provisions of Rule 6A-1.0943, F.A.C.

~~(11)(12)~~ Invalidity of a section of this rule shall not invalidate the remainder of the rule.

Specific Authority 1001.02, 1008.22 FS. Law Implemented 1001.02, 1001.11, 1008.22, 1008.25, 1008.33 FS. History—New 1-24-99, Amended 10-7-01, 1-22-02, 12-23-03, 3-27-06, 3-1-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jay Pfeiffer, Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2008

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.01792
RULE TITLE: Specialization Requirements for the Prekindergarten Disabilities Endorsement – Academic Class

PURPOSE AND EFFECT: The purpose of the rule amendment is to add certification in elementary education grades K-6 as an appropriate base coverage for certification in the prekindergarten disabilities endorsement. The effect is more flexibility for certification for elementary teachers who want to serve the prekindergarten level of exceptional students.

SUMMARY: The rule is amended to add elementary education grades K-6 as an appropriate base certification for the additional certification in the prekindergarten disabilities endorsement for teaching exceptional students at the prekindergarten level.

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: 1001.02(2)(n), 1012.55(1), 1012.56(13) FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

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

DATE AND TIME: January 21, 2009, 8:30 a.m.

PLACE: Kenwood School, 9300 S.W. 79th Avenue, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief, Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.01792 Specialization Requirements for the Prekindergarten Disabilities Endorsement – Academic Class.

(1) A bachelor’s or higher degree with certification in any exceptional student education area, preschool education, primary education, prekindergarten/primary education, elementary education (K-6), or early childhood education, and

(2) No change.

Specific Authority 1001.02(2)(n), 1012.55(1), 1012.56(13), 229.053(6), 231.15(4), 231.17(6) FS. Law Implemented 1001.02, 1012.55, 1012.54, 1012.56 229.053, 231.145, 231.15, 231.17 FS. History—New 10-3-91, Amended 5-7-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-14.092
RULE TITLE: Textbook Affordability

PURPOSE AND EFFECT: The purpose of the rule is to implement Section 1004.085, Florida Statutes, relating to textbook affordability and to delineate the Department and institutions’ responsibilities as required by the legislation.

SUMMARY: This rule will delineate implementation requirements for institutions within the Florida College System as required by section 1004.085, Florida Statutes, which addresses the concern of textbook affordability in postsecondary education. The rule will also require the Department and institutions within the Florida College System to form a textbook affordability workgroup that will submit a report to the State Board of Education by December 1, 2009 with recommendations for providing textbooks to students otherwise unable to afford them.

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: 1004.085(3), (4) FS.

LAW IMPLEMENTED: 1004.085 FS.

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

DATE AND TIME: January 21, 2009, 8:30 a.m.

PLACE: Kenwood School, 9300 SW 79th Avenue, Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Alexander, Division of Community Colleges, (850)245-9523, or email Julie.alexander@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.092 Textbook Affordability.

Pursuant to Section 1004.085, Florida Statutes, institutions within the Florida College System shall:

(1) Adopt textbooks no later than forty-five (45) days prior to the first day of classes to allow sufficient lead time to bookstores to work with publishers so as to confirm availability of the requested materials and to ensure maximum availability of used books. Where courses are added after this forty-five (45) day deadline, textbooks for such courses shall be adopted as soon as is feasible to ensure sufficient lead time.

(2) Pursuant to Section 1004.085(3), Florida Statutes, for those classes added after the thirty (30) day notification deadline, institutions shall post textbook information on their websites immediately as such information becomes available.

(3) Collect and maintain, before textbook adoption is finalized, written or electronically transmitted certifications from course instructors attesting:

(a) that all textbooks and other instructional items ordered will be used, particularly each individual item sold as part of a bundled package, and

(b) the extent to which a new edition differs significantly and substantively from earlier versions, and the value of changing to a new edition.

(4) Provide assistance as requested by the statewide textbook affordability workgroup established by the Department of Education to recommend policies and strategies that address the availability of required textbooks to students otherwise unable to afford the cost. The workgroup shall consist of nine representatives from institutions within the Florida College System chosen based on variable student enrollment (small and large student populations), geographic location (north, central and south) and economic status of student body (high population receiving need-based financial

aid). A report shall be submitted by the workgroup to the State Board of Education by December 1, 2009, that identifies the policies.

Specific Authority 1004.085(3), (4) FS. Law Implemented 1004.085 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Willis Holcombe, Chancellor, Division of Community Colleges

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2009

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-4.003	Public Use Forms
12B-4.007	Recordation of Documents
12B-4.014	Conveyances Not Subject to Tax

PURPOSE AND EFFECT: Chapter 2008-24, Laws of Florida (L.O.F.), repealed the requirement to file a form with the clerk of the court when recording a document transferring an interest in real property previously provided in Section 201.022, Florida Statutes (F.S.). The purpose of these proposed rule changes is to: (1) remove the requirements for filing Form DR-219, Transfers of Interest in Real Property, rendered obsolete by this law, with the clerk of the court; (2) provide a new form to document the exemption provided under Section 201.02(6), F.S.; and (3) update the information on how to obtain a copy of a form from the Department.

SUMMARY: The proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), Rule 12B-4.007, F.A.C. (Recordation of Documents), and Rule 12B-4.014, F.A.C. (Conveyances Not Subject to Tax): (1) remove the requirements regarding the filing of Form DR-219 (Return for Transfers of Interest in Real Property) with the clerk of the court and the provisions regarding the collection allowance previously provided to the clerk of the court for receiving and processing the forms; (2) adopt new Form DR-229 (Documentary Stamp Tax – Subsection 201.02(6), Florida Statutes, Exemption), to be used to document the exemption for the transfer of real property from certain nonprofit organizations to the Board of Trustees of the Internal Improvement Trust Fund, to any state agency, to any water management district, or to any local government; and (3) update the information on how to obtain a copy of a 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: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.01, 201.02, 201.022, 201.031(1), 201.07, 201.08(1)(a), 201.12, 201.133 FS.

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

DATE AND TIME: January 15, 2009, 10:30 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: Tim Phillips, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE FULL TEXT OF THE PROPOSED RULES IS:

12B-4.003 Public Use Forms.

(1) The following public-use forms and instructions are employed by the Department of Revenue in its administration of the documentary stamp tax, and are hereby incorporated in this rule by reference. 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; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). 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-219	Return for Transfers of Interest in Real Property (R-07/98)	05/03

(3) through (4) renumbered (2) through (3) No change.

(4) DR-229	Documentary Stamp Tax – Subsection 201.02(6), Florida Statutes, Exemption (N. 09/08)	_____
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Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.01, 201.02(1), 201.022, 201.031(1), 201.07, 201.08(1)(a), 201.133 FS. History–Revised 8-18-73, Formerly 12A-4.03, Amended 9-26-77, 12-11-78, Formerly 12B-4.03, Amended 12-5-89, 2-16-93, 10-20-93, 12-30-97, 5-4-03, 6-28-05, 1-1-08,_____.

12B-4.007 Recordation of Documents.

The following information pertains to the recordation of documents requiring tax under Chapter 201, F.S.

(1) through (5) No change.

~~(6) Form DR 219: As a condition precedent to recording a deed or other instrument transferring an interest in Florida real property, the grantor or the grantee or his authorized agent shall complete and file with the Clerk of the Circuit Court in the county where the property is located a return, form DR 219. The return shall state the full consideration for the transfer as well as the parcel identification number. If the Return for Transfers of Interest in Florida Real Property (Form DR 219) required under Section 201.022, F.S., is not properly executed and filed by the taxpayer, the Clerk must execute and file the return with the Department. Chapter 201, F.S., allows authorized agents to take as a collection allowance one-half of one percent (0.5%) of the tax collected by them. Clerks of Circuit Court are allowed an additional compensation, for the cost of processing the DR 219 forms, of one percent (1%) of the tax paid for all deeds. The Clerk shall deduct this amount from the amount of the tax due and remitted by the Clerk in the manner permitted by the Department. No deduction or allowance of one percent (1%) for the processing of DR 219 forms shall be granted when there is a manifest failure to maintain proper records or make proper reports. These collection allowances shall be taken at the time the tax collected is remitted to the state. The original of the DR 219 return shall be forwarded by the Clerk of the Circuit Court to the Department of Revenue, with a copy forwarded to the County Property Appraiser in the county where the property is located. The return may not be computer-generated except by prior permission of the Department. The return shall be confidential as provided by Section 193.074, F.S.~~

Specific Authority 201.11(1), 213.06(1) FS. Law Implemented 201.01, 201.022, 201.12 FS. History–Revised 8-18-73, Formerly 12A-4.07, 12B-4.07, Amended 12-29-86, 12-5-89, 2-16-93, 12-30-97, _____.

12B-4.014 Conveyances Not Subject to Tax.

(1) through (13) No change.

(14) An assignment, transfer, or other disposition of ~~real~~ ~~conveying~~ property from a nonprofit organization, as defined in Section 201.02(6), F.S., to any state agency, water management district, or local government is exempt from tax ~~on the conveyance~~. The exempt status of the document must be indicated by affixing the statement that is provided in label format on Form DR-229 (Documentary Stamp Tax – Subsection 201.02(6), Florida Statutes, Exemption, incorporated by reference in Rule 12B-4.003, F.A.C.) ~~(Section 501(c)(3) IRC) and purpose of the organization must be indicated on the DR-219 form filed with the Clerk.~~

(15) No change.

Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.01, 201.02 FS. History–Revised 8-18-73, Formerly 12A-4.14, Amended 2-21-77, 12-26-77, 12-23-80, Formerly 12B-4.14, Amended 12-5-89, 6-4-90, 2-13-91, 2-16-93, 10-18-94, 12-30-97, 1-4-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Phillips, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

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: December 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on September 26, 2008 (Vol. 34, No. 39, p. 4980). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-5.150
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants.

SUMMARY: The proposed amendments to Rule 12B-5.150, F.A.C. (Public Use Forms): (1) adopt, by reference, changes to forms used by the Department in the administration of taxes imposed on fuels and pollutants; 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: 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.

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

DATE AND TIME: January 15, 2009, 10:30 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 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-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) Copies of these forms are available ~~may be obtained~~, 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; 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 a.m. to 7 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-138	Application for Fuel Tax Refund – Agriculture, Aquacultural, Commercial Fishing or Commercial Aviation Purposes (R. <u>01/09</u> 01/08)	<u>01/08</u>

- (3) through (8) No change.
- (9) DR-160 Application for Fuel Tax Refund – Mass Transit System Users (R. 01/09 01/08) _____ 01/08
- (10) DR-166 Florida Pollutant Tax Application (R. 01/09 01/05) _____ 04/07
- (11) DR-176 Application for Air Carrier Fuel Tax License (R. 01/09 01/05) _____ 04/07
- (12) No change.
- (13) DR-182 Florida Air Carrier Fuel Tax Return (R. 01/09 01/08) _____ 01/08
- (14) No change.
- (15) DR-189 Application for Fuel Tax Refund – Municipalities, Counties and School Districts (R. 01/09 01/08) _____ 01/08
- (16) DR-190 Application for Fuel Tax Refund – Non-Public Schools (R. 01/09 01/08) _____ 01/08
- (17) No change.
- (18) DR-248 ~~2009 2008~~ Alternative Fuel Use Permit Application, Renewal, and Decal Order Form (R. 01/09 01/08) _____ 01/08
- (19) DR-904 Pollutants Tax Return (R. 01/09 01/08) _____ 01/08
- (20) 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. 01/09 10/08) _____ 01/09
- (37) DR-309640 Application for Refund of Tax Paid on Undyed Diesel Consumed by Motor Coaches During Idle Time in Florida (R. 01/09 01/08) _____ 01/08
- (38) DR-309645 ~~2009 2008~~ Refundable Portion of Local Option and State Comprehensive Enhanced Transportation System (SCETS) Tax (R. 01/09 01/08) _____ 01/08
- (39) DR-309660 Application for Pollutant Tax Refund (R. 01/09 01/08) _____ 01/08

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: 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: December 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on September 26, 2008 (Vol. 34, No. 39, pp. 4980-4981). No comments were received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-8.016 RULE TITLE: Retaliatory Provisions

PURPOSE AND EFFECT: Under Florida’s insurance laws, property and casualty insurance companies pay Florida Insurance Guaranty Association assessments. A portion of these assessments is used to determine an insurer’s retaliatory tax obligation. Previously, the Florida Insurance Guaranty Association categorized its assessment into four separate “groups,” and the Department’s rule referenced these “groups” to help taxpayers calculate their tax liability. The Association no longer uses these “groups.” The purpose of the proposed amendments to Rule 12B-8.016, F.A.C. (Retaliatory Provisions), is to update the computation of the portion of the Florida Insurance Guaranty Association Assessment that should be included on the Florida side of the retaliatory tax computation.

SUMMARY: The proposed amendments to Rule 12B-8.016, F.A.C. (Retaliatory Provisions), update provisions regarding the Florida Insurance Guaranty Association Assessment that is to be included in the retaliatory tax computation.

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: 213.05, 624.509, 624.5091, 624.5092 FS.

Pursuant to the provisions of 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: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.016 Retaliatory Provisions.

(1) through (2) No change.

(3) Credits Against the Tax.

(a)1. through 4. No change.

5. That portion of the Florida Insurance Guarantee Association (~~FIGA~~) assessment that was imposed upon the insurer's property insurance policies, as such insurance is defined in Section 624.604, F.S. Likewise, if the state of domicile would impose a comparable assessment on a similar Florida insurer the foreign or alien insurer must include that portion of the state of domicile's assessment that would relate to the similar foreign insurer's Florida property insurance premiums.

a. For purposes of calculating a foreign or alien insurer's includable portion of its Florida Insurance Guarantee Association FIGA assessment, such insurer should take the amount of premiums which can be classified as property insurance under Section 624.604, F.S., that are subject to the assessment for FIGA GROUP III and GROUP IV assessments and divide them by the total premiums subject to the assessment reported for GROUP III and GROUP IV, respectively. The resulting percentage for GROUP III property insurance premiums would then be multiplied by the insurer's Florida Insurance Guarantee Association total GROUP III assessment to determine the portion of the allowable FIGA assessment that which may be added back for retaliatory tax purposes. The portion of the GROUP IV FIGA assessment to be added back would be determined in the same manner as GROUP III. The total includable FIGA assessment for retaliatory tax purposes would be the sum of the includable GROUP III and GROUP IV FIGA assessments. This process is completed for each Florida Insurance Guarantee Association assessment.

b. The Florida Insurance Guarantee Association FIGA GROUP III and GROUP IV assessments to be used in the calculations, as well as the state of domicile's incorporation's comparable assessment retaliatory tax add backs, if any, are those assessments due and payable during the taxable year.

(b) through (c) No change.

(4) through (5) No change.

Specific Authority 213.06(1) FS. Law Implemented 213.05, 624.509, 624.5091, 624.5092 FS. History-New 3-25-90, Amended 4-10-91, 12-9-97, 3-23-98, 10-15-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

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: December 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on September 26, 2008 (Vol. 34, No. 39, p. 4981). No comments were received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-1.013	Adjusted Federal Income Defined
12C-1.068	Intangible Tax Credit; Additional Tax Due

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.013, F.A.C. (Adjusted Federal Income Defined), is to remove provisions that were held invalid by the First District Court of Appeal in Golden West Financial Corp. et al. v. Fla. Dept. of Revenue, 975 So. 2d 567 (1st Fla. DCA Feb. 19, 2008). Pursuant to this decision, corporations are permitted to share Florida net operating loss carryovers on a consolidated return.

Section 220.68, F.S., previously allowed financial organizations to take a credit for the amount of intangible tax paid against the amount of the franchise tax due. Section 8, Chapter 98-132, L.O.F., provides that the tax credit is no longer available for tax years beginning after December 31, 1999. The repeal of Rule 12C-1.068, F.A.C. (Intangible Tax Credit; Additional Tax Due), will remove the rule provisions regarding this tax credit.

SUMMARY: The proposed amendments to Rule 12C-1.013, F.A.C. (Adjusted Federal Income Defined), remove paragraphs (14)(j) and (k). Under these paragraphs, corporations that incurred losses when filing on a separate Florida return basis were prohibited from sharing those losses with members of their affiliated group when electing to file on a Florida consolidated basis.

The proposed repeal of Rule 12C-1.068, F.A.C. (Intangible Tax Credit; Additional Tax Due), removes the provisions regarding the tax credit previously authorized under Section 220.68, F.S., for tax years beginning on or before December 31, 1999.

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: 220.02(3), 220.03(5), 220.13, 220.131(1), 220.43(1), (3), 220.68 FS, s. 127, Chapter 91-112, s. 8, Chapter 98-132, L.O.F.

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

DATE AND TIME: January 15, 2009, 10:30 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: Gary Moreland, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4831

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-1.013 Adjusted Federal Income Defined.

(1) through (13) No change.

(14) Net Operating Losses.

(a) through (i) No change.

(j) ~~Under Treas. Reg. 1.1502-1(f)(2)(ii), the term "separate return limitation year" (SRLY) does not include a separate return year of any corporation which was a member of the affiliated group for each day of such year. The exception in Treas. Reg. 1.1502-1(f)(2)(ii), to the term "separate return limitation year" contemplates an affiliated group which~~

~~remains in existence, and is, therefore, eligible to file a consolidated return for each year. If the affiliated group does not elect to file a consolidated return, each corporation must file a separate federal return. The Florida Corporate Income Tax Code generally embraces concepts of law which have been developed in connection with the income tax law of the United States. Section 220.43(1), F.S., provides that to the extent not inconsistent with the provisions of the Florida Income Tax Code or forms or regulations developed by the Department, a taxpayer will, for Florida tax purposes, take into account the items of income, deduction, and exclusion in the same manner as they are reflected for federal purposes. The requirements to file a Florida consolidated return, as well as the benefits and costs associated with filing a Florida consolidated return, are not the same as the requirements, benefits, and costs of filing a federal consolidated return. Florida allows federal net operating loss carryovers as a subtraction pursuant to Section 220.13(1)(b)1., F.S. However, the underlying federal concepts must be applied in a manner consistent with Florida law. Where members of a federal affiliated group have not elected, or are not eligible to elect, under the provisions of Section 220.131, F.S., to file a Florida consolidated return, SRLY concepts will be applied. SRLY concepts are applicable when a NOL carryover exists from a prior taxable year for which a Florida consolidated return was not filed and Florida corporate income tax returns were not filed for all members. The NOL carryover deduction from a subsidiary included in a consolidated NOL deduction is limited to that subsidiary's taxable income included in the consolidated taxable income for that year. Where all members of the federal affiliated group filed Florida corporate income tax returns for all years from which a NOL carryover is available, SRLY concepts will not be imposed.~~

~~(k) An example illustrating how SRLY NOL carryovers are utilized in consolidated tax returns when the members of the consolidated group apportion their income within and without Florida is as follows: Example: In 1992, A, a foreign (non Florida) corporation, which is the parent of corporation B, began doing business in Florida. Previously, A was not considered to be doing business in Florida, and therefore, the affiliated group of A and B was not eligible to file consolidated returns. B, a Florida corporation, incorporated in 1986, had filed separate Florida corporate income tax returns. The total Florida portion of B's federal net operating losses from 1986 through 1991 is \$90,000. In the 1992 computation of consolidated taxable income, no intercompany adjustments were necessary.~~

	A	B	Consolidated
Adjusted federal taxable income before NOLD	\$150,000	\$10,000	\$160,000
Times Florida apportionment factor (1992)	$\times .5$	$\times .5$	$\times .5$
Income apportioned to Florida before NOLD	\$75,000	\$5,000	\$80,000

The net operating loss deduction for Florida in 1992 is limited to B's Florida income. That is, B's adjusted federal taxable income before NOLD times the current year's apportionment factor. Therefore, the net operating loss deduction for 1992 for the A-B consolidated return is \$5,000. The balance of B's net operating loss carryover (\$90,000 - \$5,000) is carried over to subsequent years to be utilized in a similar manner.

- (l) through (o) renumbered (j) through (m) No change.
- (15) through (20) No change.

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.02(3), 220.03(5), 220.13, 220.131(1), 220.43(1), (3) FS. History—New 10-20-72, Amended 1-19-73, 10-20-73, 10-8-74, 4-21-75, 5-10-78, 11-13-78, 12-18-83, Formerly 12C-1.13, Amended 12-21-88, 12-7-92, 5-17-94, 10-19-94, 3-18-96, 10-2-01, _____.

12C-1.068 Intangible Tax Credit; Additional Tax Due.

~~(1) For tax years ending prior to July 1, 1990, the credit banks and savings associations could take against the franchise tax was the lesser of:~~

~~(a) The intangible tax imposed upon, and paid by, any bank or savings association which is subject to Section 199.032, F.S.; or~~

~~(b) 40 percent of the sum of the emergency excise tax due under Chapter 221, F.S., and the franchise tax due, before this credit, under Chapter 220, F.S.~~

~~(2) S. 127, Chapter 91-112, L.O.F., provides that it was the intent of the Florida Legislature that the change in the credit only apply to taxable years beginning after December 31, 1990. Therefore, an additional tax to banks and savings associations was created by Section 127, Chapter 91-112, L.O.F. The additional tax will be equal to any increased credit a bank or savings association received because of the amendment to Section 220.68, F.S. The additional tax will apply to taxable years beginning on or after July 1, 1990, but not later than June 30, 1991. In addition to this tax, banks and savings associations will pay an amount equal to 12 percent of the additional tax.~~

~~(3) Banks and savings associations that elected for taxable years beginning on or after July 1, 1989, but not later than June 30, 1990, not to take the increased credit, will not be subject to the additional tax. However, they must complete Schedule B, Form F-1120, for the taxable year beginning on or after July 1, 1990, but not later than June 30, 1991.~~

~~(4) The credit provided by Section 220.68, F.S., is only allowable to the extent of the franchise tax. Any excess credit above the amount of franchise tax may not be used against the emergency excise tax.~~

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.68 FS., s. 127, Chapter 91-112, s. 8, Chapter 98-132, L.O.F. History—New 12-21-88, Amended 4-8-92, 5-17-94, 3-18-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Moreland, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4831

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: December 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development for proposed Rule 12C-1.013, F.A.C. (Adjusted Federal Income Defined), was published in the Florida Administrative Weekly on September 26, 2008 (Vol. 34, No. 39, pp. 4981-4982). No comments were received by the Department. No Notice of Proposed Rule Development is required to be published in the Florida Administrative Weekly when repealing a rule section.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.:	RULE TITLES:
12C-3.0015	Documents, Extensions, and Due Dates for Filing
12C-3.007	Interest on Overpayment of Taxes
12C-3.008	Public Use Forms
12C-3.009	Penalties and Interest
12C-3.010	Final Certificate and Nontaxable Certificate Mailing Procedure
12C-3.013	Protest Procedures

PURPOSE AND EFFECT: Florida's estate tax is based on the federal credit for state death taxes. Effective January 1, 2005, the effective rate for the federal credit was reduced to zero, and a deduction was enacted. Since, the effective rate for the federal credit is now zero, the Florida estate tax is zero. This federal provision is scheduled to sunset on December 31, 2010. In the event that no further action is taken by the United States Congress and President regarding the federal credit, the Florida estate tax will be applicable for the estate of a decedent whose date of death is after December 31, 2010.

Florida continues to impose an automatic lien on a decedent's Florida real property. To remove the lien, the estate must file certain forms regarding Florida estate tax with the clerk of the court. These proposed changes are necessary to update the Florida estate tax rules and forms while simplifying and easing the filing burden on estates.

SUMMARY: The proposed amendments to Rule 12C-3.0015, F.A.C. (Documents, Extensions, and Due Dates for Filing): (1) remove the requirement to file Form DR-301, Preliminary Notice and Report, which lists the assets of the estate; (2)

update the provisions regarding when an estate is required to file a Florida estate tax return and what documentation must be filed with that return; and (3) provide what documents will be issued by the Department to remove the automatic Florida estate tax lien on the decedent's real property when a Florida estate tax return is required, including when a federal return is required and when no federal return is required.

The proposed repeal of Rule 12C-3.007, F.A.C. (Interest on Overpayments of Taxes) removes the obsolete provision that no interest will be paid on refunded estate tax or interest. Section 213.255, F.S., and Rule 12-3.0015, F.A.C., provide for the payment of interest on overpayments of taxes administered by the Department.

The proposed amendments to Rule 12C-3.008, F.A.C. (Public Use Forms): (1) update information on how to obtain forms from the Department; (2) remove Form DR-301, Preliminary Notice and Report, which is no longer used by the Department; (3) adopt, by reference, changes to Form DR-308, Request and Certificate for Waiver and Release of Florida Estate Tax Lien, to include the social security number of the decedent as an identifying number to administer the removal of Florida's automatic lien on the decedent's real property and to remove the social security number from the portion of the form that is filed with the clerk of the circuit court; (4) adopt, by reference, new Form DR-313, Affidavit of No Florida Estate Tax Due When Federal Return is Required; and (5) adopt, by reference, updates to Form F-706, Florida Estate Tax Return for Residents, Nonresidents, and Nonresident Aliens.

The proposed repeal of Rule 12C-3.009, F.A.C. (Penalties and Interest), removes obsolete or unnecessary provisions regarding the imposition of penalties and interest imposed on a deficiency in filing a Florida estate tax return or paying the amount of estate tax due with a return that are provided in Sections 198.15, 198.18, and 198.37-198.40, F.S.

The proposed amendments to Rule 12C-3.010, F.A.C. (Final Certificate and Nontaxable Certificate Mailing Procedure), provide that the Department will no longer issue a Final Certificate or Nontaxable Certificate to the personal representative of an estate for a decedent who died after December 31, 2004, and before January 1, 2011, and state which affidavits may be filed by the personal representative to evidence that no Florida estate tax liability is due for decedents who died during that period.

The proposed repeal of Rule 12C-3.013, F.A.C. (Protest Procedures), removes the unnecessary referral to Rule 12-6.0033, F.A.C., to protest any billing issued to an estate by 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: 72.011, 198.08, 198.32(2), 213.06(1), 213.21 FS.

LAW IMPLEMENTED: 72.011, 92.525(1)(b), 198.02, 198.03, 198.04, 198.05, 198.08, 198.12, 198.13, 198.14, 198.15, 198.16, 198.18, 198.19, 198.22, 198.26, 198.29, 198.32, 198.33(1), 198.37, 198.38, 198.39, 198.40, 213.21, 213.235, 213.37, 837.06 FS.

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

DATE AND TIME: January 15, 2009, 10:30 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: 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:

12C-3.0015 Documents, Extensions, and Due Dates for Filing.

~~(1) Preliminary Notice and Report. For estates of decedents dying before January 1, 2000, within 2 months after the decedent's death or within a like period after qualifying as such, the personal representative shall submit to the Department of Revenue Form DR 301, Preliminary Notice and Report, to determine whether or not the estate is subject to tax.~~

(1)(2) Decedents who died prior to January 1, 2005, or after December 31, 2010 Estate Not Subject to Tax.

(a)1. When the decedent died prior to January 1, 2005, or after December 31, 2010, and the personal representative of an estate is required to file a federal estate tax form (Form 706 or 706-NA), the personal representative of every Florida resident, nonresident, or alien decedent whose estate includes Florida real property is required to file with the Department within nine months from the date of decedent's death. For decedents dying prior to January 1, 2000:

If the estate is not required to file the federal estate tax Form 706, upon receipt of the Form DR-301 and a \$5 fee, a nontaxable certificate will be issued to the estate's representative. This nontaxable certificate (Form DR-302) may be recorded in the county where the decedent owned property.

a. A Florida estate tax return (Form F-706, incorporated by reference in Rule 12C-3.008, F.A.C.);

b. A copy of the executed federal estate tax return; and

c. Any payment of the Florida estate tax due.

2. When the estate owes Florida estate tax, upon receipt of a copy of the closing letter issued by the Internal Revenue Service and the payment of any Florida estate tax, penalty, or interest due, the Department will issue a Final Certificate for Estate Tax (Form DR-304). This certificate has the same effect as a receipt.

3. If the Internal Revenue Service determines that the estate owes no federal estate tax, a nontaxable certificate may be requested from the Department when filing Form F-706. Upon receipt of a copy of the closing letter issued by the Internal Revenue Service, the Department will issue a Nontaxable Certificate and Receipt for Estate Tax (Form DR-302).

(b) To remove any Florida estate tax lien on the decedent's Florida real property, certificates issued by the Department (Forms DR-302 and DR-304) must be filed with the clerk of the circuit court in every county where the decedent owned real property. For decedents dying on or after January 1, 2000:

The Department will no longer issue a Nontaxable Certificate and Receipt for Estate Tax (Form DR-302) in this instance. For decedents dying on or after January 1, 2000, if the estate is not required to file federal estate tax Form 706 or Florida estate tax Form F-706, the personal representative may file an Affidavit of No Florida Estate Tax Due (Form DR-312) with the Clerk of Court in each county where the decedent owned property. The affidavit will attest that no federal estate tax return (Form 706) is required to be filed for the estate and no Florida estate tax is due pursuant to Chapter 198, F.S. The certificate (Form DR-302) or affidavit (Form DR-312), when recorded in the county where the decedent's property is located, will remove the Department's lien. The certificate or affidavit is admissible as evidence to show nonliability for tax.

(2)(3) Decedents who died on or after January 1, 2005, and prior to January 1, 2011 Estate Possibly Subject to Tax.

(a) No Florida estate tax return is required to be filed when the decedent died on or after January 1, 2005, and prior to January 1, 2011. For decedents dying prior to January 1, 2000; In addition to the form DR-301, the personal representative (as defined in Section 198.01(2), F.S.) of every estate of a Florida resident, nonresident, or alien decedent whose estate includes Florida property and is required to file under the federal Internal Revenue Code shall file a copy of the executed federal estate tax return (federal form 706 or federal form 706-NA), together with any payment of the Florida estate tax due within

nine months from the date of death. If the Department of Revenue determines that the estate owes no tax to Florida, upon payment of a \$5 fee and receipt of a copy of the federal closing letter, the Department will issue to the personal representative a Nontaxable Certificate and Receipt for Estate Tax (form DR-302). This certificate has the same effect as a receipt. It may be recorded in the county or counties in which the decedent owned property. The certificate is admissible as evidence that the estate owes no Florida estate tax.

(b) When the personal representative is not required to file a federal estate tax form (Form 706 or 706-NA), an Affidavit of No Florida Estate Tax Due (Form DR-312, incorporated by reference in Rule 12C-3.008, F.A.C.) must be filed with the clerk of the circuit court in every county where the decedent owned real property to remove any Florida estate tax lien on the decedent's real property. This affidavit is admissible as evidence that no Florida estate tax is due by the estate. For decedents dying on or after January 1, 2000;

The personal representative of an estate owning Florida property must file the Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens (Form F-706), and a copy of the executed federal estate tax return (Form 706 or Form 706-NA), together with any payment of Florida estate tax estimated to be due. Upon receipt of a copy of the federal closing letter and payment of any Florida estate tax due, the Department will issue a Final Certificate for Estate Tax (Form DR-304). This certificate may be recorded as evidence that no additional Florida Estate Tax is due. If no tax is due, upon payment of a \$5 fee and receipt of a copy of the federal closing letter, the Department will issue a Nontaxable Certificate and Receipt for Estate Tax (Form DR-302).

(c) When the personal representative is required to file a federal estate tax form (Form 706 or 706-NA) and owes no Florida estate tax, an Affidavit of No Florida Estate Tax Due When Federal Return is Required (Form DR-313, incorporated by reference in Rule 12C-3.008, F.A.C.) must be filed with the clerk of the circuit court to remove any Florida estate tax lien on the decedent's real property. This affidavit is admissible as evidence that no Florida estate tax is due by the estate.

(4) Domicile Statement – If the estate is filing as a nonresident or nonresident alien, the personal representative must file a the Domicile Statement (Form DR-310, incorporated by reference in Rule 12C-3.008, F.A.C.), with the copies of the executed Florida Form F-706 and executed federal Form 706.

(5) through (6) No change.

Specific Authority 198.08, 198.32(2), 213.06(1) FS. Law Implemented 198.02, 198.03, 198.04, 198.05, 198.13, 198.14, 198.15, 198.32 FS. History–New 12-13-94, Amended 1-22-01,_____.

12C-3.007 Interest on Overpayment of Taxes.
No interest shall be paid on refunded taxes or interest.

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.29 FS., Decision of Supreme Court of Florida in case of Mailman v. Green, 111 So. 2d 267. History—New 2-19-72, Formerly 12C-3.07, Repealed _____.

12C-3.008 Public Use Forms.

(1)(a) The following public-use forms and instructions are employed by the Department in its administration of the Florida estate tax ~~dealings with the public~~ and are hereby adopted by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading these forms from the Department's Internet site at 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 a.m. to 7 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-301	Preliminary Notice and Report (R. 08/06)	10/06
(2)(3) DR-308	Request and Certificate for Waiver and Release of Florida Estate Tax Lien (R. 12/07 08/06)	_____ 10/06
(3)(4) DR-310	Domicile Statement (R. 12/07 08/06)	_____ 10/06
(4)(5) No change.		
(5) DR-313	<u>Affidavit of No Florida Estate Tax Due When Federal Return is Required N. 12/07</u>	_____
(6) F-706	Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens (R. _____ 08/06)	_____ 10/06

Specific Authority 198.08, 198.32(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 198.08, 198.13, 198.22, 198.26, 198.32(2), 198.33(1), 198.38, 198.39, 213.37, 837.06 FS. History—New 9-26-77, Formerly 12C-3.08, Amended 1-11-93, 8-25-94, 1-22-01, 5-4-03, 10-30-06, 11-6-07, _____.

12C-3.009 Penalties and Interest.

(1) Civil Penalties:

~~(a) Late Payment. In addition to any other penalties, for any estate tax due on or after July 1, 1991 that is not paid by the due date or by the due date of any extension granted by the Department, specific penalties shall be added to the tax:~~

~~Effective:~~

~~July 1, 1991: 5 percent of the unpaid tax if paid by the 30th day after the due date.~~

~~After 30 days: 10 percent of the unpaid tax.~~

~~Effective:~~

~~January 1, 1993: 10 percent of the unpaid tax if paid by the 30th day after the due date.~~

~~After 30 days: 20 percent of the unpaid tax.~~

~~(b) Failure to Pay Tax. In addition to any other penalties, if any part of a deficiency in Florida estate tax due is due to negligence or intentional disregard of the provisions of Chapter 198, F.S., and these rules, but without fraud, the specific penalty for non-payment of estate tax is:~~

~~Effective:~~

~~July 1, 1991: 5 percent per month of the unpaid tax up to a maximum of 25 percent of the unpaid tax.~~

~~Effective:~~

~~January 1, 1993: 10 percent per month of the unpaid tax up to a maximum of 50 percent of the unpaid tax.~~

~~(c) If the deficiency is due to fraud, an additional penalty shall be added to the tax owed:~~

~~Effective:~~

~~July 1, 1991: 50 percent of the unpaid tax.~~

~~Effective:~~

~~January 1, 1993: 100 percent of the unpaid tax.~~

~~(2) Criminal Penalties:~~

~~(a) Failure to Make Return. Any person who willfully fails to pay the tax, make the return, keep records necessary for preparing the return and computing the tax, or supply information required by law or regulations, is guilty of a first degree misdemeanor.~~

~~(b) False Return. Any person who willfully aids or assists in, or procures, counsels or advises the preparation or presentation of a false or fraudulent return, affidavit, claim, or document is guilty of a third degree felony.~~

~~(c) False Statement in Return. Any person who knowingly makes any false statement in any notice or return required to be filed under Chapter 198, F.S., is guilty of a first degree misdemeanor.~~

~~(d) Failure to Pay Tax, Evasion of Tax. Any person who is required to but fails to collect, account for, and pay over any estate tax imposed is guilty of a third degree felony. Any person who willfully attempts in any manner to evade or defeat this estate tax or the payment of this estate tax is guilty of a third degree felony.~~

~~(3) Interest:~~

~~(a) Interest shall be calculated at the following rate:~~

~~1. One percent per month (prorated daily using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

~~2. For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily).~~

~~(b) Interest accrues on the amount due from the original due date of the estate tax to the date the tax is paid. Interest is not imposed on penalties.~~

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.15, 198.16, 198.18, 198.37, 198.38, 198.39, 198.40, 213.235 FS. History—New 4-2-78, Formerly 12C-3.09, Amended 1-11-93, 8-25-94, 4-2-00, Repealed.

12C-3.010 Final Certificate and Nontaxable Certificate Mailing Procedure.

(1) When the decedent died prior to January 1, 2005, or after December 31, 2010, Section 198.19, F.S., requires that a Final Certificate (DR-304) be issued to the personal representative. However, if an attorney is representing the estate and files the estate tax return, the Final Certificate will be mailed to the attorney, and a copy of the Final Certificate transmittal letter will be sent to the personal representative. Otherwise, the Final Certificate will be mailed to the personal representative. If it is determined that no estate taxes are due to the State of Florida, the Department (upon receipt of a \$5.00 fee for each certificate requested) will issue a Nontaxable Certificate to ~~either~~ the personal representative, administrator, curator, heirs, devisees, or legatees of the decedent.

(2) For decedents who died on or after January 1, 2005, and prior to January 1, 2011, the Department will not issue a Final Certificate or Nontaxable Certificate to the personal representative of the estate, as defined in Section 198.01(2), F.S. The personal representative may file an Affidavit of No Florida Estate Tax Due (Form DR-312) or an Affidavit of No Florida Estate Tax Due When Federal Return is Required (Form DR-313), as provided in Rule 12C-3.0015, F.A.C., to evidence that no Florida estate tax liability is due.

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.12, 198.19 FS. History—New 6-7-78, Formerly 12C-3.10, Amended 1-11-93, 8-25-94, 12-13-94, _____.

12C-3.013 Protest Procedures.

~~The personal representative of an estate shall use the procedures contained in Rule 12-6.0033, F.A.C., to protest any billing issued to the estate by the Department.~~

Specific Authority 72.011, 198.08, 213.06(1), 213.21 FS. Law Implemented 72.011, 198.08, 213.21 FS. History—New 8-25-94, Amended 1-22-01, Repealed.

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 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: December 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on September 26, 2008 (Vol. 34, No. 39, pp. 4982-4983). No comments were received by the Department.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-43.001
 RULE TITLE: Regulation of Overhanging Encroachments

PURPOSE AND EFFECT: Rule 14-43.001, F.A.C., is amended and a revised application form is being incorporated by reference.

SUMMARY: Rule 14-43.001, F.A.C., is being amended, including incorporating a revised application form.

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: 334.044(2), 337.407 FS.

LAW IMPLEMENTED: 337.406, 337.407, 479.01, 479.16, 768.28 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 14-43.001 Regulation of Overhanging Encroachments.
- (1) Definitions.

(a) "Applicant" means any person or entity, including a local governmental entity, seeking permission for an overhanging encroachment.

(b) "Banner" means a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:

1. "Pole Banner," ~~means a banner~~ which is located adjacent to the travel lanes of the roadway and is attached to a single existing permanent support.

2. "Street Banner," ~~means a banner~~ which extends over the travel lanes of the roadway and is attached to two or more existing permanent supports.

(c) "Canopy" means a permanent or semi-permanent, on-premise roof-like ~~encroachment or~~ projection partially extending over the right of way.

(d) "Department" means the State of Florida Department of Transportation.

(e) "Local Governmental Entity" ~~means has the same meaning~~ as provided in Section 334.03(14) ~~41.45(1)(d)~~, F.S.

(f) "Overhanging Encroachment" ~~means for purposes of this rule includes~~ a sign, canopy, or banner, as these terms are herein defined, which is placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities.

(g) "Sign" ~~means has the same meaning~~ as provided in Section 479.01(17), F.S.

(2) Overhanging encroachments are prohibited on limited access facilities, including the Interstate System, ~~Overhanging encroachments and~~ are subject to the following conditions on non limited access facilities:

(a) No new supports may be located within state right of way.

(b) ~~Any overhanging encroachment M~~ must be allowed by the ~~affected~~ local governmental entity within whose jurisdictional boundaries the banners are to be placed.

(c) Must be adjusted or removed at the owner's expense if the ~~Any~~ overhanging encroachment ~~which~~ interferes with Department construction ~~must be adjusted or removed at the owner's expense~~.

(d) ~~Overhanging encroachments M~~ may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate ~~their~~ vehicles.

(e) ~~Overhanging encroachments M~~ must comply with the setback or clearance requirements set forth in paragraphs (2)(h) (3) and (2)(i) (4) below. ~~The Department will notify the owner that the~~ Overhanging encroachment must be adjusted within 36 hours of notification to meet setback or clearance requirements, and, upon failure of the owner to make such adjustment, it will shall be removed by the Department. If the overhanging encroachment presents a safety hazard, the Department will shall remove it and notify the owner of the removal.

(f) ~~No overhanging encroachment M~~ may ~~not~~ be erected or maintained in a manner which ~~would~~ interfere with the Department's maintenance, operation, or other use of a transportation facility.

(g) Upon removal ~~When an overhanging encroachment must be removed~~ by the Department, the owner may reclaim it within 30 calendar days from the date of removal, upon payment of any costs incurred by the Department in removing the overhanging encroachment.

~~(h)(3) Signs and Canopies. Signs and canopies are prohibited along and over limited access facilities, including the Interstate System. Signs and canopies which meet the criteria of Section 479.16(1), F.S., may only be placed along and over any other roads within corporate limits of a municipality, or outside municipalities where curb and gutter construction exists in compliance with the following conditions:~~

~~1.(a)~~ Where curb and gutter construction exists, the entire structure, including attachments and supports, must clear the sidewalk vertically by at least nine feet; the outside edge of the structure must be at least two feet behind a vertical line extending upward from the face of the curb; and the entire structure must comply with the Department's clear zone requirements set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000, Revised 1/01), incorporated herein by reference. Copies of these tables are available from the Department's Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

~~2.(b)~~ Within municipalities where there is ~~not no~~ curb and gutter construction, the entire structure, including attachments and supports, may not extend more than six feet over the right of way; may not extend closer than 12 feet from the edge of the driving lane; must have a vertical clearance of at least 10 feet; and the entire structure must comply with the Department's clear zone requirements as set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000, Revised 1/01), incorporated herein by reference, referenced in (a) above. Copies of these tables are available from the Department's Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

~~3.(c)~~ The design of ~~said~~ canopies or signs, as to bracing and attachments to buildings, shall be approved for safety features by the appropriate official of the local governmental entity within whose jurisdictional boundaries the banners are placed affected.

~~4.(d)~~ No canopy or sign shall be erected away from the site of the business which it promotes.

~~5.(e)~~ Lighting of signs and canopies shall conform to the requirements of Section 479.11(5), F.S.

~~(i)(4) Banners.~~ Banners may be placed along and over any non limited access state roads which are within municipalities, or which are of curb and gutter construction outside municipalities subject to the following conditions:

~~1.(a) There must be w~~Written authorization for the placement of banners from the local governmental entity within whose jurisdictional boundaries the banners are to be placed ~~must be provided.~~

~~2.(b) Banners may will be displayed allowed~~ for a period not to exceed 30 consecutive calendar days ~~and may. Banners will not be allowed to be displayed~~ within 180 days of the last day of its most recent display period.

3. Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional load placed on the structures by the banner and attachments, and will not exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when specifications are the same.

4. Banners may not be placed within 500 feet of a limited access interchange.

5. Banners are not permitted where a Department construction project is planned or ongoing during the requested display period.

~~6.(c) Street banners may be displayed are allowed~~ for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month, for 12 months.

7. Street banners must be:

a. Placed a minimum of 1,000 feet apart on the right of way of non limited access roadways; and

b. At its lowest point vertically clear the pavement by at least 18 feet.

~~8.(d) Pole banners must be:~~

~~a. Placed a minimum of 1,000 feet apart on the same side of the travel lane on non limited access facilities outside the corporate limits of a municipality;:-~~

~~b.1. At its The lowest point of the banner must be at least 14 2 feet above the pavement elevation;~~

~~c.2. A pole banner must be A~~attached to a light standard or other such device which is permanently located in the right of way.

9. Pole bBanners may not be attached to any utility pole.

~~(e) Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, eertifying that the specific light standards or devices used to support the banners will handle the additional load placed on~~

~~the structures by the banner and attachments, and will not exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when all specifications are the same.~~

~~(f) Banners may not be placed within 500 feet of a limited access interchange.~~

~~(g) Street banners may only be placed on the right of way of non limited access roadways and must vertically clear the pavement by at least 18 feet. Street banners must be a minimum of 1,000 feet apart.~~

10.(5) Any object or device other than a banner, whether characterized as an ornament, decoration, display, or by other descriptive term, which is to be attached to a single existing permanent support must meet the requirements of this rule for pole banners.

~~(3)(6) Applications for a sign or canopy an overhanging eneroachment~~ must be made in writing to the appropriate District Maintenance Office ~~and shall include:-~~

~~(a) Applications for overhanging signs and canopies shall include:~~

~~(a)1. The name and address of the applicant.~~

~~(b)2. A drawing of the sign or canopy, drawn to scale, including any message, logo, or emblem.~~

~~(c)3. A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.~~

~~(d)4. Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).~~

~~(e)5. Proof of compliance with resolutions of the any applicable local governmental entity within whose jurisdictional boundaries the banners are to be placed regulations.~~

~~(4)(b) Applications for banners shall be made no later than 30 days and no earlier than 365 days prior to the requested installation date. The application shall be on Application to Place Banners on Non Limited Access Right of Way, DOT Form 575-070-18, Rev. 08/08 03/05, incorporated herein by reference. Copies of DOT Form 575-070-18 are available from the State Maintenance Engineer or any District Maintenance Engineer. The application shall include:~~

~~1. The name, address, and telephone number of the applicant. Additionally, the name of the contact person must be supplied.~~

~~2. A drawing of the banner(s), drawn to scale, including any message, logo, or emblem.~~

~~3. A sketch of the specific location of the banner(s), including height, location of supports, proximity to utility poles, and the identification of the state highway where the banner(s) will be located.~~

~~4. Sketches, photographs, or specific descriptions of the method to be used to affix the banner(s) to the support structure(s):~~

~~5. The beginning and ending dates of the display period requested:~~

~~6. Proof of compliance with the requirements of subsection (4)(e) and any local governmental regulations:~~

~~7. Written authorization from the local governmental entity granting permission to the applicant for the installation of the banners. No banner shall be allowed when the local governmental entity has an ordinance prohibiting its installation:~~

~~8. When the roadway requested for banner installation is under the ownership of an Expressway Authority, written authorization from the affected Expressway Authority granting permission to the applicant for the installation of the banners must be provided:~~

~~9. A load rating analysis by a registered professional engineer. See (4)(c), above:~~

~~(e) Banners will not be allowed where a Department construction project is planned or ongoing during the requested display period:~~

~~(d) The applicant shall agree as follows:~~

~~1. To the extent provided by law, the applicant shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by an applicant, its agents, or employees arising from activities associated herewith:~~

~~2. When the Department receives a notice of claim for damages that may have been caused by the applicant in the performance of activities hereunder, the Department will immediately forward the claim to applicant. The applicant and the Department will evaluate the claim and report their findings to each other within 14 working days and will jointly discuss options in defending the claim. After reviewing the claim, the Department will determine whether to require the participation of the applicant in the defense of the claim or to require that the applicants defend the Department in such claim as described in this section. The Department's failure to promptly notify the applicant of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by the applicant. The applicant shall bear all expenses of the Department in defense of the claim:~~

~~(e) If the application is denied, the Department shall provide a Notice of Administrative Hearing Rights to the applicant:~~

~~(7) Failure to comply with the provisions of this rule shall result in the issuance of a Notice of Intent to Deny the Application or a Notice of Noncompliance, which shall include a Notice of Administrative Hearing Rights:~~

~~(8) Provision of any notice, denial, revocation, or Notice of Administrative Hearing Rights by the Department under this rule shall not constitute or create entitlement to an administrative hearing where such right does not otherwise exist:~~

Specific Authority 334.044(2), 337.407 FS. Law Implemented 337.406, 337.407, 479.01, 479.16, 768.28 FS. History—Amended 3-21-64, 5-9-70, 7-9-75, Formerly 14-43.01, Amended 8-3-99, 8-2-01, 5-30-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynn Holschuh, Outdoor Advertising Administrator
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2008

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-98.005	Application and Award Procedures
14-98.008	Forms

PURPOSE AND EFFECT: Rule 14-98.005, F.A.C., is amended because of a revision to the Subgrant Application for Highway Safety Funds, Form 500-065-01, to incorporate updated versions of other incorporated documents that have been revised since the previous amendment. Rule 14-98.008, F.A.C., is being repealed and its incorporated forms are moved to Rule 14-98.005, F.A.C.

SUMMARY: Rule 14-98.005, F.A.C., is being amended, including updating the Subgrant Application for Highway Safety Funds, Form 500-065-01 and incorporating by reference other documents. Rule 14-98.008, F.A.C., is being repealed.

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

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

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(25) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-98.005 Application and Award Procedures.

(1) The Department Safety Office (Office) will conduct an analysis of the traffic crash history of the state each year, based on the most currently available crash data from the Department of Highway Safety and Motor Vehicles, identifying those counties with the most severe traffic crash problems, in a Traffic Safety Matrix.

(2) The selection of subgrant recipients will be based, in part, on their position on the Traffic Safety Matrix for the particular type of highway safety problem. Data from the Department of Highway Safety and Motor Vehicles, pertinent local safety data, the Office's annual observational survey of safety belt use, and past subgrant history will also be considered when selecting potential subgrant recipients.

(3) Only activities included in the Highway Safety Plan may be funded by the program.

~~(4)(3)~~ To be eligible for funding, an applicant:

(a) Cannot have been funded for an activity in the same priority area of the Highway Safety Plan for more than three consecutive fiscal years. Agencies that have received funding in the same priority area for three consecutive years must wait one year before being eligible for highway safety grant funding in that priority area. The three-year limit shall not apply to statewide programs for training, coordination, evaluation, or public awareness.

(b) Cannot request funding that would supplant funds previously allocated or appropriated by the applicant for the same activity, nor can funding replace equipment previously purchased with local or federal funds.

(c) Shall not be eligible for funding if it has violated a condition of a previous subgrant.

~~(5)(4)~~ The Office will provide, upon request, the Highway Safety Concept Paper, Form 500-065-17, Rev. 12/08, as well as information on how to prepare a concept paper for highway safety funding to any potential applicant. Concept papers will be accepted annually from January 1 through March 31 for the upcoming fiscal year. Concept papers must be post marked no later than March 31 to be considered for funding. The Office will formally acknowledge receipt of all concept papers.

~~(6)(5)~~ The Office will review all concept papers for compliance with this rule and state and federal rules and regulations, hereby listed herein. ~~(a) Federal.~~ The following listed federal rules are incorporated by reference:

~~(a)1.~~ 41 C.F.R., Part 60, *Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor, Revised July 1, 2008 December 13, 2000.*

~~(b)2.~~ 49 C.F.R., Part 18, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, Revised October 1, 2007 March 18, 1988.*

~~(c)3.~~ 49 C.F.R., Part 19, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, Revised October 1, 2007.*

~~(d)4.~~ 49 C.F.R., Part 20, *New Restrictions on Lobbying, Revised October 1, 2007 February 26, 1990.*

~~(e)5.~~ 49 C.F.R., Part 26, *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, Revised October 1, 2007 2004.*

~~(f)6.~~ 49 C.F.R., Part 29, *Governmentwide Debarment Department and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), Revised October 1, 2007 May 26, 1988.*

~~(g)7.~~ 2 C.F.R., Part 220, *OMB Circular A-21, Cost Principles for Educational Institutions (OMB Circular A-21), Revised January 1, 2008 8/8/00.*

~~(h)8.~~ 2 C.F.R., Part 225, *OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87), Revised January 1, 2008 5/4/95, as Further Amended 8/29/97.*

~~(i)9.~~ OMB Circular A-102, *Grants and Cooperative Agreements with State and Local Governments*, August 29, 1997. ~~(j) 10.~~ 2 C.F.R., Part 215, *OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110), Revised January 1, 2008 11/19/93, as Further Amended 9/30/99.*

~~(k)11.~~ 2 C.F.R., Part 230, *OMB Circular A-122, Cost Principles for Non-Profit Organizations (OMB Circular A-122), January 1, 2008 June 1, 1998.*

~~(l)12.~~ OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, June 27, 2003 30, 1997.

~~(m)~~ Highway Safety Grant Funding Policy for NHTSA/FHWA Field Administered Grants, Revised July 24, 2007.

~~(n)13.~~ 10 U.S.C. 2304(g), ~~Armed Forces~~, *Contracts: Competition Requirements, Armed Forces Procurement, January 3, 2006 1/23/00.*

~~(o)14.~~ 31 U.S.C. 3801 Definitions, Money and Finance. Administrative Remedies for False Claims and Statements The Program Fraud Civil Remedies Act of 1966, January 3, 2006 01/05/99.

~~(p)15.~~ 33 U.S.C. 1251 Congressional Declaration of Goals and Policy, Navigation and Navigable Waters. Federal Water Pollution Prevention and Control Act, January 3, 2006.

~~(q)16.~~ 41 U.S.C. 253(e) Competition Requirements, Public Contracts, Procurement Procedures Completion Requirements, January 3, 2006 01/05/99.

~~(r)17-~~ 42 U.S.C. 7401 Congressional Finding and Declaration of Purpose, *The Public Health and Welfare, Air Pollution Prevention and Control Clean Air Act*, January 3, 2006 ~~01/05/99~~.

~~(s)18-~~ Executive Order 11246, *Equal Employment Opportunity*, September 24, 1965, as ~~a~~Amended.

~~(t)19-~~ Executive Order 11375, Amending Executive Order 11246, relating to *Equal Employment Opportunity*, October 13, 1967.

(b) ~~State.~~ The following Florida Statutes are listed for reference purposes:

1. Section 112.061, F.S.
2. Chapter 119, F.S.
3. Section 216.347, F.S.
4. Chapter 287, F.S.
5. Section 768.28, F.S.

~~(7)(6)~~ Concept papers that comply with state and federal rules and regulations will be prioritized on the basis of:

(a) The Concept Paper Evaluation Form, FDOT Form 500-065-18, Rev. 01/02.

(b) Program ~~subgrant~~ history,

(c) The Traffic Safety Matrix, and

(d) Analysis of relevant crash data, citation data, and survey results.

~~(8)(7)~~ One ~~Two~~ copies of the application form, Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 09/08 ~~09/05~~, will be sent to those applicants whose concept papers are selected for funding. Applicants whose concept papers were not selected for funding will be notified by the Office.

~~(9)(8)~~ Applicants shall forward one copy of the completed agreement application and a minimum of three signature pages, containing all original signatures, to the Office.

(9) Each corporation not for profit applicant shall attach to its application a copy of its "certificate of status" from the Florida Department of State verifying its not for profit status, and a current financial statement which shows that it has funds equal to the amount of the subgrant award on deposit in a special account designated for project activities only.

~~(10)~~ ~~The Office shall review all applications and will reject any applications not meeting the requirements of these rules and applicable Federal and State laws, within ten working days of receipt of said applications. In the event that an applicant submits a Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 09/05, for an activity that is not included in the Highway Safety Plan, the application shall be rejected. Failure to reject any application within ten days shall not result in the automatic award of a subgrant. All subgrants are subject to funds availability.~~

(10) Forms. The following forms used in the Highway Traffic Safety Program are hereby incorporated by reference:

(a) Subgrant Application for Highway Safety Funds – Form 500-065-01, Rev. 09/08.

(b) Statement of Highway Safety Project Costs – Form 500-065-04, Rev. 01/02.

(c) Summary Statement of Personnel Services Cost – Form 500-065-05, Rev. 01/02.

(d) Personnel Services Time Sheet – Form 500-065-06, Rev. 01/02.

(e) Detail of Costs – Form 500-065-07, Rev. 01/02.

(f) Non-Expendable Property Accountability Record – Form 500-065-09, Rev. 12/08.

(g) Highway Safety Concept Paper – Form 500-065-17, Rev. 09/08.

Copies of these forms may be obtained by writing or calling the Florida Department of Transportation, State Safety Office, 605 Suwannee Street, MS-17, Tallahassee, Florida 32399-0450; telephone (850)245-1500.

~~(11) Notice of denial. Notice of the Office's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action to deny will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111. Provision of any notice, denial, revocation, or notice of Administrative Hearing Rights by the Department under this rule shall not constitute, or create, entitlement to an administrative hearing where such right does not otherwise exist.~~

Specific Authority 334.044(2) FS. Law Implemented 334.044(25) FS. History–New 12-30-84, Amended 6-10-85, Formerly 9B-32.05, 9B-32.005, 11-19-89, Formerly 9G-15.005, Amended 12-7-93, 11-29-94, 1-17-99, 4-16-02, 8-6-02, 11-2-03, 8-24-04, 1-17-06,_____.

14-98.008 Forms.

Specific Authority 334.044(2),(25) FS. Law Implemented 334.044(25) FS. History–New 6-10-85, Formerly 9B-32.08, 9B-32.008, Amended 11-19-89, Formerly 9G-15.008, Amended 12-7-93, 6-14-94, 11-29-94, 4-16-02, 8-6-02, 11-2-03, 8-24-04, 1-17-06, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Marianne A. Trussell, State Safety Officer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-116.002
 RULE TITLE: Letters of Credit

PURPOSE AND EFFECT: Rule 14-116.002, F.A.C., is being amended to clarify language and to include updated procedures, including provision for electronic presentation of a draft via facsimile transmission or electronic mail, or both.

SUMMARY: Rule 14-116.002, F.A.C., is being amended.

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: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(30), 334.187, 337.106, 337.175 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-116.002 Letters of Credit.

(1) Purpose. This rule establishes the requirements of the Department of Transportation Comptroller for the approval of letters of credit, which are provided by a bank or savings association ~~financial institution~~ at the request of an ~~the~~ applicant/professional service provider/contractor.

(2) Qualifications of Banks or Savings Associations Providing Letters of Credit.

(a) The letter of credit provided ~~by the financial institution~~ at the request of the applicant/professional service provider/contractor shall be issued by banks or savings associations which must:

1. Be organized and existing under the laws of this state; or
2. Be organized under the laws of the United States and have its principal place of business in this state; or
3. Have a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state; and
4. Have and maintain an average financial condition ranking of 35 or more from two nationally recognized financial rating services, compiled quarterly by the Florida Department of Financial Services, Division of Treasury.

(b) In the event the required average financial condition ~~set forth in subparagraph (2)(a)4. above is and net worth of the financial institution~~ are not maintained, the Department ~~will~~ ~~shall~~ notify the applicant/service provider/contractor of such noncompliance. Within 30 days after receiving the notice of noncompliance, the applicant/professional service provider/contractor shall provide ~~cause to have provided~~ to the Department a substitute letter of credit issued by a bank or savings association, ~~with an institution~~ meeting the requirements of this rule.

(3) Requirements of Letter of Credit. Letters of credit shall be issued solely for the benefit of the Department. Letter of credit language must be approved by the Department's Comptroller and ~~must~~ include, ~~at a minimum~~, the following:

(a) The expiration date of the letter of credit shall be automatically extended without amendment, for one year from the expiration date unless otherwise authorized in writing by the Department. Letters of credit furnished under the requirements of Section 337.106, F.S., shall not be required to be extended beyond the duration required by that section. If the letter of credit is not automatically extended for such additional one year period ~~then~~, at least 30 days prior to the expiration date then in effect, the bank or savings association shall notify the Department by registered or certified U.S. Mail or courier, postage prepaid, return receipt requested. This notification shall be sent to the Florida Department of Transportation, Office of Comptroller, 605 Suwannee Street, Mail Station ~~42B 24~~, Tallahassee, Florida 32399-0450, or to any other address specified in writing by the Department's ~~Comptroller, Florida Department of Transportation~~.

(b) If notice is given that the letter of credit will not be automatically extended and if the purpose for which the letter of credit was issued still exists, the Department shall draw down any remaining balance on the letter of credit unless a substitute letter of credit meeting the requirements of this rule is provided at least 14 days prior to the ~~final~~ expiration date of the letter of credit for which the substitute letter of credit is being provided.

(c) Once it is determined by the Department that the average financial condition ranking of a bank or savings association ~~financial institution~~ is less than 35, the Department will notify the bank or savings association ~~financial institution~~ and the applicant/professional service provider/contractor by registered mail that if a substitute letter of credit is not received within 30 days of notification, the Department ~~will~~ ~~shall~~ draw down any remaining balance on the letter of credit if the purpose for which the letter of credit was issued still exists.

(d) The letter of credit must provide for draws to be made on a bank or savings association located in the State of Florida and additionally must provide for draws by electronic presentation of a draft via facsimile transmission or electronic mail, or both.

~~(e) Letters of credit provided in lieu of professional liability insurance must remain valid for the time period specified in Section 337.106, F.S.~~

Specific Authority 334.044(2) FS. Law Implemented 334.044(30), 334.187, 337.106, 337.175 FS. History--New 3-23-93, Amended 8-24-93, 10-11-94, 10-5-97, 1-18-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin Naitove, Comptroller

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 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."

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

RULE NOS.:	RULE TITLES:
29I-1.001	Name and Scope
29I-1.002	Purpose
29I-1.003	Staff Functions; General Description
29I-1.004	Council Membership and Appointments, Term of Service, Vacancies, Removal from Office
29I-1.005	Officers, Term, Duties, Committees
29I-1.006	Conduct of Meetings
29I-1.008	Responsibilities and Authority
29I-1.010	Information Requests

PURPOSE AND EFFECT: Changes in the Southwest Florida Regional Planning Council Bylaws.

SUMMARY: Revisions to the Council purpose, membership and appointment, and the conduct of meetings. Other minor changes to the current Bylaws.

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

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

SPECIFIC AUTHORITY: 120.53, 160.02, 163.01, 186.505, 186.509, 380.06 FS.

LAW IMPLEMENTED: 119.01, 120.53, 160.02, 163.01, 163.02, 186.501, 186.502, 186.503, 186.505, 186.509, 380.06, 380.07 FS.

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

DATE AND TIME: January 6, 2009, 1:30 p.m.

PLACE: Offices of the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Deborah Kooi at (239)338-2550, ext. 210. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Kenneth Heatherington at (239)338-2550, ext. #222

THE FULL TEXT OF THE PROPOSED RULE IS:

29I-1.001 Name and Scope.

The name of this agency is the Southwest Florida Regional Planning Council (SWFRPC, or "Council"), a voluntary association of counties and cities formed as of November 8, 1973, under the laws of Florida and comprising the 9th Comprehensive Regional Planning District as provided for by ~~Part I of Chapter 23 of the Florida Statutes and Rule 22E-1.001 of the Administrative Regulations of the State of Florida.~~

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 163.01, 380.06(7)(a), (b), 380.06(8), 380.07 FS. History--New 2-9-76, Formerly 29I-1.01, Amended_____.

29I-1.002 Purpose.

(1) Purpose. The purposes of the Southwest Florida Regional Planning Council shall be:

~~(a)(1)~~ To provide a means to permit local governmental units to make the most efficient use of their powers to cooperate for mutual advantages in order to provide services and facilities that will accord best with geographic, economic, social, land use, transportation, public safety resources and other factors influencing the needs and development of local communities within Planning District No. 9;

~~(b)(2)~~ To serve as a regional coordinator for the local governmental units comprising the planning district;

~~(c)(3)~~ To exchange information on and review programs of region concerns;

~~(d)(4)~~ To promote communication between the local governments for the conservation and compatible development of the Southwest Region;

~~(e)(5)~~ To cooperate with Federal, State and local government and non-government agencies to accomplish regional objectives; and

~~(f)(6)~~ To do all things authorized for a Regional Planning Agency under Chapters 163, 186 and 380 of the Florida Statutes, and other applicable Florida, Federal and Local Laws, rules and regulations.

(2) Mission. It is the mission of the Council:

To work together across neighboring communities to consistently protect and improve the unique and relatively unspoiled character of the physical, economic and social worlds we share for the benefit of our future generations.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 160.02, 163.02, 380.06(7), 380.07(2) FS. History–New 2-9-76, Amended 7-18-82, Formerly 29I-1.02, Amended 5-7-92,_____.

29I-1.003 Staff Functions; General Description.

(+) The Council shall appoint an Executive Director who shall have the responsibility for the general management of the affairs of the Council, subject to the governing laws of the State and such regulations as may be adopted by the Council.

(1) The Executive Director shall annually prepare a budget for the Council and transmit the Council’s budget request to the member governmental units.

(2) The Executive Director shall be responsible for the general management of the Council’s office, for assisting the Secretary of the Council in the recording and maintenance of Council minutes and other documents of record, for any moneys received on behalf of the Council, for the keeping of financial statements in such form and in accordance with such procedures as shall be required by the Treasurer.

(3) The Executive Director may appoint and discharge any employee or subordinates in accordance with the policies Regulations Personnel of the Council and applicable Federal and Florida Statutes and regulations, and shall fix their compensation within such limits as may be provided by the approved Council budget, employee salary and wage schedule, and

(4) The Executive Director may make agreements on behalf of the Council in performing the duties entrusted to him and. ~~The Executive Director shall attest all necessary instruments.~~

~~(2) The following are the general services performed by the Staff:~~

~~(a) Information Services. Maintain and provide at reasonable cost to the requestor, information to assist in regional issue decision making.~~

~~(b) Regional planning, review, coordination, analysis and comment for the Local, State and Federal governments including the functions generally stated by the Policies of the Council in Chapter 29I 2, F.A.C., hereof and specifically the Regional Planning Agency responsibilities:~~

~~1. For processing Applications for Developments of Regional Impact (DRI’s) pursuant to Chapter 380 of the Florida Statutes; and~~

~~2. Areawide clearinghouse review responsibilities.~~

~~(e) Advise and assist local governments within the Region when requested or required, and when the Council is able to provide the services.~~

Specific Authority 120.53(1), 163.01(5) FS. Law Implemented 120.53(1), 163.01(5), 380.06(7)(a), (b), 380.06(8), 380.07 FS. History–New 2-9-76, Formerly 29I-1.03, Amended 5-7-92,_____.

29I-1.004 Council Membership and Appointments, Term of Service, Vacancies, Removal from Office.

(1) Membership and Appointments.

(a) The Council shall include the Counties of Charlotte, Collier, Glades, Hendry, Lee and Sarasota, each of which shall be represented on the Council by two voting representatives appointed by their respective Board of County Commissioners.

(b) All municipalities within each county shall select one representative of one of the municipalities within the county who will be a voting representative.

(c) Further, each city has the option to be a member local government and to appoint one representative from the city’s governing board; cities taking this option shall not participate in the process in paragraph (b) above.

(d) The representative(s) to the Council from each member local government shall be the elected chief representative of said local government or a member of its governing body chosen by such body to be its representative.

~~(e)(d)~~ The Governor of the State of Florida shall appoint a maximum of one third of the members. Each county in the region shall have a minimum of one appointment by the Governor.

~~(f)(e)~~ Changes in membership provisions shall require a two thirds vote of the members.

(2) Terms of Service.

(a) Council members shall serve, and may be reappointed, at the pleasure of the appointing authority.

(b) Member governments may appoint alternate representative(s) to the Council. Alternate representative(s) shall be the chief elected official of said local government or a member of its governing body chosen by such body to be its alternate representative.

(3) Vacancies.

Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment.

(4) Removal from Service.

Should a Council member have three consecutive unexplained absences from regular Council meetings, the Council shall so advise the appropriate appointing authority and request another appointment. Voting representatives will continue to occupy their offices until the Council is notified in writing of their replacement.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 186.501, 186.502, 186.503, 163.01 FS. History--New 2-9-76, Amended 2-20-77, 7-18-82, Formerly 29I-1.04, Amended 5-4-88, 3-1-95,_____.

29I-1.005 Officers, Term, Duties, Committees.

(1) The regular January monthly meeting shall ~~include be the Annual Meeting for conducting business and~~ electing from the regular membership officers with duties as follows:

(a) ~~Chairman~~ – The ~~Chairman~~ shall be the Chief Executive Officer, responsible for executing contracts for the Council, for overseeing the organization of the work of the Council, for seeing that all policy decisions of the Council are carried out, and for such other executive level functions as the Council shall assign. Except as provided for elsewhere, the ~~Chairman~~ shall serve as a non-voting member of each advisory committee.

(b) ~~Vice-Chairman~~ – The ~~Vice-Chairman~~ shall act for the ~~Chairman~~ in his/~~her~~ absence, or in the event of ~~the Chair's~~ his inability to act, perform all the functions of the ~~Chairman~~.

(c) Secretary – The Secretary shall conduct the correspondence of the Council, keep and distribute the minutes of the meetings, be custodian of the records and seal, keep the roll of all members, and discharge such other duties as may be assigned ~~to him~~ by the ~~Chairman~~ or the members. The Executive Director shall serve as deputy to the Secretary.

(d) Treasurer – The Treasurer shall supervise the financial affairs of the Council, including recommending designation of checking and savings account depositories, and perform such other duties as usually pertain to that office. Except as provided for elsewhere, each negotiable check or warrant shall bear the signature of the Treasurer.

(2) Each officer so elected shall serve one (1) year or until re-elected or ~~a his~~ successor is elected.

(3) A Nominating Committee comprised of at least three (3) Council members, each from a different County shall be appointed by the ~~Chairman~~ at the regular December meeting of the Council for the purpose of proposing candidates for all offices for the following year. Additional nominations may be made by any Council member at the ~~January monthly Annual m~~Meeting. Newly elected officers shall be declared to be installed following their election at the ~~January monthly Annual m~~Meeting and shall assume the duties of office upon adjournment of said meeting.

(4) Standing and Special Committees.

The Council is empowered to designate and appoint ~~or employ such staff,~~ standing committees, study groups, boards, and consultants consisting of members or non-members as the Council determines are essential or desirable to carry out its policies and objectives. The Council is empowered to direct the Executive Director to assign staff to support such standing committees, study groups, boards and consultants to carry out the Council's policies and objectives. The ~~Chairman~~ may appoint such special Advisory Committees consisting of

members or non-members as he deems necessary or expedient to assist the Council and staff from time to time. Standing Committee members shall serve for terms of one (1) year. Special advisory committee members shall serve for the same period as the appointing ~~Chairman~~. All Committee actions shall be advisory only to the Council. The Council may, however, delegate certain specific administrative and review prerogatives to a committee in order to expedite the Council's work.

Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 163.01 FS. History--New 2-9-76, Amended 2-20-77, Formerly 29I-1.05, Amended_____.

29I-1.006 Conduct of Meetings.

(1) The Council shall hold regular monthly meetings at a time and place to be determined by the membership prior to adjournment of the previous meeting or by the ~~Chairman~~ in the absence of such determination. A monthly meeting may be waived by a majority of the Council. Business to have been conducted at the waived meeting shall be considered at the next successive monthly meeting.

(2) Special meetings of the Council may be called by the ~~Chairman~~ at his/~~her~~ discretion or when requested by six (6) voting members.

(3) Voting.

(a) Council members must be present to vote. A quorum shall consist of a majority of the total voting membership of the Council, representing at least and a voting member from each of four (4) or more of the Counties. When a quorum is present, a majority of those present may take action on matters properly presented at the meeting. Each Mmembers present shall vote on each question presented to the Council unless they he disqualifies themselves himself. Business shall be transacted only at regular or special called meetings and shall be duly recorded in the minutes thereof.

(b) As permitted by Florida Statutes, Council members are present at a meeting when participating through interactive video and telephone systems.

(4) Minutes.

(a) The Council shall record minutes of its proceedings and official actions in the office of the Council.

(b) The minutes of prior meetings approved by a majority of the members present, shall become the official minutes.

(c) Each resolution shall be signed by the presiding officer at the meeting and by the Executive Director and entered in the minutes.

(5) Rules of Debate.

(a) ~~Chairman~~ Participation: The presiding ~~Chairman~~ shall not be deprived of any rights and privileges of a Council ~~memberman~~ by reason of being the presiding ~~Chairman~~, but may move or second a motion only after the gavel has been passed to the ~~Vice-Chairman~~ or another member of the Council.

(b) Form of Address: ~~M~~members ~~Each~~ shall address only the presiding officer for recognition; shall confine themselves ~~himself~~ to the question under debate; and shall avoid personalities and indecorous language.

(c) The Question: Upon the closing of debate the ~~Chairman~~ shall call the question by voice or roll call vote. ~~M~~members ~~Any~~ may give a brief statement or file a written explanation of their ~~his~~ vote.

~~(6) Minutes.~~

~~The minutes of prior meetings approved by a majority of the members present, shall become the official Minutes. Each resolution shall be signed by the presiding officer at the meeting and by the Executive Director and entered in the Minutes.~~

~~(6)(7) Amending the Agenda. Addressing the Council.~~

~~(a) If a subject is not on the Agenda it may be added by motion and a majority vote that the subject should not be delayed until the next meeting.~~

~~(b) Any person appearing to provide the Council factual information or expert opinion to consider prior to taking official action shall be governed by the following procedure:~~

~~1. Prior to addressing the Council the speaker shall approach the front center of the conference table and clearly state his full name, home address, the person he represents and the subject of his address.~~

~~2. Before providing factual information or expert opinion if any member of the Council or the speaker requests, the Chairman shall place the speaker under the following oath with right hand upraised: "I willfully swear under oath the facts and testimony I furnish this Council to be the truth, the whole truth and nothing but the truth; and not inconsistent or contradictory with other statements made by me under oath." a. No person shall be required to take this oath more than once in any given day, but shall be reminded he is under oath before again addressing the Council.~~

~~b. Those asking questions or desiring to comment on a matter before the Council shall not be required to take the oath. The Council can at any time request such a speaker to take the above oath.~~

~~(c) Each speaker shall limit his address to ten (10) minutes unless granted additional time by majority vote of the Council. All remarks shall be to the Council as a body and not to any individual member. No person, other than a Councilman, shall discuss directly or through a Councilman, without authorization of the presiding officer. No questions shall be asked a Councilman except through the presiding officer.~~

~~(7)(8) DRI Recommendations.~~

~~(a) When the Council is considering the recommendations it shall make to a local government, the Council, in addition to its normal staff presentation, shall allow limited presentations not to exceed ten (10) minutes each by the following: the developer; the adjacent or contiguous city and county involved; technical consultants to the Council; and members of~~

~~the public, who shall be required to submit a "Request to Speak" form register prior to the beginning of the meeting. The applicant may request an additional time thirty (30) minutes for presentation. The Chair may limit or restrict the time available for any presentation. Any Council member may ask the developer, or any person present, specific questions concerning specific issues of the proposed development.~~

~~(b) The Council may close debate by a majority vote of the members present.~~

~~(9) Appeal of a (DRI) Development Order.~~

~~(a) Prior to Council action to appeal an Order of a City Council or Board of County Commissioners approving a Development of Regional Impact (DRI) the Council in addition to its normal staff presentation shall allow limited presentations not to exceed thirty (30) minutes each by the following: The City or County that issued the Order; the developer; the adjacent, contiguous or integral city and county; members of the public who the Council by majority vote determines best represent the affected organizations, institutions and civic associations and technical consultants to the Council.~~

~~(b) The Council shall by majority vote determine the amount of time allocated for and the order of the public presentations.~~

~~(8)(40) Voting shall be by voice, but a members shall have their his votes recorded in the mMinutes if they he so desires. A roll call vote shall be held upon proper motion. All other questions of procedure shall be governed by Robert's Rules of Order, Revised.~~

~~(9)(44) Staff memoranda and committee resolutions, minutes and reports are prepared for the purpose of providing the Council with the basic information it requires to make decisions. Such staff memoranda and committee resolutions, minutes and reports are advisory only and not final actions or conclusions of the Council itself. The Council shall release all such data to the chief executive officer of each member governmental unit upon his request.~~

~~(10)(42) All official meetings of the Council shall be open to the public as required by Florida Sunshine Laws, Chapter 286, F.S., and shall meet the requirements of the applicable sections of the Florida Administrative Procedures Act, Chapter 120, F.S. The Council shall hold and give seven (7) days notice of meetings and workshops, in addition to any other notices as required by Florida Statutes.~~

~~Specific Authority 120.53(1) FS. Law Implemented 120.53(1), 160.02(1), (6), 163.01, 380.06(7), (8), 380.07, 837 FS. History--New 2-9-76, Amended 2-20-77, 7-18-82, Formerly 29I-1.06, Amended 5-7-92,_____.~~

~~29I-1.008 Responsibilities and Authority.~~

~~The Council shall exercise all powers granted to regional planning councils, or regional planning agencies by Section 186.505, F.S., and by its Interlocal Agreement dated,~~

~~November 8, 1973, amended October 28, 1980, have all responsibilities and authority conferred by the Interlocal Agreement establishing the Council, including the following:~~

~~(1) To exercise the powers granted by the Florida Statutes as now exist or as from time to time amended.~~

~~(2) To conduct studies of the Region's resources with respect to existing and emerging problems of industry, commerce, transportation, population, housing, agriculture, public services, human resources, natural resources, government, and any other matters which are relevant to regional planning.~~

~~(3) To adopt rules of procedure and by-laws, to regulate its affairs and conduct its business.~~

~~(4) To adopt an official seal.~~

~~(5) To maintain office space at such places within the Region as may from time to time be required in performance of its duties.~~

~~(6) To employ and set the compensation of the Executive Director, who shall employ and discharge professional, technical or clerical staff as may be necessary to carry out the purposes of the Council.~~

~~(7) To authorize compensation for members of the Council for per diem, travel, and other reasonable expenses for meetings, hearings and other official business conducted outside the Region's boundaries.~~

~~(8) To hold public hearings, sponsor public forums, and conduct other activities whenever deemed necessary or useful in the execution of the functions of the Council.~~

~~(9) To acquire, own, operate, maintain, lease or sell real or personal property and hold title hereto in the name of the Council.~~

~~(10) To fix and determine in accordance with applicable laws by resolution, rules and regulations relating to advertisement for bids, manner of bidding and amount below which same will not be required.~~

~~(11) To sue and be sued, implead and be impleaded, complain and defend, intervene and appeal, before all courts and administrative agencies.~~

~~(12) To accept gifts, apply for and use grants, assistance funds and bequests of money and other property from the United States, the State, local units of government, and any person for any Council purpose and to enter into agreements required in connection therewith, and to hold, use, and dispose of such moneys or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.~~

~~(13) To make and enter into all contracts and agreements, and do and perform all acts and deeds necessary or incidental to the performance of its duties and the exercise of its powers.~~

~~(14) To prescribe all terms and conditions for the employment of officers, employees, and agents including, but not limited to, the fixing of pay and classification plans,~~

~~benefits, and the filing of performance and fidelity bonds and such policies of insurance covering itself and employees as it may deem advisable.~~

~~(15) To participate with other government agencies, educational institutions, and private organizations in the coordination of the activities above.~~

~~(16) To determine and collect charges or fees for the provision of assistance for special services and for reviews and referrals.~~

~~(17) To select and appoint such advisory bodies as the Council may find appropriate for the conduct of its activities.~~

~~(18) To enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the Region and which the Council finds feasible to perform.~~

Specific Authority 120.53(1), 160.02 FS. Law Implemented 120.53(1), 160.02, 380.06(7)(a), (b), 380.06(8) FS. History—New 2-9-76, Amended 7-18-82, Formerly 29I-1.08, Amended 5-7-92, _____.

29I-1.010 Information Requests.

(1) The principal office of the Southwest Florida Regional Planning Council is located at 1926 Victoria Avenue, Fort Myers, FL 33901-3414 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33917-3909. The office hours are Monday through Friday, from 8:00 a.m. to 5:00 p.m. All official forms, publications or documents of the Council are available for public inspection at the Council's principal office during regular business hours.

(2) All information requests are fulfilled in compliance with the Florida Public Records Law, Chapter 119, F.S. Information available for public inspection includes the following:

~~(a) Basic demographic, geographic and economic data projections;~~

~~(b) Planning periodicals, published tests, and~~

~~(c) All information relating to the planning and review activities of the Council.~~

(3) Copies of the Council's forms, publications and official documents prepared for public dissemination are available as follows:

(a) Public agencies, defined as those organizations representing the public; government agencies situated in the State of Florida receive Council publications at no charge.

(b) Private organizations situated in Florida and all parties outside of Florida can receive Council publications at cost.

(c) Publications out of print or singular documents are available for inspection at its principal office. Persons wishing photocopies may receive same at cost.

Specific Authority 120.53(1) FS. Law Implemented 119.01, 120.53(1), 120.53(2) FS. History—New 2-9-76, Formerly 29I-1.10, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mrs. Andrea Messina, SWFRPC Chair
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Mr. Kenneth Heatherington, Executive
Director
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 18, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 3, 2008

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

RULE NOS.:	RULE TITLES:
29I-4.001	DRI Review Process
29I-4.004	DRI-ADA Form
29I-4.006	Request for DRI Review
29I-4.007	DRI Review Fee
29I-4.011	Areawide Development of Regional Impact
29I-4.012	Florida's Quality Developments Program
29I-4.013	Review of Amendments to Development Orders

PURPOSE AND EFFECT: Changes in the Southwest Florida Regional Planning Council Bylaws.

SUMMARY: Revisions to the Council purpose, membership and appointment, and the conduct of meetings. Other minor changes to the current Bylaws.

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

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

SPECIFIC AUTHORITY: 120.53, 160.02, 163.01, 186.505, 186.509, 380.06 FS.

LAW IMPLEMENTED: 119.01, 120.53, 160.02, 163.01, 163.02, 186.501, 186.502, 186.503, 186.505, 186.509, 380.06, 380.07 FS.

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

DATE AND TIME: January 6, 2009, 1:30 p.m.

PLACE: Offices of the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Deborah Kooi at (239)338-2550 ext. #210. If you are hearing or speech impaired, please contact the agency using the Florida Relay Servic

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Kenneth Heatherington at (239)338-2550, ext. 222

THE FULL TEXT OF THE PROPOSED RULES IS:

29I-4.001 DRI Review Process.

(1) The DRI Review Process incorporates the following Council practices and procedures in conjunction with the required guidelines, reviews, reports, recommendations, and time limitations imposed by Chapter 380, F.S. The Southwest Florida Regional Planning Council (SWFRPC) has been charged by the State with the responsibility of reviewing Developments of Regional Impact (DRI's) as defined and authorized by Chapter 380, F.S. The SWFRPC is responsible for State Region 9 IX, encompassing the Ceounties of Charlotte, Collier, Glades, Hendry, Lee and Sarasota.

(2) By law, the SWFRPC has 50 days in which to review an Application for Development Approval (ADA) after receiving notice that the legislative body of the local government will hold a DRI Public Hearing. However, the local government cannot schedule a DRI Public Hearing until it has received a letter from the SWFRPC indicating that the application is sufficient for review or that the SWFRPC has received notification from the developer that the additional requested information will not be supplied.

(3) Upon receiving a DRI-ADA, the SWFRPC has 30 calendar days in which to determine the sufficiency of the information provided. In order to provide an applicant with reasonable assurance that ADA will be acceptable, all information requested must be in the ADA. If the information in an ADA is determined by the SWFRPC to be insufficient, the applicant and the local government will be notified, in writing, of any information desired. If additional information is requested, the applicant has two options:

(a) To provide a letter within five working days of the receipt of the statement, requesting additional information, stating that the additional information will be provided to the SWFRPC and the local government. The applicant may choose to supply some of the requested information and decline, in writing, to provide the balance.

(b) To notify the SWFRPC that the requested additional information will not be provided. In this case, the SWFRPC may find it necessary to recommend that the ADA be denied for lack of information.

(4) Within 30 calendar days after receipt of such additional information, the SWFRPC shall review it following procedures specified in (3)(a) and (b) above and may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information.

(5) If an applicant does not provide the information requested by the SWFRPC within 120 days of its request, the application shall be considered withdrawn. The SWFRPC

Executive Director, at his discretion, may grant an additional 45 day extension, upon formal written request for an extension by the applicant. Any further time extension, beyond the discretionary 45 day time extension, must be formally requested by the applicant and approved by the SWFRPC board at its regular monthly meeting, prior to expiration of the discretionary 45 day extension.

Any such extension shall be based upon the complexity, availability of data and additional analysis caused by a time extension and any unnecessary hardships upon the developer.

(6) If the application is sufficient or if the developer has notified the SWFRPC that the additional requested information will not be provided, the SWFRPC, within 10 days of finding the application sufficient or receipt of notice from the applicant, will notify the local government and the applicant in writing. The local government is then required to set a DRI Public Hearing date at its next scheduled meeting. The notice of Public Hearing must be published at least 60 days in advance of the Hearing. The DRI Public Hearing date should be at least 10 days after the SWFRPC's meeting at which the DRI Assessment Report is officially adopted.

(7) The receipt of the local government notice of a DRI Public Hearing by the SWFRPC initiates the statutorily provided 50-day review period within which the Council must prepare and transmit a DRI Assessment Report to the local government. To eliminate the possibility of having to set up special Council meeting dates, the local government and the SWFRPC must coordinate the transmittal of the notice of the DRI Public Hearing so it is received by the SWFRPC no less than 45 days before the Council meeting at which the DRI Assessment Report would be officially adopted by the Council.

(8) After the DRI Public Hearing is held, the local government has 30 days to issue a Development Order. However, a time extension may be requested by the applicant. During the DRI Public Hearing, the local governments must consider the report and recommendations of the SWFRPC. The Development Order should approve, approve with conditions or deny the DRI. The Development Order should address all the regional issues raised by the SWFRPC indicating how these issues have or have not been resolved.

(9) Certified copies of the Development Orders shall be sent by the local government to the state land planning agency ~~Department of Community Affairs~~, the SWFRPC, and the applicant. Upon receipt of a copy of the Development Order to the state land planning agency ~~Department of Community Affairs~~, the SWFRPC, the owner, and the developer, a 45 day period begins during which appeals may be initiated. Three ~~Four~~ parties may appeal a Development Order: the landowner, the developer, ~~the SWFRPC~~ or the state land planning agency ~~Department of Community Affairs~~. No development permit should be issued by the local government during this 45 day period. Should an appeal take place, no development permit

should be issued by the local government until the appeal is adjudicated. An appeal is made to the Land and Water & Adjudicatory Commission ~~(Governor and Cabinet)~~. Decisions of the Commission are subject to judicial review under Chapter 120, F.S.

(10) The Council will review substantial deviation determinations made by local government on approved DRI Development Orders. The Council will assist the state land planning agency ~~Department of Veteran and Community Affairs~~ in monitoring the progress of the development and its compliance with the terms of the approved development. The Council will notify local governments if the required annual report is not received from the developer.

Specific Authority 120.53(1), 163.01, 186.505 FS. Law Implemented 120.53(1), 163.01, 186.505, 380.06, 380.07 FS. History–New 2-9-76, Amended 2-20-77, 9-26-77, 7-18-82, Formerly 29I-4.01, Amended 7-27-86, 2-19-92,_____.

29I-4.004 DRI-ADA Form.

(1) An application for development approval shall be submitted using the state land planning agency ~~Department of Community Affairs~~ official ADA forms specified within Rules of the ~~Department of Community Affairs Chapter 9J-2.010, 9J-2~~, F.A.C. Rule Forms, RPM-BSP-ADA-1, Development of Regional Impact Application for Development Approval under Section 380.06, F.S., effective 11/90, hereby incorporated by reference, shall be used and may be obtained from the SWFRPC. Each question shall be fully answered. The Standard ADA form is subject to clarification to reflect specific regional concerns and to clarify the intent and response necessary to specific questions or parts of questions. Such supplemental questions shall be provided to the applicant at the preapplication meeting.

(2) Applications are required to be submitted on 8 1/2 x 11 inch paper bond. Digital files and geo-referenced data may also be required. Each question must be repeated in the application text with the answer following.

Specific Authority 120.53(1), 163.01, 186.505 FS. Law Implemented 120.53(1), 163.01, 186.505, 380.06, 380.07 FS. History–New 2-9-76 Amended 2-20-77, 7-18-82, Formerly 29I-4.04, Amended 7-27-86, 2-19-92,_____.

29I-4.006 Request for DRI Review.

The applicant must complete and deliver with the application for development approval (ADA) a “SWFRPC receipt and review fee agreement for review of developments of regional impact.” ~~(eff. 1/91, available from Southwest Florida Regional Planning Council).~~

Specific Authority 120.53(1), 163.01 FS. Law Implemented 120.53(1), 163.01, 380.06, 380.07 FS. History–New 2-9-76, Amended 2-20-77, Formerly 29I-4.06, Amended 2-19-92,_____.

29I-4.007 DRI Review Fee.

The DRI review fee for each DRI application, Florida Quality Development application, substantial deviation application, substantial deviation determination, supplemental plans and reviews identified in a development order requiring regional review or approval and review of each annual report are governed by the provisions of Rule 9J-2.0252, F.A.C. (DRI Review Fee Rule). ~~Please refer to this rule when determining the appropriate fee. The applicant may request a review and final determination of a fee less than \$75,000 by the SWFRPC at a regularly scheduled meeting, consistent with the provisions of Rule 9J-2.0252, F.A.C.~~

Specific Authority 120.53(1), 163.01, 186.505 FS. Law Implemented 120.53(1), 163.01(5)(h), 380.06, 380.07 FS. History–New 8-19-76, Amended 2-20-77, 7-18-82, Formerly 29I-4.07, Amended 7-27-86, 9-20-88, 2-19-92, _____.

29I-4.011 Areawide Development of Regional Impact.

(1) An authorized developer may submit an areawide development of regional impact to be reviewed pursuant to the procedures and standards set forth in Section 380.06, F.S. The areawide development-of-regional-impact review shall include an area wide development plan in addition to any other information required by rule pursuant to Section 380.06, F.S., and the information required in the state land planning agency Department of Community Affairs official ADA form.

(2) Prior to filing an Areawide DRI, the authorized developer shall submit a petition to the local government, the SWFRPC, and the state land planning agency Department of Community Affairs requesting authorization to submit an Areawide ADA. Such petition shall include proof that timely, actual notice has been provided by the petitioner to each person owning land within the proposed areawide development plan. This notice shall be in addition to other notice of public hearings as required by Section 380.06, F.S.

(3) Criteria used by the SWFRPC for evaluating a petition shall include, but not be limited to:

(a) Whether the developer is financially capable of processing the application for development approval through final approval pursuant to this section.

(b) Whether the defined planning area and anticipated development therein appear to be of a character, magnitude, and location that a proposed areawide development plan would be in the public interest. Any public interest determination under this criterion is preliminary and not binding on the state land planning agency Department of Community Affairs, the SWFRPC, or local government.

(4) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the SWFRPC, and to the state land planning agency Department of Community Affairs, within 30 days after the order becomes effective.

(5) The petitioner, an owner of property within the defined planning area, ~~the SWFRPC by vote at a regularly scheduled meeting, or the state land planning agency Department of Community Affairs~~ may appeal the decision of the local government to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the Commission. The procedures established in Section 380.07, F.S., shall be followed for such an appeal.

(6) In reviewing an application for a proposed areawide development of regional impact, the SWFRPC shall evaluate the following criteria, in addition to any other criteria set forth in this rule:

(a) Whether the developer has demonstrated its legal, financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact.

(b) Whether the developer has demonstrated that all property owners within the defined planning area consent or do not object to the proposed areawide development of regional impact.

(c) Whether the area and the anticipated development are consistent with the applicable, local, regional, and state comprehensive plans and any state land development plan.

Specific Authority 120.53, 163.01, 186.505 FS. Law Implemented 120.53, 163.01, 186.505, 380.06, 380.07 FS. History–New 7-27-86, Amended _____.

29I-4.012 Florida’s Quality Developments Program.

(1) An authorized developer may file an application under the Florida’s Quality Developments program pursuant to Section 380.061, F.S. The developer shall submit the application to the state land planning agency Department of Community Affairs, the SWFRPC, and the appropriate local government for review. The review shall be conducted under the time limits and procedures set forth in Section 120.60, F.S., except that the 90-day time limit shall cease to run when all three entities reviewing the project have notified the applicant of their decision on whether the development should be designated under this program.

(2) Criteria used by the SWFRPC for review of an application submitted under this program shall be as specified within Section 380.06, F.S.

Specific Authority 120.53, 163.01, 186.505 FS. Law Implemented 120.53, 163.01, 186.505, 380.06, 380.07 FS. History–New 7-27-86, Amended _____.

29I-4.013 Review of Amendments to Development Orders.

(1) The developer shall submit, simultaneously, to the local government, the SWFRPC, and the state land planning agency Department of Community Affairs, the request for approval of a proposed change to a previously approved

development of regional impact. The form for this submission shall be as prescribed by rule of the Department of Community Affairs.

(2) The SWFRPC shall review the proposed change and may, in its discretion and within 30 days of submittal by the developer of the request for approval of a change, advise the local government of its intention to participate at the public hearing before the local government.

(3) The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review, shall be subject to the appeal provisions of Section 380.07, F.S. ~~However, the SWFRPC shall not appeal the local government decision if the SWFRPC declined to participate at the local hearing.~~

(4) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:

(a) The development of regional impact review conducted by the SWFRPC shall address only those issues raised by the proposed change except as provided in paragraph (b).

(b) The SWFRPC shall consider, and recommend whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development.

(c) If the SWFRPC determines that the proposed change as it related to the entire development should be approved, any new conditions in the amendment to the development order recommended by the SWFRPC shall address only those issues raised by the proposed change.

Specific Authority 120.53, 163.01, 186.505 FS. Law Implemented 120.53, 163.01, 186.505, 380.06, 380.07 FS. History—New 7-27-86, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Andrea Messina, SWFRPC Chair

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Kenneth Heatherington, Executive Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

RULE NO.: 29I-5.003
RULE TITLE: Review Criteria

PURPOSE AND EFFECT: Changes in the Southwest Florida Regional Planning Council Bylaws.

SUMMARY: Revisions to the Council purpose, membership and appointment, and the conduct of meetings. Other minor changes to the current Bylaws.

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

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

SPECIFIC AUTHORITY: 120.53, 160.02, 163.01, 186.505, 186.509, 380.06 FS.

LAW IMPLEMENTED: 119.01, 120.53, 160.02, 163.01, 163.02, 186.501, 186.502, 186.503, 186.505, 186.509, 380.06, 380.07 FS.

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

DATE AND TIME: January 6, 2009, 1:30 p.m.

PLACE: Offices of the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Deborah Kooi at (239)338-2550, ext. #210. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Kenneth Heatherington at (239)338-2550, ext. #222

THE FULL TEXT OF THE PROPOSED RULE IS:

29I-5.003 Review Criteria.

(1) Projects of Regional Significance.

In reviewing Projects of Regional Significance, the following criteria is generally used in whole or in part:

(a) Project’s consistency with adopted regional and local goals, objectives and policies.

(b) The need for the project and whether it duplicates an existing program.

(c) Appropriateness of the proposed funding levels and its project costs.

(d) Accuracy of data utilized; appropriateness of methodology, and the completeness of the proposal.

(e) The project’s potential for air, noise and water pollution.

(f) The potential impact on historic/archeologic sites, wildlife habitats and sensitive ecosystems.

(g) The potential for increased surface water runoff and/or erosion.

(h) The accessibility to adequate infrastructure.

(i) The location of project in relation to those it will serve.

(j) If the project is located in the coastal zone, the project’s compatibility with the State’s Coastal Zone Management Program.

(k) The impact of traffic generated by the project.

(l) The effects on energy resource supply and demand.

(m) The project’s potential secondary impacts including impacts on neighboring communities.

(n) The potential displacement of people, housing or business.

(o) The project’s relationship to flood plain.

(2) Projects of Less than Regional Significance.

In reviewing Projects of Less Than Regional Significance, consistency with adopted Regional and local goals, objectives and policies is assessed. ~~The SWFRPC’s goals, objectives, and policies are contained in Chapter 29I-2, Florida Administrative Code.~~

Specific Authority 163.01, 120.53(1) FS. Law Implemented 163.01, 120.53(1) FS. History–New 9-5-78, Amended 10-15-78, Formerly 29I-5.03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Andrea Messina, SWFRPC Chair

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Kenneth Heatherington, Executive Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

RULE NO.: 29I-7.004 RULE TITLE: Costs

PURPOSE AND EFFECT: Changes in the Southwest Florida Regional Planning Council Bylaws.

SUMMARY: Revisions to the Council purpose, membership and appointment, and the conduct of meetings. Other minor changes to the current Bylaws.

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

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

SPECIFIC AUTHORITY: 120.53, 160.02, 163.01, 186.505, 186.509, 380.06 FS.

LAW IMPLEMENTED: 119.01, 120.53, 160.02, 163.01, 163.02, 186.501, 186.502, 186.503, 186.505, 186.509, 380.06, 380.07 FS.

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

DATE AND TIME: January 6, 2009, 1:30 p.m.

PLACE: Offices of the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mrs. Deborah Kooi at (239)338-2550, ext. 210. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Kenneth Heatherington at (239)338-2550, ext. 222

THE FULL TEXT OF THE PROPOSED RULE IS:

29I-7.004 Costs.

(1) There shall be no charge for processing a RDRP initiation request and facilitation of the initial settlement meeting. The SWFRPC shall be compensated for situation assessments, facilitation of additional settlement meetings, mediation, technical assistance, and other staff services at its standard rate or as negotiated by the parties ~~a rate of \$60 per hour plus any additional out-of-pocket expenses~~. Outside professional neutrals shall be compensated at their standard rate or as negotiated by the parties.

(2) The costs of administration, settlement meetings, mediation, or advisory decision-making shall be split equally between the parties or as otherwise agreed. The agreed upon cost allocation shall be documented in a written fee agreement.

(3) Jurisdictions formally adopting this process shall establish budgeting procedures for paying the cost of participation in this process.

Specific Authority 186.509 FS. Law Implemented 186.509 FS. History–New 4-12-94, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Andrea Messina, SWFRPC Chair

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Kenneth Heatherington, Executive Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-285.421
RULE TITLE: Clean Diesel Rebate Program
PURPOSE AND EFFECT: The purpose and effect of the proposed new Rule 62-285.421, F.A.C., Clean Diesel Rebate Program, is to establish a process by which the department will distribute rebate funds, as available, to owners of qualifying heavy-duty diesel trucks who have purchased an auxiliary power unit in the year 2009 or later. A copy of the proposed form for applying for the rebate is available on the department's website at <http://www.dep.state.fl.us/Air/rules/regulatory.htm>.

SUMMARY: The proposed rule establishes a rebate funding process for idle-reduction equipment on heavy-duty diesel trucks.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The department has prepared a statement of estimated regulatory cost, a copy of which is available on the above website. It estimates that 166 rebates of \$1,500.00 each will be available under the proposed rule.

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

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 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: January 14, 2009, 10:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Kelly Stevens at (850)921-9550

THE FULL TEXT OF THE PROPOSED RULE IS:

62-285.421 Clean Diesel Rebate Program.

(1) Rebates Available. The Department of Environmental Protection (Department) makes available Clean Diesel Rebates in an amount equal to \$1,500 per qualifying vehicle for eligible applicants that equip their vehicles with auxiliary power units (APUs). Funding for the Clean Diesel Rebate program is limited and will be awarded on a first-come, first-served basis starting March 15, 2009, and continuing while rebate funds are still available. If more eligible applications than remaining funds can cover are postmarked on the same day, rebates will be awarded to such applicants, as funds allow, on the basis of earliest APU installation date. Availability of rebate funds may be checked online at <http://www.dep.state.fl.us/air/>.

(2) Eligibility.

(a) The eligible applicant for a Clean Diesel Rebate must be an individual or corporate owner of a qualifying vehicle.

(b) The APU must be purchased and professionally installed on the qualifying vehicle in 2009 or later.

(c) The total invoice price of the APU and installation less taxes must be greater than or equal to \$1,500.

(d) The Department shall not award multiple rebates for a single qualifying vehicle or rebates for more than three separate qualifying vehicles to any one applicant.

(e) For the purposes of this rule:

1. A qualifying vehicle is a 2006 or older Florida-registered Class 8 on-road commercial diesel vehicle equipped with a sleeper berth and a 2006 or older vehicle engine.

2. A Class 8 vehicle means a vehicle with a manufacturer's gross vehicle weight rating greater than 33,001 pounds.

3. An auxiliary power unit (APU) means:

a. A manufactured device that contains an engine certified under 40 CFR Part 89, as adopted and incorporated by reference at Rule 62-204.800, F.A.C., designed to eliminate the need for the vehicle's main drive engine to supply cooling, heating and electrical power to the Class 8 diesel truck upon which it is installed; or

b. A manufactured device that contains a battery powered system designed to eliminate the need for the vehicle's main drive engine to supply cooling, heating and electrical power to the Class 8 diesel truck upon which it is installed.

(3) Application.

(a) The applicant for a Clean Diesel Rebate must submit a completed Clean Diesel Rebate Application form (DEP Form 62-285.421(1), effective March 15, 2009, hereby adopted and incorporated by reference) to the Department after purchase and professional installation of the APU. The form is available from the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS #5510, Tallahassee, FL 32399-2400, and on the internet at <http://www.dep.state.fl.us/air/>.

(b) The applicant must also submit a photocopy of the Florida vehicle registration; a photocopy of the signed original APU purchase invoice showing installation date, equipment and labor cost, and payment received; and a photograph of the diesel vehicle and installed APU. Failure to provide all required information and supporting documentation, or submission of false or incorrect information, will result in a delay or denial of the rebate.

(c) The signed and dated original application form and the required supporting documentation must be mailed on or after March 15, 2009 to:

Department of Environmental Protection
Division of Air Resource Management
2600 Blair Stone Road, MS #5510
Tallahassee, FL 32399-2400
ATTN: Clean Diesel Rebate Program

PROPOSED EFFECTIVE DATE MARCH 15, 2009.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061 FS. History--New 3-15-09.

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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.001 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify various penalties for specific violations.

SUMMARY: The proposed rule amendments address violations which are appropriate for continuing medical education and community service with regard to penalties. The rule also clarifies language with regard to probation following periods of suspension.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting: Larry McPherson, Jr., Executive Director, at the address listed below.

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

SPECIFIC AUTHORITY: 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.001 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 456.079, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 458, F.S. The purpose of this rule is to notify applicants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between, including appropriate continuing medical education (CME). The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY

VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
(a) Attempting to obtain, obtaining or renewing a license or certificate by bribery, fraud or through an error of the Department or the Board.			
(458.331(1)(a), F.S.)			
(456.072(1)(h), F.S.)			
1. No change.			
2. Attempting to renew a license by bribery or fraud.	2. Revocation From revocation of the license and with ability to reapply upon payment of a \$5,000 \$10,000.00 fine to permanent revocation and a \$10,000 fine.	2. Revocation and a \$10,000.00 fine.	
3. Obtaining or renewing a license by bribery or fraud.	3. Revocation From revocation of the license and with ability to reapply upon payment of a \$5,000 \$10,000.00 fine to permanent revocation and a \$10,000 fine.	3. Revocation and a \$10,000.00 fine.	
4. No change.			
(b) Action taken against license by another jurisdiction.			
(458.331(1)(b), F.S.)			
(456.072(1)(f), F.S.)			
1. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts in excess of \$5,000.00.	(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(b) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to revocation or denial of the license, and an administrative fine ranging from \$5,000.00 to \$10,000.00.	
2. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts of \$5,000.00	2. A \$10,000.00 administrative fine, <u>100 hours of community service</u> , and suspension of the license, followed by a period of probation.	2. Revocation or denial and a fine of \$10,000.00.	
or less. (c) Guilty of crime directly relating to practice or ability to practice.			
(458.331(1)(c), F.S.)			
(456.072(1)(c), F.S.)			
1. No change.	(c) From probation to revocation or denial of the license, and an administrative fine ranging from \$1,000.00 to \$10,000.00, <u>and 50 to 100 hours of community service</u> .	(c) From suspension to revocation or denial of the license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, <u>and from 100 to 200 hours of community service</u> .	
2. Involving a crime related to healthcare fraud in dollar amounts of \$5,000.00 or less.	2. A \$10,000.00 administrative fine, compliance with any criminal probation, a reprimand, <u>from 100 to 200 hours of community service</u> and suspension of the license, followed by a period of probation.	2. Revocation and a fine of \$10,000.00.	

(d) False, deceptive, or misleading advertising.

(458.331(1)(d), F.S.)

1. Negligent false, deceptive, or misleading advertising.

(458.331(1)(d), F.S.)

2. Fraudulent false, deceptive or misleading advertising

(e) Failure to report another licensee in violation.

(458.331(1)(e), F.S.)

(456.072(1)(i), F.S.)

(f) Aiding unlicensed practice.

(458.331(1)(f), F.S.)

(456.072(1)(j), F.S.)

(g) Failure to perform legal obligation.

(458.331(1)(g), F.S.)

(456.072(1)(k), F.S.)

1. Failing to register a laser device.

(456.072(1)(d), F.S.)

2. Continuing medical education (CME) violations.

(456.072(1)(e), F.S.)

(456.072(1)(s), F.S.)

1. From a letter of concern to one (1) year suspension or denial, to be followed by a period of probation, 50 to 100 hours of community service and an administrative fine from \$1,000.00 to \$5,000.00.

2. From reprimand to up to one (1) year suspension or denial, to be followed by a period of probation, 50 to 100 hours of community service and an administrative fine of \$10,000.00.

(e) From a letter of concern to probation or denial, 50 to 100 hours of community service and an administrative fine from \$1,000.00 to \$5,000.00.

(f) From probation to revocation or denial, 50 to 100 hours of community service and an administrative fine from \$1,000.00 to \$10,000.00.

(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a letter of concern to revocation or denial, 100 hours of community service and an administrative fine from \$1,000.00 to \$10,000.00, unless otherwise provided by law.

1. If the device is an approved device, from an administrative fine of \$1,000.00 to \$5,000.00; if the device is not approved, from an administrative fine from \$5,000.00 to a suspension or denial, 50 to 100 hours of community service and an administrative fine of \$10,000.00.

2. Within twelve months of the date of the filing of the final order, the licensee must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND:

1. From reprimand to up to one (1) year suspension or denial, to be followed by a period of probation, from 100 to 200 hours of community service and an administrative fine from \$5,000.00 to \$10,000.00.

2. From suspension, to be followed by a period of probation, up to revocation, from 100 to 200 hours of community service and a fine of \$10,000.00.

(e) From probation to suspension or denial, from 100 to 200 hours of community service and an administrative fine from \$5,000.00 to \$10,000.00.

(f) From suspension, to be followed by a period of probation, to revocation or denial, from 100 to 200 hours of community service and an administrative fine from \$5,000.00 to \$10,000.00.

(g) For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial, from 100 to 200 hours of community service and an administrative fine from \$5,000.00 to \$10,000.00, unless otherwise provided by law.

1. If the device is an approved device, from a reprimand to probation or restriction of practice, from 100 to 200 hours of community service and an administrative fine of \$5,000.00 to \$10,000.00; if the device is not approved, from suspension to revocation and an administrative fine of \$10,000.00.

2. Within twelve months of the date of the filing of the final order, the licensee must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND:

2. Continuing medical education (CME) violations.

(456.072(1)(e), F.S.)

(456.072(1)(s), F.S.)

<p>a. Failure to document required HIV/ AIDS and related infections of TB or domestic violence or medical errors CME, or substituted end-of-life care CME.</p>	<p>a. An administrative fine of \$500.00 to \$1,000.00.</p>	<p>a. A reprimand and an administrative fine of \$1,000.00 to \$5,000.00.</p>	<p>a. Failure to document required HIV/ AIDS and related infections of TB or domestic violence or medical errors CME, or substituted end-of-life care CME.</p>
<p>b. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence and failure to document medical errors CME.</p>	<p>b. An administrative fine of \$1,000.00 to \$2,000.00.</p>	<p>b. A reprimand and an administrative fine of \$5,000.00 to \$10,000.00.</p>	<p>b. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence and failure to document medical errors CME.</p>
<p>c. Failure to document some, but not all CME hours.</p>	<p>c. An administrative fine of \$100.00 per hour not documented.</p>	<p>c. A reprimand and an administrative fine of \$500.00 per hour not documented.</p>	<p>c. Failure to document some, but not all CME hours.</p>
<p>d. Failure to document any CME hours.</p>	<p>d. A reprimand and an administrative fine from \$5,000.00 to \$10,000.00</p>	<p>d. Suspension until documentation of completion, a reprimand and an administrative fine of \$10,000.00.</p>	<p>d. Failure to document any CME hours.</p>
<p>2. Continuing medical education (CME) violations. (456.072(1)(e), F.S.) (456.072(1)(s), F.S.)</p>	<p>2. Within twelve months of the date of the filing of the final order, the licensee must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND:</p>	<p>2. Within twelve months of the date of the filing of the final order, the licensee must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND:</p>	<p>2. Continuing medical education (CME) violations. (456.072(1)(e), F.S.) (456.072(1)(s), F.S.)</p>
<p>3. Failure to comply with the requirements of Section 381.026 and 381.0261, F.S., to provide patients with information about patient rights. (456.072(1)(t), F.S.)</p>	<p>3. Corrective action for nonwillful violations.</p>	<p>3. Administrative fine of up to \$100.00 for the second and subsequent nonwillful violations; and an administrative fine from \$250.00 to \$500.00 for the second and subsequent willful violations with each intentional and willful violation a separate violation subject to said fine.</p>	

~~3.4.~~ Failing to comply with the requirements for profiling and credentialing.

(456.039, F.S.) (456.072(1)(v), F.S.); (458.319, F.S.);
a. No change.

b. Involving violations of any provision of Chapter 456, F.S., for making misleading, untrue, deceptive or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

(I) Negligently making misleading or untrue representations on a profile, credentialing, or initial licensure or renewal application.

(II) Fraudulently making misleading, untrue, deceptive or fraudulent representations on a profile, credentialing, or initial licensure or renewal application.

5. Failing to report to the board within 30 days after the licensee has been convicted of a crime in any jurisdiction. Convictions prior to the enactment of this section not reported in writing to the board, on or before October 1, 1999.

(456.072(1)(w), F.S.)

6. Failing to comply with obligations regarding ownership and control of medical records, patient records; report or copies of records to be furnished.

(456.054, F.S.)

7. Failing to maintain confidentiality of communication between a patient and a psychiatrist.

(456.059, F.S.)

8. Failing to report final disposition of professional liability claims and actions.

(456.049, F.S.)

(I) From a \$1,000.00 fine and 3 hours CME on ethics to suspension, to be followed by a period of probation, and a reprimand, 50 to 100 hours of community service and a \$5,000.00 administrative fine.

(II) Referral to State Attorney for prosecution pursuant to Sections 456.067 and 456.066, F.S., and from suspension, to be followed by a period of probation, and 100 to 200 hours of community service, and a reprimand and a \$10,000.00 fine to revocation or denial and a \$10,000 fine.

5. From an administrative fine of \$2,000.00 to a fine of \$5,000.00, 50 to 100 hours of community service and a reprimand or denial ~~without the ability to reapply~~.

6. From a letter of concern to two (2) years suspension followed by probation or denial, 50 to 100 hours of community service and an administrative fine from \$1,000.00 to \$5,000.00.

7. From a \$5,000.00 administrative fine, 50 to 100 hours of community service and a reprimand to suspension, to be followed by a period of probation, and a \$10,000.00 administrative fine or denial.

8. If the licensee complies within six (6) months of the violation then an administrative fine of up to \$2,000.00; if compliance after six (6) months, an administrative fine of up to \$5,000.00 and a reprimand.

(I) From suspension, to be followed by a period of probation, and a reprimand, from 100 to 200 hours of community service, and a \$10,000.00 fine to revocation or denial.

(II) Referral to State Attorney for prosecution and revocation or denial and a \$10,000.00 fine.

5. From suspension, to be followed by a period of probation, 100 to 200 hours of community service, to revocation ~~without the ability to reapply~~ and an administrative fine from \$5,000.00 to \$10,000.00.

6. From a reprimand to two (2) years suspension followed by probation or denial, 100 to 200 hours of community service and an administrative fine from \$5,000.00 to \$10,000.00.

7. From suspension, to be followed by a period of probation, and 100 to 200 hours of community service to revocation or denial.

8. If the licensee complies within six (6) months of the violation, then a reprimand and an administrative fine from \$5,000.00 to \$10,000.00; if compliance after six (6) months, from suspension, to be followed by a period of probation, to revocation and an administrative fine of \$10,000.00.

9. Failing to disclose financial interest to patient.
(456.052, F.S.)

(h) Filing a false report or failing to file a report as required.
(458.331(1)(h), F.S.)

(456.072(1)(l), F.S.)
1. Negligently filing a false report or failing to file a report as required.

2. Fraudulently filing a false report or failing to file a report as required.

3. Involving healthcare fraud in dollar amounts in excess of \$5,000.00.

4. Involving healthcare fraud in dollar amounts of \$5,000.00 or less.

(i) Kickbacks or split fee arrangements.
(458.331(1)(i), F.S.)
(456.054, F.S.)

(j) Sexual misconduct
(458.331(1)(j), F.S.)
(458.329, F.S.)
(456.072(1)(u), F.S.)

(k) Deceptive, untrue, or fraudulent representations in the practice of medicine.
(458.331(1)(k), F.S.)
(456.072(1)(a), (m), F.S.)

1. Deceptive, untrue, or fraudulent representations in the practice of medicine involving healthcare fraud in dollar amounts in excess of \$5,000.00.

9. A refund of fees paid by or on behalf of the patient and from an administrative fine of \$1,000.00, 50 hours of community service to a reprimand, 100 hours of community service and an administrative fine of \$5,000.00.

1. From a letter of concern or denial to one (1) year probation, and an administrative fine from \$1,000.00 to \$5,000.00.

2. From one (1) year probation to revocation or denial and a \$10,000.00 fine.

3. Revocation or in the case of application for licensure, denial of licensure, and a \$10,000.00 fine.

4. A \$10,000.00 administrative fine, 100 to 200 hours of community service, suspension of the license, followed by a period of probation.

(i) A refund of fees paid by or on behalf of the patient, 50 to 100 hours of community service and from six (6) months suspension, to be followed by a period of probation, to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.

(j) From one (1) year suspension to be followed by a period of probation and a reprimand, 100 to 200 hours of community service, and an administrative fine of \$5,000.00 to revocation or denial and an administrative fine of \$10,000.00.

(k) From probation, and 50 to 100 hours of community service; to revocation ~~or~~ and denial, and an administrative fine from \$1,000.00 to \$10,000.00.

1. Revocation or in the case of application for licensure, denial of licensure.

9. A refund of fees paid by or on behalf of the patient and from restriction of practice, 100 hours of community service and an administrative fine of \$5,000.00 to a reprimand, 200 hours of community service and an administrative fine of \$10,000.00.

1. From one (1) year probation to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.

2. From suspension, to be followed by a period of probation, to revocation and a \$10,000.00 fine.

4. Revocation and a \$10,000.00 fine.

(i) A refund of fees paid by or on behalf of the patient, 100 to 200 hours of community service, and from a two (2) year suspension, to be followed by a period of probation, to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.
(j) Revocation.

(k) From suspension, to be followed by a period of probation, 100 to 200 hours of community service, to revocation ~~or~~ and denial and an administrative fine from \$5,000.00 to \$10,000.00.

1. Revocation or denial ~~without the ability to re-apply~~ and payment of a \$10,000.00 fine.

2. Deceptive, untrue, or fraudulent representations in the practice of medicine involving healthcare fraud in dollar amounts of \$5,000.00 or less.

(l) Improper solicitation of patients.
(458.331(1)(l), F.S.)

(m) Failure to keep appropriate written medical records.
(458.331(1)(m), F.S.)

1. Failure to keep appropriate written medical records involving healthcare fraud in dollar amounts in excess of \$5,000.00.

2. Failure to keep appropriate written medical records involving healthcare fraud in dollar amounts of \$5,000.00 or less.

(n) Exercising influence on patient for financial gain.

(458.331(1)(n), F.S.)

(456.072(1)(n), F.S.)

(o) Improper advertising of pharmacy.

(458.331(1)(o), F.S.)

(p) Performing professional services not authorized by patient.

(458.331(1)(p), F.S.)

(q) Inappropriate or excessive prescribing.

(458.331(1)(q), F.S.)

(r) Prescribing or dispensing of a scheduled drug by the physician to himself.

(458.331(1)(r), F.S.)

2. A \$10,000.00 administrative fine, suspension of the license, followed by a period of probation, 100 to 200 hours of community service.

(l) From one (1) year suspension, to be followed by a period of probation, 50 to 100 hours of community service, to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.

(m) From a reprimand to denial or two (2) years suspension followed by probation, 50 to 100 hours of community service, and an administrative fine from \$1,000.00 to \$10,000.00.

1. Revocation or in the case of application for licensure, denial of licensure.

2. A \$10,000.00 administrative fine, suspension of the license, followed by a period of probation, 100 to 200 hours of community service.

(n) Payment of fees paid by or on behalf of the patient and from probation to denial or two (2) years suspension, to be followed by a period of probation, 50 to 100 hours of community service, and an administrative fine from \$5,000.00 to \$10,000.00.

(o) From a reprimand and \$250.00 fine or denial to one year probation, to be followed by a period of probation, 50 to 100 hours of community service, and an administrative fine from \$250.00 to \$5,000.00.

(p) From a reprimand or denial to two (2) years suspension, to be followed by a period of probation, 50 to 100 hours of community service, and an administrative fine from \$1,000.00 to \$10,000.00.

(q) From one (1) year probation to revocation or denial and 50 to 100 hours of community service; and an administrative fine from \$1,000.00 to 10,000.00.

(r) From one (1) year probation, 50 to 100 hours of community service, to revocation or denial and an administrative fine from \$1,000.00 to \$5,000.00, and a mental and physical examination.

2. Revocation.

(l) From one (1) year suspension, to be followed by a period of probation, 100 to 200 hours of community service, to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.

(m) From probation to suspension followed by probation or denial, 100 to 200 hours of community service, and an administrative fine from \$5,000.00 to \$10,000.00.

1. Revocation or denial ~~without the ability to reapply~~ and payment of a \$10,000.00 fine.

2. Revocation or denial.

(n) Payment of fees paid by or on behalf of the patient and from suspension, 100 to 200 hours of community service, to revocation or denial and an administrative fine of \$10,000.00.

(o) From probation, 100 to 200 hours of community service to suspension, to be followed by a period of probation, or denial and an administrative fine of \$5,000.00 to \$10,000.00.

(p) From probation, 100 to 200 hours of community service to revocation or denial and an administrative fine of \$5,000.00 to \$10,000.00.

(q) From suspension, to be followed by a period of probation, and 100 to 200 hours of community service to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.

(r) From suspension, to be followed by a period of probation, 100 to 200 hours of community service, to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00, and a mental and physical examination.

(s) Inability to practice medicine with skill and safety.
(458.331(1)(s), F.S.)

(s) From probation, 50 to 100 hours of community service, to denial or indefinite suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation, and an administrative fine from \$1,000.00 to \$5,000.00.

(s) From indefinite suspension, followed by probation, 100 to 200 hours of community service, to suspension for a minimum of five (5) years or until licensee is able to demonstrate ability

(t) Failure to practice medicine in accordance with appropriate level of care, skill and treatment recognized in general law related to the practice of medicine.

(t) From one (1) year probation, 50 to 100 hours of community service, to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.

to practice with reasonable skill and safety followed by probation, and an administrative fine from \$5,000.00 to \$10,000.00.

(t) From two (2) years probation, 100 to 200 hours of community service, to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.

(456.50(1)(g), F.S.)

(458.331(1)(t), F.S.)

1. Gross Malpractice.

1. From one (1) year suspension followed by three (3) years probation, 50 to 100 hours of community service; to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00 and licensee shall be subject to reexamination.

1. From suspension, to be followed by a period of probation; 100 to 200 hours of community service, or denial to revocation or denial and an administrative fine of \$5,000.00 to \$10,000.00, and an evaluation or reexamination by a physician evaluation program approved by the Board.

2. No change.

(u) Performing of experimental treatment without informed consent.

(u) From one (1) year suspension, to be followed by a period of probation; 100 to 200 hours of community service; to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.

(u) Revocation or denial.

(458.331(1)(u), F.S.)

(v) Practicing beyond scope permitted.

(v) From two (2) years suspension; 50 to 100 hours of community service; to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.

(v) From suspension; 100 to 200 hours of community service; to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.

(458.331(1)(v), F.S.)

(456.072(1)(o), F.S.)

(w) Delegation of professional responsibilities to unqualified person. (458.331(1)(w), F.S.)

(w) From one (1) year probation, 50 to 100 hours of community service; to denial or five (5) years suspension followed by probation, and an administrative fine from \$1,000.00 to \$10,000.00.

(w) From suspension, to be followed by a period of probation; 100 to 200 hours of community service; to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.

(456.072(1)(p), F.S.)

(x)1. Violation of law, rule, or failure to comply with subpoena.

(x)1. For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand, 50 to 200 hours of community service, to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.

(x)1. From probation, 100 to 200 hours of community service; to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.

(458.331(1)(nn), F.S.)

(456.072(1)(b), (q), F.S.)

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|---|---|--|
| <p>2. Violation of an order of the Board.
458.331(1)(x), F.S.</p> | <p>2. Reprimand, <u>50 to 100 hours of community service</u>; and an administrative fine from \$5,000.00 to \$10,000.00, to revocation or denial based upon the severity of the offense and the potential for patient harm.</p> | <p>2. From suspension, <u>to be followed by a period of probation, 100 to 200 hours of community service</u>; and a \$10,000.00 fine or denial to revocation.</p> |
| <p>3. Failure to comply with any provision of Rule 64B8-8.019, F.A.C.</p> | <p>3. From a \$1,000.00 fine, letter of concern, <u>50 hours of community service</u>; demonstration of compliance with the rule or denial to a \$5,000.00 fine, a reprimand, completion of a laws and rules course, a term of probation, <u>100 hours of community service</u>; demonstration of compliance with the rule or denial.</p> | <p>3. From a \$7,500.00 fine, a reprimand, a term of probation, completion of a laws and rules course, <u>100 to 200 hours of community service</u>; demonstration of compliance with the rule or denial to a \$10,000.00 fine and revocation.</p> |
| <p>(y) Conspiring to restrict another from lawfully advertising services.
(458.331(1)(y), F.S.)</p> | <p>(y) A reprimand or denial; <u>50 to 100 hours of community service</u>; and an administrative fine ranging from \$1,000.00 to \$5,000.00.</p> | <p>(y) Probation or denial; <u>100 to 200 hours of community service</u>; and an administrative fine from \$5,000.00 to \$10,000.00.</p> |
| <p>(z) Aiding an unlawful abortion.
(458.331(1)(z), F.S.)</p> | <p>(z) From one (1) year suspension, <u>to be followed by a period of probation, 50 to 100 hours of community service</u>; to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.</p> | <p>(z) From suspension, <u>to be followed by a period of probation; 100 to 200 hours of community service</u>; to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.</p> |
| <p>(aa) Presigning prescription forms.
(458.331(1)(aa), F.S.)</p> | <p>(aa) From a reprimand to two (2) years probation, <u>50 to 100 hours of community service</u>; and an administrative fine from \$1,000.00 to \$5,000.00.</p> | <p>(aa) From suspension, <u>to be followed by a period of probation, 100 to 200 hours of community service</u>; to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.</p> |
| <p>(bb) Prescribing a Schedule II substance for Office use.
(458.331(1)(bb), F.S.)</p> | <p>(bb) From a reprimand to probation with CME in pharmacology, <u>50 to 100 hours of community service</u>; and an administrative fine from \$1,000.00 to \$5,000.00.</p> | <p>(bb) From probation to suspension, <u>to be followed by a period of probation, or denial, 100 to 200 hours of community service</u>; and an administrative fine from \$5,000.00 to \$10,000.00.</p> |
| <p>(cc) Improper prescribing of Schedule II amphetamine or sympathomimetic amine drug.
(458.331(1)(cc), F.S.)</p> | <p>(cc) From probation, <u>50 hours of community service</u>, to denial or two (2) years suspension followed by probation, <u>100 hours of community service</u>, and an administrative fine from \$1,000.00 to \$10,000.00.</p> | <p>(cc) From suspension, <u>to be followed by a period of probation, 100 to 200 hours of community service</u>, to revocation or denial of the license and an administrative fine ranging from \$5,000.00 to \$10,000.00.</p> |
| <p>(dd) Failure to adequately supervise assisting personnel.
(458.331(1)(dd), F.S.)</p> | <p>(dd) From probation, <u>50 hours of community service</u>, to denial or two (2) years suspension followed by probation, <u>100 hours of community service</u>, and an administrative fine from \$1,000.00 to \$5,000.00.</p> | <p>(dd) From one (1) year suspension, <u>to be followed by a period of probation, 100 to 200 hours of community service</u>, to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.</p> |
| <p>(ee) Improper use of substances for muscle building or enhancement of athletic performance.
(458.331(1)(ee), F.S.)</p> | <p>(ee) From one (1) year suspension, <u>to be followed by a period of probation, 50 to 100 hours of community service</u>, to revocation or denial and an administrative fine from \$1,000.00 to \$5,000.00.</p> | <p>(ee) From suspension, <u>to be followed by a period of probation, 100 to 200 hours of community service</u>, to revocation or denial of the license and an administrative fine ranging from \$5,000.00 to \$10,000.00.</p> |

(ff) Use of amygdalin (laetrile).
(458.331(1)(ff), F.S.)

~~(ff) From one (1) year suspension, to be followed by a period of probation, 50 to 100 hours of community service, to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.~~

(ff) From suspension, to be followed by a period of probation, 100 to 200 hours of community service, to revocation or denial of the license and an administrative fine ranging from \$5,000.00 to \$10,000.00.

(gg) Misrepresenting or concealing a material fact.
(458.331(1)(gg), F.S.)

~~(gg) From suspension, to be followed by a period of probation, 50 to 100 hours of community service, to denial or revocation of license and an administrative fine from \$1,000.00 to \$5,000.00 with ability to reapply upon payment of up to a \$10,000.00 fine to denial of license without ability to reapply.~~

(gg) From suspension, to be followed by a period of probation, 100 to 200 hours of community service, to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.

(hh) Improperly interfering with an investigation or a disciplinary proceeding (458.331(1)(hh), F.S.)

~~(hh) From suspension, to be followed by a period of probation, 50 to 100 hours of community service, to denial or revocation of license and with ability to reapply upon payment of a \$5,000.00 \$1,000.00 fine to denial of license without ability to reapply.~~

(hh) From suspension, to be followed by a period of probation, 100 to 200 hours of community service, to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.

(ii) Failing to report any licensee in violation who practices in a hospital or an H.M.O.; or failing to report any person in violation of Chapter 456, F.S.
(458.331(1)(ii), F.S.)

~~(ii) From a reprimand to probation, 50 to 100 hours of community service, or denial and an administrative fine from \$1,000.00 to \$5,000.00.~~

(ii) From probation, 100 to 200 hours of community service, to suspension, to be followed by a period of probation, or denial, and an administrative fine from \$5,000.00 to \$10,000.00.

(456.072(1)(i), F.S.)
(jj) Providing written medical opinion without reasonable investigation.
(458.331(1)(jj), F.S.)

~~(jj) From suspension, to be followed by a period of probation, 50 to 100 hours of community service to denial or revocation of license and with ability to reapply upon payment of a \$1,000.00 to \$5,000.00 fine to denial of license without ability to reapply.~~

(jj) From suspension, to be followed by a period of probation, 100 to 200 hours of community service to revocation or denial of the license and an administrative fine ranging from \$5,000.00 to \$10,000.00.

(kk) Failure to report disciplinary action by another jurisdiction.
(458.331(1)(kk), F.S.)

~~(kk) From an administrative fine of \$2,000.00 to a fine of \$5,000.00 and a reprimand, 50 to 100 hours of community service to denial or revocation of license and with ability to reapply upon payment of a \$5,000.00 \$1,000.00 fine to denial or revocation of license without ability to reapply.~~

(kk) From probation, 100 to 200 hours of community service, to suspension, to be followed by a period of probation, or denial, and an administrative fine from \$5,000.00 to \$10,000.00.

(ll) Improper holding oneself out as a specialist.
(458.331(1)(ll), F.S.)

~~(ll) From letter of concern, 50 to 100 hours of community service, to one (1) year suspension, to be followed by a period of probation, or denial and an administrative fine from \$500.00 to \$5,000.00.~~

(ll) From reprimand, 100 to 200 hours of community service, to up to one (1) year suspension, to be followed by a period of probation, or denial, and an administrative fine from \$5,000.00 to \$10,000.00.

(mm) Failing to provide patients with information about patient rights and how to file a patient complaint.

(458.331(1)(mm), F.S.)

456.072(1)(t), F.S.)

(nn) Violating Chapter 458, Chapter 456, or any rules adopted pursuant thereto.

(458.331(1)(nn), F.S.)

(oo)(~~mm~~) Improper use of information about accident victims for commercial or any other solicitation of the people involved in such accidents.

(456.072(1)(x), F.S.)

(pp)(~~mm~~) Theft or reproduction of an examination.

(456.018, F.S.)

(qq)(~~oo~~) Violation of Patient Self Referral Act.

(456.053, F.S.)

(rr)(~~pp~~) Violation of medical director clinic responsibilities.

(456.0375(4)(c), F.S.)

1. Failure to file or renew registration form.

2. Failure to display registration certificate.

3. Failure to post signs identifying medical/clinical director in conspicuous location.

4. Failure to ensure that all health care practitioners employed at clinic have active, unencumbered license.

(mm) Corrective action for nonwillful violations.

(nn) From a reprimand, 50 to 200 hours of community service, to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.

(oo)(~~mm~~) From an administrative fine of \$1,000.00 to a fine of \$5,000.00, reprimand, 50 to 100 hours of community service and probation.

(pp)(~~mm~~) Revocation or denial without ability to reapply.

(qq)(~~oo~~) In addition to any civil penalty imposed pursuant to Section 456.053, F.S., for each separate violation, from an administrative fine of \$5,000.00 to an administrative fine of \$10,000.00, and 50 to 100 hours of community service.

(rr)(~~pp~~) Based upon the severity of the offense and the potential for patient harm, from a letter of concern, 50 to 100 hours of community service, to revocation and an administrative fine from \$1,000.00 to \$10,000.00.

1. Notice of Non-Compliance if filed or renewed within 90 days. (See Rule 64B8-8.011, F.A.C.)

2. Notice of Non-Compliance. (See Rule 64B8-8.011, F.A.C.)

3. Notice of Non-Compliance. (See Rule 64B8-8.011, F.A.C.)

4. From probation, 50 to 100 hours of community service, to revocation, and an administrative fine from \$1,000.00 to \$10,000.00.

(mm) Administrative fine of up to \$100.00 for the second and subsequent nonwillful violations; and an administrative fine from \$250.00 to \$500.00 for the second and subsequent willful violations with each intentional and willful violation a separate violation subject to said fine.

(nn) From probation, 100 to 200 hours of community service; to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.

(oo)(~~mm~~) From reprimand to up to one (1) year suspension, 100 to 200 hours of community service or denial, and an administrative fine from \$5,000.00 to \$10,000.00.

(~~mm~~) Revocation or denial without ability to reapply.

(qq)(~~oo~~) From probation, 100 to 200 hours of community service to suspension, to be followed by a period of probation, or denial, and an administrative fine from \$5,000.00 to \$10,000.00.

(rr)(~~pp~~) Restricted from serving as the medical director of any registered clinic and based upon the severity of the offense and the potential for patient harm, from a reprimand, 100 to 200 hours of community service, to revocation and an administrative fine from \$5,000.00 to \$10,000.00.

1. From a reprimand and a fine of \$500 for each day the licensee served as director while the clinic was not registered, to permanent restriction on serving as a medical director.

2. Citation or a \$2,000 fine. (See Rule 64B8-8.017, F.A.C.)

3. Citation. (See Rule 64B8-8.017, F.A.C.)

4. From suspension, to be followed by a period of probation, 100 to 200 hours of community service, to revocation, and an administrative fine from \$5,000.00 to \$10,000.00.

- | | | |
|--|---|--|
| <p>5. Failure to review patient referral contracts or agreements executed by clinic.</p> | <p>5. A refund of fees paid by or on behalf of the patient, <u>50 hours of community service</u>, and from an administrative fine of \$1,000.00 to a reprimand, <u>100 hours of community service</u>, and an administrative fine of \$5,000.00.</p> | <p>5. A refund of fees paid by or on behalf of the patient and from restriction of practice, <u>100 hours of community service</u>, and an administrative fine of \$5,000.00 to a reprimand, <u>200 hours of community service</u>, and an administrative fine of \$10,000.00.</p> |
| <p>6. Failure to ensure that all health care practitioners employed at clinic have active appropriate certification or licensure for the level of care being provided.</p> | <p>6. From probation, <u>50 to 100 hours of community service</u>, to revocation, and an administrative fine from \$1,000.00 to \$10,000.00.</p> | <p>6. From suspension, <u>to be followed by a period of probation, 100 to 200 hours of community service</u>, to revocation, and an administrative fine from \$5,000.00 to \$10,000.00.</p> |
| <p>7. Failure to comply with Section 456.057, F.S., with regard to clinic records.</p> | <p>7. From a letter of concern to two (2) years suspension followed by probation, <u>50 to 100 hours of community service</u>, and an administrative fine from \$1,000.00 to \$5,000.00.</p> | <p>7. From a reprimand to two (2) years suspension followed by probation, <u>100 to 200 hours of community service</u>, and an administrative fine from \$5,000.00 to \$10,000.00.</p> |
| <p>8. Failure to ensure compliance with recordkeeping requirements.</p> | <p>8. From a letter of concern to two (2) years suspension followed by probation, <u>50 to 100 hours of community service</u>, and an administrative fine from \$1,000.00 to \$5,000.00.</p> | <p>8. From a reprimand to two (2) years suspension followed by probation, <u>100 to 200 hours of community service</u>, and an administrative fine from \$5,000.00 to \$10,000.00.</p> |
| <p>9. Failure to ensure compliance with office surgery requirements.</p> | <p>9. From probation, <u>50 to 100 hours of community service</u>, to revocation, and an administrative fine from \$1,000.00 to \$10,000.00.</p> | <p>9. From suspension, <u>to be followed by a period of probation, 100 to 200 hours of community service</u>, to revocation, and an administrative fine from \$5,000.00 to \$10,000.00.</p> |
| <p>10. Failure to ensure compliance with adverse incident reporting requirements.</p> | <p>10. Notice of Non-Compliance if filed within 90 days. (See Rule 64B8-8.011, F.A.C.)</p> | <p>10. From a reprimand and a fine of \$500 for each day the licensee served as director while the clinic was not registered, to permanent restriction on serving as a medical director.</p> |
| <p>11. Failure to conduct systematic reviews of clinic billings.</p> | <p>11. From a reprimand to two (2) years suspension followed by probation, <u>50 to 100 hours of community service</u>, and an administrative fine from \$1,000.00 to \$10,000.00.</p> | <p>11. From probation, <u>100 to 200 hours of community service</u>, to suspension followed by probation, and an administrative fine from \$5,000.00 to \$10,000.00.</p> |
| <p>12. Failure to take immediate corrective action upon discovery of unlawful billing.</p> | <p>12. A refund of fees paid by or on behalf of the patient and from six (6) months suspension, <u>to be followed by a period of probation, 50 to 100 hours of community service</u>, to revocation, and an administrative fine from \$1,000.00 to \$10,000.00.</p> | <p>12. A refund of fees paid by or on behalf of the patient and from a two (2) year suspension, <u>to be followed by a period of probation, 100 to 200 hours of community service</u>, to revocation, and an administrative fine from \$5,000.00 to \$10,000.00.</p> |
| <p>13. Serving as medical/clinical director for more registered clinics than provided by Department rule.</p> | <p>13. From probation, <u>50 to 100 hours of community service</u>, to two (2) years suspension followed by probation, <u>150 hours of community service</u>, and an administrative fine from \$1,000.00 to \$5,000.00.</p> | <p>13. From one (1) year suspension, <u>to be followed by a period of probation, 200 hours of community service</u>, to revocation, and an administrative fine from \$5,000.00 to \$10,000.00.</p> |

~~(ss)(qq)~~ Performing or attempting to perform health care services on the wrong patient, a wrong site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition.
(456.072(1)(bb), F.S.)

~~(ss)(qq)~~ From a \$1,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, and one (1) hour lecture on wrong-site surgery in the State of Florida to a \$10,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, ~~a minimum of fifty (50) to 100~~ hours of community service, undergo a risk management assessment, a one (1) hour lecture on wrong-site surgery, and suspension to be followed by a term of probation.

~~(ss)(qq)~~ From a \$10,000.00 fine, a reprimand, ~~a minimum of 100 fifty (50) to 200~~ hours of community service, undergo a risk management assessment, and probation or denial to a \$10,000.00 fine and revocation.

~~(ss)(qq)~~ From a \$10,000.00 fine, a reprimand, 200 ~~a minimum of one hundred (100)~~ hours of community service, undergo a competency evaluation, and suspension to be followed by a term of probation to a \$10,000.00 fine and revocation.

~~(tt)(pp)~~ Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures.
(456.072(1)(bb), F.S.)

~~(tt)(pp)~~ From a \$2,000.00 to a \$10,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, ~~a minimum of 50 to 100~~ hours of community service, and a one hour lecture to the staff of a Florida licensed healthcare facility on retained foreign body objects to revocation.

~~(tt)(pp)~~ From a \$10,000.00 fine, a reprimand and probation, 100 to 200 hours of community service, or denial to revocation.

~~(uu)(ss)~~ For the practitioner(s) responsible for the adverse incident, failing to inform a patient, or an individual identified pursuant to Section 765.401(1), F.S., in person about adverse incidents that result in serious harm to the patient.
(456.0575, F.S.)

~~(uu)(ss)~~ From a reprimand to probation, 50 to 100 hours of community service, or denial and an administrative fine of \$1,000 to \$5,000.

~~(uu)(ss)~~ From probation, 100 to 200 hours of community service, to suspension or denial and an administrative fine of \$5,000 to \$10,000.

~~(vv)(tt)~~ Being terminated from a treatment program for impaired practitioners, for failure to comply with the terms of the monitoring or treatment contract or for not successfully completing any drug-treatment or alcohol-treatment program.
(456.072(1)(gg), F.S.)

~~(vv)(tt)~~ From suspension until licensee demonstrates compliance with all terms of the monitoring or treatment contract, and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation; and a fine of \$1,000 to \$2,500, to revocation.

~~(vv)(tt)~~ From suspension until licensee demonstrates compliance with all terms of the monitoring or treatment contract and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation; and a fine of \$2,500 to \$10,000, to revocation.

(3) through (7) No change.

Specific Authority 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) FS. History--New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04, 1-4-06, 8-13-06, 8-29-06, 11-22-06, 1-30-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-10.003 RULE TITLE: Costs of Reproducing Medical Records

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the costs associated with the reproduction of medical records.

SUMMARY: For patients and other governmental entities, the costs of reproducing medical records shall remain the same as they have been since 1988. For other entities, the cost of reproducing medical records shall be increased to \$1.00 per page.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting: Larry McPherson, Jr., Executive Director, at the address listed below.

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

SPECIFIC AUTHORITY: 456.057(18), 458.309 FS.

LAW IMPLEMENTED: 456.057(18) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-10.003 Costs of Reproducing Medical Records.

Recognizing that patient access to medical records is important and necessary to assure continuity of patient care, the Board of Medicine urges physicians to provide their patients a copy of their medical records, upon request, without cost, especially when the patient is economically disadvantaged. The Board, however, also recognizes that the cost of reproducing voluminous medical records may be financially burdensome to some practitioners. Therefore, the following rule sets forth the permitted costs for the reproduction of medical records.

(1) Any person licensed pursuant to Chapter 458, F.S., required to release copies of patient medical records may condition such release upon payment by the requesting party of the reasonable costs of reproducing the records.

(2) For patients and governmental entities, the reasonable Reasonable costs of reproducing copies of written or typed documents or reports shall not be more than the following:

- (a) For the first 25 pages, the cost shall be \$ 1.00 per page.
- (b) For each page in excess of 25 pages, the cost shall be 25 cents.

(3) For other entities, the reasonable costs of reproducing copies of written or typed documents or reports shall not be more than \$1.00 per page.

(4)(3) Reasonable costs of reproducing x-rays, and such other special kinds of records shall be the actual costs. The phrase "actual costs" means the cost of the material and supplies used to duplicate the record, as well as the labor costs and overhead costs associated with such duplication.

Specific Authority 456.057(18), 458.309 FS. Law Implemented 456.057(18) ~~456.061, 456.058, 458.331(4)~~ FS. History--New 11-17-87, Amended 5-12-88, Formerly 21M-26.003, 61F6-26.003, 59R-10.003, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: 64B8-42.001 64B8-42.002 RULE TITLES: Licensure by Endorsement Licensure by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendments to incorporate application forms.

SUMMARY: The rule amendment will incorporate application forms.

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: 456.017(1), 468.507 FS.

LAW IMPLEMENTED: 456.027, 468.507, 468.509, 468.513 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: Allen Hall, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-42.001 Licensure by Endorsement.

Each applicant for certification as a dietitian/nutritionist by endorsement shall file application DOH Form DH-MQA 1161, ND APP, Rev. 12/2008, incorporated by reference, and demonstrate the following:

(1) through (2) No change.

Specific Authority 468.507 FS. Law Implemented 468.507, 468.513 FS. History–New 4-9-89, Formerly 21M-48.001, 61F6-48.001, 59R-42.001, Amended _____.

64B8-42.002 Licensure by Examination.

(1) Every applicant for certification by examination shall file application DOH Form DH-MQA 1161, ND APP, Rev. 12/2008, incorporated by reference, and demonstrate to the Council that he meets one of the following:

(a)1. Has a baccalaureate or post baccalaureate degree with a major in human nutrition, food and nutrition, dietetics, food management or equivalent major as determined by the Council from a school or program accredited by the appropriate accrediting agency recognized by the Council on Post-secondary Accreditation or its successor and the United States Department of Education and

2. Has completed 900 hours of planned and continuous supervised practice in dietetics or nutrition, or has education or experience determined to be equivalent by the Council as described in subsection (3); or

(b)1. Has an academic degree with a major course of study in human nutrition, food and nutrition, dietetics, or food management from a foreign country, provided that degree has been validated by an accrediting agency approved by the U.S.

Department of Education as equivalent to the baccalaureate or post baccalaureate degree conferred by a regionally accredited college or university in the United States; and

2. Has completed 900 hours of planned and continuous supervised practice in dietetics or nutrition, or has education or experience determined to be equivalent by the Council as described in subsection (3).

(2) through (5) No change.

Specific Authority 456.017(1), 468.507 FS. Law Implemented 456.027, 468.509 FS. History–New 4-9-89, Amended 11-28-90, 3-24-91, 11-9-92, 5-6-93, Formerly 21M-48.002, Amended 11-4-93, 6-9-94, Formerly 61F6-48.002, Amended 11-12-95, Formerly 59R-42.002, Amended 8-19-99, 3-9-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Council

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:
64B8-52.004

RULE TITLE:
Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction

PURPOSE AND EFFECT: The proposed rule amendment is intended to revise the requirement regarding the number of years of post-graduate training for instructors teaching laser and light-based hair removal courses from two years to one year.

SUMMARY: proposed rule amendment revises the requirement regarding the number of years of post-graduate training for instructors teaching laser and light-based hair removal courses from two years to one year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting: Larry McPherson, Jr., Executive Director, at the address listed below.

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

SPECIFIC AUTHORITY: 456.025(7), 478.43 FS.

LAW IMPLEMENTED: 456.025(7), 478.42(5), 478.43(3), 478.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.004 Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

- (1) through (2) No change.
- (3) The instructors of each laser and light-based hair removal course have one year ~~two years~~ of post-certification experience. Verifiable documentation of this experience must be submitted to the Council with the application.

Specific Authority 456.025(7), 478.43 FS. Law Implemented 456.025(7), 478.42(5), 478.43(3), 478.50 FS. History--New 10-3-00, Amended 12-24-01, 12-26-02, 8-17-04, 7-3-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2008

DEPARTMENT OF HEALTH

Board of Optometry

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt the updated revisions recommended by the Topical Optical Pharmaceutical Agents Committee.

SUMMARY: The updated revisions recommended by the Topical Ocular Pharmaceutical Agents Committee is adopted.

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: 463.005, 463.055(2)(a) FS.
 LAW IMPLEMENTED: 463.0055 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

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

- (1) through (3) No change.
- (4) ANTIBACTERIAL.
 - (a) through (j) No change
 - (k) Levofloxacin – 1.5 ~~0.05~~%;
 - (l) Gatifloxacin – 0.3%;
 - (m) Moxifloxacin – 0.5%;
 - (n) Sodium sulfacetamide – 10.0% (alone and in combination);
 - (o) Azithromycin – 1% ~~0.5~~ ~~and~~
 - ~~(p) Levofloxacin – 1.5%.~~
- (5) NON-STEROIDAL AND STEROIDAL ANTI-INFLAMMATORY AGENTS
 - (a) through (m) No change.
 - (n) Nopafenac – 0.1% ~~0.1~~ ~~and~~
 - ~~(o) Brimonidine tartrate – 0.1%.~~
- (6) ANTIHISTAMINES, MAST CELL STABILIZERS AND ANTI-ALLERGY AGENTS
 - (a) through (d) No change.
 - ~~(e) Ketotifen fumarate – 0.025%;~~
 - ~~(e)(f) Azelastine HCl – 0.05%;~~
 - ~~(f)(g) Pemirolast potassium – 0.1%;~~ and
 - ~~(g)(h) Epinastine HCl – 0.05%.~~
 - (7) through (9) No change.

Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 17, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 7, 2008

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-32.004
RULE TITLE: General Program Restrictions
PURPOSE AND EFFECT: Pursuant to Florida Statutes Chapter 420.5087(3)(d), F.S., the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program.

SUMMARY: The intent of this Rule is to provide loans to sponsors of housing for the elderly to make health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the 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: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 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: January 12, 2009, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

Pursuant to the provisions of 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: Jody Bedgood (850)488-4197. If you are hearing or

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Derek Helms, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULE IS:

67-32.004 General Program Restrictions.

(1) The proceeds of all loans shall be used for life-safety, ~~building preservation~~, health, sanitation, or security-related repairs or improvements which result in making the Development safe and secure, and meeting requirements of state, federal, or local regulation.

(2) through (3) No change.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 9I-32.004, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated 5-5-03, Amended 1-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jody Bedgood, Program Manager, (850)488-4197

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Housing Finance Corporation Board of Directors

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-6.028
RULE TITLE: Procedures for Imputing Payroll and Penalty Calculations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to provide the Department alternative means and methods by which it may calculate an employer's imputed payroll and penalty, to clarify the timeframe within which such imputation may occur, and to define the meaning of "non-compliance" within the meaning of the rule. Additionally, the proposed rule amendment deletes language from the existing rule regarding penalty assessments for periods of noncompliance that occurred prior to October 1, 2003.

SUMMARY: Provides the Department with alternative methods for calculating an employer's imputed payroll and penalty, clarifies the timeframe within which imputation may occur, defines meaning of "non-compliance" for purposes of the rule, and deletes obsolete language regarding penalty assessments.

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: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(e) FS.

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

DATE AND TIME: Thursday, January 22, 2009, 10:00 a.m.

PLACE: 104 J Hartman Bldg., 2012 Capital Circle S.E., Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter at (850)413-1878. If you are 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: Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone (850)413-1878

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.028 Procedures for Imputing Payroll and Penalty Calculations.

(1) In the event an employer fails to provide business records sufficient for the department to determine the employer's payroll for the time period requested in the business records request for the calculation of the penalty pursuant to Section 440.107(7)(e), F.S., the department shall impute the employer's payroll at any time after ten, but before the expiration of twenty at any time after the expiration of fifteen business days after receipt by the employer of a written request to produce such business records.

(2) The employer's period of non-compliance shall be either the same as the time period requested in the business records request for the calculation of the penalty or an alternative period of non-compliance as determined by the department, whichever is less. The department may determine an alternative period of non-compliance by obtaining records from other sources during the department's investigation of the employer that evidence a period of non-compliance different than the time period requested in the business records request for the calculation of the penalty.

(a) For purposes of this rule, "non-compliance" means the employer's failure to secure the payment of workers' compensation pursuant to Chapter 440, F.S.

~~(3)~~(2) When an employer fails to provide business records sufficient to enable the department to determine the employer's payroll for the time period requested in the business records request for purposes of calculating the penalty provided for in Section 440.107(7)(d), F.S., the imputed weekly payroll for each employee, corporate officer, sole proprietor or partner ~~for the portion of the period of the employer's non-compliance occurring on or after October 1, 2003~~ shall be calculated as follows:

(a) For each employee, ~~employees~~ other than corporate officers, ~~for each employee~~ identified by the department as an employee of such employer at any time during the period of the employer's non-compliance, the imputed weekly payroll for each week of the employer's non-compliance for each such employee shall be the statewide average weekly wage as defined in Section 440.12(2), F.S., that is in effect at the time the stop-work order was issued to the employer, multiplied by 1.5. Employees include sole proprietors and partners in a partnership.

(b) If the employer is a corporation, for each corporate officer of such employer identified as such on the records of the Division of Corporations at the time of issuance of the stop-work order, the imputed weekly payroll for each week of the employer's non-compliance for each such corporate officer shall be the statewide average weekly wage as defined in Section 440.12(2), F.S., that is in effect at the time the stop-work order was issued to the employer, multiplied by 1.5.

(c) If a portion of the period of non-compliance includes a partial week of non-compliance, the imputed weekly payroll for such partial week of non-compliance shall be prorated from the imputed weekly payroll for a full week.

(d) The imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be assigned to the highest rated workers' compensation classification code associated with the employer's business activities. If, unless the employer's business records demonstrate the assignment of an alternative workers' compensation classification code, such classification code will be applicable to all employees. However, the department may assign an alternative workers' compensation classification code for an employee based upon the investigator's physical observation of that employee's activities.

~~(3) If subsequent to imputation of weekly payroll pursuant to subsection (2) herein, but before and only until the expiration of forty five calendar days from the receipt by the employer of written request to produce business records, the employer provides business records sufficient for the department to determine the employer's payroll for the period requested for the calculation of the penalty pursuant to Section~~

~~440.107(7)(e), F.S., the department shall recalculate the employer's penalty to reflect the payroll information provided in such business records.~~

(4) If the department imputes the employer's payroll, the employer shall have twenty business days after service of the order assessing the penalty to provide business records sufficient for the department to determine the employer's payroll for the period requested in the business records request for the calculation of the penalty or for the alternative period of non-compliance. If the employer provides such business records, the department shall recalculate the employer's penalty pursuant to Section 440.107(7)(d), F.S. If business records sufficient for the department to determine the employer's payroll for the period requested in the business records request for the calculation of the penalty or for the alternative period of non-compliance are not provided to the department within twenty business days after service of the order assessing the penalty, the penalty based upon the time period requested for the calculation of the penalty imputing the employer's payroll for the time period in the business records request for the calculation of the penalty will remain in effect. Where periods of the employer's non-compliance occurred prior to October 1, 2003, and the employer fails to provide business records sufficient to enable the department to determine the employer's payroll for periods of non-compliance prior to October 1, 2003, for purposes of calculating the penalty to be assessed against the employer for periods of non-compliance prior to October 1, 2003, the department shall assess against the employer a penalty of \$100 per day for each and every calendar day in the period of non-compliance occurring prior to October 1, 2003, the employer was not in compliance, pursuant to Section 440.107(5), F.S. (2002).

Specific Authority 440.107(9), 440.591 FS. Law Implemented ~~440.107(5) (2002);~~ 440.107(7)(e) FS. History-New 7-12-05, Amended 8-31-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
69L-56	Electronic Data Interchange (EDI) Requirements for Proof of Coverage and Claims (Non-Medical)
RULE NOS.:	RULE TITLES:
69L-56.001	Forms and Instructions
69L-56.002	Definitions
69L-56.100	Proof of Coverage (POC) Electronic Reporting Requirements
69L-56.110	Technical Requirements for POC EDI Transmissions
69L-56.200	Policy Cancellation or Non-Renewal Requirements
69L-56.205	Policy Reporting Requirements for Employee Leasing Companies
69L-56.210	Time Periods for Filing Electronic Policy Information
69L-56.300	Claims EDI Reporting Requirements and Implementation Schedules
69L-56.301	Electronic First Report of Injury or Illness
69L-56.3012	Electronic Notice of Denial and Rescinded Denial
69L-56.3013	Electronic Periodic Claim Cost Reports
69L-56.304	Electronic Notice of Action or Change, Including Change in Claims Administration, Required by the Insurer's Primary Implementation Schedule
69L-56.3045	Electronic Notice of Action or Change, Suspensions, and Reinstatement of Indemnity Benefits Required by Insurer's Secondary Implementation Guide
69L-56.307	Electronic Cancellation of Claim
69L-56.310	Technical Requirements for Claims EDI Transmissions
69L-56.330	Electronic Formats for Reporting the Employee's 8th Day of Disability and the Claim Administrator's Knowledge of the 8th Day of Disability

PURPOSE AND EFFECT: Rule Chapter 69L-56, F.A.C., is being amended to incorporate by reference the revised Form DFS-F5-DWC-EDI-1, "EDI Trading Partner Profile", and the revised Form DFS-F5-DWC-EDI-4, "Secure Socket Layer (SSL)/File Transfer Protocol (FTP) Instructions". The revised Florida Division of Workers' Compensation Proof of Coverage (POC) Electronic Data Interchange (EDI) Implementation Manual (1/01/08), which contains revisions to the Element

Requirement Table and Edit Matrix, and requires insurer reporting of total payroll and number of employees, is also incorporated by reference. The rule is also being amended to incorporate by reference the revised national standard International Association of Industrial Accident Boards and Commissions (IAIABC) EDI Implementation Guide for Proof of Coverage Release 2.1 (6/01/07) and the IAIABC EDI Release 3 Implementation Guide for Claims (1/01/08). Rule 69L-56.205, F.A.C., is being added to specify the insurer requirements of reporting proof of coverage information to the Division of Workers' Compensation for a professional employer organization or employee leasing company and its client companies. The proposed rule also adds a definition regarding the meaning of "Cancellation/Non-Renewal Effective Date", which clarifies that such an event occurs at 12:01 a.m. on that Transaction Set Type Effective Date reported to the Division of Workers' Compensation, or as derived by the Division of Workers' Compensation as determined in Rule 69L-56.200, F.A.C. Additionally, the proposed rule deletes redundant language from Rule 69L-56.100, F.A.C., changes the title to fully reflect the scope of the rule, and makes clerical revisions where necessary. Rule 69L-56.330, F.A.C., which has become obsolete, is to be repealed concurrently upon adoption of these proposed amendments.

SUMMARY: Amends the rule chapter to incorporate by reference revised forms, instructions, manuals and implementation guides for use by insurers in the electronic reporting of proof of coverage and claims information to the Division of Workers' Compensation. Rule 69L-56.205, F.A.C., is added to specify insurer requirements of reporting proof of coverage information to the Division for a professional employer organization or employee leasing company and its client companies. Also, adds a definition for "Cancellation/Non-Renewal Date", deletes redundant language from Rule 69L-56.100, F.A.C., and changes the rule chapter's title. Rule 69L-56.330, F.A.C., which has become obsolete, is to be repealed concurrently upon adoption of the proposed amendments.

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

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

SPECIFIC AUTHORITY: 440.185(7), 440.42(3), 440.591, 440.593(5), 627.4133(4) FS.

LAW IMPLEMENTED: 440.185(7), (9), 440.42(3), 440.593, 627.4133(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: Wednesday, January 21, 2009, 10:00 a.m.
PLACE: 104J Hartman Building, 2012 Capital Circle S.E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Yon, EDI Coordinator, Bureau of Data Quality and Collection, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, phone (850)413-1702 or Linda.Yon@myfloridacfo.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

ELECTRONIC DATA INTERCHANGE (EDI) ~~TECHNICAL~~ REQUIREMENTS FOR PROOF OF COVERAGE AND CLAIMS (NON-MEDICAL)

69L-56.001 Forms and Instructions.

The following forms are incorporated herein by reference and adopted for use in filing Proof of Coverage (POC) and Claims (non-medical) Electronic Data Interchange (EDI) transactions to the Division. All of the forms may be obtained from the Division of Workers' Compensation at its website, http://www.myfloridcfo.com/WC/edi_clms.html ~~http://www.fldfs.com/wc/edi.html~~

(1) DFS-F5-DWC-EDI-1, "EDI Trading Partner Profile" (1/01/2008 ~~10/01/2006~~).

(2) through (4) No change.

(5) DFS-F5-DWC-EDI-4, "Secure Socket Layer (SSL)/File Transfer Protocol (FTP) Instructions" (1/01/2008 ~~10/01/2006~~).

Specific Authority 440.591, 440.593(5), FS. Law Implemented 440.593, FS. History—New 3-5-02, Formerly 38F-56.001, 4L-56.001, Amended 5-29-05, 1-7-07, _____.

69L-56.002 Definitions.

Unless otherwise defined in this section, definitions of data elements and terms used in this rule are defined in the Data Dictionary located in Section 6 of the "IAIABC Implementation Guide for Claims: First, Subsequent, Header, Trailer & Acknowledgement Detail Records, Release 3, January 1, 2008 ~~June 1, 2006~~ Edition", and in the Data Dictionary located in Section 6 of the "IAIABC Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/07 ~~10/01/06~~ Edition", and in the IAIABC

“Glossary”, and in the IAIABC “Supplement” for both IAIABC products, all of which are incorporated herein by reference. Copies of the IAIABC guides, supplements, and glossary may be obtained from the IAIABC’s website at, <http://www.iaiaabc.org>, under “EDI” link, then “Implementation Guides” link www.iaiaabc.org/edi/implementation.asp.

When used in this chapter, the following terms have the following meanings:

(1) through (6) No change.

(7) “Business day” means a day on which normal business is conducted by the State of Florida and excludes observed holidays as set out in Section 110.117(1), F.S. (see also State Holidays under http://dms.myflorida.com/human_resource_support/human_resource_management/for_state_hr_practitioners <http://www.myflorida.com/myflorida/government/policies/holidays.html>).

(8) No change.

(9) “Cancellation/Non-Renewal Effective Date” means the Transaction Set Type Effective Date as defined in the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/07, for a cancellation or non-renewal of any workers’ compensation insurance policy, contract of insurance or renewal; and shall be effective at 12:01 a.m. on the Transaction Set Type Effective Date reported to the Division, or the Cancellation/Non-Renewal Effective Date derived by the Division as determined in Rule 69L-56.200, F.A.C.

(10)(9) “Catastrophic Event” means the occurrence of an event outside the control of an insurer, claim administrator, or third party vendor, such as a telecommunications failure due to a natural disaster or act of terrorism (including but not limited to cyber terrorism), in which recovery time will prevent an insurer, claim administrator, or third party vendor from meeting the filing requirements of Chapter 440, F.S., and this rule. Programming errors, systems malfunctions, or electronic data interchange failures that are not the direct result of a catastrophic event are not considered to be a catastrophic event as defined in this rule.

(11)(10) “Claim Administrator” means any insurer, service company/third party administrator, self-serviced self-insured employer or fund, or managing general agent, responsible for adjusting workers’ compensation claims, that is electronically sending its data directly to the Division.

(12)(11) “Claim Administrator Primary Address”, “Claim Administrator Secondary Address”, “Claim Administrator City”, “Claim Administrator State Code”, and “Claim Administrator Postal Code” comprise the address associated with the physical location of the claims office at which a workers’ compensation claim is being adjusted.

(13)(12) “Claim Administrator Alternate Postal Code” means the zip code associated with the Claim Administrator’s mailing address established for receiving mail on behalf of the claims office at which a workers’ compensation claim is being adjusted.

(14)(13) “Claim Type Code” means a code representing the current classification of the claim as either a “Lost Time/Indemnity Case” (Claim Type Code “I”), “Medical Only to Lost Time Case” (Claim Type Code “L”), “Became Medical Only Case” (Claim Type Code “B”) or “Medical Only Case” (Claim Type Code “M”).

(15) “Client Company” is as defined in subsection 468.520(6), F.S.

(16)(14) “Date of Maximum Medical Improvement” (MMI) means the date on which maximum medical improvement has been achieved with respect to all compensable medical or psychiatric conditions caused by a compensable injury or disease (i.e., overall MMI).

(17)(15) “Date Claim Administrator Had Knowledge of Lost Time” means the date the claim administrator was notified or became aware that the employee was disabled for eight (8) or more days and was entitled to indemnity benefits. If the claim administrator acquires a claim from another claim administrator and is filing the Electronic First Report of Injury or Illness with the Division, the “Date Claim Administrator Had Knowledge of Lost Time” shall be the date the acquiring claim administrator had knowledge of the employee’s 8th day of disability.

(18)(16) “Days” means calendar days, unless otherwise noted.

(19)(17) “Denied Case” means a “Full Denial” or “Partial Denial” case for which all indemnity benefits are initially denied by the claim administrator.

(20)(18) “Department” means the Department of Financial Services.

(21)(19) “Division” means the Division of Workers’ Compensation.

(22)(20) “Electronic Data Interchange” (EDI) means a computer-to-computer exchange of business transactions in a standardized electronic format.

(23)(21) “Electronic Form Equivalent” means information sent in Division-approved electronic formats as specified in this rule, instead of otherwise required paper documents. Electronic form equivalents may require additional information not required in Rules 69L-3.0045, 69L-3.0091, 69L-3.012, 69L-3.016, 69L-3.0213, 69L-3.025, F.A.C., for paper form filings. Electronic form equivalents do not include information sent by facsimile, file data attached to electronic mail, or computer-generated paper forms.

(24) “Employee leasing” is as defined in subsection 468.520(4), F.S.

(25) “Employee leasing company” is as defined in subsection 468.520(5), F.S.

(26) “Employee Leasing Policy Identification Code” is a code which identifies a policy written as an Employee leasing policy, and the type of leasing operation.

~~(27)~~~~(22)~~ “Employer Paid Salary in Lieu of Compensation” means the employer paid the employee salary, wages, or other remuneration for a period of disability for which the insurer would have otherwise been obligated to pay indemnity benefits. This does not include the waiting week if the employee was not disabled for 22 or more days.

~~(28)~~~~(23)~~ “File” or “Filed” means a transaction has been received by the Division and passes quality and structural edits and is assigned an Application Acknowledgement Code of “TA” (Transaction Accepted).

~~(29)~~~~(24)~~ “FROI” means the First Report of Injury Record Layout adopted by the IAIABC as a Claims EDI Release 3 standard, and is comprised of the First Report of Injury Record identified by Transaction Set ID “148” paired with the First Report of Injury Companion Record identified by Transaction Set ID “R21”. The “FROI” record layout (148/R21) is located in the Technical Documentation, Section 2, in the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 3, January 1, 2008 ~~June 1, 2006~~, which is incorporated herein by reference. A copy of the guide may be obtained from the IAIABC’s website at <http://www.iaiaabc.org>, under “EDI” link, then “Implementation Guides” link ~~<http://iaiaabc.org/edi/implementation.asp>~~.

~~(30)~~~~(25)~~ “Full Denial” means any case for which the claim administrator has denied liability for all workers’ compensation benefits (i.e., both indemnity and medical benefits). A “Full Denial” is represented by a FROI or SROI MTC 04 (Denial).

~~(31)~~~~(26)~~ “Gross Weekly Amount” means the weekly amount payable for a specific Benefit Type and excludes the application of any Benefit Adjustments or Benefit Credits. The Gross Weekly Amount is usually equal to the Calculated Weekly Compensation Amount (a/k/a/ statutory compensation rate) except when the weekly rate for a Benefit Type is paid as a percentage of either the Calculated Weekly Compensation Amount (Comp Rate), Average Wage, or average temporary total disability benefits, such as for Permanent Total Supplemental Benefits, Death Benefits, and Impairment Income Benefits.

~~(32)~~~~(27)~~ “Header Record” means the first record of a batch. The header record shall uniquely identify a sender, as well as the date and time a batch is prepared, and the transaction set within the batch.

~~(33)~~~~(28)~~ “IAIABC” means the International Association of Industrial Accident Boards and Commissions (www.iaiaabc.org), which is a professional trade association comprised of state workers’ compensation regulators and insurance representatives.

~~(34)~~~~(29)~~ “Industry Code” means the 5 or 6-digit code that represents the nature of the employer’s business as published in the North American Industry Classification System (NAICS) 2002 Edition, hereby incorporated by reference.

NAICS code information may be obtained by contacting the NAICS Association, 341 East James Circle, Sandy, Utah, 84070, or from the NAICS website at www.naics.com.

~~(35)~~~~(30)~~ “Initial Date of Lost Time” means the employee’s eighth (8th) day of disability, i.e., the first day on which the employee sustains disability as defined in Section 440.02, F.S., after fulfilling the seven (7) day waiting week requirement in Section 440.12, F.S. The Initial Date of Lost Time does not mean the “Initial Date Disability Began”.

~~(36)~~~~(31)~~ “Initial Disposition” means the first action taken by the claim administrator following its knowledge of an injury to accept or deny compensability of the claim and pay or deny benefits, including payment or denial of both indemnity and medical benefits, or denial of indemnity benefits only.

~~(37)~~~~(32)~~ “Insurer” means an insurer as defined in Section 440.02, F.S.

~~(38)~~~~(33)~~ “Insurer Code #” means the Division-assigned number for the insurer bearing the financial risk of the claim.-

~~(39)~~~~(34)~~ “Jurisdiction Designee Received Date” means the date on which a third party vendor received Proof of Coverage data from an insurer that is not submitting their electronic Proof of Coverage data directly with the Division. This date shall be used in place of the date the Division received electronic Proof of Coverage data for purposes of calculating the effective date of the cancellation or non-renewal, and timely filings of electronic Proof of Coverage data.

~~(40)~~~~(35)~~ “Knowledge” or “Notification” means an entity’s earliest receipt of information, including by mail, telephone, facsimile, direct personal contact, or electronic submission.

~~(41)~~~~(36)~~ “Lost Time/Indemnity Case” means a work-related injury or illness which causes the employee to be disabled for more than 7 calendar days, or for which indemnity benefits have been paid. A Lost Time/Indemnity Case shall also include: A case involving a compensable volunteer as defined in Section 440.02, F.S., where no indemnity benefits will be paid, but where the employee is disabled for more than 7 calendar days; a compensable death case pursuant to Section 440.16, F.S., for which there are no known or confirmed dependents; a case where a compensable injury results in disability of more than 7 calendar days where the “Employer Paid Salary in Lieu of Compensation” as defined in this section; a case for which indemnity benefits were paid prior to the date the claim administrator learned of a change in jurisdiction and filed SROI MTC S8 (Suspension, Jurisdiction Change); and a case where indemnity benefits were paid but subsequently suspended because the employee could not be located and the claim administrator filed SROI MTC S6 (Suspension, Claimant’s Whereabouts Unknown). The first 7 calendar days of disability do not have to occur consecutively, but are determined on a cumulative basis and can occur over a period of time. A “Lost Time/Indemnity Case” is represented by Claim Type Code “I” (Indemnity).

~~(42)~~~~(37)~~ “Maintenance Type Code” (MTC) defines the specific purpose of individual claims transactions within the batch being sent, i.e., a code that represents the type of filing being sent electronically (For example: MTC IP = initial payment, MTC 04 = Total or Full Denial). MTC’s and data elements required by this rule may not exactly match paper claim forms and associated data reporting requirements set out in Rule Chapter 69L-3, F.A.C.

~~(43)~~~~(38)~~ “Manual Classification Code” means the 4-digit code assigned by the National Council on Compensation Insurance (NCCI) for the particular occupation of the injured employee as documented in the NCCI Scopes™ Manual 2006 Edition, which is hereby incorporated by reference. A listing of Manual Classification Codes may be obtained by contacting NCCI’s Customer Service Center at 1(800)622-4123.

~~(44)~~~~(39)~~ “Medical Only Case” means a work-related injury or illness which requires medical treatment for which charges will be incurred, but which does not cause the employee to be disabled for more than 7 calendar days. A “Medical Only Case” is represented by Claim Type “M” (Medical Only) and is limited to being reported on MTC 04 and PD filings where the claim was initially accepted as a Medical Only Case prior to the denial of indemnity benefits.

~~(45)~~~~(40)~~ “Medical Only to Lost Time Case” means a work-related injury or illness which initially does not result in disability of more than 7 calendar days, but later results in disability of more than 7 days, where disability is either delayed and does not immediately follow the accident, or where one or more broken periods of disability occur within the first 7 days after disability has commenced and the combined disability periods eventually total more than 7 days. A “Medical Only to Lost Time Case” includes a case for which Impairment Income Benefits are the first and only indemnity benefits paid, or for which the initial payment of indemnity benefits is made in a lump sum for an award, advance, stipulated agreement or settlement. A “Medical Only to Lost Time Case” is represented by Claim Type Code “L” (Became Lost Time/Indemnity).

~~(46)~~~~(41)~~ “Net Weekly Amount” means the weekly amount paid for an indemnity benefit such as temporary total benefits, impairment income benefits, etc., inclusive of any Benefit Adjustments or Benefit Credits being applied to the benefit type. The Net Weekly Amount equals the “Gross Weekly Amount” where no adjustments or credits are applied.

~~(47)~~~~(42)~~ “Partial Denial” means a case where compensability is accepted but the claim administrator initially denies all indemnity benefits and only medical benefits will be paid; Partial Denial also means a case where a specific indemnity benefit(s) was previously paid but subsequently denied, either in whole or in part. A “Partial Denial” is represented by a SROI MTC “PD”.

~~(48)~~~~(43)~~ “Payment Issue Date” for MTC “IP”(Initial Payment), and “PY” (Payment) means the date payment of a specific indemnity benefit corresponding to the MTC being reported left the control of the claim administrator (or the claim administrator’s legal representative if delivery is made by the legal representative) for delivery to the employee or the employee’s representative, whether by U.S. Postal Service or other delivery service, hand delivery, or transfer of electronic funds. The Payment Issue Date shall not be sent as the date the check is requested, created, or issued in the claim administrator’s system unless the check leaves the control of the claim administrator the same day it is requested, created, or issued for delivery to the employee or the employee’s representative.

~~(49)~~~~(44)~~ “Permanent Impairment Percentage” means “Permanent Impairment” as defined in Section 440.02, F.S.

~~(50)~~~~(45)~~ “Sender” means one of the following entities sending electronic filings to the Division:

(a) through (c) No change.

For Claims EDI filing purposes, “sender” does not include an entity acting as an intermediary for sending transmissions to the Division on behalf of an insurer or claim administrator where the sender is not the insurer or claim administrator handling the claim.

~~(51)~~~~(46)~~ “SROI” means the Subsequent Report of Injury Record Layout adopted by the IAIABC as a Claims EDI Release 3 standard, and includes the Subsequent Report Record identified by Transaction Set “A49” paired with the Subsequent Report Companion Record identified with Transaction Set ID “R22”. The “SROI” record layout (A49/R22) is located in the Technical Documentation, Section 2, in the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 3, January 1, 2008 ~~June 1, 2006~~, and Supplement, which is incorporated herein by reference. A copy of the guide may be obtained from the IAIABC’s website at <http://www.iaiaabc.org>, under the “EDI” link, then “Implementation Guides” link <http://iaiaabc.org/edi/implementation.asp>.

~~(52)~~~~(47)~~ “Third Party Vendor” means an entity acting as a submission agent or vendor on behalf of an insurer, service company or third party administrator, which has been authorized to electronically send required data to the Division.

~~(53)~~~~(48)~~ “Trading Partner” means an entity approved by the Division in accordance with Rules 69L-56.110, 69L-56.310 and 69L-56.320, F.A.C., to exchange data electronically with the Division.

~~(54)~~~~(49)~~ “Trailer Record” means the last record that designates the end of a batch of transactions. It shall provide a count of transactions contained within the batch, not including the header and trailer transactions.

~~(55)~~~~(50)~~ “Transaction” is one or more records within a batch which communicates information representing an electronic form equivalent.

~~(56)~~(51) “Transaction Accepted Code TA” means an Application Acknowledgement Code returned by the Division on the acknowledgement transaction to represent that a transaction was received by the Division and passed required edits.

~~(57)~~(52) “Transaction Rejected Code TR” means an Application Acknowledgement Code returned by the Division on the acknowledgement transaction to represent that a transaction was received by the Division and did not pass required edits.

~~(58)~~(53) “Transmission” consists of one or more batches sent to or received by the Division or a trading partner.

~~(59)~~(54) “Triplicate Code” is a series of three two-digit numeric codes that define the specific purpose of individual records in a Proof of Coverage transmission, i.e., new policy, renewal, endorsement, cancellation or non-renewal. It is a combination of the Transaction Set Purpose Code, Transaction Set Type Code and Transaction Set Reason Code as defined in the Data Dictionary, Section 6 of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/2007 ~~10/01/06~~ Edition, which is incorporated herein by reference. A copy of the guide may be found at <http://www.iaabc.org>, under the “EDI” link, then “Implementation Guides” link <http://iaabc.org/edi/implementation.asp>.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History—New 3-5-02, Formerly 38F-56.002, 4L-56.002, Amended 5-29-05, 1-7-07, _____.

69L-56.100 Proof of Coverage (POC) Electronic Reporting Requirements.

(1) Effective March 1, 2002, every insurer authorized to insure employers in the State of Florida, except for individual self-insurers approved under Section 440.38, F.S., shall file policy information electronically to the Division rather than by filing on paper forms previously required.

Every insurer shall send to the department by electronic data interchange electronic policy information for Certificates of Insurance, Endorsements, Reinstatements, Cancellations and Non-Renewals pursuant to the filing time periods in Rule 69L-56.210, F.A.C., of this chapter. Such policy information shall be sent in accordance with the “EDI Trading Partner Requirements” set forth in Sections 2 through 6 of the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, 1/01/2008 ~~January 2005~~, which is incorporated herein by reference. A copy of the manual may be obtained from the Division of Workers’ Compensation at its website, http://www.myfloridacfo.com/WC/edi_poc.html ~~<http://www.fldfs.com/wc/edi.html>~~, or by sending a request to the Division of Workers’ Compensation, Bureau Office of Data Quality and & Collection, 200 East Gaines Street, Tallahassee, Florida 32399-4226. The Division will not accept an electronic transaction that fails to comply with the “EDI Trading Partner

Requirements” in Sections 2 through 6 in this manual. The insurer shall send electronic transmissions either directly to the Division or through a third party vendor.

~~Every insurer shall send to the Division by electronic data interchange electronic policy information for Certificates of Insurance, Endorsements, Reinstatements, Cancellations and Non-Renewals pursuant to the filing time periods in Rule 69L-56.210, F.A.C. Such policy information shall be sent in accordance with the “EDI Trading Partner Requirements” set forth in Section 2 through 6 of the Florida Division of Workers’ Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, July 2006, which is incorporated herein by reference. A copy of the manual may be obtained from the Division of Workers’ Compensation at its website, <http://www.fldfs.com/wc/edi.html>. The Division will not accept an electronic transaction that fails to comply with the “EDI Trading Partner Requirements” in Sections 2 through 6 in this manual. The insurer shall send electronic transmissions either directly to the Division or through a third party vendor.~~

(2) On or before April 2, 2007, all electronic form equivalents of Proof of Coverage data shall be sent in the Proof of Coverage formats adopted by the IAIABC and located in Section 2 of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/2007 ~~10/01/06~~ Edition.

(3)(a) At least one (1) business day before the insurer or third party vendor sends its first transmission to the Division, the insurer or third party vendor shall send to the Division in an email addressed to poc.edi@myfloridacfo.com ~~poe.edi@fldfs.com~~, their profile information using the following forms adopted in Rule 69L-56.001, F.A.C.:

1. “EDI Trading Partner Profile,” DFS-F5-DWC-EDI-1 (1/01/2008 ~~10/01/2006~~), and
2. “EDI Trading Partner Insurer/Claim Administrator ID List”, DFS-F5-DWC-EDI-2 (10/01/2006), and
3. “EDI Transmission Profile – Sender’s Specifications,” DFS-F5-DWC-EDI-3 (10/01/2006).

(b) The insurer or third party vendor shall report changes to its profile information to the Division at least one (1) business day before sending transactions containing new profile-related information. The insurer or third party vendor shall report the new profile information by emailing a revised “EDI Trading Partner Profile”, DFS-F5-DWC-EDI-1 (1/01/2008 ~~10/01/2006~~), and if applicable, the “EDI Trading Partner Insurer/Claim Administrator ID List”, DFS-F5-DWC-EDI-2 (10/01/2006), and if applicable, the “EDI Transmission Profile – Sender’s Specifications”, DFS-F5-DWC-EDI-3 (10/01/2006) to the Division at poc.edi@myfloridacfo.com ~~poe.edi@fldfs.com~~.

(c) If the insurer suspends the use of a third party vendor and begins sending its electronic Proof of Coverage data directly to the Division, the insurer shall, at least one (1) business day prior to the effective date of this change, email a revised "EDI Transmission Profile – Sender's Specifications," DFS-F5-DWC-EDI-3 (10/01/2006), to the Division at poc.edi@myfloridacfo.com ~~poc.edi@fldfs.com~~.

(d) If the insurer changes third party vendors, the insurer shall, at least one (1) business day prior to the effective date of the change, send an email to the Division at poc.edi@myfloridacfo.com ~~poc.edi@fldfs.com~~ to report the name of the new vendor and effective date on which POC transactions will be sent by the new vendor.

(e) Insurers or third party vendors that experience a catastrophic event resulting in the insurer's failure to meet the filing requirements of this rule, shall submit a written or electronic request to the Division for approval to submit required electronic form equivalents in an alternative filing timeline. The request shall be sent to the Division within 15 business days after the catastrophic event. The request shall contain a detailed explanation of the nature of the event, date of occurrence, and measures being taken to resume electronic submission. The insurer or third party vendor shall also provide an estimated date by which electronic submission of affected EDI filings will be resumed. Approval to submit in an alternative filing timeline shall be granted by the Division if a catastrophic event prevents electronic submission. The approval must be obtained from the Division's

Specific Authority 440.185(7), 440.591, 440.593(5), FS. Law Implemented 440.185(7), 440.593, FS. History—New 3-5-02, Formerly 38F-56.100, 4L-56.100, Amended 5-29-05, 1-7-07, _____.

69L-56.110 Technical Requirements for POC EDI Transmissions.

(1) In order to send Proof of Coverage data electronically to the Division, the insurer or third party vendor shall complete the testing requirements set forth in Section 1 of the Florida Division of Workers' Compensation Proof of Coverage Electronic Data Interchange (EDI) Implementation Manual, 1/01/08 July 2006 ~~July 2006~~. Each transmission for Test or Production purposes shall be in the PC1-Insured Record format and PC2-Employer Record format located in Section 2 of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/07 ~~10/01/06~~ Edition and Supplement.

(2) Each transmission shall contain the following as set forth in Section 2 of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/07 ~~10/01/06~~ Edition:

(a) through (c) No change.

(3) No change.

(a) through (d) No change.

(4) POC EDI transmissions may be sent on a daily basis, and shall be sent via secured File Transfer Protocol (FTP). Effective June 1, 2005, electronic transmissions of Proof of Coverage data required pursuant to this rule, shall be sent to the Division using Secure Socket Layer/File Transfer Protocol (SSL/FTP) in accordance with instructions on Form DFS-F5-DWC-EDI-4 (1/01/2008 ~~10/01/2006~~).

(5) No change.

(6) Transmissions shall be sent using the flat file PC1 and PC2 formats located in Section of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/07 ~~10/01/06~~ Edition and Supplement.

(7) No change.

(8) All insurers or third party vendors shall have the capability to receive and process the Division's POC EDI Acknowledgement Transaction (AKP), described in Section 2 of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/07 ~~10/01/06~~ Edition and Supplement. The Division will also send, when applicable, a re-acknowledgment transaction (ACR) to identify an EDI filing previously acknowledged with Application Acknowledgement Code "TR" (Transaction Rejected) due to improper processing, that was subsequently re-processed by the Division and re-assigned an Application Acknowledgement Code of "TA" (Transaction Accepted). The claim administrator shall have the option of processing re-acknowledgement transactions.

(9) The definitions established in Section 6 of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/07 ~~10/01/06~~ Edition and Supplement, shall be utilized when reporting data elements to the Division.

(10) The insurer or third party vendor shall send the PC1 and PC2 transactions required in Rule 69L-56.210, F.A.C., in accordance with the information appearing in the "Sub Type Code" column in the "Proof of Coverage Transaction Overview" document, located in Section 4 of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/07 ~~10/01/06~~ Edition. If the PC2 record is required and is rejected by the Division, both the PC1 and PC2 records shall be re-sent together in the same transmission. The Division will not "hold" a PC1 record in anticipation of the return of a corrected corresponding PC2 record.

(11) through (12) No change.

Specific Authority 440.591, 440.593(5), FS. Law Implemented 440.593, FS. History—New 3-5-02, Formerly 38F-56.110, 4L-56.110, Amended 5-29-05, 1-7-07, _____.

69L-56.200 Policy Cancellation or Non-Renewal Requirements.

(1) Except for cancellation for nonpayment of premium or failure to pay deductible, or cancellation or non-renewal at the request of the insured, an insurer shall not cancel or non-renew any workers' compensation insurance policy, contract of insurance, or renewal until at least 30 days have elapsed after the insurer has electronically filed a cancellation or non-renewal with the Division, either directly or through a third party vendor. When an insurer files an electronic cancellation or non-renewal directly with the Division for any reason other than non-payment of premium or failure to pay deductible or when cancellation or non-renewal is requested by the insured, the 30-day notice period (Cancellation/Non-Renewal Effective Date) shall be calculated from the first day following the date on which the electronic cancellation or non-renewal was filed with the Division. If the insurer files an electronic cancellation or non-renewal through a third party vendor for any reason other than non-payment of premium or failure to pay deductible, or when cancellation or non-renewal is requested by the insured, the 30-day notice period (Cancellation/Non-Renewal Effective Date) shall be calculated from the first day following the "Jurisdiction Designee Received Date".

(2)(a) For any workers' compensation insurance policy, contract of insurance, or renewal with a policy effective date prior to October 1, 2003, an insurer shall not cancel or non-renew the policy for non-payment of premium or failure to pay deductible until and unless 30 days have elapsed after the insurer has electronically filed a cancellation or non-renewal with the Division, either directly or through a third party vendor. When an insurer files an electronic cancellation or non-renewal directly with the Division, the 30-day notice period (Cancellation/Non-Renewal Effective Date) shall be calculated from the first day following the date on which the electronic cancellation or non-renewal was filed with the Division. If the insurer files an electronic cancellation or non-renewal through a third party vendor, the 30-day notice period (Cancellation/Non-Renewal Effective Date) shall be calculated from the first day following the "Jurisdiction Designee Received Date".

(b) No change.

(3) If an insured requests cancellation or non-renewal of any workers' compensation insurance policy, contract of insurance or renewal, the cancellation or non-renewal shall be effective on the date the insurer sends the cancellation or non-renewal to the insured. Notification to the Division is not required to cancel or non-renew a workers' compensation insurance policy, contract of insurance, or renewal when cancellation or non-renewal is requested by the insured. However, the insurer shall advise the Division of the Cancellation/Non-Renewal Effective Date ~~cancellation or~~

~~non-renewal~~ requested by the insured in accordance with the electronic filing time periods for policy information set out in subsection 69L-56.210(7), F.A.C.

(4) No change.

Specific Authority 440.185(7), 440.42(3), 440.591, 440.593(5), 627.4133(4) FS. Law Implemented 440.185(7), 440.42(3), 440.593, 627.4133(4) FS. History--New 5-29-05, Amended 1-7-07, _____.

69L-56.205 Policy Reporting Requirements for Employee Leasing Companies.

(1) For any workers' compensation insurance policy, contract of insurance or renewal written for an Employee leasing company or clients of an Employee leasing company, with a policy effective date on or after July 1, 2009, the insurer shall electronically file any workers' compensation insurance policy, contract of insurance, or renewal pursuant to the requirements set forth in Rule 69L-56.210, F.A.C., and report one of the Employee Leasing Policy Identification Codes shown below from Section 6 of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/07 Edition and Supplement:

(a) Employee Leasing Policy Identification Code (2) – identifies an Employee leasing policy for leased workers of multiple client companies. The non-leased workers of the Employee leasing company may also be covered under this policy. The insured name reported shall be the name of the Employee leasing company and shall be reported on the IAIABC POC Release 2.1 Insured Record (PC1). The client names reported shall be the legal business name of each client company, and shall not be preceded with the name of the Employee leasing company and shall be reported on the IAIABC POC Release 2.1 Employer Record(s) (PC2).

1. If an Employee leasing company policy is reported with the Employee Leasing Policy Identification Code (2), an Employee leasing policy for leased workers of multiple client companies, the Insurer shall report the addition of client companies to the policy in accordance with subsection 69L-56.210(2), F.A.C., using Triplicate Codes 00-31-54, 00-31-87 or 00-31-86.

2. If an Employee leasing company policy is reported with Employee Leasing Policy Identification Code (2), an Employee leasing policy for leased workers of multiple client companies, the Insurer shall report the deletion of client companies from the policy in accordance with subsection 69L-56.210(2), F.A.C., using Triplicate Codes 00-33-56 or 00-33-87.

3. Cancellation or non-renewal of the entire policy for Employee Leasing Policy Identification Code (2) shall be reported in accordance with Rule 69L-56.200, F.A.C.

(b)1. Employee Leasing Policy Identification Code (3) – identifies an Employee leasing policy for non-leased workers of the Employee leasing company. The insured name reported shall be the legal business name of the Employee leasing company and shall be reported on the IAIABC POC Release 2.1 Insured Record (PC1).

2. Cancellation or non-renewal of a policy for Employee Leasing Policy Identification Code (3) shall be reported in accordance with Rule 69L-56.200, F.A.C.

(c)1. Employee Leasing Policy Identification Code (4) – identifies a Client company policy for leased workers of the Client company. The insured name reported shall be the name of the Client company and shall not be preceded with the name of the Employee leasing company and shall be reported on the IAIABC POC Release 2.1 Insured Record (PC1).

2. Cancellation or non-renewal of a policy for the Employee Leasing Policy Identification Code (4) shall be reported in accordance with Rule 69L-56.200, F.A.C.

(d)1. Employee Leasing Policy Identification Code (5) – identifies an Employee leasing policy for leased workers of a single client company. The insured name reported shall be the name of the Employee leasing company and shall be reported on the IAIABC POC Release 2.1 Insured Record (PC1). The client name reported shall be the legal business name of the client company, and shall not be preceded with the name of the Employee leasing company, and shall be reported on the IAIABC POC Release 2.1 Employer Record(s) (PC2).

2. Cancellation or non-renewal of a policy for Employee Leasing Policy Identification Code (5) shall be reported in accordance with Rule 69L-56.200, F.A.C.

Specific Authority 440.185(7), 440.42(3), 440.591, 440.593(5) FS. Law Implemented 440.185(7), 440.42(3), 440.593 FS. History–New _____.

69L-56.210 Time Periods for Filing Electronic Policy Information.

Pursuant to subsection 440.593(1), F.S., the Division may establish different deadlines for filing required reports electronically than are otherwise required when reporting information by other means. Accordingly, notwithstanding the deadlines for filing policy information by other means as set forth in subsection 440.185(7), F.S., an insurer, other than an individual self-insurer approved under Section 440.38, F.S., must electronically file the following information in accordance with the provisions of this rule, and shall have received an Application Acknowledgement Code of “TA” (Transaction Accepted) by the Division within the following deadlines:

(1) through (6) No change.

(7) No later than ten days after the cancellation or non-renewal of any workers' compensation insurance policy, contract of insurance, or renewal for which an insured has requested cancellation or non-renewal, the insurer shall send

the electronic cancellation or non-renewal to the Division. The electronic cancellation or non-renewal shall be represented by Triplicate Codes containing Transaction Set Type Codes “42” & “60”, with the exception of Triplicate Code “00-60-64”, pursuant to the “Transaction Overview” document, located in Section 4 of the IAIABC EDI Implementation Guide for Proof of Coverage: Insured, Employer, Header, Trailer & Acknowledgement Records, Release 2.1, 6/01/07 ~~10/01/06~~ Edition and Supplement.

(8) No change.

Specific Authority 440.185(7), 440.42(3), 440.591, 440.593(5), 627.4133(4) FS. Law Implemented 440.185(7), (9), 440.42(3), 440.593, 627.4133(4) FS. History–New 5-29-05, Amended 1-7-07, _____.

69L-56.300 Claims EDI Reporting Requirements and Implementation Schedules.

(1)(a) On or before the implementation schedules set out in paragraphs (3)(a) and (b) of this section, every insurer shall file claims information for all “Lost Time/Indemnity,” “Medical Only to Lost Time,” and “Denied” cases via electronic data interchange (EDI) pursuant to paragraph (d) of this section, rather than by submitting paper forms otherwise required in Rules 69L-3.0045, 69L-3.0091, 69L-3.012, 69L-3.016, 69L-3.0213 and 69L-3.025, F.A.C. The insurer shall file the electronic form equivalent of the First Report of Injury or Illness, Notice of Denial, Claim Cost Report, Notice of Action/Change, and Aggregate Claims Administration Change Report adopted in Rule 69L-3.025, F.A.C., pursuant to the requirements and timeframes set out in Rules 69L-56.301, 69L-56.3012, 69L-56.3013, 69L-56.304 and 69L-56.3045, F.A.C., and in accordance with the “FL Claims EDI R3 Trading Partner Filing Specifications” contained in Section 1 of the “Florida Division of Workers’ Compensation Claims Electronic Data Interchange (EDI) R3 Implementation Manual, September 2006” and “Supplement,” incorporated herein by reference, and hereafter referred to as the “FL Claims EDI Implementation Manual.” A copy of the FL Claims EDI Implementation Manual may be obtained from the Division of Workers’ Compensation at its website, http://www.myfloridacfo.com/WC/edi_clms.html ~~www.fldfs.com/WC/edi-clms.html~~.

(b) through (c) No change.

(d) The claim administrator shall report the Claims EDI filings required in Rules 69L-56.301, 69L-56.3012, 69L-56.3013, 69L-56.304, 69L-56.3045 and 69L-56.307, F.A.C., using the First Report of Injury (FROI) and Subsequent Report of Injury (SROI) electronic record layouts adopted by the International Association of Industrial Accident Boards and Commissions (IAIABC). A sample of the FROI, which consists of the 148 and companion R21 records, and a sample of the SROI, which consists of the A49 and companion R22 records, are located in Section 2, “Technical Documentation” of the “IAIABC EDI Implementation Guide for Claims: First,

Subsequent, Header, Trailer & Acknowledgement Detail Records, Release 3, ~~January 1, 2008~~ ~~June 1, 2006~~ Edition” and “Supplement,” incorporated herein by reference, and hereafter referred to as the IAIABC Claims EDI Release 3 Implementation Guide. A copy of this guide may be obtained from the IAIABC at its website, http://www.iaiaabc.org_under_EDI_link_then_Implementation_Guides_link_http://www.iaiaabc.org/edi/implementation.asp.

1. The claim administrator shall send the FROI (148/R21), SROI (A49/R22), and combination FROI and SROI records with the Maintenance Type Code (MTC) or MTC combinations specified in Rules 69L-56.301, 69L-56.3012, 69L-56.3013, 69L-56.304, 69L-56.3045 and 69L-56.307, F.A.C., to represent the Claims EDI Filing being sent to the Division (Example: FROI MTC 04 = Total Denial of an Electronic First Report of Injury or Illness; SROI MTC FN = Electronic Final Claim Cost Report; FROI MTC 00 with SROI MTC IP = Electronic First Report of Injury or Illness where the Initial Payment is made by claim administrator.)

(e) through (k) No change.

(l) Claim administrators who, directly or through its third party vendor, experience a catastrophic event resulting in the insurer’s failure to meet the filing requirements of this rule, shall submit a written or electronic request to the Division for approval to submit required electronic form equivalents in an alternative filing timeline. The request shall be sent to the Division within 15 business days after the catastrophic event. The request shall contain a detailed explanation of the nature of the event, date of occurrence, and measures being taken to resume electronic submission. The claim administrator shall also provide an estimated date by which electronic submission of affected EDI filings will be resumed. Approval to submit in an alternative filing timeline shall be granted by the Division if a catastrophic event prevents electronic submission. The approval must be obtained from the Division’s ~~Bureau Office~~ of Data Quality and Collection, 200 E. Gaines Street, Tallahassee, Florida 32399-4226, or via email at claims.edi@myfloridacfo.com ~~claims.edi@fldfs.com~~. If approved, the electronic form equivalents that were due to be filed during the time the claim administrator was unable to file due to a catastrophic event, shall be sent with Late Reason Code “LB” (Late notification/payment due to a Natural Disaster) or “LC” (Late notification/payment due to an act of Terrorism).

(m) No change.

(2) Trading Partner Profile Documents:

(a) At least two (2) business days prior to sending its first test transmission to the Division, the claim administrator shall send to the Division in an email addressed to claims.edi@myfloridacfo.com ~~claims.edi@fldfs.com~~, the claim administrator’s current profile information using the following forms adopted in Rule 69L-56.001, F.A.C.:

1. “EDI Trading Partner Profile,” DFS-F5-DWC-EDI-1 (1/01/2008 ~~10/01/2006~~), and

2. through 4. No change.

Claim administrators filing Electronic First Reports of Injury or Illness or Electronic Claim Cost Reports on a voluntary basis using the IAIABC Release 1 standard formats shall re-file their profile information with the Division using the forms in subparagraphs (2)(a)1.-4. above, even if the claim administrator’s profile information has not changed since previously reported to the Division.

(b) The claim administrator shall report changes to its profile information required on the forms listed in subparagraphs (2)(a)1.-4. above, at least two (2) business days prior to sending transactions containing revised profile-related information to the Division. The insurer or its claim administrator shall report revisions to its profile information by emailing to the Division at claims.edi@myfloridacfo.com ~~claims.edi@fldfs.com~~, a revised “EDI Trading Partner Profile,” DFS-F5-DWC-EDI-1 (1/01/2008 ~~10/02/2006~~), and if applicable, a revised “EDI Trading Partner Insurer/Claim Administrator ID List”, DFS-F5-DWC-EDI-2 (10/01/2006), and if applicable, a revised “EDI Trading Partner Claim Administrator Address List”, DFS-F5-DWC-EDI-2A (10/01/2006), and if applicable, a revised “EDI Transmission Profile – Sender’s Specifications”, DFS-F5-DWC-EDI-3 (10/01/2006). Failure by the claim administrator to report changes to its trading partner profile information using the forms adopted in this rule, including changes to the Submitter ID (i.e., Trading Partner FEIN/Postal Code on the Header Record), may result in the rejection of an entire transmission or individual transaction(s) containing profile information that is different from that reported on profile documents previously filed with the Division by the claim administrator.

(c) If the insurer or its claim administrator contracts with a new third party vendor, the insurer or its claim administrator shall, at least two (2) business days prior to the effective date of the change in vendors, send an email to the Division at claims.edi@myfloridacfo.com ~~claims.edi@fldfs.com~~ to report the name of the new vendor and effective date on which Claims EDI transactions will be sent via the new vendor.

(3) Claims EDI Implementation Schedules:

(a) through (d) No change.

(e) After the conclusion of the three month time period specified in paragraph 69L-56.300(3)(d), F.A.C., above, if the claim administrator is unable to receive an Application Acknowledgement Code of “TA” from the Division for an electronic form equivalent required by this rule chapter, and the claim administrator needs to meet the reporting requirements of this rule, the claim administrator shall submit an e-mail to the Division at claims.edi@myfloridacfo.com ~~claims.edi@fldfs.com~~ to request approval to alternatively file a DWC form pursuant to Rules 69L-3.0045, 69L-3.0091, 69L-3.012, 69L-3.016, 69L-3.0213 and 69L-3.025, F.A.C., in

lieu of the electronic form equivalent. The request shall include the following information: Claim Administrator Name and FEIN, Employee Name, Employee ID Number (Social Security Number or Division Assigned Number), Date of Injury, Claim Administrator File Number, Maintenance Type Code (MTC), Date Transmission Sent for the MTC(s) attempted unsuccessfully, the DWC form requesting to be filed (i.e., DWC-13), and an explanation of the reasons electronic submission failed. If the Division approves the claim administrator's request to send a DWC form in lieu of the electronic form equivalent, all subsequent filings due for the claim shall be sent via EDI; the claim administrator shall not file additional DWC forms for the claim unless the claim administrator has received advance approval from the Division.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History—New 1-7-07, Amended.

69L-56.301 Electronic First Report of Injury or Illness.

On or before the compliance date established in the insurer's Primary Implementation Schedule set forth in paragraph 69L-56.300(3)(a), F.A.C., the insurer shall file the electronic form equivalent for claims information otherwise reported on Form DFS-F2-DWC-1 adopted in Rules 69L-3.0045 and 69L-3.025, F.A.C. Pursuant to subsection 440.593(1), F.S., the Division may establish different deadlines for filing required reports electronically than are otherwise required when reporting information by other means. Accordingly, notwithstanding the deadlines for filing the injury report by other means as set forth in subsection 440.185(2), F.S., the insurer or its claim administrator shall send to the Division the electronic form equivalent of the First Report of Injury or Illness for the following cases, and by the following filing time periods:

(1) Initial Payment for "Lost Time Case" or "Medical Only to Lost Time Case" (FROI MTC 00 with SROI MTC IP, EP, CD, VE, or PY as found in the IAIABC Implementation Guide for Claims: First, Subsequent, Header, Trailer & Acknowledgement Detail Records, Release 3, January 1, 2008 ~~June 1, 2006~~ Edition):

(a) through (b) No change.

(2) "Denied Case":

(FROI MTC 04, or SROI MTC PD with applicable FROI MTC as found in the IAIABC Implementation Guide for Claims: First, Subsequent, Header, Trailer & Acknowledgement Detail Records, Release 3, January 1, 2008 ~~June 1, 2006~~ Edition).

(a) through (c) No change.

(3) through (8) No change.

(9) If the employee does not have or wish to provide a Social Security Number, the claim administrator shall contact the Division by following the instructions provided on the Division's website: <http://www.myfloridacfo.com/WC/organization/odqc.html> ~~www.fldfs.com/WC/organization/odqc.html~~

(under Records Management – Division-Assigned Numbers) and obtain a Division-assigned number. Upon receipt of the employee's Social Security Number, the claim administrator shall file MTC 02 (Change) and provide the employee and employer with Form DFS-F2-DWC-4, pursuant to Rule 69L-3.025, F.A.C.

(10) No change.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History—New 1-7-07, Amended.

69L-56.3012 Electronic Notice of Denial and Rescinded Denial.

(FROI/SROI MTC 04, SROI MTC PD as found in the IAIABC Implementation Guide for Claims: First, Subsequent, Header, Trailer & Acknowledgement Detail Records, Release 3, January 1, 2008 ~~June 1, 2006~~ Edition)

On or before the compliance date established in the insurer's Primary Implementation Schedule set forth in paragraph 69L-56.301(3)(a), F.A.C., the insurer shall file the electronic form equivalent for the denial information otherwise reported on Form DFS-F2-DWC-12, adopted in Rules 69L-3.012 and 69L-3.025, F.A.C. The claim administrator shall send to the Division an Electronic Notice of Denial to report the reason for the denial of indemnity benefits for the following types of denial notices, and by the following time periods:

(1) through (7) No change.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History—New 1-7-07, Amended.

69L-56.3013 Electronic Periodic Claim Cost Reports.

(SROI MTC SA, FN as found in the IAIABC Implementation Guide for Claims: First, Subsequent, Header, Trailer & Acknowledgement Detail Records, Release 3, January 1, 2008 ~~June 1, 2006~~ Edition).

On or before the compliance date established in the insurer's Primary Implementation Schedule set forth in paragraph 69L-56.300(3)(a), F.A.C., the insurer shall file the electronic form equivalent for claim cost information otherwise reported on Form DFS-F2-DWC-13 adopted in Rules 69L-3.016 and 69L-3.025, F.A.C. If payment has been made for any of the Benefit Type (BT) Codes or Other Benefit Type (OBT) Codes listed in subsections (1) and (2) of this section, the claim administrator shall report on the Electronic Claim Cost Report, the cumulative amount paid (i.e., Benefit Type Amount Paid, Other Benefit Type Amount) in dollars and cents for each applicable BT Code, with the exception of BT Codes reporting employer payment, and OBT Code. The claim administrator shall also report the amount of weeks (i.e., Benefit Type Claim Weeks) and/or days (i.e., Benefit Type Claim Days), the effective date of each indemnity benefit (i.e., Benefit Period Start Date), and the date through which indemnity benefits were paid at the time of reporting (i.e., Benefit Period Through

Date), unless otherwise indicated below. For purposes of the Electronic Claim Cost Report, the Benefit Period Start Date shall be reported as the earliest date benefits were paid for a Benefit Type Code, regardless of whether multiple disability periods were paid for the Benefit Type Code.

(1) through (6) No change.

Specific Authority 440.591, 440.593(5), FS. Law Implemented 440.593, FS. History–New 1-7-07, Amended.

69L-56.304 Electronic Notice of Action or Change, Including Change in Claims Administration, Required by the Insurer’s Primary Implementation Schedule.

(FROI/SROI MTC 02, FROI MTC AQ, AU, SROI IP, PY, EP as found in the IAIABC Implementation Guide for Claims: First, Subsequent, Header, Trailer & Acknowledgement Detail Records, Release 3, January 1, 2008 ~~June 1, 2006~~ Edition).

(1) Electronic Notice of Action or Change (MTC 02). On or before the compliance date established in the insurer’s Primary Implementation Schedule set forth in paragraph 69L-56.300(3)(a), F.A.C., the insurer shall file an Electronic Notice of Action or Change for reporting changes to the information specified in paragraphs (1)(a) and (b) of this section. The claim administrator shall file the FROI or SROI MTC 02 (Change) on or before 14 days after the claim administrator has knowledge of the new or changed information. However, MTC 02 shall not be sent if a data element changes as a result of an event that requires the reporting of another MTC in accordance with the definition of Maintenance Type Code (MTC) in the Data Dictionary located in Section 6 of the IAIABC Claims EDI Release 3 Implementation Guide. If there is a change in Insurer FEIN or Claims Administrator FEIN, Claim Administrator Postal Code, and Claim Administrator Claim Number due to the acquisition of a claim, the claim administrator shall file MTC AQ or AU with applicable SROI pursuant to subsection (2) of this section.

(a) The claim administrator shall file a FROI or SROI MTC 02 (Change) as noted below, and provide Form DFS-F2-DWC-4 to the employee and employer pursuant to Rules 69L-3.0091 and 69L-3.025, F.A.C., if any of the following data elements are changed or reported for the first time:

- 1. through 11. No change.
- (b) No change.
- (2) No change.
- (a) through (b) No change.
- (c) No change.
- 1. through 6. No change.
- 7. No change.

a.ii The claim administrator shall file an Electronic Notice of Denial with the Division by reporting the applicable Full Denial Reason Code(s) and Full Denial Effective Date on the

SROI MTC 04 (Denial). The Denial Reason Narrative shall also be sent on the SROI MTC 04 (Denial) to supplement the Denial Reason Code(s).

b.ii In addition to filing the Electronic Notice of Denial with the Division, the claim administrator shall provide a paper copy of Form DFS-F2-DWC-12, Notice of Denial, adopted in Rules 69L-3.012 and 69L-3.025, F.A.C., to the employer and employee, in accordance with the filing time period set out for Form DFS-F2-DWC-12 in Rule 69L-3.012, F.A.C.

- (d) No change.
- 1. through 2. No change.
- (3) through (5) No change.

(6) The filing of a FROI or SROI MTC 02 to report a change in Insurer FEIN, Claim Administrator FEIN, or Claim Administrator Postal Code and Claim Administrator Claim Number due to the establishment of a new or elimination of a claims office location or subsidiary entity within the insurer’s organization does not negate the obligation of the trading partner (insurer or claim administrator) to file a revised “EDI Trading Partner Profile, DFS-F5-DWC-EDI-1 (1/01/2008 ~~10/01/2006~~), and if applicable, a revised “EDI Trading Partner Insurer/Claim Administrator ID List”, DFS-F5-DWC-EDI-2 (10/01/2006), and if applicable, a revised “EDI Trading Partner Claim Administrator Address List”, DFS-F5-DWC-EDI-2A (10/01/2006), pursuant to subsection 69L-56.300(2), F.A.C.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History–New 1-7-07, Amended.

69L-56.3045 Electronic Notice of Action or Change, Suspensions, and Reinstatement of Indemnity Benefits Required by Insurer’s Secondary Implementation Guide.

(SROI MTC 02, CA, CB, AB, S1-S8, P7, RB, ER as found in the IAIABC Implementation Guide for Claims: First, Subsequent, Header, Trailer & Acknowledgement Detail Records, Release 3, January 1, 2008 ~~June 1, 2006~~ Edition)

(1) through (6) No change.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History–New 1-7-07, Amended.

69L-56.307 Electronic Cancellation of Claim. (FROI MTC 01 as found in the IAIABC Implementation Guide for Claims: First, Subsequent, Header, Trailer & Acknowledgement Detail Records, Release 3, January 1, 2008 ~~June 1, 2006~~ Edition)

(1) through (2) No change.

Specific Authority 440.591, 440.593(5) FS. Law Implemented 440.593 FS. History–New 1-7-07, Amended.

69L-56.310 Technical Requirements for Claims EDI Transmissions.

(1) Insurers shall send Claims EDI Filings required in Rules 69L-56.301, 69L-56.3012, 69L-56.3013, 69L-56.304, 69L-56.3045, 69L-56.307 and 69L-56.330, F.A.C., to the Division using only the following transmission methods:

(a) No change.

(b) Secure Socket Layer/File Transfer Protocol (SSL/FTP) in accordance with instructions on Form DFS-F5-DWC-EDI-4 (1/01/2008 ~~10/1/2006~~).

(2) No change.

(3)(a) through (c) No change.

(d) Header records shall include the following information:

1. through 2. No change.

3. Sender Identifier. The Sender Identifier (Sender ID) shall consist of the claim administrator's FEIN and Postal Code as reported on Form DFS-F5-DWC-EDI-3 (10/01/2006 ~~01/01/2005~~), EDI Transmission Profile – Sender's Specifications.

(4) through (11) No change.

Specific Authority 440.591, 440.593 FS. Law Implemented 440.593 FS. History–New 1-7-07, Amended.

69L-56.330 Electronic Formats for Reporting the Employee's 8th Day of Disability and the Claim Administrator's Knowledge of the 8th Day of Disability.

~~(1) Until required by this rule to report Claims EDI filings using the IAIABC Release 3 standard, if a claim administrator is voluntarily reporting Claims EDI information using the IAIABC EDI Release 1 standard and reports the electronic First Report of Injury or Illness with Claim Type "L" ("Became Lost Time/Indemnity", a.k.a., Medical Only to Lost Time), the claim administrator shall report the employee's 8th day of disability and the claim administrator's knowledge of the 8th day of disability at the same time the electronic form equivalent of Form DFS-F2-DWC-1 is required to be sent to the Division as specified in Rule 69L-56.301, F.A.C., using any of the electronic formats approved by the Division and adopted by reference in this rule.~~

~~(2) If the initial payment of benefits is for Impairment Income Benefits or settlement agreement or order for indemnity benefits, or follows a total or partial denial, the claim administrator is not required to electronically report the employee's 8th day of disability and the claim administrator's knowledge of 8th day of disability.~~

~~(3) The claim administrator shall utilize the electronic format, "Electronic Supplement to the First Report of Injury (DWC-1) Transaction (January 2005)", from the Division's web site at www.fldfs.com/wc/edi.html, or the "8th Day of Disability For EDI Submitters" database located at~~

~~www.fldfs.com/wc/ to report the employee's 8th day of disability and the claim administrator's knowledge of the 8th day of disability required in Rule Chapter 69L-3, F.A.C.~~

Specific Authority 440.591, 440.593 FS. Law Implemented 440.593 FS. History–New 5-29-05, Amended 1-7-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Yon, EDI Coordinator, Bureau of Data Quality and Collection, Division of Workers' Compensation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-560.1000
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: During the regular 2008 legislative session, the Florida Legislature passed Senate Bill 2158, relating to money services businesses. The bill was signed into law on June 17, 2008, and will take effect on January 1, 2009. This law makes significant changes to Chapter 560, Florida Statutes. The new law imposes additional regulatory requirements on money services businesses including money transmitters, payment instrument sellers, foreign currency exchangers, check cashers, and deferred presentment providers. The law also requires the Commission to adopt disciplinary guidelines for each ground for which disciplinary action may be imposed by the Office of Financial Regulation against a money services business under Chapter 560, F.S. The rule implements this statutory requirement.

SUMMARY: The rules sets forth disciplinary guidelines applicable to money services businesses for violations of Chapter 560, 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: 560.105, 560.1141 FS.

LAW IMPLEMENTED: 560.109, 560.110, 560.111, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.125, 560.126, 560.128, 560.204, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.309, 560.310, 560.403, 560.404, 560.405, 560.406 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: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1000 Disciplinary Guidelines.

Pursuant to Section 560.1141, F.S., listed below are disciplinary guidelines applicable to each ground for disciplinary action that may be imposed by the Office against a Chapter 560, F.S., licensee for a material violation of Chapter 560, F.S. For purposes of this rule, the term "citation" means any written notice provided to and received by the licensee that specifies a violation of Chapter 560, F.S., or any rule promulgated under that chapter.

	<u>Statute</u>	<u>Violation Description</u>	<u>1st Citation</u>	<u>2nd Citation</u>	<u>3rd Citation</u>
(1)	560.109(3)(a)	Failure to make available to the Office within 3 days all required books and records after written notice.	Fine: A Suspension	Fine: B Suspension	Fine: C Suspension
(2)	560.109(7)	Failure to pay reasonable and necessary costs for exams or investigations based on actual costs incurred.	Fine: A Suspension	Fine: B Suspension	Fine: C Suspension
(3)	560.1092(1)	Failure to pay to the Office the expenses of an examination at a rate adopted by rule.	Fine: A Suspension	Fine: B Suspension	Fine: C Suspension
(4)	560.110	Failure to maintain all records for 5 years.	Fine: A Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(5)	560.110(1)	Failure to make books and records available to the Office within 3 business days after receipt of a written request.	Fine: A Suspension	Fine: B Suspension	Fine: C Suspension
(6)	560.111(1)(a)	Receiving or possessing property, except in payment of a just demand, and, with intent to deceive or defraud, to omit to make or to cause to be made a full and true entry thereof in its books and accounts, or to concur in omitting to make any material entry thereof.	Fine: C Revocation	N/A	N/A

(7)	560.111(1)(b)	<u>Embezzle, abstract, or misapply any money, property, or other thing of value belonging to the money services business, an authorized vendor, or customer with intent to deceive or defraud.</u>	Fine: C Revocation	N/A	N/A
(8)	560.111(1)(c)	<u>Making false entry in books and records with intent to deceive or defraud another person, appropriate regulator, or authorized third party appointed by the Office to examine or investigate a licensee or its authorized vendor.</u>	Fine: C Suspension Revocation	N/A	N/A
(9)	560.111(1)(d)	<u>Engaging in acts that violate 18 U.S.C. s. 1956, 31 U.S.C. s. 5324, or any law or rule of another state or the United States relating to a money services business, deferred presentment provider, or usury which may cause the denial or revocation of a money services business or deferred presentment provider or its equivalent.</u>	Fine: C Revocation	N/A	N/A
(10)	560.111(1)(e)	<u>Filing with the Office, signing as a duly authorized representative, or delivering or disclose to the Office any books and records known to be fraudulent or false as to any material matter.</u>	Fine: C Revocation	N/A	N/A
(11)	560.111(1)(f)	<u>Placing among a money services business any note, obligation, or security that the money services business or its authorized vendor does not own or is known to be fraudulent or otherwise worthless or to represent to the Office that these documents are known to be fraudulent or otherwise worthless.</u>	Fine: C Revocation	N/A	N/A
(12)	560.114(1)(a)	<u>Failure to comply with any order of the Office or any written agreement entered into with the Office.</u>	Fine Code: B Suspension Revocation	Fine: C Suspension Revocation	Fine: C Revocation
(13)	560.114(1)(b)	<u>Fraud, misrepresentation, deceit, or gross negligence in any transaction by a money services business, regardless of reliance thereon by, or damage to, a customer.</u>	Fine: C Suspension Revocation	Fine: C Revocation	N/A

(14)	560.114(1)(c)	<u>Fraudulent misrepresentation, circumvention, or concealment of any matter that must be stated or furnished to a customer pursuant to the chapter, regardless of reliance thereon by, or damage to, such customer.</u>	Fine: C Revocation	N/A	N/A
(15)	560.114(1)(d)	<u>False, deceptive, or misleading advertising.</u>	Fine: C Suspension	Fine: C Suspension Revocation	Fine: Suspension Revocation
(16)	560.114(1)(e)	<u>Failure to maintain, preserve, keep available for examination, and produce all books, accounts, files, or other documents required by the chapter.</u>	Fine: A Suspension	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(17)	560.114(1)(f)	<u>Refusing to allow the examination or inspection of books, accounts, files, or other documents by the Office pursuant to the chapter or to comply with a subpoena issued by the Office.</u>	Fine: B Suspension Revocation	Fine: C Revocation	Revocation
(18)	560.114(1)(g)	<u>Failure to pay a judgment recovered in any court by a claimant in an action arising out of a money transmission transaction within 30 days after the judgment became final.</u>	Fine: A Suspension	Fine: B Suspension	Fine: C Revocation
(19)	560.114(1)(h)	<u>Engaging in acts prohibited under 560.111.</u>	Fine: C Revocation	N/A	N/A
(20)	560.114(1)(i)	<u>Insolvency</u>	Fine: A Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(21)	560.114(1)(j)	<u>Failure to remove an affiliated party after the Office has issued and served a final order setting forth a finding that the affiliated party has violated a provision of the chapter.</u>	Fine: A Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(22)	560.114(1)(k)	<u>Making a material misstatement, misrepresentation, or omission in an application, amendment, or appointment of an authorized vendor.</u>	Fine: A Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(23)	560.114(1)(l)	<u>Committing any act that results in a license, or its equivalent, to practice any profession or occupation, being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction.</u>	Fine: A Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation

(24)	560.114(1)(m)	Being the subject of final agency action or its equivalent, issued by an appropriate regulator, for engaging in unlicensed money services business or deferred presentment provider activity in any jurisdiction.	Fine: C	Fine: C Suspension	Fine: C Suspension
(25)	560.114(1)(n)	Committing any act resulting in a license or its equivalent to practice any profession or occupation being denied, suspended, revoked, or otherwise acted against by a licensing authority in any jurisdiction for a violation of 18 U.S.C. s. 1956, 18 U.S.C. s. 1957, and 18 U.S.C. s. 1960, 31 U.S.C. s. 5324, or any law or rule of another state or the United States relating to a money services business, deferred presentment provider, or usury.	Fine: C Suspension Revocation	Fine: C Suspension Revocation	Fine: C Suspension Revocation
(26)	560.114(1)(o)	Having been convicted of, or entered a plea of guilty or nolo contendere to any felony or crime punishable by imprisonment of 1 year or more under the law of any state of the United States which involves fraud, moral turpitude, or dishonest dealing, regardless of adjudication.	Fine: C Revocation	N/A	N/A
(27)	560.114(1)(p)	Having been convicted of, or entered a plea of guilty or nolo contendere to a crime under 18 U.S.C. s. 1956 or 31 U.S.C. s.5324 regardless of adjudication.	Fine: C Revocation	N/A	N/A
(28)	560.114(1)(q)	Having been convicted of, or entered a plea of guilty or nolo contendere to misappropriation, conversion, or unlawful withholding of moneys belonging to others, regardless of adjudication.	Fine: C Revocation	N/A	N/A
(29)	560.114(1)(r)	Failure to inform the Office within 30 days after having pled guilty or nolo contendere to, or being convicted of, any felony or crime punishable by imprisonment of 1 year or more under the law of any state or the US, or any crime involving fraud, moral turpitude, or dishonest dealing.	Fine: B	Fine: C Revocation	N/A

(30)	560.114(1)(s)	<u>Aiding, assisting, procuring, advising, or abetting any person in violating a provision of this chapter or any order or rule of the Office or Commission.</u>	<u>Fine: B Suspension Revocation</u>	<u>Fine: C Suspension Revocation</u>	<u>N/A</u>
(31)	560.114(1)(t)	<u>Failure to pay any fee, charge, or cost imposed or assessed under the chapter.</u>	<u>Fine: A Suspension</u>	<u>Fine: B Suspension</u>	<u>Fine: C Revocation</u>
(32)	560.114(1)(u)	<u>Failure to pay a fine assessed by the Office within 30 days after the due date as stated in the final order.</u>	<u>Fine Code: B Suspension Revocation</u>	<u>Fine: C Revocation</u>	<u>Fine: C Revocation</u>
(35)	560.114(1)(v)	<u>Failure to pay any judgment entered by any court within 30 days after the judgment becomes final.</u>	<u>Fine: A Suspension</u>	<u>Fine: B Suspension</u>	<u>Fine: C Suspension</u>
(34)	560.114(1)(x)	<u>Payment to the Office for a license or other fee, charge, cost, or fine with a check or electronic transmission of funds that is dishonored by the applicant's or licensee's financial institution.</u>	<u>Fine: A Suspension</u>	<u>Fine: B Suspension</u>	<u>Fine: C Revocation</u>
(35)	560.114(1)(y)	<u>Violations of 31 C.F.R. ss. 103.20, 103.22, 102.23, 103.27, 103.28, 103.29, 103.33, 103.37, 103.41, and 103.125, and United States Treasury Interpretative Release 2004-1. Note: For purposes of the application of this violation, the distinct federal codes referenced shall be treated as separate violations and penalties shall be applied separately for each code violation cited.</u>	<u>Fine: B Suspension Revocation</u>	<u>Fine: C Suspension Revocation</u>	<u>Fine: C Suspension Revocation</u>
(36)	560.114(1)(z)	<u>Engaging in any practice or conduct that creates the likelihood of material loss, insolvency, or dissipation of assets of a MSB or otherwise materially prejudices the interests of its customers.</u>	<u>Fine: C Suspension Revocation</u>	<u>Fine: C Suspension Revocation</u>	<u>Fine: C Suspension Revocation</u>
(37)	560.114(2)	<u>Immediate Suspension for failure to provide required records upon written request.</u>	<u>Fine: A Suspension</u>	<u>Fine: B Suspension</u>	<u>Fine: C Suspension</u>
(38)	560.118(1)	<u>Failure to file annual financial audit reports with the Office pursuant to this Chapter 560, F.S. or related rules.</u>	<u>Fine: C Revocation if later than 90 days from due date</u>	<u>Fine: C Revocation if later than 90 days from due date</u>	<u>Fine: C Revocation if later than 90 days from due date</u>
(39)	560.118(2)	<u>Failure to submit quarterly reports to the Office in the format specified by rule.</u>	<u>Fine: A Suspension</u>	<u>Fine: B Suspension</u>	<u>Fine: C Suspension Revocation</u>

(40)	560.123(3)	Failure to maintain a record of every transaction, which occurs in this state that involves currency greater than \$10,000, in one or in aggregate in one day, and involves the proceeds of unlawful activity or is designed to evade reporting requirements of s. 560.123, F.S. or Chapter 896, F.S.	Fine: C Revocation	N/A	N/A
(41)	560.123(5)(c)	Failure to file a currency transaction report for every transaction noted in s. 560.123(3), F.S.	Fine: A Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(42)	560.123(4)	Failure to comply with the money laundering, enforcement, and reporting provisions of s. 655.50, F.S. involving currency transactions and payment instruments, and Chapter 896, F.S., concerning offenses relating to financial transactions.	Fine: A Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(43)	560.1235(1)	Failure to comply with all state and federal laws and rules relating to money laundering, including several chapters from 31 C.F.R. 103.	Fine: A Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(44)	560.1235(2)	Failure to maintain, review, and update an anti-money laundering program.	Fine: A Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(45)	560.1235(3)	Failure to comply with United States Treasury Interpretive Release 2004-1.	Fine: B Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(46)	560.126(1)(a)	Failure to provide the Office notice within 30 days after occurrence of a bankruptcy filing	Fine: C Suspension	Fine: C Suspension	Fine: C Suspension
(47)	560.126(1)(b)	Failure to provide the Office notice within 30 days after occurrence of the commencement of an administrative or judicial suspension, revocation, or denial of a license from any other state in the United States.	Fine: A Suspension	Fine: B Suspension	Fine: C Suspension
(48)	560.126(1)(c)	Failure to provide the office notice within 30 days after occurrence of a felony indictment relating to a money services business or deferred presentment provider involving the licensee, a vendor, or affiliated party. Note: Any licensee suspended under this provision shall be suspended until a final disposition has been reached by the court for the case defined in the suspension order. Any rights to appeal with not be considered in the application of this section.	Fine: B Suspension	Fine: C Suspension	Fine: C Suspension

(49)	560.126(1)(d)	Failure to provide the office notice within 30 days after occurrence of a felony conviction, guilty plea, or plea of nolo contendere, regardless of adjudication, of a licensee, vendor, or affiliated party.	Revocation	Revocation	Revocation
(50)	560.126(1)(e)	Failure to provide the office notice within 30 days after occurrence of an interruption of any corporate surety bond required.	Fine: B Suspension	Fine: B Suspension	Fine: C Suspension
(51)	560.126(1)(g)	Failure to provide the office notice of the notification by law enforcement or prosecutorial agency that the licensee or vendor is under criminal investigation.	Fine: B Suspension	Fine: C Suspension	Fine: C Revocation.
(52)	560.126(2)	Failure to report to Office any change in application or renewal information within 30 days of the change.	Fine: A	Fine: B	Fine: C Suspension
(53)	560.126(3)	Failure to report any change in ownership, control, or responsible persons of the licensee.	Fine: A	Fine: B	Fine: C Suspension
(54)	560.128(1)	Failure to provide each customer with a toll-free number or the office's toll-free number and address for consumer contact.	Fine: A	Fine: A	Fine: B
(55)	560.208(4)	Failure to place assets that are the property of a customer in a segregated account in a federally insured institution or the failure to maintain separate accounts for operating capital and the clearing of customer funds.	Fine: B	Fine: C Suspension	Fine: C Revocation
(56)	560.208(5)	Failure to ensure that money transmitted is available to the beneficiary within 10 business days after receipt.	Fine: B	Fine: C	Fine: C Suspension
(57)	560.208(6)	Failure to immediately upon receipt of currency or payment instrument provide a confirmation or sequence number to the customer verbally, by paper, or electronically.	Fine: A	Fine: C	Fine: C Suspension
(58)	560.2085(1)	Failure to notify the Office within 60 days after a vendor commences or terminates licensed activity.	Fine: A	Fine: B	Fine: C Suspension
(59)	560.2085(2)	Failure to enter into a written contract with an authorized vendor, signed by the licensee and the authorized vendor.	Fine: A	Fine: B	Fine: C Suspension

(60)	560.2085(2)(a)	The vendor contract must set forth the nature and scope of the relationship between the licensee and the vendor, including rights and responsibilities of the parties	Fine: A	Fine: B	Fine: C Suspension
(61)	560.2085(2)(b)	Failure to enter into a written contract that includes requirements of s. 560.2085(2)(b)(1-8), F.S.	Fine: A	Fine: B Suspension	Fine: C Suspension
(62)	560.2085(3)	Failure to develop and implement written policies and procedures to monitor compliance with applicable state and federal law by a licensee's authorized vendors.	Fine: B	Fine: B	Fine: C Suspension
(63)	560.209(1)	Failure to maintain at all times net worth of at least \$100,000 plus and additional \$10,000 for each location up to \$2 million. Note: Suspension will be ordered until adequate net worth has been obtained and accepted by the Office	Fine: B Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(64)	560.209(2)	Failure to obtain an annual financial audit report and submit it to the Office within 120 days after the end of the licensee's fiscal year end.	Fine: B Suspension Revocation	Fine: B Suspension Revocation	Fine: C Suspension Revocation
(65)	560.209(3)(a-b)	Failure to provide and pledge to the Office a surety bond not less than \$50,000 or more than \$2 million.	Fine: C Revocation	N/A	N/A
(66)	560.209(3)(c)	Canceling a surety bond without written notice to the Office by registered mail or a canceling a bond within 30 days after receipt by the Office of the written notice. Note: Suspension will be ordered until adequate surety device has been obtained and accepted by the Office	Fine: C Suspension	Fine: C Suspension	Fine: C Suspension
(67)	560.209(3)(c)	Failure to furnish a new or additional surety bond so that the total or aggregate principal sum of the bond equals the required bond according to the chapter.	Fine: C Suspension	Fine: C Suspension	Fine: C Suspension
(68)	560.209(4)(a-b)	Failure to deposit collateral cash, securities, or alternative security devices as provided by rule in at least the amount of a required bond.	Fine: C Suspension	Fine: C Suspension	Fine: C Suspension

(69)	560.209(4)(c)	Failure to pledge collateral cash, securities, or alternative security devices as provided by rule to the Office or failure to maintain collateral cash, securities, or alternative security devices in an insured financial institution to secure the same obligations as a bond.	Fine: C Suspension	Fine: C Suspension	Fine: C Suspension
(70)	560.210(1)	Failure to possess, at all times, permissible investments with an aggregate market value of at least the aggregate face amount of all outstanding money transmissions and payment instruments issued or sold by the licensee or authorized vendor in the United States.	Fine: B	Fine: B Suspension	Fine: C Revocation
(71)	560.211(1)	Failure to maintain all records required to be kept by Section 560.211, F.S. for 5 years.	Fine: B Suspension	Fine: B Suspension	Fine: C Revocation
(72)	560.211(1)(a)	Failure to maintain a daily record of payment instruments sold and money transmitted.	Fine: B Suspension	Fine: B Suspension	Fine: C Revocation
(73)	560.211(1)(b)	Failure to maintain a general ledger containing all asset, liability, capital, income, and expense accounts, which must be posted at least monthly.	Fine: B Suspension	Fine: B Suspension	Fine: C Revocation
(74)	560.211(1)(c)	Failure to maintain daily settlement records received from authorized vendors.	Fine: B Suspension	Fine: B Suspension	Fine: C Revocation
(75)	560.211(1)(d)	Failure to maintain monthly financial institution statements and reconciliation records.	Fine: B Suspension	Fine: B Suspension	Fine: C Revocation
(76)	560.211(1)(e)	Failure to maintain records of outstanding payment instruments and money transmitted.	Fine: B Suspension	Fine: B Suspension	Fine: C Revocation
(77)	560.211(1)(f)	Failure to maintain records of each payment instrument paid and money transmission delivered.	Fine: B Suspension	Fine: B Suspension	Fine: C Revocation
(78)	560.211(1)(g)	Failure to maintain a list of the names and addresses of all of the licensee's authorized vendors.	Fine: B Suspension	Fine: B Suspension	Fine: C Revocation
(79)	560.211(1)(h)	Failure to maintain records that document the establishment, monitoring, and termination of relationships with authorized vendors and foreign affiliates.	Fine: B Suspension	Fine: B Suspension	Fine: C Revocation
(80)	560.211(1)(i)	Failure to maintain any records, as prescribed by rule, designed to detect and prevent money laundering.	Fine: B Suspension	Fine: B Suspension	Fine: C Revocation

(81)	560.213	Failure of each payment instrument sold or issued by a licensee, directly or through its authorized vendor, to bear the name of the licensee, and any other information as may be required by rule, clearly imprinted thereon.	Fine: B Suspension	Fine: B Suspension	Fine: C Revocation
(82)	560.303(3)	Charging fees in excess of those provided by s. 560.309, F.S. by a person exempt from licensure under Chapter 560 part III.	Fine: A Restitution	Fine: B Restitution Suspension	Fine: C Revocation
(83)	560.309(1)	Failure to transact business under Chapter 560, part III, F.S. under the legal name under which the person is licensed.	Fine: B	Fine: B Suspension	Fine: C Revocation
(84)	560.309(2)	Failure to endorse a payment instrument that is accepted or cashed by the licensee using the legal name under which the licensee is licensed.	Fine: B Suspension	Fine: C Revocation	N/A
(85)	560.309(3)	Failure to deposit payment instruments into a commercial account at a federally insured financial institution or sell payment instruments within 5 business days after the acceptance of the payment instrument.	Fine: B	Fine: B Suspension	Fine: C Revocation
(86)	560.309(4)	Accepting or cashing multiple payment instruments from a person who is not the original payee, unless the person is licensed to cash payment instruments pursuant to Chapter 560 part III and all payment instruments accepted are endorsed with the legal name of the person.	Fine: B Suspension	Fine: C Revocation	N/A
(87)	560.309(5)	Failure to report all suspicious activity to the office in accordance with the criteria set forth in 31 C.F.R. s. 103.20.	Fine: B	Fine: B Suspension	Fine: C Revocation
(88)	560.309(6)	Failure to equip each location of a licensee where checks are cashed with a security camera system that is capable of recording and retrieving an image in order to assist in identifying and apprehending an offender unless the licensee has installed a bulletproof or bullet-resistant partition or enclosure in the area where checks are cashed.	Fine: B	Fine: B Suspension	Fine: C Revocation

(89)	560.309(7)	Failure to post a notice listing the charges for cashing payment instruments.	Fine: A	Fine: B Suspension	Fine: C Revocation
(90)	560.309(8)(a)	Charged fees, except otherwise provided by s. 560.309, F.S., and exclusive of the direct costs of verification in excess of 5 percent of the face amount of the payment instrument, or \$5, whichever is greater.	Fine: A Restitution	Fine: B Restitution Suspension	Fine: C Restitution Revocation
(91)	560.309(8)(b)	Charged fees, except otherwise provided by s. 560.309, F.S., and exclusive of the direct costs of verification in excess of 3 percent of the face amount of the payment instrument, or \$5, whichever is greater for a payment instrument that is any kind of state public assistance or federal social security benefit payable to the bearer of the payment instrument.	Fine: A Restitution	Fine: B Restitution Suspension	Fine: C Restitution Revocation
(92)	560.309(8)(c)	Charged fees, except otherwise provided by s. 560.309, F.S., and exclusive of the direct costs of verification in excess of 10 percent of the face amount for personal checks or money orders, or \$5, whichever is greater.	Fine: C Restitution	Fine: C Restitution Suspension	Fine: C Restitution Revocation
(93)	560.309(9)	Assessed the cost of collections, other than fees for insufficient funds provided by law, without judgment from a court of competent jurisdiction.	Fine: A Restitution	Fine: B Restitution Suspension	Fine: C Restitution Revocation
(94)	560.309(10)	Failed to comply with the provisions of s. 68.065, F.S., and failed to comply with the prohibitions against harassment or abuse, false or misleading representations, and unfair practices in the Fair Debt Collections Act, U.S.C. ss. 1692d, 1692d, 1962f.	Fine: B Suspension	Fine: C C Suspension	Fine: C Revocation
(95)	560.310(1)(a)	Failed to maintain customer files on all customers who cash corporate or third-party payment instruments exceeding \$1,000.	Fine: B Suspension	Fine: C Suspension	Fine: C Revocation

(96)	560.310(1)(b)(1)	Failed to maintain a copy of the personal identification as used as identification as presented by the customer for a payment instrument accepted having a face value of \$1,000 or more.	Fine: B Suspension	Fine: C Suspension	Fine: C Revocation
(97)	560.310(1)(b)(2)	Failed to maintain a thumbprint of the customer, taken by the licensee, for a payment instrument accepted having a face value of \$1,000 or more.	Fine: B Suspension	Fine: C Suspension	Fine: C Revocation
(98)	560.310(1)(c)	Failed to maintain an electronic payment instrument log which reports aggregate payment instruments whose total cashed is greater than \$1,000.	Fine: B Suspension	Fine: C Suspension	Fine: C Revocation
(99)	460.404(1)	Failed to document each deferred presentment transaction in a written agreement signed by the deferred presentment provider and the drawer.	Fine: B	Fine: C Suspension	Fine: C Revocation
(100)	560.404(2)	Each deferred presentment transaction agreement failed to be executed on the day the deferred presentment provider furnishes currency or a payment instrument to the drawer.	Fine: A	Fine: B Suspension	Fine: C Suspension
(101)	560.404(3)(a)	Each deferred presentment transaction agreement failed to contain the name or trade name, address, and telephone number of the deferred presentment provider and the name and title of the person who signs the agreement on behalf of the provider.	Fine: A	Fine: B Suspension	Fine: C Suspension
(102)	560.404(3)(b)	Each deferred presentment transaction agreement failed to contain the date the deferred presentment transaction was made.	Fine: A	Fine: B Suspension	Fine: C Suspension
(103)	560.404(3)(c)	Each deferred presentment agreement failed to contain the amount of the drawer's check.	Fine: A	Fine: B Suspension	Fine: C Suspension
(104)	560.404(3)(d)	Each deferred presentment agreement failed to contain the length of the deferment period.	Fine: A	Fine: B Suspension	Fine: C Suspension
(105)	560.404(3)(e)	Each deferred presentment agreement failed to contain the last day of the deferment period.	Fine: A	Fine: B Suspension	Fine: C Suspension
(106)	560.404(3)(f)	Each deferred presentment agreement failed to contain the address and telephone number of the office.	Fine: A	Fine: B Suspension	Fine: C Suspension

(107)	560.404(3)(g)	Each deferred presentment agreement failed to contain a clear description of the drawer's payment obligations under the deferred presentment transaction.	Fine: A	Fine: B Suspension	Fine: C Suspension
(108)	560.404(3)(h)	Each deferred presentment agreement failed to contain the transaction number assigned by the office's database.	Fine: A	Fine: B Suspension	Fine: C Suspension
(109)	560.404(4)	Failed to furnish a copy of the deferred presentment transaction agreement to the drawer.	Fine: A	Fine: B Suspension	Fine: C Suspension
(110)	560.404(5)	Accepting a check for a deferred presentment transaction where the face amount of the check taken exceeds \$500 exclusive of the fees allowed under Part IV of Chapter 560.F.S.	Fine: A	Fine: B Suspension	Fine: C Suspension
(111)	560.404(6)	Charging fees that exceed 10 percent of the currency or payment instrument provided for a deferred presentment transaction.	Fine: A Restitution	Fine: B Restitution Suspension	Fine: C Restitution Revocation
(112)	560.404(7)	Collecting the fees authorized for a deferred presentment transaction before the drawer's check is presented or redeemed.	Fine: A	Fine: B Suspension	Fine: C Suspension
(113)	560.404(8)	Accepting a deferred presentment transaction for a term longer than 31 days or less than 7 days.	Fine: A	Fine: B Suspension	Fine: C Suspension
(114)	560.404(9)	Requiring a drawer to provide additional security or guaranty for a deferred presentment transaction.	Fine: A	Fine: B Suspension	Fine: C Suspension
(115)	560.404(10)(a)	Including a hold harmless clause in a deferred presentment agreement.	Fine: A	Fine: B Suspension	Fine: C Suspension
(116)	560.404(10)(b)	Including a confession of judgment clause in a deferred presentment agreement.	Fine: A	Fine: B Suspension	Fine: C Suspension
(117)	560.404(10)(c)	Including an assignment of or order for a payment of wages or other compensation for services in a deferred presentment agreement.	Fine: A	Fine: B Suspension	Fine: C Suspension
(118)	560.404(10)(d)	Including a provision in which the drawer agrees not to assert any claim or defense arising out of the agreement in a deferred presentment agreement.	Fine: A	Fine: B Suspension	Fine: C Suspension
(119)	560.404(10)(e)	Including a waiver of any provision of Chapter 560, Part IV, F.S. in a deferred presentment agreement.	Fine: A	Fine: B Suspension	Fine: C Suspension

(120)	560.404(11)	A <u>deferred presentment provider shall immediately provide the drawer with the full amount of any check to be held, less only the fee allowed by Chapter 560, Part IV, F.S.</u>	Fine: B	Fine: C Suspension	Fine: C Revocation
(121)	560.404(12)	<u>Holding a deferred presentment agreement or a drawer's check that is altered, the date is deleted, or fails to bear the same date for a deferred presentment transaction.</u>	Fine: A	Fine: B Suspension	Fine: C Suspension
(122)	560.404(13)	<u>Failure to ensure that each deferred presentment transaction complies with the disclosure requirements of 12 C.F.R., part 226, relating to the federal Truth-in-Lending Act, and Regulation Z of the Board of Governors of the Federal Reserve Board.</u>	Fine: A	Fine: B Suspension	Fine: C Suspension
(123)	560.404(14)	<u>Accepting or holding an undated check or a check dated on a date other than the date on which the deferred presentment provider agreed to hold the check and signed the deferred presentment transaction agreement.</u>	Fine: A	Fine: B Suspension	Fine: C Suspension
(124)	560.404(15)	<u>Failure to hold the drawer's check for the agreed number of days, unless the drawer chose to redeem the check before the presentment date.</u>	Fine: A	Fine: B Suspension	Fine: C Suspension
(125)	560.404(16)	<u>Charging an additional fee for issuing or cashing a deferred presentment provider's payment instrument, if licensed under Part II of Chapter 560, F.S.</u>	Fine: B Restitution	Fine: B Restitution Suspension	Fine: B Restitution Revocation
(126)	560.404(17)	<u>Requiring a drawer to accept a payment instrument issued by the licensee in lieu of currency in a deferred presentment transaction.</u>	Fine: A	Fine: B Suspension	Fine: C Suspension
(127)	560.404(18)	<u>Engaging in the rollover of a deferred presentment agreement. Redeeming, extending, or otherwise consolidating a deferred presentment agreement with the proceeds of another deferred presentment transaction made by the same deferred presentment provider or an affiliate.</u>	Fine: B Restitution of any fees received for each subsequent rollover	Fine: B Restitution of any fees received for each subsequent rollover Suspension	Fine: C Restitution of any fees received for each subsequent rollover Revocation

(128)	560.404(19)	Entering into a deferred presentment transaction with a drawer who has an outstanding deferred presentment transaction with that provider or with any other deferred presentment provider, or with a person whose previous deferred presentment transaction with that provider or with any other provider has been terminated for less than 24 hours.	Fine: B Restitution of any fees received for each subsequent rollover	Fine: B Restitution of any fees received for each subsequent rollover Suspension	Fine: C Restitution of any fees received for each subsequent rollover Revocation
(129)	560.404(19)(a)	Failure to verify whether the deferred presentment provider or an affiliate has an outstanding deferred presentment transaction with a particular person or has terminated a transaction with that person within the previous 24 hours.	Fine: B Restitution of any fees received for each subsequent rollover	Fine: B Restitution of any fees received for each subsequent rollover Suspension	Fine: C Restitution of any fees received for each subsequent rollover Revocation
(130)	560.404(19)(b)	Failure to access the office's database and verify whether any other deferred presentment provider has an outstanding deferred presentment transaction with a particular person or has terminated a transaction with that person within the previous 24 hours.	Fine: B Restitution of any fees received for each subsequent rollover	Fine: B Restitution of any fees received for each subsequent rollover Suspension	Fine: C Restitution of any fees received for each subsequent rollover Revocation
(131)	560.404(20)	Failure to provide the notice defined in s. 560.404(20), F.S., in a prominent place on each deferred presentment agreement in at least 14-point type in substantially the form provided by the chapter and must obtain the signature of the drawer where indicated.	Fine: A	Fine: B	Fine: C Suspension
(132)	560.404(21)	Presenting a drawer's check if the drawer informs the provider in person that the drawer cannot redeem or pay in full in cash the amount due and owing the deferred presentment provider or charging an additional fee or penalty by virtue of any misrepresentation made by the drawer as to the sufficiency of funds in the drawer's account.	Fine: A Restitution	Fine: B Restitution Suspension	Fine: C Restitution Revocation

(133)	560.404(22)	Failure to provide a grace period extending the term of an agreement for an additional 60 days after the original termination date, without any additional charge if by the end of the deferment period, the drawer informs the deferred presentment provider in person that the drawer cannot redeem or pay in full in cash the amount due and owing.	Fine: B Restitution	Fine: C Restitution Suspension	Fine: C Restitution Revocation
(134)	560.404(22)(a)	Failure to comply with and adhere to, including depositing the drawer's check before the end of the 60-day grace period, a repayment plan that a drawer agrees to comply with and adhere to, which was approved by a credit counseling agency. Discouraging a drawer from using the 60-day grace period.	Fine: B Restitution	Fine: C Restitution Suspension	Fine: C Restitution Revocation
(135)	560.404(22)(b)(1)	Failure to provide verbal notice of the availability of the 60-day grace period consistent with the written notice in s. 560.404(20), F.S.	Fine: A	Fine: B	Fine: C Suspension
(136)	560.404(22)(b)(2)	Failure to provide a drawer a list of approved consumer credit counseling agencies prepared by the office.	Fine: A	Fine: B	Fine: C Suspension
(137)	560.404(22)(b)(3)	Failure to provide a drawer the written notice in 560.404(22)(b)(3) in at least 14-point type in substantially the form in the section detailing the drawer's rights under the 60-day grace period.	Fine: A	Fine: B	Fine: C Suspension
(138)	560.404(22)(c)	Failure to pay one-half of the drawer's fee for a deferred presentment agreement to the consumer credit counseling agency if a drawer completes an approved payment plan.	Fine: A	Fine: B	Fine: C Suspension

(139)	560.404(23)	Failure to submit data, including but not limited to the drawer's name, social security number or employment authorization alien number, address, driver's license number, amount of the transaction, date of transaction, the date that the transaction is closed, and such additional information as is required by rule before entering into each deferred presentment transaction in order to verify whether any deferred presentment transactions are outstanding for a particular person.	Fine: A	Fine: B Suspension	Fine: C Suspension
(140)	560.404(24)	Accepting more than one check or authorization to initiate more than one automated clearinghouse transaction to collect on a deferred presentment transaction for a single deferred presentment transaction.	Fine: A	Fine: B	Fine: C Suspension
(141)	560.405(1)	Presenting a drawer's check before the end of the deferral period, as reflected in the deferred presentment transaction agreement.	Fine: A	Fine: B	Fine: C Suspension
(142)	560.405(2)	Failure to endorse a drawer's check with the name under which the deferred presentment provider is doing business before the deferred presentment provider presents the drawer's check.	Fine: A	Fine: B	Fine: C Suspension
(143)	560.405(3)	Failure to return a drawer's check, upon redemption, and provide a signed, dated receipt showing that the drawer's check has been redeemed.	Fine: A	Fine: B	Fine: C Suspension
(144)	560.406(1)	Sending or collecting on collection notices containing references to treble damages and criminal prosecution used for the collection of worthless check in a deferred presentment transaction.	Fine: A	Fine: B Suspension	Fine: C Revocation

(145)	560.406(2)	Failure to comply with the prohibitions against harassment or abuse, false or misleading representations, and unfair practices that are contained in the Fair Debt Collections Practices Act, 15 U.S.C. ss. 1692d, 1692e, 1692f.	Fine: B Suspension	Fine: C Suspension	Fine: C Revocation
(146)	560.406(3)	Assessing the cost of collection, other than charges for insufficient funds as allowed by law, without a judgment from a court of competent jurisdiction for a deferred presentment transaction.	Fine: A Restitution	Fine: B Restitution Suspension	Fine: C Restitution Revocation

(147) In accordance with this rule:

(a) Depending on the severity and repetition of specific violations, the Office may impose an administrative fine, suspension of a license, or revocation of a license or any combination thereof;

(b) The Office may impose a cease and desist order in conjunction with and in addition to any of the designated sanctions set forth in this rule when appropriate under the circumstances;

(c) Notwithstanding this rule, the Office may, when appropriate, enter orders of removal or prohibition or orders denying applications, and may seek the entry of an injunction and appointment of a receiver by a court of competent jurisdiction; and

(d) The Office will consider the licensee’s disciplinary history for the past five years in determining an appropriate penalty, and may impose a more severe penalty when the disciplinary history includes past violations.

(148) In accordance with Section 560.1141(3), F.S., when sufficient evidence is available, the Office shall consider the following circumstances in determining a penalty within the range of penalties provided in this rule and may impose a penalty that deviates from the range of penalties herein as a result of such circumstances:

(a) Whether the violation rate is less than 5% when compared to the overall sample size reviewed;

(b) The degree of harm to the customers or the public;

(c) The disciplinary history of the licensee;

(d) Whether the licensee detected and voluntarily instituted corrective responses or measures to avoid the recurrence of a violation prior to detection and intervention by the Office;

(e) Whether the licensee’s violation was the result of willful misconduct or recklessness;

(f) Whether at the time of the violation, the licensee had developed and implemented reasonable supervisory, operational or technical procedures, or controls to avoid the violation;

(g) Where the violation is attributable to an individual officer, director, responsible person, or authorized vendor, whether the licensee removed or otherwise disciplined the individual prior to detection and intervention by the Office;

(h) Whether the licensee attempted to conceal the violation or mislead or deceive the Office;

(i) The length of time over which the licensee engaged in the violations;

(j) Whether the licensee engaged in numerous violations or a pattern of misconduct;

(k) The number, size and character of the transactions in question;

(l) Whether the licensee provided substantial assistance to the Office in its examination or investigation of the underlying misconduct;

(m) Other relevant, case-specific circumstances.

(149) The list of violations cited in this rule is intended to be comprehensive, but the omission of a violation from the list does not preclude the Office from taking any action authorized by Section 560.114, F.S.

(150) The ranges for administrative fines imposed by this rule are \$1,000 – \$3,500 for an “A” level fine; \$3,500 – \$7,500 for a “B” level fine; and \$7,500 – \$10,000 for a “C” level fine.

Specific Authority 560.105, 560.1141 FS. Law Implemented 560.109, 560.110, 560.111, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.125, 560.126, 560.128, 560.204, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.309, 560.310, 560.403, 560.404, 560.405, 560.406 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.:	RULE TITLE:
69V-560.1021	Effect of Law Enforcement Records on Applications for Money Services Business Licensure

PURPOSE AND EFFECT: The rules set forth the policies of the Office of Financial Regulation with respect to processing license applications for persons who have been found guilty of, or who have pled guilty or nolo contendere to, certain crimes. The policies will address applications for licensure as money services businesses, which include money transmitters, payment instrument sellers, foreign currency exchangers, check cashers, and deferred presentment providers.

SUMMARY: The rules forth the policies of the Office of Financial Regulation with respect to processing license applications for persons who have been found guilty of, or who have pled guilty or nolo contendere to, certain crimes. The policies address applications for licensure as money services businesses. An applicant is not eligible for licensure until 15 years have elapsed, if a "relevant person" of the applicant has been found guilty of, or has pled guilty or nolo contendere to, a Class "A" crime. Class A crimes under the rule include felonies involving financially related or white collar crime, or crimes involving violence. The Office finds that such crimes involve an act of fraud, dishonest dealing, moral turpitude, misappropriation, conversion, or unlawful withholding of moneys belong to others (e.g. fraud, perjury, money laundering, armed robbery, extortion, murder, rape, etc.) An applicant is not eligible for licensure until 7 years have elapsed, if a "relevant person" of the applicant has been found guilty of, or has pled guilty or nolo contendere to, a Class "B" crime. Class B crimes include all felonies that involve any other act of fraud, dishonest dealing, moral turpitude, misappropriation, conversion, or unlawful withholding of moneys belonging to others, regardless of adjudication, and are not Class "A" crimes. An applicant is not eligible for licensure until 5 years have elapsed, if a "relevant person" of the applicant has been found guilty of, or has pled guilty or nolo contendere to, a Class "C" crime. Class "C" Crimes include any misdemeanor that involves misappropriation, conversion,

or unlawful withholding or moneys belonging to others, regardless of adjudication. "Relevant persons" means each officer, director, responsible person, compliance officer, or controlling shareholder of the money services business applicant, and any other person who has a controlling interest in the money services business applicant. If the applicant is a natural person, he or she is the relevant person under the rule. The rule provides for factors that may lengthen or shorten the time periods discussed above, but in no event shall any mitigation result in less than a seven (7) disqualifying period where the underlying crime committed was a felony.

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: 560.105 FS.

LAW IMPLEMENTED: 112.011, 560.114, 560.140, 560.141 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: Terry Straub, Director, Division of Finance, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, terry.straub@flofr.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1021 Effect of Law Enforcement Records on Applications for Money Services Business Licensure.

(1) Definitions. For purposes of this rule:

(a) "Relevant persons" means each officer, director, responsible person, compliance officer, or controlling shareholder of the money services business applicant, and any other person who has a controlling interest in the money services business applicant as provided in Section 560.127, F.S. If the applicant is a natural person, he or she is the relevant person under this rule.

(b) "Trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(2) General Procedure Regarding Law Enforcement Records. At the time of submitting a Money Services Business Application, the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation

for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class "A", "B", or "C" crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class "A", "B", or "C" crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

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

(b) A certified copy of the charges.

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

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

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

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

(a) The omission of any part of a law enforcement record required to be disclosed pursuant to subsection (2) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 560.114(1)(k), Florida Statutes.

(b) Notwithstanding paragraph (3)(a), the Office shall not deny an application for failure to provide documentation listed in subsection (2) when the crime is not a class "A", "B", or "C" crime and the applicant has disclosed the crime on the application form.

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

1. Suspension for 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(4) Classification of Crimes.

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

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

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

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

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

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

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

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

(6) Relevant Persons With Multiple Crimes.

(a) The Office construes Section 560.114(1)(o), (p), and (q), Florida Statutes, to require that an applicant with relevant persons whose law enforcement record includes multiple class "A", "B" or C crimes, or any combination thereof, wait longer than those whose law enforcement record includes only a single crime before becoming eligible for licensure in order to assure that such relevant person's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Office finds it necessary that a longer disqualifying period be utilized in such instances, before licensure can safely be granted. Accordingly, where the relevant person has been found guilty or pled guilty or pled nolo contendere to more than one crime, the Office shall add 5 years to the disqualifying period for each additional crime.

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

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

(7) Mitigating Factors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. However, if the applicant's relevant person did not reveal the matter on the application and the matter had not been sealed or expunged at the time of making the application, the Office will construe the failure to disclose the matter on the

application as a material misrepresentation or material misstatement, and the application shall be denied pursuant to Section 560.114(1)(k), Florida Statutes.

(12) Effect of Restoration of Civil Rights.

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

(b) If a relevant person's civil rights have been restored, the crimes will be evaluated in the application process consistent with Section 112.011 and Chapter 560, Florida Statutes, and the rules promulgated thereunder.

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

(13) Effect of Varying Terminology.

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

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

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

(14) Imprisoned Persons and Community Supervision.

(a) Imprisonment. Notwithstanding any provision to the contrary in this rule, the Office shall not license any applicant under Chapter 560, Florida Statutes, while any relevant person of the applicant is imprisoned or serving a sentence for any crime. Further, the Office shall not license any applicant with a relevant person who has been released from imprisonment until the later of the period otherwise set out in these rules or 5 years after the date of release. The Office finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least 5 years on good behavior, before licensure can be granted without undue risk to the public welfare.

(b) Community Supervision. The Office shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving term on community supervision for any felony crime involving fraud, dishonest dealing, moral turpitude, misappropriation, conversion, or unlawful withholding of moneys belonging to others; or any misdemeanor crime involving misappropriation, conversion, or unlawful withholding of moneys belonging to

others. The Office shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

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

(16) Class "A" Crimes include the following felonies involving financially related or white collar crime, or crimes involving violence, and the Office finds that such crimes involve an act of fraud, dishonest dealing, moral turpitude, misappropriation, conversion, or unlawful withholding of moneys belong to others regardless of adjudication. This list is representative only and shall not be construed to constitute a complete or exclusive list of all crimes that are Class "A" crimes. Crimes similar to the crimes on this list may also be considered Class "A" crimes, and no inference should be drawn from the absence of any crime from this list.

(a) Any type of fraud, including but not limited to Fraud, Postal Fraud, Wire Fraud, Securities Fraud, Welfare Fraud, Defrauding the Government, Credit Card Fraud, Defrauding an Innkeeper, Passing worthless check(s) with intent to defraud,

- (b) Perjury.
- (c) Armed robbery.
- (d) Robbery.
- (e) Extortion.
- (f) Bribery.
- (g) Embezzlement.
- (h) Grand theft.
- (i) Larceny.
- (j) Burglary.
- (k) Breaking and entering.
- (l) Identity Theft.
- (m) Any type of forgery or uttering a forged instrument.
- (n) Misuse of public office.
- (o) Racketeering.
- (p) Buying, receiving, concealing, possessing or otherwise dealing in stolen property.
- (q) Treason against the United States, or a state, district, or territory thereof.
- (r) Altering public documents.
- (s) Witness tampering.
- (t) Tax evasion.
- (u) Impersonating or attempting to impersonate a law enforcement officer.
- (v) Money laundering.
- (w) Murder in all degrees.
- (x) Arson.

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

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

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

(bb) Rape.

(cc) Sexually molesting any minor.

(dd) Sexual battery.

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

(ff) Kidnapping.

(17) Class "B" Crimes include all felonies that involve any other act of fraud, dishonest dealing, moral turpitude, misappropriation, conversion, or unlawful withholding of moneys belonging to others, regardless of adjudication, and are not Class "A" crimes.

(18) Class "C" Crimes include any misdemeanor that involves misappropriation, conversion, or unlawful withholding or moneys belonging to others, regardless of adjudication.

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

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

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

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

Specific Authority 560.105 FS. Law Implemented 112.011, 560.114, 560.140, 560.141 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terry Straub, Director, Division of Finance, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, terry.straub@flofr.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.:

69W-500.018

RULE TITLE:

Exemption for the Offer or Sale of a Single-Share Stock Certificate as a Gift

PURPOSE AND EFFECT: To provide an exemption from securities registration requirements for single-share stock certificates that are framed, and offered or sold as gifts.

SUMMARY: Provides an exemption from securities registration requirements for single-share stock certificates that are framed, and offered or sold as gifts.

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: 517.03(1), 517.061(19) FS.

LAW IMPLEMENTED: 517.061(19) 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: Andrea Moreland, Office of Financial Regulation, The Fletcher Building, Suite 118, 200 E. Gaines Street, Tallahassee, FL 32399-0370, (850)410-9601

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-500.018 Exemption for the Offer or Sale of a Single-Share Stock Certificate as a Gift.

(1) For the purposes of this rule, the term "single-share stock certificate retailer" means a person or business entity engaged in the business of framing or mounting single-share stock certificates for retail sale to purchasers as gifts, decorations, or novelty items. The term "single-share stock certificate retailer" also includes the employees of the person or business entity.

(2) The offer or sale of a single-share stock certificate by a single-share stock certificate retailer is subject to the registration requirements of Sections 517.07 and 517.12(1), F.S.; however, because the dollar amount of the securities involved in these transactions is small and the character of the offering is limited, the Office finds that the application of the registration requirements of Sections 517.07 and 517.12(1), F.S., to these transactions is not necessary for the public interest or for the protection of the investors, if conducted in accordance with this rule.

(3) Any single-share stock certificate retailer that claims entitlement to the exemption provided under this rule bears the burden of proving such entitlement in any proceeding brought under Chapter 517, F.S.

(4) In order for an offer or sale of a single-share stock certificate by a single-share stock certificate retailer to qualify for an exemption from the registration requirements of Sections 517.07 and 517.12(1), F.S., the offer or sale must comport with all of the following requirements:

(a) The single-share stock certificate retailer purchases the shares of stock through a registered dealer;

(b) The single-share stock certificate retailer markets, offers and sells the single-share stock certificate as a gift, decoration, or novelty item;

(c) The single-share stock certificate is mounted, matted, or framed;

(d) Each framed single-share stock certificate represents one share of stock in the underlying company;

(e) The single-share stock certificate retailer does not offer the single-share stock certificate for investment purposes;

(f) The single-share stock certificate retailer does not offer investment advice;

(g) The single-share stock certificate retailer does not directly or indirectly promote itself as a dealer;

(h) The single-share stock certificate retailer is not paid compensation solely for the single-share purchase transaction by the single-share stock certificate retailer;

(i) The single-share purchase transaction by the single-share stock certificate retailer and the transfer of ownership of the single-share certificate to the purchaser is completed within sixty (60) days after the purchase of the stock by the single-share stock certificate retailer; and

(j) The offer and sale of the share by the single-share stock certificate retailer is not made for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of Chapter 517, F.S.

(5) Nothing in this rule shall limit the Office’s authority to enforce existing law.

Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 516.061(19), 517.171 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Reilly, Bureau Chief, Bureau of Securities Regulation
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.:	RULE TITLES:
5E-14.117	Application for Examination for Pest Control Operator’s Certificate and Special Identification Card
5E-14.1421	Identification Card – Training Verification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 14, April 4, 2008 issue of the Florida Administrative Weekly.

5E-14.117 Application for Examination for Pest Control Operator’s Certificate and Special Identification Card.

(1) An applicant for examination for a pest control operator’s certificate and special identification card shall complete and submit the following: Application for examination shall be on Forms DACS 13627 Rev. 03/08, 13607 Rev. 01/08, and 13653 Rev. 03/08, Rev. 3/02, which are incorporated by reference and obtained from the Department and shall also include a passport type and quality, full face photograph of the applicant at least one and one-half inches by one and one-half inches in size.

(a) DACS 13607, Pest Control Examination Application, Rev. 05/08.

(b) DACS 13627, Employment Service, Rev. 08/08.

(c) DACS 13653, Documented Pesticide Application for Certification Exam Qualification, Rev. 09/08.

(d) A passport type and quality, full-face photograph of the applicant at least one and one-half inches by one and one-half inches in size.

The above referenced forms are hereby adopted and incorporated by reference and available on the Department’s website at <http://www.doacs.state.fl.us/onestop/aes/pestcont.html>.

(2) through (9) No change.

(10) Prior to application for examination, an applicant for examination for Termite/Wood Destroying Organism Pest Control, Lawn and Ornamental Pest Control, or General Household Pest Control certification must participate in ~~shall have participated in~~ within this state and under the supervision of a certified operator, a minimum of ~~45~~ 15 jobs in Florida under the supervision of a certified operator in each category that the applicant seeks certification. An applicant for the Fumigation certification and a Special Identification Card must

participate in a minimum of 15 jobs in Florida under the supervision of a certified operator prior to application for examination; ~~except that after January 12, 2009, the applicant must have participated in a minimum 45 pesticide applications; in each category in which the applicant seeks certification. An~~ The applicant for Termite/Wood Destroying Organism Pest Control, Lawn and Ornamental Pest Control, or General Household Pest Control certification shall document all 45 jobs on DACS 13653 and the submit as part of the application, and ~~on forms provided, a statement from the said supervising certified operator shall certify that the documented jobs were that the jobs or, after January 12, 2009, pesticide applications have been participated in by the applicant under his supervision and that the applicant has demonstrated the requisite knowledge to perform and supervise such work. An applicant for the Fumigation certification and a Special Identification Card Applicants for the fumigation examinations shall document their participation submit evidence of having participated in 15 general fumigations (as defined by (subsection 5E-14.102(4), F.A.C.); on DACS 13653 and the supervising certified operator shall certify that the documented jobs were participated in by the applicant under his supervision and that the applicant has demonstrated the requisite knowledge to perform and supervise such work.~~

(11) through (17) No change.

Specific Authority 482.051 FS. Law Implemented 482.131, 482.132, 482.141, 482.151, 482.152, 482.156 FS., ~~as amended July 1, 2006, ch. 2006-289. History—New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98, 4-29-02, 7-11-07, _____.~~

5E-14.1421 Identification Card – Training Verification.

(1) The licensee shall maintain written training records for both the initial 5 day (40 hour) training required in Section 482.091(3) and the continuing training required in Section 482.091(10), F.S., on all identification cardholders within their employ and make those records available during routine inspection or upon request of the Department. Licensees must maintain the training record for at least a two year period. The training required for Section 482.091(3), F.S., must be conducted by a certified operator or a person under the supervision of the certified operator in charge who has been designated in writing as responsible for training. The 40 hour initial training shall be verified by:

(a) Completion of DACS form 13665, Verification Record of Initial Employee Training, Rev. 05/08, which is which is hereby adopted and incorporated by reference and available on the department’s website at www.doacs.state.fl.us/onestop/aes/pestcont.html; or

(b) A written record of 40 hours of attendance in a training course with a written course syllabus and copies of all training materials used in the course available for Department inspection.

(2) The Department will accept either ~~any one~~ of the following as documentation of verifiable training as required under Section 482.091(10), F.S.:

(a) through (b) No change.

(3) For the purposes of complying with Section 482.091(10) ~~e~~Each classroom training session shall be at least 50 minutes in length or one contact hour. Partial contact hours will not be accepted. “Pesticide safety” deals with any aspect of pesticide formulation, handling and use. Example topics would include: pesticide types and formulations, human poisoning symptoms, routes of exposure and protective equipment, pesticide storage, transport and use, spray drift and groundwater runoff. “Integrated pest management” deals with any aspect of pest management. Example topics would include: inspection (locating and monitoring pests), establishing treatment thresholds, sanitation/habitat modification, trapping, biological and use of pesticides, and pesticide application equipment. “Applicable federal and state laws and rules” deal with any aspect of government regulation of the pest control industry. Example topics would include: reviewing federal FIFRA requirements, reviewing or discussing modifications to Chapter 482, F.S., and/or Chapter 5E-14, F.A.C., and reviewing other regulatory agencies or legislative bodies regulations dealing with pesticide use, hazardous waste storage/disposal and/or transportation.

Specific Authority 482.051, 482.091(10) FS. Law Implemented 482.091(1), (2), (3), (4), ~~(10), 482.151~~ FS. History—New 6-12-02, Amended _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401
 RULE TITLE: Student Performance Standards

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. 45, November 7, 2008 issue of the Florida Administrative Weekly.

The following benchmarks contained in the Next Generation Sunshine State Standards – Social Studies, 2009, as incorporated by reference were amended as shown:

SS.K.A.2.4 – Listen to and retell stories about people in the past who have shown character ideals and principles including honesty, courage, and responsibility.

SS.1.A.2.4 – Identify people from the past who have shown character ideals and principles including honesty, courage, and responsibility.

SS.6.C.2.1 – Identify principles (civic participation, role of government) from ancient Greek and Roman civilizations which are reflected in the American political process today and discuss their effect on the American political process.

SS.8.C.1.5 – Apply the rights and principles contained in the Constitution and Bill of Rights to the lives of citizens today.

SS.912.H.3.In.a – Identify effects of transportation, trade, communication, science, and technology on the preservation of a culture and its diffusion to other locations.

SS.912.H.3.Su.a – Recognize an effect of transportation, trade, communication, science, or technology on the diffusion of a culture to another location.

SS.912.H.3.In.b – Recognize selected social, ethical, moral, religious, and legal issues related to technology or scientific developments and their influence on works of art.

SS.912.H.3.Su.b – Recognize a selected social, ethical, moral, religious, or legal issue related to technology or scientific developments and their influence on works of art.

SS.912.C.2.9 – Identify the expansion of civil rights and liberties by examining the principles contained in primary documents.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.094221	Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 29, July 18, 2008 issue of the Florida Administrative Weekly.

Rule 6A-1.094221 was approved as shown below:

Rule 6A-1.094221 is amended to read:

6A-1.094221 Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion.

(1) Pursuant to Section 1008.25(6), F.S., relating to the statewide public school student progression law eliminating social promotion, students who score at Level 1 on the Grade 3 ~~three~~ Florida Comprehensive Assessment Test (FCAT) Reading may be promoted to grade four if the student demonstrates:

(a) Scores at or above the 51st percentile on the Reading SAT-9 or at or above the 45th percentile on the Reading SAT-10; An acceptable level of performance on the Reading SAT-9 or Reading SAT-10 alternative assessment; or

(b) Demonstrates an acceptable level of performance on an alternative standardized reading assessment approved pursuant to subsection (2) of this rule; or Reading on grade level as evidenced through mastery of the Sunshine State Standards in reading equal to at least Level 2 performance on the grade three FCAT Reading.

(c) Demonstrates reading on grade level as evidenced through mastery of the Sunshine State Standards in reading equal to at least Level 2 performance on the Grade 3 FCAT Reading.

~~(2) The Department of Education shall review and approve the use of alternative standardized reading assessments to be used as a good cause exemption for promotion to fourth grade. To promote a student using the SAT-9 or SAT-10 as an alternative assessment good cause exemption, the grade three student scoring at Level 1 on FCAT Reading must score at or above the 51st percentile on the SAT-9 or at or above the 45th percentile on the Reading SAT-10. The SAT-9 or SAT-10 may only be administered one (1) time.~~

(a) The approval of an alternative standardized reading assessment must be based on whether the assessment meets the following criteria:

1. Internal consistency reliability coefficients of at least 0.85;

2. High validity evidenced by the alignment of the test with nationally recognized content standards, as well as specific evidence of content, concurrent, or criterion validity;

3. Norming studies within the last five (5) to ten (10) years, with norming within five (5) years being preferable; and

4. Serves as a measure of grade 3 achievement in reading comprehension.

(b) Districts may submit requests for the approval of alternative standardized reading assessments to be used as a good cause exemption for promotion to fourth grade. Once an assessment has been approved by the Department of Education, the assessment is approved for statewide use.

(c) The Department of Education shall approve the required percentile passing score for each approved alternative standardized reading assessment based on an analysis of Florida student achievement results. If an analysis is not feasible, students must score at or above the 50th percentile on the approved alternative standardized reading assessment.

(d) The earliest the alternative assessment may be administered for student promotion purposes is following administration of the Grade 3 FCAT Reading. An approved standardized reading assessment may be administered two (2) times if there are at least thirty (30) days between administrations and different test forms are administered.

(3) To promote a student using a student portfolio as a good cause exemption there must be evidence that demonstrates the student’s mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the Grade 3 ~~three~~ FCAT Reading. Such evidence shall be an organized collection of the student’s mastery of the Sunshine State Standard Benchmarks for Language Arts that are assessed by the Grade 3 ~~three~~ FCAT Reading. The student portfolio must meet the following criteria:

(a) Be selected by the student’s teacher,

(b) Be an accurate picture of the student’s ability and only include student work that has been independently produced in the classroom,

(c) Include evidence that the benchmarks assessed by the ~~Grade 3~~ Grade 3 three FCAT Reading have been met. Evidence is to include multiple choice items and passages that are approximately sixty (60) percent literary text and forty (40) percent information text, and that are between 100-700 words with an average of 350 words. Such evidence could include chapter or unit tests from the district’s/school’s adopted core reading curriculum that are aligned with the Sunshine State Standards or teacher-prepared assessments.

(d) Be an organized collection of evidence of the student’s mastery of the Sunshine State Standard Benchmarks for Language Arts that are assessed by the ~~Grade 3~~ Grade 3 three FCAT Reading. For each benchmark, there must be at least five (5) examples of mastery as demonstrated by a grade of “C” or above, and

(e) Be signed by the teacher and the principal as an accurate assessment of the required reading skills.

Specific Authority 1008.25(8)(b) FS. Law Implemented 1008.25(6)(b)3. FS. History–New 5-19-03, Amended 7-20-04, 3-24-08,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-10.0342 Vocational Education Program
Performance Reporting

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 38, September 19, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: RULE TITLE:
9J-5.026 Rural Land Stewardship Area
(RSLA)

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. 42, October 17, 2008 issue of the Florida Administrative Weekly.

9J-5.026 Rural Land Stewardship Area (RLSA).

(1) Purpose of the RLSA Planning Process. The RLSA is an enhanced rural planning process which counties may elect to use. The paramount purpose of the planning process is to further the statutory principles of rural sustainability through innovative and flexible planning strategies and incentives. The planning process uses stewardship planning to encourage landowners to permanently conserve agricultural lands, and ecosystems, habitats, and natural resources in return for

appropriate development rights on a limited portion of other lands suitable for development within the RLSA. ~~The planning process is not an entitlement vehicle for urban developments of such size that they overwhelm the rural or agricultural character of the area.~~

(2) Purpose of the RLSA Rule. The purpose of this section is to establish rules for designating a RLSA. It specifies the substantive compliance requirements for RLSA plan amendments and explains how the Department will determine the compliance of a RLSA plan amendment as required by Chapter 163, Part II, F.S. These rules establish minimum criteria which may be exceeded by local governments.

(3) Adoption of a RLSA Plan Amendment. A county, or counties in the case of a multi-county RLSA, may adopt a RLSA plan amendment(s) after giving notification to and receiving the authorization of the Department. Chapter 9J-11, F.A.C., establishes the specific procedures and requirements for the ~~local~~ notification by local government, the Department’s authorization, and the adoption of a plan amendment designating a RLSA.

(4) Definitions.

(a) “Designated Receiving Area” means a delineated land area within an Eligible Receiving Area within a RLSA to which stewardship credits can be transferred to increase the density or intensity of a parcel.

(b) “Designated Sending Area” means an area within a RLSA that has been designated as appropriate for conservation or agricultural use and assigned stewardship credits.

(c) “Eligible Receiving Area” means an area designated in the initial RLSA plan amendment that delineates where “Designated Receiving Areas” can be subsequently located.

(d) “Greenbelt” means a wide border of permanently undeveloped land that precludes the expansion of development into the surrounding rural lands; provides a buffer to protect the surrounding rural resources from development impacts; and separates the developed area from other developed areas.

(e) “Rural Landscape” means the mosaic of agricultural and natural land covers which may include rural settlements.

(f) “Stewardship credits” means development credits assigned to lands within a rural lands stewardship area. These development credits do not constitute development rights until they are transferred to parcels within Designated Receiving Areas for the sole purpose of implementing the innovative planning and development strategies and creative land use planning techniques established by the rural lands stewardship area plan.

(g) “Stewardship easement” means a covenant or restrictive easement running with the land which records the use of stewardship credits and specifies the allowable uses and development restrictions for the Designated Sending Area ~~limits future development~~. The stewardship easement must be jointly held by the county and either the Department of

Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

(5) ~~Threshold Eligibility Requirements. To be eligible for consideration by a county and the Department~~ for designation as a RLSA, a proposed RLSA must meet the following eligibility requirements:

(a) A RLSA may encompass land in one county or land in adjacent counties but shall not include land within municipal or established urban growth boundaries as designated in the local comprehensive plan(s);

(b) A RLSA must include a minimum of 10,000 acres of privately owned land that is not already permanently protected through existing easements, covenants or other restrictions; and

(c) A RLSA must consist of lands with a pre-existing future land use map designation of agricultural, rural, open, open-rural, or an essentially similar land use designation.

(6) Mandatory Substantive Requirements. A RLSA plan amendment must satisfy the substantive requirements for plan amendments in Chapter 163, Part II, F.S. and Chapter 9J-5, F.A.C., including the additional requirements established by ~~Section~~ Subsection 163.3177(11), F.S., and ~~Rule~~ 9J-5.026, F.A.C., for the designation of a RLSA.

(7) Rural Sustainability. Rural sustainability is the paramount goal of a RLSA.

(a) A RLSA plan amendment must demonstrate that it will further the following statutory principles of rural sustainability:

1. Restoration and maintenance of the economic value of rural land;
2. Control of urban sprawl;
3. Identification and protection of ecosystems, habitats, and natural resources;
4. Promotion of rural economic activity;
5. Maintenance of the viability of Florida's agricultural economy; and
6. Protection of the character of rural areas of Florida.

(b) Furthering the principles of rural sustainability requires large-scale planning which controls the amount, type, and location of development. A RLSA shall manifest the following general landscape features which will vary based on local characteristics:

1. Land area(s) large enough to accommodate development on suitable lands while conserving the overall rural character and the agricultural lands, and ecosystems, habitats, and natural resources on the remaining lands;
2. A limited development footprint in order to protect the surrounding rural landscape and agricultural lands, and ecosystems, habitats, and natural resources;
3. A limited number of Designated Receiving Areas to prevent urban sprawl and unnecessary fragmentation of the rural landscape;

4. Designated Receiving Areas with compact shapes that avoid intrusions into the surrounding rural landscape in the form of radial, strip, ribbon, or finger patterns;

5. Greenbelts surrounding Designated Receiving Areas to provide for a clear separation between urban and rural uses except when the Designated Receiving Area is adjacent to existing development or incorporated areas;

6. Designated Receiving Areas located only on land most suitable for development ~~and away or effectively buffered from lands most suitable for agriculture and natural resource conservation;~~ and

7. Designated Receiving Areas connected with each other and the remainder of the RLSA and to areas outside of the RLSA using rural design principles and rural road corridors with controlled access that are designed to prevent sprawl and minimize impacts on ecosystems, habitats, and natural resources.

(c) The amount and type of development in a RLSA must also be designed to further the principles of rural sustainability. Therefore, development ~~shall~~ should be of the amount and type that is sustainable and will support and sustain and not undermine the rural and agricultural economies. A RLSA shall manifest the following general development characteristics:

1. The total amount of development, particularly residential development, must be limited and carefully controlled to be compatible with ~~avoid impacts that will overwhelm~~ the overall rural character of the RLSA and surrounding area including ~~or adversely impact~~, agricultural activities, and ecosystems, habitats, and natural resources. The total amount of development shall not exceed the amount calculated in accordance with paragraphs (9)(c) and subparagraph (8)(c)2. ~~(11)(b).~~

2. Provision for agricultural-related uses, including farmworker housing, that will support and sustain the rural and agricultural economies. These uses may be located in Designated Receiving Areas, and in designated Agricultural Areas if sited on agricultural lands suitable for development and in a manner that does not adversely affect agricultural activities.

3. Rural villages, rural activity centers, and new towns shall be designed to:

- a. Provide for a compact, functional mix of land uses that serve living, working, shopping, recreational, and civic needs;
- b. Provide energy efficient land use patterns that minimize vehicle miles travelled and greenhouse gas emissions;
- c. Minimize the external impacts of the development;
- d. Maximize the cost-efficient provision of public facilities and services; and
- e. Provide adequate workforce housing, including low, very low, and moderate income housing.

(8) ~~Existing Conditions~~: Data and Analysis Requirements. The data and analysis requirements that apply to all plan amendments also apply to RLSA amendments. This subsection does not repeat those requirements, but some requirements are cross-referenced for ease of use. This subsection establishes RLSA-specific data and analysis requirements that are in addition to the requirements for all amendments. In order to evaluate the existing conditions within the RLSA and how those conditions interrelate with the surrounding regional context, the data and analysis must cover ~~existing~~ local conditions within the RLSA, the county or counties in which it is located, and the areas surrounding the RLSA irrespective of county boundaries. The data and analysis shall address:

(a) Existing Conditions Agriculture. Data and analysis of existing conditions provides the necessary foundation for developing the RLSA Plan consistent with subsection 9J-5.005(2), F.A.C.

1. Identify current ~~and historical~~ agricultural land uses, activities, and economic conditions in the RLSA and surrounding area and include an existing conditions map of current agricultural areas within and surrounding the RLSA.

2. Analyze the probable or projected future agricultural land uses ~~and activities~~ in the area and the amount of land required to accommodate them.

3. Analyze the suitability of the land for ~~existing and potential~~ agricultural activities. The analyses shall consider the ~~effect on threats to~~ agriculture from development and spatial fragmentation.

4. ~~Inventory and evaluate local, state, and federal agricultural programs to determine how the RLSA may impact or be impacted by these programs.~~

(b) Rural Character and Economy.

~~4.1.~~ Identify and describe the existing, locally specific rural character of the RLSA and surrounding area by analyzing its characteristics, including land use, development patterns, and economic, social, cultural, historic, scenic, landscape, recreational, and environmental elements.

~~2. Describe and analyze the existing rural and agricultural economy, including the types of existing industries, employment, extent of unemployment, and local workforce characteristics.~~

3. ~~Inventory and evaluate local, state, and federal programs addressing rural economic issues such as the Rural Economic Development Initiative established in Section 288.0656, F.S., including how the RLSA may impact or be impacted by these programs.~~

(c) Ecosystems, Habitats, and Natural Resources.

~~5.1.~~ Inventory and identify natural resources as required under Rules sections 9J-5.006 and 9J-5.013, F.A.C., including ecosystems, habitats, and natural resources existing within and proximate to the RLSA. The inventory shall include important water recharge areas and water supply sources; water bodies

designated pursuant to Section 403.067, F.S.; spring protection areas; and the Florida Greenways and Trails System as designated pursuant to Chapter 260, F.S.

~~6.2.~~ Analyze geographic connections between RLSA resources and larger systems and networks such as water systems, wildlife corridors, greenways, and trails.

~~7.3.~~ Analyze the potential threats to natural resources, including urbanization, economic, biological, and spatial fragmentation.

~~8.4.~~ Identify Inventory and evaluate relevant local, state, and federal programs and special land use designations such as publicly owned conservation lands, mitigation banks, and environmental restoration efforts, including the Comprehensive Everglades Restoration Plan (CERP), that may impact or be impacted by the RLSA.

(d) Potential Development and Urban Sprawl.

~~9.1.~~ Analyze landscape and development conditions of the RLSA and surrounding rural lands, such as the overall pattern of rural land uses and land covers, parcel size and ownership patterns, recent historical trends regarding subdivision of land and transition to residential uses, roadways, and other infrastructure that may affect RLSA development and rural sustainability.

~~2. Analyze how the RLSA is likely to affect the future development patterns of other rural and agricultural lands in the surrounding area, irrespective of county boundaries.~~

(b)(e) Land Values Analysis for Stewardship Credit System. In evaluating agricultural lands, and ecosystems, habitats, and natural resources, conduct a land values analysis for use in assigning stewardship credits and for determining the most suitable locations for Designated Receiving Areas. The analysis shall include and be based on the following:

1. All forms of rural resources including agricultural, environmental, local and regional ecosystems, wildlife habitat, water resources, recreational, tourism, scenic, cultural, and other rural amenities;

2. The broad landscape ecology, including geographic linkages and corridors; specially designated areas such as natural reservations as defined in subsection 9J-5.003(78), F.A.C., and the Florida Greenways and Trails System, including the Florida National Scenic Trail identified in Chapter 260, F.S.; and appropriate buffer zones to mitigate incompatibilities and enhance environmental and other values;

3. All existing permanent protection measures, both public and private, including land use restrictions and conservation programs and an evaluation of whether these measures reduce or increase the need for additional protection through the RLSA planning process;

4. Land development and other conversion threats whereby significant rural resources under threat require more incentives via stewardship credits and less significant resources require lesser incentives and may be more suitable

for designation as receiving areas. This includes the future threat of low-density sprawl on lands proximate to and surrounding potential Designated Receiving Areas; and

5. Site specific natural resource evaluation criteria substantially similar to those used to establish statewide geographic information systems by the Florida Natural Areas Inventory, Florida Fish and Wildlife Conservation Commission, Florida Department of Environmental Protection, and Water Management Districts; and available agricultural data from the Florida Department of Agriculture and Consumer Services, and the United States Department of Agriculture.

(c) RLSA Plan.

1. How the RLSA Plan will further the principles of rural sustainability.

2. The maximum amount of allowable development in the RLSA.

3. The demonstration of need for the maximum amount of development pursuant to paragraph (9)(c).

4. The stewardship credit system and how it will allow achievement of the RLSA Plan.

5. The suitability for development of land in the RLSA, including Eligible Receiving Areas and potential sites for development in Agricultural Areas.

6. The location and extent of greenbelts, buffers, or setbacks needed to ensure a separation of any urban and rural uses and to protect agricultural lands, and ecosystems, habitats, and natural resources.

7. An analysis of how the RLSA Plan is likely to affect future development patterns of other rural and agricultural lands in the surrounding area, irrespective of county boundaries, and control urban sprawl within and surrounding the RLSA.

8. The amount of workforce housing, including low, very-low, and moderate income housing, needed for the development allowed in the RLSA and for persons working in agriculture and other rural industries in the RLSA.

9. The rural design standards and rural road corridor network that will be needed to serve the RLSA.

10. Energy efficient land use patterns that minimize vehicle miles travelled and greenhouse gas emissions.

(9) RLSA Plan Standards. The RLSA Plan shall satisfy the following standards:

(a) Development and Design Standards.

1. The RLSA Plan must be consistent with the general landscape and development characteristics set forth in paragraphs (7)(b) and (7)(c).

2. The maximum amount of allowable residential and non-residential development in the RLSA shall not exceed the amount of development determined pursuant to paragraphs (9)(c) and subparagraph (8)(c)2. (11)(b).

3. All ~~non-agricultural~~ development enabled by the transfer of stewardship credits shall be located in Designated Receiving Areas that will be established pursuant to paragraph (10)(e) and subsection (11) and which shall be ~~are~~ located in Eligible Receiving Areas designated in the comprehensive plan.

4. Development in Any Designated Receiving Areas ~~exceeding 1,000 acres~~ shall meet the definition of new town in subsection 9J-5.003(80), F.A.C., or the definition of All other development shall be designated as a rural village or rural activity center which shall meet the definition set forth in subsection 9J-5.003(112), F.A.C., ~~and shall not exceed 1,000 acres in size.~~

5. Significant ecosystems, habitats, and natural resource areas in the RLSA shall be designated as Conservation Areas in which, after transfer of all stewardship credits, development shall be prohibited by sending area stewardship easements. Conservation Areas in which specified agricultural uses are allowed shall be clearly distinguished from Conservation Areas in which no agricultural uses are allowed.

6. All lands in the RLSA, except for Designated Receiving Areas and designated Conservation Areas, shall be designated as Agricultural Areas in which, after transfer of stewardship credits, development shall be prohibited by sending area stewardship easements, except for agricultural-related uses as provided in subparagraph (7)(c)2.

7. Service area boundaries must be established for each Designated Receiving Area which provide for a clear separation between it and other land uses in the RLSA through limitations on the extension of services. Service areas shall provide for the cost-efficient delivery of public facilities and services.

8. The innovative planning and development strategies to be used in Designated Receiving Areas shall include a compact, functional mix of land uses; energy efficient land use patterns; the internal capture of trips; and minimization of vehicle miles traveled and greenhouse gas emissions.

(b) The Size of the Development Footprint. The RLSA plan amendment shall establish ~~limit~~ the size of the total development footprint, i.e., the Designated Receiving Area(s).

1. The size of the total development footprint shall be based upon:

a. The size of the RLSA and the number of Designated Receiving Areas;

b. The percentage of the RLSA that will be permanently protected or preserved by stewardship easements, the degree to which permanently protected sending areas are contiguous, and the degree to which permanently protected sending areas establish an effective greenbelt around the receiving areas;

c. The locational attributes of the development footprint, including whether it is located adjacent to existing development or incorporated areas and will be otherwise surrounded by greenbelts;

d. The extent and location of new infrastructure, including roadways, which will be required to serve the Designated Receiving Areas;

e. The land use, design and development standards, such as the amount of residential development, the degree of mixed use, compactness, jobs-housing balance, internalization of impacts, pedestrian orientation, multi-modal transportation, connectivity standards, and energy efficiency, that will be required in the Designated Receiving Areas;

f. The extent to which potential urban sprawl is prevented by reducing or eliminating permissible land uses and development intensities and densities in Agricultural and Conservation areas outside of the Designated Receiving areas within the RLSA and in the rural areas surrounding the RLSA; and

g. The impact of the development footprint on ecosystems, habitats, and natural resources, including potential fragmentation of such resources.

2. In reviewing the size of the development footprint established in the RLSA plan amendment, the Department shall determine that a total footprint that does not exceed 10 percent of the entire RLSA complies with this paragraph and subparagraph (7)(b)2., and furthers the principles of rural sustainability. If the total development footprint is more than 10 percent of the entire RLSA, the RLSA plan amendment must demonstrate that the development footprint furthers the principles of rural sustainability.

(c) Development Allocation Standards. ~~The RLSA Plan projects the ultimate land use pattern that may occur beyond the long term planning period of the comprehensive plan, the amount of allowable development in the RLSA Plan must be based on the 25-year or greater projected population of the RLSA; population projections for the RLSA for the short and long term planning periods of the comprehensive plan and for the ultimate land use pattern. The population projections shall be based on professionally acceptable methods for projecting growth in rural geographic areas like the RLSA. The methodology must take into account the requirement to achieve the statutory principles of rural sustainability; the population projections and the allocations of development entitlements for the county as a whole; the amount of development allowed by the underlying land uses; and the anticipated effect of the proposed RLSA and its proposed Receiving Areas, including any committed catalyst projects, infrastructure improvements, or other projects that would attract and support development.~~

(d) Stewardship Credit System Standards. The RLSA plan amendment shall either incorporate or require adoption by separate ordinance of a stewardship credit system and methodology that complies with the following criteria:

1. Each credit shall represent a defined number of residential units per acre or a defined amount of non-residential square footage per acre. The credit transferee may decide

whether to use the credit for a residential or non-residential use according to the plan of development for the Designated Receiving Area.

2. The maximum number of credits for the entire RLSA shall be established and shall equal the maximum amount of development allowed in the RLSA.

3. Credits shall be assigned to each acre of land based on the land values analysis required by paragraph (8)(b)(e) in a manner designed to accomplish the purposes of the RLSA Plan.

4. Credits for a Designated Sending Area shall be assigned at the time the sending area is designated.

5. After assignment of credits to a Designated Sending Area, credits may be transferred directly to a parcel within a Designated Receiving Area in order to increase development entitlements or, at the option of the landowner and county, to a credit bank managed by the county or to a third party. Banked or third party credits are reserved for future transfer to a Designated Receiving Area.

6. At the time credits are transferred to a Designated Receiving Area, credit bank, or third party, a stewardship easement or restrictive covenant must be imposed on the Designated ~~Sending Receiving~~ Area and recorded in the public records of the county to permanently prohibit development and to provide for conservation of ecosystems, habitats and natural resources, and to permanently limit land uses on agricultural lands to specified agricultural activities, including agricultural-related development. ~~The easement or restrictive covenant shall be in favor of the county and either the Department of Environmental Protection, the Department of Agricultural and Consumer Services, a water management district, or a recognized statewide land trust.~~

7. The local government may require that the easement or restrictive covenant provide for the appropriate management and monitoring of the resources to be protected and enforcement mechanisms to ensure compliance with the terms, conditions and restrictions established in the easement or covenant.

8. Upon transfer of credits, the underlying land uses are extinguished except for agricultural-related uses that may be allowed in Agricultural or Conservation Areas according to the provisions of the stewardship easement or restrictive covenant, which may restrict the intensity of the agricultural-related uses to promote compatible conservation uses.

9. To encourage the restoration, management, and maintenance of conservation lands through conservation easements, credit bonuses may be allowed as determined by the comprehensive plan. This bonus amount shall be included in the maximum number of credits established for the entire RLSA and shall not increase the total amount of credits and development allowed in the entire RLSA.

10. To encourage the early establishment of stewardship easements, credits that are transferred to a credit bank or third party for future use may be increased by a bonus amount as determined by the comprehensive plan. This bonus amount shall be included in the maximum number of credits established for the entire RLSA and shall not increase the total amount of credits and development allowed in the entire RLSA.

(10) Goals, Objectives, Policies and Map. The RLSA plan amendment shall contain a RLSA Plan consisting of goals, objectives, policies, and a map that set forth the innovative planning and development strategies to be applied in the RLSA. The goal statement(s) shall establish the long-term ends of the amendment to further the principles of rural sustainability. Each goal shall contain objectives and policies which address how the principles of rural sustainability and the standards specified in subsection (9) will be achieved in the RLSA. The goals, objectives, policies and map shall address the following:

(a) The conservation and protection of agricultural lands, and ecosystems, habitats, and natural resources in the RLSA.

(b) The control of urban sprawl within and surrounding the RLSA.

(c) The planning period for the RLSA and the maximum amount of development allowed in the RLSA.

(d) The criteria to be used in establishing the methodology for the stewardship credit system. The methodology and stewardship credit system based on the criteria in the RLSA Plan shall either be incorporated into the RLSA Plan or adopted by separate ordinance.

(e) The process for establishing Designated Receiving Areas and Designated Sending Areas. This shall include minimum standards for the application, review, and designation of sending and receiving areas. This shall also include locational criteria and the maximum cumulative size of Designated Receiving Areas within Eligible Receiving Areas.

(f) The plan of development shall include innovative planning and development strategies to be used in Designated Receiving Areas, including:

1. A compact, functional mix of land uses in rural villages, rural activity centers, and new towns;

2. Timing and phasing requirements necessary to achieve a functional mix; and

3. Land use standards to be applied in Designated Receiving Areas including the amount, type, density, intensity, composition, distribution, location, and design standards of future uses and which specify that the increased densities and intensities can only be enabled through the transfer of stewardship credits to parcels within the Designated Receiving Area.

(g) A process that encourages visioning and public participation in the design of any Designated Receiving Area.

(h) Adequate available workforce housing, including low, very-low, and moderate income housing, for the development anticipated in the RLSA, including housing for persons working in agriculture and other rural industries.

(i) Provision for businesses and industries which support and sustain the rural and agricultural economy.

(j) Compatibility standards and techniques, including greenbelts, buffers, setbacks, and density and intensity gradations, to ensure a clear separation between urban and rural uses and to provide adequate protection of designated Conservation and Agricultural areas.

(k) The protection, restoration and maintenance of designated Conservation Areas through stewardship easements and other means.

(l) The existing and planned rural road system and the rural design principles to be used in connecting the Designated Receiving Areas with each other and to areas outside of the RLSA.

(m) Standards for the establishment of service areas.

(n) Inclusion of existing rural developments such as cross-roads communities and partially built subdivisions as part of the overall plan to further rural sustainability, including appropriate consideration of those areas as most suitable for Designated Receiving Areas.

(o) Energy efficient land use patterns that minimize vehicle miles travelled and greenhouse gas emissions.

(p) The RLSA Plan shall include a RLSA Plan map as an overlay which at a minimum depicts the Eligible Receiving Areas; Conservation and Agricultural Areas; existing rural road corridors; and the general location of planned rural road corridors. The map must be consistent with and supported by data and analysis, and goals, objectives, and policies submitted or adopted in accordance with this section.

~~(11) Data and Analysis. The RLSA plan amendment, including the RLSA Plan, shall be based on and supported by data and analysis which address the following:~~

~~(a) How the RLSA Plan will further the principles of rural sustainability.~~

~~(b) The maximum amount of allowable development in the RLSA.~~

~~(c) The demonstration of need for the maximum amount of development pursuant to paragraph (9)(c).~~

~~(d) The stewardship credit system and how it will allow achievement of the RLSA Plan.~~

~~(e) The suitability for development of land in the RLSA, including Eligible Receiving Areas and potential sites for development in Agricultural Areas.~~

~~(f) Identification and evaluation of existing agricultural lands, and ecosystems, habitats, and natural resources. If the entire RLSA consists of these lands, the data and analysis should identify those lands having the least agricultural suitability and environmental value.~~

~~(g) How the proposed amount of allowable development, especially residential development, will affect agricultural lands, and ecosystems, habitats, and natural resources.~~

~~(h) The location and extent of greenbelts, buffers, or setbacks needed to ensure a separation of any urban and rural uses and to protect agricultural lands, and ecosystems, habitats, and natural resources.~~

~~(i) The control of urban sprawl within and surrounding the RLSA.~~

~~(j) The amount of workforce housing, including low, very low, and moderate income housing, needed for the development allowed in the RLSA and for persons working in agriculture and other rural industries in the RLSA.~~

~~(k) The rural design standards and rural road corridor network that will be needed to serve the RLSA.~~

~~(l) Service areas for Designated Receiving Areas.~~

~~(m) The general terms of the conservation and stewardship easements and restrictive covenants that are proposed to be utilized for the Conservation and Agricultural Areas.~~

~~(n) Energy efficient land use patterns that minimize vehicle miles travelled and greenhouse gas emissions.~~

~~(11)(12) Timing of Demonstration of Need, the Plan of Development, and Financial Feasibility. In order to provide flexibility, the The local government shall utilize one of the following options in addressing the issues of need, plan of development, and financial feasibility in a RLSA plan amendment:~~

(a) Option One: Conventional Plan Amendment Option. The initial RLSA plan amendment must include the following:

1. A demonstration of need for the maximum amount of development allowed for the long-term planning period for the entire RLSA as determined in accordance with paragraphs (9)(c) and subparagraph (8)(c)3. (11)(e). A demonstration of residential land use need is not required if the maximum amount of residential development for the RLSA does not exceed the cumulative amount of residential development allowed by the underlying land uses within the RLSA as established in the pre-existing comprehensive plan. If this limit is chosen, the analysis must demonstrate, using professionally accepted methods, that the amount of non-residential land uses is sufficient to meet the daily and work needs of the projected population and employment, which will vary based on location, proximity to other development, and the size of the planned development.

2. A financially feasible 5-Year schedule of capital improvements for any development that will occur in the first five years and a long term capital improvement plan for the entire RLSA.

3. The Designated Receiving Areas must develop according to all of the requirements established in the initial plan. A subsequent amendment pursuant to Section 163.3184, F.S. is not required except for one or more of the following circumstances:

a. The annual update to the 5-Year Capital Improvements Schedule which must address any capital improvements needed by RLSA development.

b. A change from the initial RLSA plan amendment.

c. The local government has adopted plan policies in the initial plan amendment that require subsequent plan amendments.

4. The RLSA plan amendment shall require that after the local government has designated a Designated Receiving Area by land development regulation, the Designated Receiving Area shall be delineated on the Future Land Use Map ~~shall be revised to delineate the Designated Receiving Area~~ pursuant to a ministerial process. This ministerial singular action shall not ~~be deemed a plan amendment and shall not~~ require a compliance review pursuant to Section 163.3184, F.S.

(b) Option Two: The Vision Plan Option. This option provides greater flexibility in addressing the issues of need, plan of development, and financial feasibility in a RLSA plan amendment as follows:

1. The initial RLSA plan amendment must include a descriptive vision plan for the entire RLSA which is consistent with the principles of rural sustainability. The vision plan shall establish the maximum amount of development required to achieve the vision, the general location and the maximum size of Eligible Receiving Areas, and the general location of Agricultural and Conservation Areas. The amendment must address all goal, objective, and policy requirements except paragraph (10)(f), the plan of development for Designated Receiving Areas. The amendment must address all data and analysis requirements except for subparagraph (8)(c)3. (11)(e) regarding the demonstration of land use need. The initial amendment does not require a financially feasible 5-Year Schedule of Capital Improvements for the RLSA.

2. The initial RLSA plan amendment must provide that prior to the development of a Designated Receiving Area(s), the comprehensive plan must be amended to incorporate the Designated Receiving Area(s) and Designated Sending Area(s) on the Future Land Use Map. This subsequent amendment must include and be supported by:

a. The plan of development required by paragraph (10)(f) and maximum amount of development allowable in the Designated Receiving Area(s) for the long-term planning period.

b. A demonstration of need for the maximum amount of development allowed for the long-term planning period for the Designated Receiving Area(s) determined in accordance with paragraphs (9)(c) and subparagraph (8)(c)3. (11)(e). A demonstration of residential land use need is not required if the maximum amount of residential development for the RLSA does not exceed the cumulative amount of residential development allowed by the underlying land uses within the RLSA as established in the pre-existing comprehensive plan. If this limit is chosen, the analysis must demonstrate, using

professionally accepted methods, that the amount of non-residential land uses is sufficient to meet the daily and work needs of the projected population and employment, which will vary based on location, proximity to other development, and the size of the planned development.

c. A financially feasible schedule of capital improvements that addresses all capital facility planning needs for the Designated Receiving Area(s).

d. Compliance of the plan amendment shall be limited to the requirements in sub-paragraphs a., b., and c. above and internal consistency with the initial RLSA plan amendment. Any changes to the initial RLSA Plan shall be subject to the complete compliance requirements.

Specific Authority 163.3177(9), (11)(h) FS. Law Implemented 163.3177(2), (3), (6)(a), (8), (10)(e), (11)(a), (11)(b), (11)(d)1., (11)(d)2., (11)(d)4., (11)(d)5., (11)(d)6. FS. History--New _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: 9J-11.023
 RULE TITLE: Procedure for the designation of a Rural Land Stewardship Area

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. 42, October 17, 2008 issue of the Florida Administrative Weekly.

9J-11.023 Procedure for the designation of a Rural Land Stewardship Area.

(1) Purpose and Intent. This section establishes the required procedure for the designation of a rural land stewardship area (RLSA) pursuant to Section ~~Subsection~~ 163.3177(11)(d), F.S.

(2) Pre-Notification Actions.

(a) Prior to giving official notification of intent to designate a RLSA to the Department, the county(ies) shall is ~~(are) encouraged to~~ conduct at least one noticed public workshop to discuss and evaluate the appropriateness of establishing a RLSA. The county(ies) shall is ~~(are) encouraged to~~ invite the Department of Community Affairs, Department of Agricultural and Consumer Services, Department of Environmental Protection, Department of Transportation, Florida Fish and Wildlife Conservation Commission, affected regional planning council(s), and affected water management district(s) (collectively referred to as the "RLSA Interagency Technical Advisory Team") to participate in the workshop. Potentially affected landowners and other interested parties shall should be given notice and invited to participate in the workshop. The workshop shall address: ~~During this workshop, the county(ies), and state and regional agencies should, at a minimum, discuss~~ the statutory process for designating a RLSA; the planning issues that are likely to arise; and the technical assistance that will be available from state and

regional agencies if the county(ies) proceed(s) to designate a RLSA. The county(ies) shall is ~~(are) encouraged to~~ provide opportunities for broad public participation in the RLSA process, which may include a series of public meetings or workshops.

(b) The county(ies), in coordination with the affected landowners, shall host a site visit of the RLSA for the RLSA Interagency Technical Advisory Team in conjunction with the workshop or after the notification of intent to designate pursuant to paragraph (4)(a).

(3) Notification of Intent to Designate. The county(ies) must inform the Department in writing of its (their) intent to designate a RLSA prior to transmitting any plan amendments to designate a RLSA. The official notification of intent shall be based on locally specific facts and analysis, shall demonstrate how the RLSA meets the minimum threshold eligibility requirements pursuant to subsection 9J-5.026(5), F.A.C., and shall address and explain the extent to which the RLSA will:

- (a) Enhance rural land values;
- (b) Control urban sprawl;
- (c) Provide necessary open space for agriculture and protection of the natural environment;
- (d) Promote rural economic activity; and
- (e) Maintain rural character and the economic viability of agriculture.

The notification should avoid conclusory statements, generalities, and repetition of statutory language unsupported by a discussion of relevant local facts.

(4) Review of Notification of Intent to Designate.

(a) The Department will provide members of the RLSA Interagency Technical Advisory Team with a copy of the notification notice of intent to designate within five days after receipt of the notification notice. ~~Simultaneously, the Department will inform the RLSA Interagency Technical Advisory Team members of its intent to schedule a site visit to the RLSA.~~

(b) If a site visit was not made prior to the notification of intent to designate, Within ten days after receipt of a notice of intent, the Department will contact the county(ies) and arrange a site visit of the proposed RLSA and surrounding lands within ten days after receipt of the notification of intent. The county(ies) shall ensure proper coordination with the affected landowners. The Department will coordinate the scheduling of the site visit with the members of the RLSA Interagency Technical Advisory Team and request their participation in the site visit.

(c) Members of the RLSA Interagency Technical Advisory Team shall be asked to provide to the Department oral and/or written comments on the proposed RLSA within 30 days of the receipt of the notification of intent to designate or the site visit, if it occurs after the notification. The Department may also request meetings with the members of the RLSA Interagency Technical Advisory Team to discuss and evaluate the

notification notice and site visit. The Department may also request a conference with the county's(ies') staff(s) to discuss issues and questions that have arisen as a result of the site visit, comments from members of the Interagency Technical Advisory Team and other stakeholders, and the Department's evaluation of the RLSA proposal.

(d) Not later than 60 days following the receipt of the notification of intent to designate or the site visit, whichever is later to the proposed RLSA, the Department shall issue a written notification to the county(ies).

(e) The Department's notification shall authorize the county(ies) to proceed with a plan amendment to designate the RLSA or inform the county(ies) of the Department's decision not to authorize. The decision shall be based on the information contained in or gained from the notification, site visit, other agency comments, and other information received. The Department shall authorize the county(ies) to proceed if it determines that the proposed RLSA meets the threshold eligibility requirements of subsection 9J-5.026(5), F.A.C., and that there is a reasonable likelihood that the RLSA will further the principles of rural sustainability. If the Department decides to authorize the county(ies) to proceed with a plan amendment to designate a RLSA, the notification will set forth the facts and any conditions or understandings on which pertaining to the authorization is based, and may include recommendations to the county(ies) regarding the RLSA. The notification will not guarantee that a comprehensive plan amendment(s) to designate a RLSA will be found in compliance by the Department. It will only constitute the Department's authorization to designate a RLSA if the necessary comprehensive plan amendment(s) are adopted and found in compliance pursuant to Section 163.3184, F.S. If the Department decides not to authorize the county(ies) to proceed with a plan amendment to designate a RLSA, the agency's notification will explain the reasons for the decision.

(5) Amendment to the Comprehensive Plan: If authorized to proceed, the county(ies) may prepare and process a plan amendment(s) that will be reviewed by the Department pursuant to Section 163.3184, F.S. The county(ies) may, in preparing the plan amendment(s), establish a local visioning process to facilitate the development of a RLSA plan amendment. The Department encourages the county(ies) to seek and utilize technical assistance from the members of the RLSA Interagency Technical Advisory Team in preparing a RLSA plan amendment.

Specific Authority 163.3177(9), 163.3177(11)(h) FS. Law Implemented 163.3177(11)(d) 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."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:	RULE TITLE:
61G19-7.0015	Board Approved Comprehensive Initial Training Programs as Alternative Eligibility Requirements for Examination for Building Inspector or Plans Examiner Certification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 19, May 9, 2008 issue of the Florida Administrative Weekly.

The changes are in response to written comment submitted by the staff of the Joint Administrative Procedures Committee. When changed, the rule shall read as follows:

61G19-7.0015 Board Approved Comprehensive Initial Training Programs as Alternative Eligibility Requirements for Examination for Building Code Inspector or Plans Examiner Certification.

Applicants seeking initial Inspector or Plans Examiner certification having a minimum of 3 years verifiable experience in construction, as defined in subsection 61G19-1.009(8), F.A.C., shall satisfactorily complete a comprehensive initial training program comprised of a 120 hour core curriculum common to all categories and not less than the following number of hours in the certification category sought:

- (1) Building – 450 hours.
- (2) Electrical – 400 hours.
- (3) Plumbing – 270 hours.
- (4) Mechanical – 270 hours.

The 20 hours required by subsection 468.609(2), F.S., shall be embedded in each category.

Specific Authority 468.606, 468.609 FS. Law Implemented 455.2179, 468.609(2) FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-621.300 Permits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 43, October 24, 2008 issue of the Florida Administrative Weekly.

In addition to the below rule amendments, the department has made the following additional changes to the document, Generic Permit for Stormwater Discharge from Large and Small Construction Activities, document number 62-621.300(4)(a), F.A.C.: Part IV.A.3. now reads, "The following non-stormwater discharges ~~are may be~~ authorized by this permit provided the non-stormwater component of the discharge is in compliance with paragraph V.D.5..."; Part V.A. now reads, "Failure to develop and implement a stormwater pollution prevent plan in accordance with the requirements of this part shall be deemed a violation of this permit and the permittee shall be subject to an may result in enforcement action."; Part V.D.2. now reads, "All controls shall be consistent with the performance standards for erosion and sediment control and stormwater treatment as set forth in Rule 62-40.432, F.A.C., the applicable ~~stormwater or~~ environmental resource permitting requirements of the DEP or appropriate WMD relating to performance standards for erosion and sediment control and stormwater treatment, and the guidelines contained in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual, FDOT, FDEP (2007), incorporated by reference in paragraph 62-621.300(4)(a), F.A.C., and available on the Department's website at <http://www.dep.state.fl.us/water/stormwater/npdes>. Florida Development Manual: A Guide to Sound Land and Water Management (DEP, 1988) and any subsequent amendments."; and Part VIII.B.1.a. now reads, "The Department encourages the electronic submission of NOTs through the NPDES Stormwater Program's electronic permitting application available at <http://www.dep.state.fl.us/water/stormwater/npdes/>."

62-621.300 Permits.

(1) through (3) No change.

(4) Generic Permit for Stormwater Discharge from Large and Small Construction Activities.

(a) The document "Generic Permit for Stormwater Discharge from Large and Small Construction Activities," document number 62-621.300(4)(a), issued by the Department and effective _____ ~~May 1, 2003~~, is hereby incorporated by reference and made a part of this chapter. For use by

permittees in order to comply with permit conditions contained in Part V of the "Generic Permit for Stormwater Discharge from Large and Small Construction Activities," the manual entitled State of Florida Erosion and Sediment Control Designer and Reviewer Manual, FDOT, FDEP (2007), available on the Department's website at <http://www.dep.state.fl.us/water/stormwater/npdes>, is incorporated by reference and made part of this chapter for the purposes of incorporation into the "Generic Permit for Stormwater Discharge from Large and Small Construction Activities" only.

(b) Form number 62-621.300(4)(b), Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, effective _____ ~~May 1, 2003~~, is hereby incorporated by reference and made part of this chapter. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department's website.

~~(e) The "Generic Permit for Stormwater Discharge from Large and Small Construction Activities" shall become effective May 1, 2003. Prior to May 1, 2003, operators initiating activities disturbing five or more acres shall continue to obtain coverage under the "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land," and any such activities shall continue to remain covered under the terms of the "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land" until such time as permit coverage is terminated, revoked, or the permittee's five year period of coverage has expired. Effective May 1, 2003, anyone initiating activities that disturb one or more acres of land but less than five acres (small construction), or five or more acres (large construction), shall obtain coverage under the "Generic Permit for Stormwater Discharge from Large and Small Construction Activities." If an operator initiates activities that disturb at least one acre but less than five acres, prior to May 1, 2003, and those activities are ongoing as of May 1, 2003, the operator must file a notice of intent and permit fee to obtain permit coverage under the Generic Permit for Stormwater Discharge from Large and Small Construction Activities by June 1, 2003.~~

(5) Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

(a) The Department hereby adopts and incorporates by reference Federal Register, Volume 60, Number 189, pages 50804-51319, published on September 29, 1995; Federal Register, Volume 61, Number 28, pages 5248-5254, published on February 9, 1996; Federal Register, Volume 61, Number 34, page 6412, published on February 20, 1996; Federal Register, Volume 63, Number 152, pages 42534-42548, published on August 7, 1998; Federal Register, Volume 63, Number 189, pages 52430-52577, published on September 30, 1998; and,

Federal Register, Volume 64, Number 11, pages 2898-2900, published on January 19, 1999, which shall hereinafter be referred to as the “Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.” When used in the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, the following shall mean:

1. EPA shall mean the Department of Environmental Protection.

2. Regional Administrator, Director, or State Director, shall mean the Secretary of the Department of Environmental Protection or the Secretary’s designee where appropriate.

(b) Form number 62-621.300(5)(b), Notice of Intent to Use Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, effective October 22, 2000, is hereby incorporated by reference and made part of this chapter. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department’s website.

(c) Facilities or activities seeking coverage under this generic permit shall apply to the Department on the form referenced in paragraph 62-621.300(5)(b), F.A.C., and in accordance with the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, and shall include the appropriate processing fee as required by Rule 62-4.050, F.A.C.

(d) Form number 62-621.300(5)(b), Notice of Intent to Use Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity shall be submitted either by mail to: Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; or electronically using the Department’s Interactive Notice of Intent (iNOI) at <http://www.dep.state.fl.us/water/stormwater/npdes/>. All other notices, certifications, reports, or any other information required to be submitted under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, excluding discharge monitoring reports, shall be submitted to Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Discharge monitoring reports (DMRs) required to be submitted under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity shall be sent to Department of Environmental Protection, NPDES Stormwater MSGP DMR, Mail Station #2511, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(f) The effective date of coverage under this generic permit shall be two (2) days after a complete Notice of Intent is submitted to the Department in accordance with paragraph 62-621.300(5)(c), F.A.C.

(g) Coverage under this generic permit is limited to a term not to exceed five years from the effective date of coverage. Permittees may request continued coverage under this generic permit in accordance with the requirements of paragraph 62-621.300(5)(c), F.A.C. Request for continued coverage shall be made at least two (2) days before expiration of the current coverage.

(6) Form number 62-621.300(6), National Pollutant Discharge Elimination System (NPDES) Stormwater Notice of Termination effective ~~_____ April 20, 2005~~, is hereby incorporated by reference and made a part of this chapter. Facilities or activities seeking to terminate coverage under the generic permits in subsections 62-621.300(4) and (5), F.A.C., as well as the conditional exclusion for “no exposure” of industrial activities and materials to stormwater provided in paragraph 62-620.100(2)(o), F.A.C., shall file a National Pollutant Discharge Elimination System (NPDES) Stormwater Notice of Termination with the Department. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department’s website.

(7) No change.

Specific Authority 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877 FS. Law Implemented 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS. History—New 12-24-96, Amended 5-1-97, 2-14-00, 10-22-00, 5-1-03, 12-23-04, 4-20-05, 5-10-05, _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.:	RULE TITLE:
64B9-4.002	Requirements for Certification
	NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 49, December 5, 2008 issue of the Florida Administrative Weekly.

The above-proposed rule was published in the December 5, 2008 issue of the Florida Administrative Weekly, Vol. 34, No. 49. The date the proposed rule was adopted by the agency head was erroneously given as October 10, 2008. The correct date is August 15, 2008. The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the above change is: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C02, Tallahassee, Florida 32399.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.:	RULE TITLE:
64B14-4.100	Requirements for Prosthetic or Orthotic Residency or Internship

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. 49, December 5, 2008 issue of the Florida Administrative Weekly.

This change was made to remedy an omission of an additional subsection to be added to the text which the Board approved at its meeting on August 1, 2008.

The additional subsection being added shall read as follows:

(8) To register for an orthotic or prosthetic internship or residency program, the applicant must submit a completed Registration Form for Orthotic or Prosthetic Internship/Residency Program, form number DH-MQA1126.11/08, which is available from the Board office or at the Board's website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.100
 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 49, December 5, 2008 issue of the Florida Administrative Weekly.

The above-proposed rule was published in the December 5, 2008 issue of the Florida Administrative Weekly, Vol. 34, No. 49. The date of publishing for the original notice of rule development was erroneously given as October 31, 2008. The correct date is October 24, 2008. The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the above change is: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

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

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. 42, October 17, 2008 issue of the Florida Administrative Weekly.

These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

The proposed rule has been changed to include the most current editions of reference materials incorporated by reference. The text of the proposed rule is being reprinted to reflect the changes.

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

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

(2) The CPT[®] 2009~~8~~ Current Procedural Terminology Professional Edition, Copyright 2008~~7~~, American Medical Association; the Current Dental Terminology, CDT-2009/2010 ~~2007/2008~~, Copyright 2008~~6~~, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2009~~8~~", American Medical Association, ~~Twenty-first~~ ~~Twentieth~~ Edition, Copyright 2008~~7~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2008 Edition incorporated above, the provider must use a code contained in the CPT[®]-2009~~8~~, CDT-2009/2010 ~~2007/2008~~ or HCPCS-2009~~8~~ as specified in this section.

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

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

The remainder of the rule reads as previously published.

Section IV Emergency Rules

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO: 12CER08-31	RULE TITLE: 2008 Federal Stimulus Package Additions
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SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120, Florida Statutes, permits agencies to promulgate emergency rules when there is an immediate danger to the public health, safety, or welfare of Florida citizens. Chapter 2008-206, Laws of Florida, sought to stabilize Florida's Corporate Income Tax revenue after passage of the Economic Stimulus Act of 2008, Pub. L. No. 110-185. The legislative intent behind Chapter 2008-206, Laws of Florida, apparently was to permit corporate taxpayers to retain the same depreciation and expensing deductions in 2008 that taxpayers had under the Internal Revenue Code in effect on January 1, 2007, and for any remaining business expenses, including depreciation deductions, to be recognized in future years. Legislative leaders have made clear their intent to address technical deficiencies in the language of Chapter 2008-206, Laws of Florida, by the close of the 2009 regular legislative session. Florida corporate taxpayers are likely to suffer significant economic impacts resulting from the uncertainty in current Florida law created by Chapter 2008-206, Laws of Florida, which may result in the loss of Florida jobs, decisions not to make investments in capital assets located in Florida, and negative impacts on market capitalization of Florida businesses. Given the recent developments in the national and state economic environments, Florida's corporate taxpayers require certainty in the tax effects of Chapter 2008-206, Laws of Florida, in order to not further harm the welfare of Florida's economic environment.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Emergency rulemaking is fair under the circumstances because, without the certainty required by Florida corporate taxpayers, immediate and unintended financial impacts will be felt by these taxpayers before the technical deficiencies in the language of Chapter 2008-206, Laws of Florida, can be addressed as indicated by Legislative leaders. Such impacts will present further harm to the welfare of Florida's economic environment.

SUMMARY: Emergency Rule 12CER08-31, F.A.C., (Economic Stimulus Act of 2008 Additions): (1) provides that taxpayers subject to the add-back provisions in Sections 220.13(1)(a)14. and 15., F.S., are required to add-back 2008 federal deductions under Sections 168(k) and 179 of the Internal Revenue Code caused by changes passed in the Economic Stimulus Act of 2008, Pub. L. No. 110-185, adjusted

by the difference between depreciation deductions taken and depreciation deduction that could have been taken if deductions under Sections 168(k) and 179 permitted by the Economic Stimulus Act of 2008, Pub. L. No. 110-185, had not been taken; (2) provides that taxpayers are allowed to make an adjustment in tax years following 2008 for the difference between depreciation deductions taken and depreciation deduction that could have been taken if deductions under Sections 168(k) and 179 permitted by the Economic Stimulus Act of 2008, Pub. L. No. 110-185, had not been taken; and (3) requires that additions and adjustments shall be reported on a schedule included with returns filed.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Robert Babin, Deputy Director, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4842

THE FULL TEXT OF THE EMERGENCY RULE IS:

12CER08-31 2008 Federal Stimulus Package Additions.

(1) Scope. This rule only applies to taxpayers subject to additions under Section 220.13(1)(a)14. or Section 220.13(1)(a)15., F.S.

(2) For purposes of the addition required by Sections 220.03(3) and 220.13(1)(a)14., F.S., taxpayers are required to add-back the amount of the federal deduction claimed under Section 179 of the Internal Revenue Code, that exceeds \$125,000, as adjusted pursuant to Section 179(b)(5), I.R.C.

(3) For purposes of the addition required by Section 220.03(3), 220.13(1)(a)14., or 220.13(1)(a)15., F.S., taxpayers are required to add-back an amount equal to:

(a) The total depreciation claimed under Sections 167 and 168 of the Internal Revenue Code on the related federal return, minus.

(b) The amount of depreciation deduction that would have been allowable under Sections 167 and 168 of the Internal Revenue Code as in effect on January 1, 2007, if the taxpayer had not expensed any amounts in excess of \$125,000 under Section 179 of the Internal Revenue Code (as adjusted pursuant to Section 179(b)(5), I.R.C.), or taken bonus depreciation pursuant to the Economic Stimulus Act of 2008 under Section 168(k) of the Internal Revenue Code.

(4) In tax years beginning after December 31, 2008, taxpayers shall make an adjustment to their Florida taxable income by an amount equal to:

(a) The amount of depreciation deduction that would have been allowable under Sections 167 and 168 of the Internal Revenue Code as in effect on January 1, 2007, if the taxpayer had not expensed any amounts in excess of \$125,000 under Section 179 of the Internal Revenue Code (as adjusted pursuant to Section 179(b)(5), I.R.C.), or taken bonus depreciation pursuant to the Economic Stimulus Act of 2008 under Section 168(k) of the Internal Revenue Code, minus.

(b) The amount of depreciation deduction taken under Sections 167 and 168 of the Internal Revenue Code on the related federal return.

(5) Upon the sale or disposition of property for which an addition was required under subsections (2) or (3), the gain for Florida purposes is the same as the gain for federal purposes. However, the taxpayer shall adjust its Florida taxable income by an amount equal to:

(a) The Florida depreciation taken on the asset, taking into account subsections (2), (3), and (4), minus.

(b) The total federal depreciation taken on the asset under Sections 167 and 168.

(6) The total amount of adjustments claimed for property for all years may not exceed the respective additions under Sections 220.13(1)(a)14. and 220.13(1)(a)15., F.S., for the same property. A schedule reflecting the additions and all subsequent adjustments must be attached to the return.

Specific Authority Sections 1, 2, and 5, Chapter 2008-206, L.O.F. Law Implemented Sections 1, 2, and 5, Chapter 2008-206, L.O.F. History--New 12-9-08.

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: December 9, 2008

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.:	RULE TITLE:
12DER08-30	Tax Collector Non-Ad Valorem Assessment Roll Reports

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2008-173 (Senate Bill 1588), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. These acts further provided that all conditions imposed by Chapter 120, Florida Statutes, were deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of and Chapter 2008-173 (Senate Bill 1588), Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The form included here is based on the requirements of Chapter 2008-173 (Senate Bill 1588), Laws of Florida. The Department of Revenue has taken several actions to inform interested parties about the forms, procedures, and emergency rules that are being developed to implement this new law, and to give such parties an opportunity to review and comment. These interested parties include Tax Collectors and interested parties

who have told the Department that they want to receive all information associated with property tax rulemaking. The actions that the Department has taken include: making the proposed draft form available via the Internet for public review and comments, establishing a new Department email address to make it easier for interested parties to submit comments and questions to the agency; emailing copies of the draft forms to interested parties, as well as receiving and incorporating public comments on the draft form DR-503NA.

SUMMARY: Emergency Rule 12DER08-30 (Tax Collector Non-Ad Valorem Assessment Roll Reports), provides assistance regarding certain actions to be taken by local governments and officials. Section 10 of Senate Bill 1588 (Chapter 2008-173, L.O.F.) states that Tax Collectors are required to report information concerning non-ad valorem assessments collected on the property tax bill to the Department of Revenue. This summary information on each non-ad valorem assessment must be provided by December 15th each year starting in 2008. This rule adopts and incorporates by reference Form DR-503NA, Tax Collector's Report on Non-Ad Valorem Assessments Collected on the Notice of Taxes (N. 12/08), to be used by tax collector for this report.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Janice Forrester, Department of Revenue, Property Tax Technical Unit, 725 S. Calhoun Street, Tallahassee, Florida 32399-0100; telephone (850)922-7945; Fax (850)488-9482; email address: forrestj@dor.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

12DER08-30 Tax Collector Non-Ad Valorem Assessment Roll Reports.

(1) Each county tax collector shall provide to the Department of Revenue a report including information concerning each non-ad valorem assessment collected using the notice of taxes and referenced in Section 197.3632(5)(b), Florida Statutes. The following information shall be included in the report:

(a) The name of the local government levying the non-ad valorem assessment and a code indicating whether the local government is a county, municipality or independent special district.

(b) The name of the non-ad valorem levy as included on the tax notice.

(c) A short description of the function of the non-ad valorem levy and a code indicting the nature of the function.

(d) The basis, or unit of measurement against which the rate is applied to determine the non-ad valorem assessment, of the levy and a code indicating type of basis.

(e) The rate per each unit of basis of the non-ad valorem levy.

(f) The number of parcels on which the non-ad valorem assessment is levied.

(g) The total dollar amount of the non-ad valorem assessment levied.

(h) An indication of whether or not the local government levying the non-ad valorem assessment also levies an ad valorem tax.

(2) The report shall be filed with the Department of Revenue by December 15 each year beginning in 2008, by mailing the report to the Florida Department of Revenue, Property Tax Oversight: Non-Ad Valorem Assessments, Post Office Box 3000, Tallahassee, Florida 32315-3000. The report shall be filed on Form DR-503NA, Tax Collector's Report on Non-Ad Valorem Assessments Collected on the Notice of Taxes (N.12/08), which the Department of Revenue hereby adopts and incorporates in this rule by reference.

(3) This rule shall supersede any existing rule to the contrary to the extent necessary to implement Chapter 2008-173 (Senate Bill 1588) Laws of Florida.

Specific Authority Section 13 of Ch. 2008-173, L.O.F. Law Implemented Section 10 of Ch. 2008-173, L.O.F. History—New 12-4-08.

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: December 4, 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."

**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."

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on December 5, 2008, the South Florida Water Management District (District), received a petition for waiver from Paul Venturelli, Application No. 08-1205-1M, Permit (MOD) Number 8134, for utilization of Works or Lands of the District known as the C-51 Canal to allow existing landscaping consisting of palm trees, low lying planters and a paver walkway located within the northerly right of way of C-51 to remain; Section 15, Township 44 South, Range 43 East, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on November 24, 2008, the Agency for Health Care Administration, received a petition for Waiver from subsection 59A-7.020(15), Florida Administrative Code, from Calloway Laboratory, Inc.

The Petition seeks a waiver which would allow Petitioner to distribute and utilize a collection cup and preliminary information system without same constituting a violation of the Florida Anti-Kickback Rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

Please refer all comments to: Amie C. Ragano, Esquire, Assistant General Counsel, Agency for Health Care Administration, 525 Mirror Lake Drive, Suite 330, St. Petersburg, Florida 33701. The Agency for Health Care Administration 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on November 25, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

A Routine Variance for subsection 61C-4.010(6), Florida Administrative Code, was received on September 5, 2008, from Deluna Lanes located in Pensacola. The above referenced F.A.C. states...the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code....Specifically, the Petitioner requests to have exposed joists in the ceiling of the bar area.

This variance request was approved contingent upon the Petitioner having exposed studs, joists or rafters inside bar ceiling only. The studs, joists and rafters shall be smooth, nonabsorbent, easily cleanable and maintained in good repair. Food preparation is limited to drink preparation only including the scooping of ice; there will be no other food service activities including slicing of fruit, shucking, peeling, warewashing, etc. If the surface of the studs, joists or rafters or the covering between these structures become weathered and/or cracked rendering them uncleanable, the variance will be rescinded and a properly finished ceiling will be required. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The Florida **Department of State, Division of Historical Resources** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 7, 2009, 10:30 a.m.

PLACE: Secretary of State, Conference Room, First Floor, R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Great Floridians Ad Hoc Nominating Committee.

A copy of the agenda may be obtained by contacting: Catherine Clark at (850)245-6354.

Pursuant to the provisions of 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: Catherine Clark at (850)245-6354. If you are 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: Catherine Clark at (850)245-6354.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following telephone conference meetings which all persons are invited to attend.

Council on the Social Status of Black Men and Boys

DATE AND TIME: January 5, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting: <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact: Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2009, 9:00 a.m.

PLACE: Bureau of Pesticides, Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: The Pesticide Registration Section at (850)487-2130 or from the PREC Web Site at: http://www.flaes.org/pesticide/pesticide_registration.html.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

DEPARTMENT OF EDUCATION

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2009, 9:00 a.m. – 11:00 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 administrative operation recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Opper at jopper@distancelearn.org.

The **Department of Education**, Florida College System announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2009, 3:00 p.m. – 5:00 p.m.

PLACE: Meeting will take place via telephone conference call. Call-in number: 1(888)808-6959, conference code: 245-9469

GENERAL SUBJECT MATTER TO BE CONSIDERED: Seaport Security Officer Qualification, Training and Standards Coordinating Council to review the proposed Seaport Officers Curriculum.

A copy of the agenda may be obtained by contacting: Yvette Hargreaves at yvette.hargreaves@fldoe.org.

The Florida **Board of Governors, Division of Community Colleges** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 27, 2009, 1:00 p.m. – 4:00 p.m.

PLACE: Live Oak Ballroom/Garden Room, University of Central Florida, 4000 Central Florida Boulevard, Orlando, Florida 32816

GENERAL SUBJECT MATTER TO BE CONSIDERED: Develop cross-sector distance learning policies.

A copy of the agenda may be obtained by contacting: John Opper at jopper@distancelearn.org.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 1 announces public meetings to which all persons are invited.

DATES AND TIMES: January 29, 2009, 2:00 p.m.; February 26, 2009, 2:00 p.m.; March 31, 2009, 2:00 p.m.; April 30, 2009, 1:30 p.m.; May 27, 2009, 2:00 p.m.; July 2, 2009, 2:00 p.m. (Changes to meeting Dates and Times will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict/>)

PLACE: Headquarters Building, 801 North Broadway Avenue, Bartow, Florida (Please contact the District One Contracts Office at (863)519-2559 for Room location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District One Contracts Office.

A copy of the agenda may be obtained by contacting: Cheryl.sanchious@dot.state.fl.us or writing to: Cheryl L. Sanchious, District Contracts Administrator, District Contracts, Department of Transportation District One, 801 North Broadway Avenue, MS 1-18, Bartow, Florida 33830.

Pursuant to the provisions of 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: Cheryl L. Sanchious. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation**, District 6 announces public meetings to which all persons are invited.

DATES AND TIMES: February 5, 2009, 2:30 p.m.; March 5, 2009, 2:30 p.m.; April 2, 2009, 2:30 p.m.; May 7, 2009, 2:30 p.m.; June 4, 2009, 2:30 p.m.; July 2, 2009, 2:30 p.m.; August 6, 2009, 2:30 p.m.; September 3, 2009, 2:30 p.m.; October 1, 2009, 2:30 p.m.; November 5, 2009, 2:30 p.m.; November 25, 2009, 2:30 p.m. (Changes to meeting Date and Time will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict6/>)

PLACE: 1000 Northwest 111th Avenue, Miami, Florida 33172 (Please contact the District Six Contracts and Procurement Office at (305)470-5404 for room location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District Six Contracts and Procurement Office. A copy of the agenda may be obtained by contacting: d6.contracts@dot.state.fl.us or writing to: Kenneth Robertson, District Contracts and Procurement Manager, District Contracts and Procurement Office, Department of Transportation, District Six, 1000 Northwest 111th Avenue, Room #6203, Miami, Florida 33172.

Pursuant to the provisions of 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: Kenneth Robertson, District Contracts and Procurement Manager. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation**, District 4 announces public meetings to which all persons are invited.

DATES AND TIMES: February 10, 2009, 10:30 a.m. – 10:45 a.m.; March 10, 2009, 10:30 a.m. – 10:45 a.m.; April 7, 2009, 10:30 a.m. – 10:45 a.m.; May 5, 2009, 10:30 a.m. – 10:45 a.m.; June 9, 2009, 10:30 a.m. – 10:45 a.m. (Changes to meeting Dates and Times will be posted at: <http://www.dot.state.fl.us/contractsadministrationdistrict/>)

PLACE: Headquarters Building, 3400 West Commercial Blvd., 1st Floor, Ft. Lauderdale, FL 33309 (Please contact the District 4 Contracts Office at (954)777-4603 for Room location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are the Technical Review Committee Meetings for review of technical issues relating to projects where bids were received by the District 4 Contracts Office.

A copy of the agenda may be obtained by contacting: dawn.greif@dot.state.fl.us or writing to: Dawn Greif, District Contracts Administrator, Department of Transportation, District 4, 3400 West Commercial Blvd., 1st Floor, Ft. Lauderdale, Florida 33309.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

The Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, acting as staff to the **Board of Trustees of the Internal Improvement Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 7, 2009, 3:00 p.m. – 5:30 p.m.

PLACE: Edgewater Public Library, 103 W. Indian River Blvd., Edgewater, FL 32132

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is for the members of the Advisory Committee to discuss the revision of the Mosquito Lagoon Aquatic Preserve Management Plan.

A copy of the agenda may be obtained by contacting: Eileen Szuchy at (321)634-6148.

Pursuant to the provisions of 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: Eileen Szuchy at (321)634-6148. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, January 7, 2009; January 14, 2009; January 28, 2009, 8:30 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission at (850)488-1293.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Parole Commission at ada@fpc.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).

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.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: January 6, 2009, Immediately following the Commission Conference which commences at 11:00 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a special ceremony to be held at:

DATE AND TIME: Tuesday, January 6, 2009, 9:30 a.m.

PLACE: The ceremony will be held in the Joseph P. Cresse Hearing Room, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the investiture of reappointed Commissioner Lisa Polak Edgar, for a term beginning January 2, 2009 and ending January 1, 2013.

The Agenda Conference has been separately noticed to begin at 11:00 a.m.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: January 6, 2009, 11:00 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: <http://www.florida.psc.com> at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

DOCKET NO. 080503-EI

DATE AND TIME: January 9, 2009, 1:30 p.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 and make a decision regarding the establishment of rule on renewable portfolio standard.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

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 recommendation 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 a record of the proceedings and, for such purpose, 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 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.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Volunteer Florida Foundation Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, December 17, 2008, 10:00 a.m.

PLACE: Call number: 1(888)808-6959, Passcode: 7857968

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Foundation business.

A copy of the agenda may be obtained by contacting: Frances Rhodes at (850)410-0696.

For more information, you may contact: Frances Rhodes at (850)410-0696.

The **Florida Faith-based and Community Advisory Council** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, January 26, 2009, 9:30 a.m. – 11:30 a.m.

PLACE: Frontline Outreach, Inc., 3000 C.R. Smith Street, Orlando, FL 32805

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Council business.

A copy of the agenda may be obtained by contacting: Frances Rhodes at (850)410-0696. There will be a call in number for this call if personally unable to attend. The toll free number is 1(888)808-6959 with a Passcode of 4130909.

For more information, you may contact: Frances Rhodes at (850)410-0696.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 12, 2009, 4:00 p.m., Projects and Land Committee Business Meeting

PLACE: District Headquarters, Room 162, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board.

NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time, and place set forth above, the Committee shall meet on Tuesday, January 13, 2009, 8:00 a.m., District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4347, or by visiting the District's website: www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, January 13, 2009:

8:15 a.m. Chair's Meeting

8:45 a.m. Finance, Administration and Audit Committee

10:00 a.m. Regulatory Committee

1:00 p.m. Governing Board Meeting and Public Hearing on Land Acquisition.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4214, or by visiting the District's website at www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District**, Industrial Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 6, 2009, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Industrial Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899, 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, January 6, 2009, 1:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Public Supply Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899, 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.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF CANCELLATION – The **Agency For Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 19, 2008, 12:30 p.m. – 1:30 p.m. (EST)

PLACE: Agency for Health Care Administration, Medicaid Pharmacy Services, Conference Room C & D, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTICE OF CANCELLATION – The meeting to discuss Medicaid Coverage of Atypical Antipsychotics in Children previously scheduled for Friday, December 19, 2008, 12:30 p.m. – 1:30 p.m. (EST)

PLACE: Agency for Health Care Administration, Medicaid Pharmacy Services, Conference Room C & D, 2727 Mahan Drive, Tallahassee, FL 32308 HAS BEEN CANCELED AND WILL NOT BE RESCHEDULED.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Cosmetology** announces a workshop to which all persons are invited.

DATE AND TIME: Sunday, January 25, 2009, 10:00 a.m.
PLACE: Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 33756

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Business and Professional Regulation, Board of Cosmetology, hereby gives notice that a public workshop for the purposes of rule development on rules in Chapter 61G5-22, F.S., will be held at the time, date and place listed below.

A copy of the agenda may be obtained by contacting: Robyn Barineau, Executive Director, Board of Cosmetology, 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 5 calendar days before the workshop/meeting by contacting: Robyn Barineau, Executive Director, Board of Cosmetology, 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).

For more information, you may contact: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 13, 2009, 9:00 a.m.

PLACE: 1(888)808-6959, Conference Code 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee.

A copy of the agenda may be obtained by contacting: the Board office.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Professional Surveyors and Mappers** announces a public meeting to which all persons are invited.

DATE AND TIME: January 6, 2009, 1:00 p.m., Probable Cause Panel

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration of case # 2007-049264 and 2007-049260.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Department of Business and Professional Regulation, 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, Department of Business and Professional Regulation, 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, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Board of Professional Surveyors and Mappers** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 7, 2009, 8:30 a.m., Committee Meetings followed by General Business (if time allows); January 8, 2009, 8:30 a.m., General Business Meeting

PLACE: Holiday Inn Hotel and Suites, 2725 Graves Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Applications and other board business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Department of Business and Professional Regulation, 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, Department of Business and Professional Regulation, 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, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399.

The **Division of Certified Public Accounting** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, January 6, 2009, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review requests for course approval.

A copy of the agenda may be obtained by contacting: Karan Lee, Florida Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32641, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection**, Bureau of Mining and Minerals Regulation announces a workshop to which all persons are invited.

DATE AND TIME: January 5, 2009, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Bartow Office – West Wing Conference Room, 170 Century Boulevard, Bartow, Florida 33830. Contact: (850)487-3894

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a workshop for new members of the Nonmandatory Land Reclamation Committee. It will include a site visit to each reclamation program area to be prioritized for funding by the Committee.

A copy of the agenda may be obtained by contacting: Barbara Owens, Department of Environmental Protection, 2051 East Dirac Dr., Tallahassee, FL 32310-3760, (850)487-3894.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Owens at (850)487-3894. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Barbara Owens at (850)487-3894.

The **Department of Environmental Protection**, Bureau of Mining and Minerals Regulation announces a public meeting to which all persons are invited.

DATE AND TIME: January 6, 2009, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Bartow Office – West Wing Conference Room, 170 Century Boulevard, Bartow, Florida 33830. Contact: (850)487-3894

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to present Reclamation Applications to the Nonmandatory Land Reclamation Committee for funding prioritization and to review the status of the Nonmandatory land Reclamation Program.

A copy of the agenda may be obtained by contacting: Barbara Owens, Department of Environmental Protection, 2051 East Dirac Dr., Tallahassee, FL 32310-3760, (850)487-3894.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Owens at (850)487-3894. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Barbara Owens at (850)487-3894.

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, January 7, 2009, 10:00 a.m.

PLACE: Suwannee River Water Management District, Suwannee Room, 9225 CR 49, Live Oak, Florida 32060

DATE AND TIME: Thursday, January 8, 2009, 9:30 a.m.

PLACE: Osceola County Extension Services Building, Room 161, Osceola Heritage Park, 1921 Kissimmee Valley Lane, Kissimmee, Florida 34744

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department will present draft revisions to Chapters 62-670, Florida Administrative Code (F.A.C.), Feedlot and Dairy Wastewater Treatment and Management Requirements, Chapter 62-620, F.A.C., Wastewater Facilities and Activities Permitting Chapter 62-4, Permits and Chapter 62-621, F.A.C., Generic Permits addressing animal feeding operations. The Department will take public input on the draft rule revisions which affect the various parties and activities related to animal feeding operations. This rulemaking effort will establish and expand permitting and registration requirements for animal feeding operations.

A copy of the agenda may be obtained by contacting: Shirley Shields, Department of Environmental Protection, MS 3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8589, email Shirley.shields@dep.state.fl.us. Copies of the draft of the proposed rule amendments may be obtained by visiting http://www.dep.state.fl.us/water/rules_dr.htm or by contacting: Mary K. Smith, Department of Environmental Protection, MS 3545, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8591, email mary.k.smith@dep.state.fl.us.

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

The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a workshop to which all persons are invited.

DATES AND TIMES: Wednesday, January 7, 2009, 1:00 p.m.; Thursday, January 8, 2009, 8:30 a.m.

PLACE: Wyndham Orlando Resort, 8001 International Drive, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present background information and receive public comments on proposed revisions to Chapters 62-302 and 62-303, F.A.C., regarding the revision of criteria for transparency and proposed criteria for nitrate-nitrite in springs as part of the current Triennial Review of state surface water quality standards. The workshop will include a facilitated discussion by several experts on the light requirements of submerged aquatic vegetation. This workshop follows earlier public workshops held on July 23, 2008, July 30, 2008, September 11, 2008, November 18, 2008, and December 9, 2008, and will focus solely on the proposed revision to criteria for transparency and the proposed criteria for nitrate-nitrite in springs. Please note that consideration and discussion of the proposed criteria for nitrate-nitrite in springs is scheduled to begin at 1:00 p.m., Thursday, January 8, 2009. Consideration and discussion of the proposed revision to criteria for transparency is scheduled for the afternoon of January 7 and the morning of January 8. Please plan your schedules accordingly if you only have interest in one of the topics. Additional public workshops addressing all surface water quality standards as part of the Triennial Review will be held in the future. A separate Notice of Rule Development for both Chapters 62-302 and 62-303, F.A.C., was published on July 3, 2008, in Volume 34, Number 27 of the Florida Administrative Weekly. This rulemaking, associated with Chapters 62-302 and 62-303, F.A.C., has been given OGC Case Nos. 08-1729 and 08-1730 respectively.

A copy of the agenda may be obtained by contacting: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS 3560, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us.

Further information and updates on this rule development also may be obtained from the Department's website at: http://www.dep.state.fl.us/water/wqssp/tr_review.htm.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Division of Air Resource Management** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, January 13, 2008, 10:00 a.m.

PLACE: Embassy Suites USF Tampa, 3705 Spectrum Blvd., Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division of Air Resource Management (DARM) is holding a workshop on the Annual Operating Report (AOR) for the regulated industries and consultants. The 2008 AOR reporting requirements will be reviewed, and an overview and training on the electronic AOR (EAOR) software will be provided. To ensure enough seating and handout materials, please register by email to eaor@dep.state.fl.us no later than January 6, 2009. There is no registration fee for attending the workshop.

A copy of the agenda may be obtained by contacting: Mr. Tom Rogers at (850)921-9554 or tom.rogers@dep.state.fl.us.

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

The **Department of Environmental Protection**, Clean Boating Partnership announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, January 22, 2009, 1:00 p.m. – 5:00 p.m.; Friday, January 23, 2009, 8:00 a.m. – 12:00 Noon

PLACE: Department of Environmental Protection, 3800 Commonwealth Blvd., Carr Building Room 170, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: this quarterly meeting for 2009 is to review discussion items and recommendations concerning the Department of Environmental Protection, Clean Marina Program and Clean Vessel Act Program.

A copy of the agenda may be obtained by contacting: Brenda Leonard, 3900 Commonwealth Blvd., MS 30, Tallahassee, FL 32399, (850)245-2847.

Pursuant to the provisions of 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: Brenda Leonard at (850)245-2847. If you are 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 **Bureau of Beaches and Coastal Systems** announces a workshop to which all persons are invited.

DATE AND TIME: January 14, 2009, 6:00 p.m. (Central)

PLACE: Emerald Coast Conference Center, Ballroom II, 1250 Miracle Strip Parkway, Fort Walton Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss the proposed erosion control project known as the Okaloosa Island Beach Restoration Project, and the establishment of an Erosion Control Line for said project. The proposed Erosion Control Line lies along Okaloosa Island, Okaloosa County, fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in: Section 19, Township 2 South, Range 23 West, Sections 22, 23 & 24, Township 2 South, Range 24 West in Okaloosa County, FL.

A copy of the agenda may be obtained by contacting: Phil Ciaravella at (850)922-7871, or by email at phil.ciaravella@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Phil Ciaravella at (850)-922-7871, or by email at phil.ciaravella@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Bureau of Beaches and Coastal Systems** announces a hearing to which all persons are invited.

DATE AND TIME: January 14, 2009, immediately following the conclusion of the Public Workshop which begins at 6:00 p.m., for the beach erosion control project known as the Okaloosa Island Beach Restoration Project.

PLACE: Emerald Coast Conference Center, Ballroom II, 1250 Miracle Strip Parkway, Fort Walton Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes. This hearing will consider evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as the Okaloosa Island Beach Restoration Project. The proposed Erosion Control Line lies along Okaloosa Island, Okaloosa County, fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in: Section 19, Township 2 South, Range 23 West, Sections 22, 23 & 24, Township 2 South, Range 24 West in Okaloosa County, FL.

A copy of the agenda may be obtained by contacting: Phil Ciaravella at (850)922-7871, or by email at phil.ciaravella@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Phil Ciaravella at (850)922-7871, or by email at phil.ciaravella@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Bureau of Beaches and Coastal Systems** announces a workshop to which all persons are invited.

DATE AND TIME: January 15, 2009, 1:00 p.m. (Central)

PLACE: Destin City Hall Annex, 4100 Two Trees Road, Destin, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss the proposed erosion control project known as the Western Destin Beach Restoration Project, and the establishment of an Erosion Control Line for said project. The proposed Erosion Control Line lies in Destin Florida, Okaloosa County, fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in: Sections 29 & 30, Township 2 South, Range 22 West, Section 25, Township 2 South, Range 22.

A copy of the agenda may be obtained by contacting: Phil Ciaravella at (850)922-7871, or by email at phil.ciaravella@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Phil Ciaravella at (850)922-7871, or by email at phil.ciaravella@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Bureau of Beaches and Coastal Systems** announces a hearing to which all persons are invited.

DATE AND TIME: January 15, 2009, immediately following the conclusion of the Public Workshop which begins at 1:00 p.m., for the beach erosion control project known as the Western Destin Beach Restoration Project.

PLACE: City Hall Annex, 4100 Two Trees Road, Destin, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes. This hearing will consider evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as the Western Destin Beach Restoration Project, and the establishment of an Erosion Control Line for said project. The proposed Erosion Control Line lies in Destin Florida, Okaloosa County, fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in: Sections 29 & 30, Township 2 South, Range 22 West, Section 25, Township 2 South, Range 22.

A copy of the agenda may be obtained by contacting: Phil Ciaravella at (850)922-7871, or by email at phil.ciaravella@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Phil Ciaravella at (850)922-7871, or by email at phil.ciaravella@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Board of Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, January 7, 2009, 12:00 Noon (EST)

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being scheduled to address any business of the Board of Medicine that requires action before the regularly scheduled Board of Medicine meeting on February 6-7, 2009. This meeting may be cancelled for lack of any issues to act upon. Any cancellations will be posted on the Board Web Site at www.Floridashealth.com.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131, Ext. 3532 or www.Gwyn_Willis@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131, Ext. 3532 or www.Gwyn_Willis@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).

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 Medicine**, Expert Witness Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, January 7, 2009, immediately following the Board of Medicine Telephone Conference Call scheduled to begin at 12:00 Noon (EST). If the Board of Medicine meeting is cancelled, the Expert Witness Committee meeting will begin at 12:00 Noon. Meetings, 12:00 Noon (EST) – until complete. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at www.floridashealth.com for cancellations and changes to the meeting dates.

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Medicine.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131, ext. 3532 or www.Gwyn_Willis@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131, ext. 3532 or www.Gwyn_Willis@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).

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 Medicine**, Dietetics-Nutrition and Electrolysis Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, January 7, 2009, immediately following the Board of Medicine Expert Witness Committee meeting. Meetings will begin at 12:00 Noon (EST) – until complete. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at www.floridashealth.com for cancellations and changes to the meeting dates.

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Medicine.

A copy of the agenda may be obtained by contacting: Gwyn Willis at (850)245-4131, ext. 3532 or www.Gwyn_Willis@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gwyn Willis at (850)245-4131, ext. 3532 or www.Gwyn_Willis@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).

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 Department of Health, Board of Physical Therapy announces a public meeting to which all persons are invited.

DATES AND TIMES: May 14, 2009, 6:30 p.m. or soon thereafter; May 15, 2009, 8:00 a.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3467.

Pursuant to the provisions of 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)488-0595. If you are 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 Department of Health, Board of Physical Therapy announces a public meeting to which all persons are invited.

DATES AND TIMES: August 13, 2009, 6:30 p.m. or soon thereafter; August 14, 2009, 8:00 a.m. or soon thereafter

PLACE: Crowne Plaza Universal, 7800 Universal Blvd., Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business and Rules Review.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3467.

Pursuant to the provisions of 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)488-0595. If you are 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 Department of Health, Board of Physical Therapy announces a public meeting to which all persons are invited.

DATES AND TIMES: November 5, 2009, 6:30 p.m. or soon thereafter; November 6, 2009, 8:00 a.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3467.

Pursuant to the provisions of 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)488-0595. If you are 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 **Department of Health, Board of Psychology** announces a meeting of the board to which the public may be invited. A meeting or portion of a Probable Cause Panel is public if a case or cases are public by reason of reconsideration.

DATES AND TIMES: April 23, 2009, 3:00 p.m., or soon thereafter; April 24, 2009, 9:00 a.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda for the public portion of the meeting may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3469.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she 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 to be based.

The **Department of Health, Board of Psychology** announces a meeting of the board to which the public may be invited. A meeting or portion of a Probable Cause Panel is public if a case or cases are public by reason of reconsideration.

DATES AND TIMES: July 23, 2009, 3:00 p.m., or soon thereafter; July 24, 2009, 9:00 a.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3469.

Pursuant to the provisions of 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)488-0595. If you are 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 **Department of Health, Board of Psychology** announces a meeting of the board to which the public may be invited. A meeting or portion of a Probable Cause Panel is public if a case or cases are public by reason of reconsideration.

DATES AND TIMES: October 15, 2009, 3:00 p.m., or soon thereafter; October 16, 2009, 9:00 a.m. or soon thereafter.

PLACE: Crowne Plaza Universal, 7800 Universal Blvd., Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3469.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the board office at (850)488-0595. If you are 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 Athletic Training** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 14, 2009, 3:00 p.m.

PLACE: (850)245-4474 to inquire about call-in number
General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474 at least one week prior to meeting date.

The **Department of Health Board of Respiratory Care** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2009, 8:30 a.m. or soon thereafter

PLACE: Crowne Plaza Universal, 7800 Universal Blvd., Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373.

Pursuant to the provisions of 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)488-0595. If you are 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 **Department of Health, Board of Respiratory Care** announces a meeting of the board to which all persons are invited.

DATE AND TIME: July 10, 2009, 8:30 a.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she 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 to be based.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, December 19, 2008, 10:00 a.m.; Wednesday, January 7, 2009, 3:00 p.m.

PLACE: Florida Housing Finance Corporation, Rick Seltzer Conference Room, Suite 6000, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Committee will discuss, evaluate and score the proposals submitted in response to Florida Housing Finance Corporation's Invitation to Negotiate #2008-01 for Administration Services for Florida Housing's Preservation Pilot Program.

A copy of the agenda may be obtained by contacting: Sherry Green at (850)488-4197.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Affordable Housing Study Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Catalyst/PLP Workgroup, January 7, 2009, 10:00 a.m. – 12:00 Noon (Times subject to change)

PLACE: 1(888)808-6959, Conference Code: 4884197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Catalyst/PLP Workgroup will discuss any additions to its report from the December 4, 2008, conference call on the Catalyst and Predevelopment Loan Programs.

For questions, please contact: Odetta MacLeish-White, Florida Housing Finance Corporation at (850)488-4197. For agendas and updates, please visit our website at www.floridahousing.org/ahsc.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: January 13, 2009, 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 69O-137.001, Florida Administrative Code, published on October 24, 2008 in Vol. 34, No. 43, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Krantz at E-mail kerry.krantz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kerry Krantz at E-mail kerry.krantz@flor.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted

(a) Annual ~~and quarterly~~ statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's ~~Quarterly and~~ Annual Statement Instructions, Property and Casualty, ~~2008 2007~~;

2. The NAIC's Quarterly and Annual Statement Instructions, Life, Accident and Health, ~~2008 2007~~;

3. The NAIC's ~~Quarterly and~~ Annual Statement Instructions, Health, ~~2008 2007~~;

4. The NAIC's ~~Quarterly and~~ Annual Statement Instructions, Title, ~~2008 2007~~; and

5. The NAIC's Accounting Practices and Procedures Manual, as of March ~~2008 2007~~.

(b) Quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Quarterly Statement Instructions, Property and Casualty, 2008;

2. The NAIC's Quarterly Statement Instructions, Life, Accident and Health, 2008;

3. The NAIC's Quarterly Statement Instructions, Health, 2008;

4. The NAIC's Quarterly Statement Instructions, Title, 2008; and

5. The NAIC's Accounting Practices and Procedures Manual, as of March 2008.

~~(c)(b)~~ Copies of the manuals are available:

1. From the National Association of Insurance Commissioners, 2301 McGee, Suite 800, Kansas City, MO 64108-2604, and

2. For inspection at the Office at its headquarters in Tallahassee, Florida, during regular business hours.

Specific Authority 624.308(1), 624.424(1) FS. Law implemented 624.424(1) FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07, _____.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: January 13, 2009, 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 69O-138.001, Florida Administrative Code, published on October 24, 2008 in Vol. 34, No. 43, of the Florida Administrative Weekly, No notice of change was published.

For more information, you may contact: Kerry Krantz at E-mail kerry.krantz@flor.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1)(a) No change.

(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook ~~2008~~ 2007 is hereby adopted and incorporated by reference.

(2) through (3) No change.

Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, _____.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: January 13, 2009, 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 Rule 690-164.040, Florida Administrative Code, published on October 3, 2008 in Vol. 34, No. 40, of the Florida Administrative Weekly. One notice of change was published on December 5, 2008, in Vol. 34, No. 39.

Pursuant to the provisions of 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: Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@florir.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: Kerry Krantz, Office of Insurance Regulation, E-mail kerry.krantz@florir.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-164.040 Determining Reserve Liabilities for Preneed Life Insurance.

(1) Authority.

This rule is adopted by the commission pursuant to Sections 625.121(5)(a)3. and 627.476(9), Florida Statutes.

(2) Scope.

This rule applies to preneed life insurance policies and certificates as defined in Section Four (4) of this rule, and similar policies and certificates.

(3) Purpose.

The purpose of this rule is to recognize the inadequacy of the 2001 Commissioners Standard Ordinary Life Valuation Mortality Table for use in determining the minimum standard of valuation and the minimum standard nonforfeiture value, and to require the continued use of the 1980 Commissioners Standard Ordinary Life Valuation Mortality Table for use in determining the minimum standard of valuation and the minimum standard nonforfeiture value.

(4) Definitions.

(a) The term “2001 CSO Mortality Table” means the 2001 Commissioners Standard Ordinary Life Valuation Mortality Table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC (2nd Quarter 2002). Unless the context indicates otherwise, the “2001 CSO Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

(b) The term “Ultimate 1980 CSO” means the Commissioners’ 1980 Standard Ordinary Life Valuation Mortality Tables (1980 CSO) without ten-year (10-year) selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law approved in December 1983.

(c) For the purposes of this rule, preneed insurance is any life insurance policy or certificate that is issued in combination with, in support of, with an assignment to, or as a guarantee for a prearrangement agreement for goods and services to be provided at the time of and immediately following the death of the insured. Goods and services may include, but are not limited to embalming, cremation, body preparation, viewing or visitation, coffin or urn, memorial stone, and transportation of the deceased. The status of the policy or contract as preneed insurance is determined at the time of issue in accordance with the policy form filing.

(5) Minimum Valuation Mortality Standards.

For preneed insurance contracts, as defined in section (4)(c), and similar policies and contracts, the minimum mortality standard for determining reserve liabilities and non-forfeiture values for both male and female insureds shall be the Ultimate 1980 CSO.

(6) Minimum Valuation Interest Rate Standards.

(a) The interest rates used in determining the minimum standard for valuation of preneed life insurance shall be the calendar year statutory valuation interest rates as defined in Section 625.121(6), F.S.

(b) The interest rates used in determining the minimum standard for nonforfeiture values for preneed life insurance shall be the calendar year statutory nonforfeiture interest rates as defined in Section 627.476(9)(i), F.S.

(7) Minimum Valuation Method Standards.

(a) The method used in determining the minimum standard for valuation of preneed life insurance shall be the method as defined in Section 625.121(5), F.S.

(b) The method used in determining the minimum standard for nonforfeiture values for preneed life insurance shall be the method as defined in Section 627.476(9), F.S.

(8) Transition Rules.

(a) For preneed insurance policies issued on or after the effective date of this rule and before January 1, 2012, the 2001 CSO may be used as the minimum standard for reserves and minimum standard for non-forfeiture benefits for both male and female insureds.

(b) If an insurer elects to use the 2001 CSO as a minimum standard for any policy issued on or after the effective date of this rule and before January 1, 2012, the insurer shall provide, as a part of the actuarial opinion memorandum submitted in support of the company's asset adequacy testing, an annual written notification to the domiciliary commissioner. The notification shall include:

1. A complete list of all preneed policy forms that use the 2001 CSO as a minimum standard;

2. A certification signed by the appointed actuary stating that the reserve methodology employed by the company in determining reserves for the preneed policies issued after the effective date and using the 2001 CSO as a minimum standard, develops adequate reserves (For the purposes of this certification, the preneed insurance policies using the 2001 CSO as a minimum standard cannot be aggregated with any other policies.); and

3. Supporting information regarding the adequacy of reserves for preneed insurance policies issued after the effective date of this rule and using the 2001 CSO as a minimum standard for reserves.

(c) Preneed insurance policies issued on or after January 1, 2012, must use the Ultimate 1980 CSO in the calculation of minimum nonforfeiture values and minimum reserves.

(9) Effective Date.

This rule is applicable to preneed life policies and certificates as defined in (2) issued on or after January 1, 2009.

Specific Authority 625.121(5)(a)3., 627.476(9) FS. Law Implemented 625.121(5)(a)3., 627.476(a)(h)5. FS. History–New _____.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: January 13, 2009, 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 690-197.006, Florida Administrative Code, published on October 31, 2008 in Vol. 34, No. 44, of the Florida Administrative Weekly. No notice of change was published.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.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 5 days before the workshop/meeting by contacting: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: Sandra.DuPont@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: Sandra.DuPont@flor.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-197.006 Insurance Administrator Annual Report.

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

(2) Form OIR-A3-975, "Insurance Administrator Annual Report" (REV 12/08), is hereby incorporated by reference and is to be submitted to the Office of Insurance Regulation to report financial information.

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

Specific Authority 626.89(1), 626.8991 FS. Law Implemented 626.8809 FS. History–New _____.

SOIL AND WATER CONSERVATION DISTRICTS

The **Clay Soil and Water Conservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 5, 2009, 1:00 p.m.

PLACE: Clay County Extension Office, 2463 State Road 16 West, Green Cove Springs, FL 32043

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General.

A copy of the agenda may be obtained by contacting: S. Pipkins, P. O. Box 278, Green Cove Springs, FL 32043.

For more information, you may contact: S. Pipkins, P. O. Box 278, Green Cove Springs, FL 32043, (904)284-6355.

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: January 7, 2009, 5:00 p.m.

PLACE: 6191 Orange Drive, Suite 6181-P, Davie, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Conduct the business of the District.

A copy of the agenda may be obtained by contacting: (954)584-1306.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)584-1306. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2009, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

AREA AGENCY ON AGING OF PASCO-PINELLAS

The **Area Agency on Aging of Pasco-Pinellas, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 12, 2009, 9:30 a.m.

PLACE: Area Agency of Aging of Pasco-Pinellas, Inc., 9887 4th St., N., Suite 100, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Elizabeth Laubach, Area Agency of Aging of Pasco-Pinellas, Inc., 9887 4th St., N., Suite 100, St. Petersburg, FL 33702.

Pursuant to the provisions of 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. If you are

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: Elizabeth Laubach, Area Agency of Aging of Pasco-Pinellas, Inc., 9887 4th St., N., Suite 100, St. Petersburg, FL 33702.

SOUTHWEST FLORIDA LIBRARY NETWORK

The **Southwest Florida Library Network** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 20, 2009, 3:00 p.m.

PLACE: Hodges University's Fort Myers Campus, 4501 Colonial Boulevard, Fort Myers, FL 33912

GENERAL SUBJECT MATTER TO BE CONSIDERED:
meeting of the Board of Directors of the Southwest Florida Library Network.

A copy of the agenda may be obtained by contacting: Sondra Taylor-Furbee at staylorf@fgcu.edu or Luly Castro at lcastro@fgcu.edu.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF 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 the Leesburg Fire Department, Lieutenant Steve Painter, on or about November

26, 2008. The petition seeks the agency’s opinion as to the applicability of Chapter 31-3.4.1.1-2006 Edition of Life Safety Code, as it applies to the petitioner.

Chapter 31-3.4.1.1 mandates that all apartment buildings with more than three stories or with more than 11 dwelling units shall be provided with a fire alarm system. The properties affected are located at 2311 Griffin Road, Leesburg, FL 34748 and 815 Washington Street, Leesburg, FL 34748. The buildings are existing and due to the type of tenants living in these apartments, the required initiation devices will create a malicious false alarm problem. Also, the construction type under the Florida Building Code is a IIIB, which basically is solid concrete including floor/ceiling assembly. Though the code doesn't consider this in the equation, could it have any importance in the final decision?

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@myflorida.cfo.com.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

UF-323, Chemistry/Chemical Biology Building and Renovation of Existing Facility, Gainesville, Florida

NOTICE TO CONSTRUCTION MANAGERS

The University of Florida Board of Trustees announces that CM-At-Risk services will be required for the project listed below:

Project: UF-323, Chemistry/Chemical Biology Building and Renovation of Existing Facility, Gainesville, Florida.

This project will provide approximately 100,000 GSF of modern undergraduate teaching laboratories, classrooms, auditorium, teaching support, graduate research laboratories, and offices. The new Building will provide a centralized home for lower-level undergraduate chemistry instruction. It will also provide state-of-the-art research facilities for faculty and graduate students working in the areas of chemical biology and chemical synthesis. This project will include new construction and renovation of existing facilities to comply with the Program requirements. The new building must fit contextually in the historic district of campus with a thoughtful and high-performance design that enhances the “front door” to the University. Comprehensive site (and jobsite) planning must account for traffic patterns, accessibility, routing of utilities, landscape and hardscape elements, and views to and from existing buildings.

The estimated construction budget is approximately \$49,000,000, including site improvements and utilities, interior voice/data, and other site-specific allowances. The University is interested in utilizing Building Information Modeling (BIM) as a tool for improving quality of construction documents from the models for clash detection, eliminate or greatly reduce the RFIs, electronic exchange information, prefabrication of material / equipment from models, constructability reports, site logistic planning, and visualization; thereby reducing cost of construction and shortening the construction schedule. Gold LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory and an independent consultant will provide commissioning services throughout design and construction.

The contract for construction management services will consist of two phases, pre-construction and construction. Construction will also be phased. Pre-construction services will begin at the Advanced Schematic Design stage and will include production of cost studies and estimates; value engineering; analysis of the design documents for constructability, coordination, detailing, materials, and systems; development and maintenance of the construction schedule; production of detailed jobsite management plans; development of strategies for the procurement of trade contracts; and development of at least two Guaranteed Maximum Price (GMP) proposals, including site work, new building and renovation of the existing facilities based on 100% Construction Documents. If the GMP proposal(s) are accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager's contract.

Applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be one hard copy limited to 40 single-sided OR 20 double-sided, consecutively-numbered pages and one CD containing color pages of the same information as the hard copy and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Supplement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff.
5. Proof of the applicant's corporate status in Florida (if applicable) and a copy of the applicant's current contracting license from the appropriate governing board.
6. Proof of applicant's bonding capacity.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Owner-CM agreement, UF General Terms and Conditions, and other project and process information can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), Friday, January 23, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)273-4000
Fax: (352)392-4034
Internet: www.facilities.ufl.edu

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project No. FS – 299A

Tibbals Learning Center, Phase II

Ringling Museum, Florida State University, Sarasota, Florida

The Tibbals Learning Center Phase II (TLC Phase II) project consists of approximately 20,000 gsf of new construction containing primarily gallery expansion space on the first floor and storage exhibit expansion space on the second floor. The design of TLC Phase II needs to be completely integrated and connected with the existing Phase I facility. The site is west of and adjacent to Phase I and in between the historic road to the south, and the north boundary of the Ringling property.

The selected firm may be asked to masterplan the entire Circus Museum site to accommodate future expansion(s). FSU also reserves the right to contract with the selected firm to design any Circus Museum/TLC expansions/renovations or additional related work on the Ringling campus and at the Art Museum.

The selected architectural firm will be required to provide design, construction documents and construction administration for the referenced project, which is currently budgeted at \$6,165,000 for construction. The project delivery system will be by construction management. Blanket professional liability insurance for this project in the amount of \$1,000,000 must be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application must have attached:

1. A completed Florida State University "Professional Qualifications Supplement", dated August 2003. Applications on any other form, or on versions dated prior to August 2003, will not be considered. The PQS may be downloaded from our website, <http://www.fpc.fsu.edu>.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

Submittals must be received in the above office, by 2:00 p.m. (Local Time), Friday January 16, 2009. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained through our website, www.fpc.fsu.edu, or by contacting: Lynetta Mills, Facilities Design & Construction, 109 Mendenhall Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-3591 telephone, (850)644-8351 facsimile

The Project Fact Sheet and the Facility Program are available to be downloaded from our website: www.fpc.fsu.edu. For further information on the project, contact: Lawrence R. Rubin, Director, at the address above, at: lrubin@admin.fsu.edu or at (850)644-3591.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of

\$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Official notification of the results of the short listing will be posted on the FSU Office of Facilities Design & Construction [website](#). Interview times for finalists will be posted at this web site address, as well.

After the interviews, the Selection Committee will make an award recommendation to the University President. Upon approval of the recommendation by the President, official notification of the final ranking of firms shall be posted on the Facilities Design and Construction [website](#). Negotiations will be conducted in accordance with Section 287.055, Florida Statutes.

A/E ADVERTISEMENT – BT-643

FAU/Harbor Branch Research Laboratory II

Harbor Branch Campus

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of its Board of Trustees, announces that Professional Services in the discipline of Architecture/Engineer, will be required for the project listed below:

Project No. BT- 643

Project and Location: Located on Florida Atlantic University's Harbor Branch Campus, the Research Laboratory II project consists of site development and design of a LEED silver certified building of approximately 40,000 gross square feet of research labs, lab support space, and office space. Total construction budget is approximately \$13,800,000.00. The selected firm will provide programming, schematic design, design development, construction documents and construction administration for the referenced project. This project will be delivered via a construction manager at risk. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.00, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Florida Atlantic University Professional Qualifications Supplement" (FAUPQS Revised January 2004). Applications on any other form may not be considered.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of

application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 6 (six) sets of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for the State of Florida University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. For this project only, the listing and naming of specialty LEED consultant and Lab consultant will be allowed on the FAUPQS form without penalty.

Sole Point of Contact: The FAU Professional Qualifications Supplement, the Project Fact Sheet, and the approved Facilities Program are available online at <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php> or by contacting: University's Sole Point of Contact for this project: Ms. Jill Rosen, Facilities Planning at telephone (561)297-4110, Fax (561)297-2660, or e-mail jrosen58@fau.edu, for site visits please contact Mr. Peter Thomson, Telephone (772)265-2400, ext. 476 or e-mail pthomson@hboi.fau.edu.

From the date of issuance of this Notice until a final selection of a consultant is made or a notice of cancellation is posted, the consultant must not make available or discuss its proposal, or any part thereof, with any member of the Selection Committee, unless permitted by the Sole Point of Contact, in writing, for purposes of clarification only, as set forth herein.

Any individual associated with a consultant who contacts members of the Selection Committee, regarding any aspect of this project, whether such contact be in person, telephone, or through electronic or written correspondence, may be determined to have violated the terms and conditions of this solicitation. If that determination is made, any proposal received from such an individual OR their company may be rejected as non-responsive and not subject to evaluation. If there are any changes or additions to the Sole Point of Contact information at any time in the process, participating consultants will be notified via an addendum to the Notice.

Questions regarding the Notice and/or process should be submitted via fax or email to the Sole Point of Contact. No oral communications shall be considered as a change to the Notice. FAU may respond to questions deemed by the University to be material in nature via a written addendum to the Notice. Interpretation of the wording of this document shall be the responsibility of the FAU and that interpretation shall be final.

All postings referred to in this Notice will be posted electronically on the FAU Facilities website: <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php>. At all times it shall remain the responsibility of the consultants participating in this solicitation to check the website for postings of addenda, short lists, and award decisions. No further notice will be given.

Six (6) bound sets of the required proposal data shall be submitted to: Office of Facilities Planning, Florida Atlantic University, 777 Glades Road, Campus Operations Building #69, Room 107, Boca Raton, Florida 33431 by 5:00 p.m. (Local Time), Wednesday, February 11, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

PROJECT FACT SHEET

FAU/HBOI Research Laboratory II – BT-643

Florida Atlantic University

Harbor Branch Campus

PROJECT DESCRIPTION

Located on Florida Atlantic University's Harbor Branch Campus, the Research Laboratory II project consists of site development and design of a LEED silver certified building of approximately 40,000 gross square feet of research labs, lab support space, and office space. The selected firm will provide programming, schematic design, design development, construction documents and construction administration for the referenced project.

This facility will be constructed using the Construction Management delivery process. The construction budget is approximately \$13,800,000.00.

SELECTION CRITERIA

Firms will be evaluated in the following areas: current workload, location, past performance, volume of state work, design ability, and experience and ability. Experience and ability scores will be based on the following criteria:

1. Experience of firm and individual members of the design team with project of similar size and program.
2. Experience of firm and individual members of the design team in planning, designing, estimating, and construction administration of projects similar in size and budget. Site examples of projects within the past five-year, including the ability to meet aggressive time and budget constraints.
3. Experience in campus planning, educational facilities and working with committees.

SELECTION COMMITTEE:

Shirley Pomponi, VP & Director of Research/HBOI

Patrick Boles, Chief Operation Officer/HBOI

Norman Kaufman, Associate Provost, Academic Affairs

Azita Dashtaki, Assistant VP for Facilities

Robert Richman, Director, Facilities Planning

Scott Baruch, Associate Director, Facilities Planning, Northern Campuses

SELECTION SCHEDULE:

The anticipated schedule for selection, award, and negotiation is as follows:

Submittal Due:	February 11, 2009
Shortlist Meeting:	TBD
Final Interviews:	TBD
Contract Negotiation:	TBD

GENERAL INFORMATION

1. The University is not liable for any costs incurred by the Applicants prior to the issuance of an executed contract.
2. In order to minimize the possibility of unethical pressures or influences on the recommendation of the Selection Committee, no verbal or written communication is permitted between the applicants and the members of the Selection Committee. Any questions or requests for project information must be in writing: Jill Rosen, Office of Facilities Planning, Telephone (561)297-4110, Fax (561)297-2660, or e-mail jrosen58@fau.edu.
3. All applicants will be notified of the results of the shortlist in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.
4. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
5. Professional liability insurance is required for this project in the amount of \$1,000,000.00.
6. A copy of the building program is available on our website at <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php>.

A/E ADVERTISEMENT – BT-645

FAU/Harbor Branch Link Building Renovation Harbor Branch Campus

NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of its Board of Trustees, announces that Professional Services in the discipline of Architecture/Engineer, will be required for the project listed below:

Project No. BT-645

Project and Location: Located on Florida Atlantic University's Harbor Branch Campus, the Link Building Renovation design will consist of renovating the existing two story building which consists of approximately 43,500 gross square feet. Primarily, the project will include demolishing the existing second floor laboratories and rebuilding the space to accommodate a library, office space, and light, dry laboratory space. The first floor renovation will include refurbishing of current office space, the building lobby and the cafeteria. All circulation spaces and restrooms will be included in the renovation. Upgrades to building systems, envelope integrity, energy efficiency and

meeting current building code standards will be included in the scope of this project. The project shall be handicap accessible and refurbished to meet LEED silver certification requirements. Total construction budget is approximately \$5,300,000.00. The selected firm will provide programming, schematic design, design development, construction documents and construction administration for the referenced project. This project will be delivered via a construction manager at risk. Blanket professional liability insurance will be required for this project in the amount of \$500,000.00, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Florida Atlantic University Professional Qualifications Supplement" (FAUPQS Revised January 2004). Applications on any other form may not be considered.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 6 (six) sets of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for the State of Florida University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Sole Point of Contact: The FAU Professional Qualifications Supplement, the Project Fact Sheet, and the approved Facilities Program are available online at <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php> or by contacting: University's Sole Point of Contact for this project: Ms. Jill Rosen, Facilities Planning, Telephone (561)297-4110, Fax (561)297-2660, or e-mail jrosen58@fau.edu, for site visits please contact Mr. Peter Thomson, Telephone (772)265-2400, ext. 476 or e-mail pthomson@hboi.fau.edu. From the date of

issuance of this Notice until a final selection of a consultant is made or a notice of cancellation is posted, the consultant must not make available or discuss its proposal, or any part thereof, with any member of the Selection Committee, unless permitted by the Sole Point of Contact, in writing, for purposes of clarification only, as set forth herein.

Any individual associated with a consultant who contacts members of the Selection Committee, regarding any aspect of this project, whether such contact be in person, telephone, or through electronic or written correspondence, may be determined to have violated the terms and conditions of this solicitation. If that determination is made, any proposal received from such an individual OR their company may be rejected as non-responsive and not subject to evaluation. If there are any changes or additions to the Sole Point of Contact information at any time in the process, participating consultants will be notified via an addendum to the Notice.

Questions regarding the Notice and/or process should be submitted via fax or email to the Sole Point of Contact. No oral communications shall be considered as a change to the Notice. FAU may respond to questions deemed by the University to be material in nature via a written addendum to the Notice. Interpretation of the wording of this document shall be the responsibility of the FAU and that interpretation shall be final.

All postings referred to in this Notice will be posted electronically on the FAU Facilities website: <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php>. At all times it shall remain the responsibility of the consultants participating in this solicitation to check the website for postings of addenda, short lists, and award decisions. No further notice will be given.

Six (6) bound sets of the required proposal data shall be submitted to: Office of Facilities Planning, Florida Atlantic University, 777 Glades Road, Campus Operations Building #69, Room 107, Boca Raton, Florida 33431 by 5:00 p.m. (Local Time), Monday, February 9, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

PROJECT FACT SHEET

FAU/HBOI Link Building Renovation – BT-645

Florida Atlantic University
Harbor Branch Campus

PROJECT DESCRIPTION

The Link Building Renovation design will consist of renovating the existing two story building which consists of approximately 43,500 gross square feet. Primarily, the project will include demolishing the existing second floor laboratories and rebuilding the space to accommodate a library, office space, and light, dry laboratory space. The first floor renovation will include refurbishing of current office space, the building lobby and the cafeteria. All circulation spaces and restrooms will be included in the renovation. Upgrades to building systems, envelope integrity, energy efficiency and meeting current building code standards will be included in the

scope of this project. The building shall be handicap accessible and refurbished to meet LEED silver certification requirements.

This facility will be constructed using the Construction Management delivery process. The Construction budget is approximately \$5,300,000.00.

SELECTION CRITERIA

Firms will be evaluated in the following areas: current workload, location, past performance, volume of state work, design ability, and experience and ability. Experience and ability scores will be based on the following criteria:

1. Experience of firm and individual members of the design team with project of similar size and program.
2. Experience of firm and individual members of the design team in planning, designing, estimating, and construction administration of projects similar in size and budget. Site examples of projects within the past five-year, including the ability to meet aggressive time and budget constraints.
3. Experience in campus planning, educational facilities and working with committees.

SELECTION COMMITTEE:

Shirley Pomponi, VP & Director of Research/HBOI

Patrick Boles, Chief Operation Officer/HBOI

Norman Kaufman, Associate Provost, Academic Affairs

Azita Dashtaki, Assistant VP for Facilities

Robert Richman, Director, Facilities Planning

Scott Baruch, Associate Director, Facilities Planning, Northern Campuses

SELECTION SCHEDULE:

The anticipated schedule for selection, award, and negotiation is as follows:

Submittal Due:	February 9, 2008
Shortlist Meeting:	TBD
Final Interviews:	TBD
Contract Negotiation:	TBD

GENERAL INFORMATION

1. The University is not liable for any costs incurred by the Applicants prior to the issuance of an executed contract.
2. In order to minimize the possibility of unethical pressures or influences on the recommendation of the Selection Committee, no verbal or written communication is permitted between the applicants and the members of the Selection Committee. Any questions or requests for project information must be in writing to: Jill Rosen, Office of Facilities Planning, Telephone (561)297-4110, Fax (561)297-2660, or e-mail jrosen58@fau.edu.
3. All applicants will be notified of the results of the shortlist in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.

4. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
5. Professional liability insurance is required for this project in the amount of \$500,000.00.

A copy of the building program is available on our website at <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php>.

UNIVERSITY OF WEST FLORIDA
INVITATION TO NEGOTIATE
PRIVATE DEVELOPER – STUDENT HOUSING
08/ITN-14/ES

The University of West Florida Board of Trustees is soliciting sealed proposals in response to an Invitation to Negotiate for private development of new student housing on the main campus of the University of West Florida, Pensacola, FL. This Invitation to Negotiate is for the procurement of financing, design services, construction services, furnishings and management and operation of the facility.

Solicitation documents including project information may be downloaded from the University's Procurement and Contracts' website at: <http://uwf.edu/procurement>.

A pre-submittal meeting is scheduled for Tuesday, January 15, 2009, 2:00 p.m., Bldg. 92, Room 110 (Training Room), University of West Florida, 11000 University Parkway, Pensacola, FL. Access Campus Map at <https://nautical.uwf.edu/campusmap/main.cfm>.

Sealed submittals will be received until 3:00 p.m. (Central Time), February 5, 2009, at the Office of Procurement and Contracts, Bldg. 90, Room 133, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Solicitation number 08/ITN-14/ES must be marked on outside of sealed submittal. The University will not be responsible for unopened submittals when the package is not properly identified.

All inquiries should be submitted in writing to: Elaine Smith at etsmith@uwf.edu.

UNIVERSITY OF WEST FLORIDA
PROFESSIONAL QUALIFICATIONS SOLICITATION
DESIGN/BUILD SERVICES – NEW RESIDENCE HALL
08/ITN-15/ES

The University of West Florida Board of Trustees is soliciting responses to a solicitation for professional qualifications to provide design/build services for construction of a new residence hall on the main campus of the University of West Florida, Pensacola, FL.

Solicitation documents including project information may be downloaded from the University's Procurement and Contracts' website at: <http://uwf.edu/procurement>.

Mandatory Pre-Submittal Meeting – Interested firms are required to attend a mandatory pre-submittal meeting to participate in this solicitation. The mandatory meeting is scheduled for Tuesday, January 6, 2008, 2:00 p.m., Bldg. 92, Training Room, University of West Florida, 11000 University Parkway, Pensacola, FL. Access Campus Map at <https://nautical.uwf.edu/campusmap/main.cfm>.

Submittals will be received until 2:00 p.m. (Central Time), February 20, 2009, Office of Procurement and Contracts, Bldg. 90, Room 133, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Solicitation number 08/PQS-15/ES must be marked on outside of submittal. The University will not be responsible for unopened submittals when the package is not properly identified.

All inquiries should be submitted in writing to Elaine Smith at etsmith@uwf.edu.

NOTICE TO PROFESSIONAL CONSULTANTS
Invitation to Bid – ITB 09-22
GC for Building 14B Renovation

The University of North Florida – Board of Trustees, a public body corporate, announces the need for General Contractors to renovate Building 14B – University of North Florida, Jacksonville, FL.

This project consist of the following scope of work: The work includes all labor, supervision, equipment, and materials required to execute the Contract Documents in two phases for the tenant build-out of the existing UNF Building 14-B (approximate square footage 9742). The work includes, but is not limited to, demolition of all interior walls, finishes, mechanical, electrical, plumbing and communications components as well as a new exterior curtain wall system. Exterior construction will include new glazing in aluminum curtain wall. Interior construction will include new gypsum wallboard partitions with metal stud walls, millwork, suspended acoustical and gypsum wallboard ceilings, wood and metal doors in hollow metal frames, coiling overhead grilles, toilet partitions and vanities. Interior finishes include carpeting, resilient tile, ceramic tile, painting, and window treatments. Mechanical work includes installation of new Owner provided HVAC units with ductwork and all necessary connections to the UNF Central Plant chilled water system. Plumbing includes new piping and fixtures for the tenant build-out and renovation of the group male and female restrooms. Electrical work includes new wiring, devices and lighting for the new tenant build-out.

Successful contractors must have demonstrable previous experience with the described systems and technical requirements. All bidders must be qualified at the time of bid opening in accordance with the Bidders Qualification within the ITB 09-22 Bid documents. No submittal material will be returned.

The preliminary schedule for this ITB:

Advertisement	December 19, 2008
Mandatory Pre-Bid	January 13, 2009, 10:00 a.m.
Submissions due	January 27, 2009, 2:00 p.m.
Award	Early February 2009

Minority Business participation is strongly recommended and supported by the University of North Florida.

Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as part of the Basic Services (each, aggregate and per occurrence).

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

BID DOCUMENTS: Full sets of Bidding Documents and descriptive project information, including qualification requirements may be obtained electronically online at the UNF Purchasing department website: <http://www.unf.edu/dept/purchasing/bids.html>, or by emailing:

Dianna White Dianna.white@unf.edu (904)620-1731	AND University of North Florida Purchasing Dept. Bldg. 6, Rm. 1301 1 UNF Drive Jacksonville, FL 32224	Angela Dyal angela.dyal@unf.edu (904)620-1733
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PRINTED DOCUMENTS: Full sets of bid documents may be obtained from Florida Blueprint Services, 542 South Edgewood Avenue, Jacksonville, Florida, telephone (904)388-7686. Copies may be purchased for the printing and handling cost. **NO REFUND WILL BE MADE FOR THESE DOCUMENTS.**

Submit four (4) complete copies of bids in full and in accordance with the requirements of the drawings and Project Manual to the above referenced UNF address. Bids must be received no later than 2:00 p.m. (Local Time), January 27, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

RFP #033-PLA-0109

Management Services for Alternative Education

The School District of Polk County, FL will receive sealed bids for RFP #033-PLA-0109-Management Services for Alternative Education to be opened on Tuesday, January 27, 2009, 3:00 p.m., at the School Board of Polk County Administrative Offices, 1915 South Floral Avenue, Bartow, FL 33830. The School District of Polk County, Florida is seeking proposals from experienced and qualified firms to provide

professional management services in the organization, development, management, staffing and operation of the Bill Duncan Excel Center in Lakeland, Florida, and the Donald E. Woods Excel Center in Dundee, Florida. Both of these centers currently provide alternative education programs for expelled and other assigned students. The purpose of this RFP is to offer qualified firms an opportunity to submit written proposals for the District's consideration. See Section 3.4 of the RFP for information concerning a non-mandatory pre-proposal conference.

Questions should be directed to: Lynn Adams, lynn.adams@polk-fl.net. For more information and to obtain a copy of the RFP, visit: <http://www.polk-fl.net/districtinfo/departments/businessservices/purchasing.htm>.

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."

THIRD DISTRICT COURT OF APPEAL

Florida State Courts
Third District Court of Appeal
Invitation to Bid # 08-001

Pursuant to Section 287.057, F.S., sealed bids will be received by the Third District Court of Appeal, 2001 S. W. 117th Ave., Miami, Florida 33175-1716 until 3:00 p.m. (Local Time), January 6, 2009, for the selection of a contractor supplying all labor and materials required for the renovation of the lawyers' lounge bathrooms to Americans With Disability accessibility standards, Project #08-001. Scope of work and contractor requirements of ITB 08-001 are located at www.3dca.flcourts.org. Addendums must be picked up at the Marshal's Office.

Additional information can be obtained from the Marshal's Office at (305)229-3200, ext. 3234. All requests and responses shall be written.

Americans with Disability Act of 1991 – Contact the Marshal's Office if special accommodations are needed in order to attend the pre-proposal conference.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

REQUEST FOR PROPOSALS (FDDC # 2009-CL-7800) SHARED HOME OWNERSHIP FEASIBILITY STUDY

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2009-CL-7800) is released in order to fund the research and development of a comprehensive written shared home ownership feasibility report that will be useful in providing verifiable information and recommendations to the Council.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this RFP. The exact amount of this contract will be developed during contract negotiations. The anticipated award for this project is expected to range from \$30,000 to \$60,000.

Copies of this RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, or calling (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633.

The deadline for submitting written questions and letters of intent for this RFP is January 16, 2009 by 4:00 p.m. (EST). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of January 26, 2009. The deadline for submitting proposals for this RFP to FDDC is February 27, 2009 by 2:00 p.m. (EST).

MID FLORIDA COMMUNITY SERVICES, INC.

REQUEST FOR PROPOSALS

PROJECT TITLE: Transportation Contract Provider
RFP NUMBER: MFCS.08-TR.01

Mid Florida Community Services, Inc., the designated Community Transportation Coordinator for Hernando County, Florida will receive proposals to provide approximately 15,000 trips for Medicaid clients effective 4/01/09. The selected contract provider will provide service both within Hernando County and out of county for ambulatory, wheelchair, stretcher and mobility scooter transportation on a 24 hour, seven day a week basis.

Proposals will be received until 4:00 p.m., January 30, 2009. All Proposals will be accepted at Mid Florida Community Services, Inc. (MFCS), located at 820 Kennedy Blvd., Brooksville, FL 34601. Proposals received after the above date will not be considered.

Proposal Packets may be obtained between 9:00 a.m. and 4:00 p.m. at:

Mid Florida Community Services, Inc.
820 Kennedy Blvd.
Brooksville, FL 34601
(352)796-1425

PRE-PROPOSAL CONFERENCE: Prospective applicants are strongly encouraged to participate in the Pre-Proposal conference scheduled for Monday, January 12, 2009, 10:00 a.m., 1122 Ponce DeLeon Blvd., Brooksville, FL 34601. Individuals covered by the American with Disabilities Act of 1990 in need of accommodations to attend this meeting shall contact MFCS at the above number.

No Proposal shall be withdrawn for a period of thirty (30) days subsequent to their receipt without the consent of MFCS. MFCS reserves the right to reject any or all Proposals, to waive informalities and to accept all or any part of any Proposal as may be deemed to be in the best interest of MFCS.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES DCA DOCKET NO. 03-04

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") executed between the Bay County School Board and the City of Lynn Haven, 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 Lynn Haven, Department of Development and Planning, 825 Ohio Avenue, Lynn Haven, Florida 32444.

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 Bay County School Board and the City of Lynn Haven. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Charles Gauthier, AICP
 Director, Division of Community Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Manatee Memorial Hospital Heliport, a private airport, in Manatee County, at Latitude 27° 29' 45" and Longitude 82° 33' 15", to be owned and operated by Mr. Timothy Ott, 7885 Bristol Park Dr., Apollo Beach, FL 33572.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail

Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with: Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of 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 Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 1145 Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 1305 Northeast 3rd Terrace Road, Cape Coral, Florida 33909; principal investor(s): James Lynch, 1305 Northeast 3rd Terrace Road, Cape Coral, Florida 33909.

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 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 Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 1145 Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): James Lynch, 1305 Northeast 3rd Terrace Road, Cape Coral, Florida 33909; principal investor(s): James Lynch, 1305 Northeast 3rd Terrace Road, Cape Coral, Florida 33909.

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 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 Voltage Vehicles, Inc., intends to allow the establishment of Allchin Florida Corp. d/b/a Automotion Ft. Myers, as a dealership for the sale of Zap motorcycles (ZAPP) at 1237 North Tamiami Trail, North Fort Myers (Lee County), Florida 33903, on or after October 29, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Allchin Florida Corp. d/b/a Automotion Ft. Myers are dealer operator(s): Denis Allchin, 1237 North Tamiami Trail, North Fort Myers, Florida 33903; principal investor(s): Denis Allchin, 1237 North Tamiami Trail, North Fort Myers, Florida 33903.

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: Amos Kazzaz, Voltage Vehicles, Inc., 501 Fourth Street, Santa Rosa, California 95401.

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 the Relocation of a
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the relocation of CK Motors, LLC d/b/a Coggin Pontiac-GMC-Buick, as a dealership for the sale of Buick vehicles (BUIC) from its present location at 4425 West Vine Street, Kissimmee, Florida 34746, to a proposed location at 2535 North Orange Blossom Trail, Kissimmee (Osceola County), Florida 34746, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of CK Motors, LLC d/b/a Coggin Pontiac-GMC-Buick are: dealer operator(s): CB Tomm, 4425 West Vine Street, Kissimmee, Florida 34746; principal investor(s): CB Tomm, 4425 West Vine Street, Kissimmee, Florida 34746.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, 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: Scott Malatesta, General Motors Corporation, Mail Code 462-A06-066, 100 GM Renaissance Center, Detroit, Michigan 58265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the relocation of CK Motors, LLC d/b/a Coggin Pontiac-GMC-Buick, as a dealership for the sale of GMC vehicles from its present location at 4425 West Vine Street, Kissimmee, Florida 34746, to a proposed location at 2535 North Orange Blossom Trail, Kissimmee (Osceola County), Florida 34746, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of CK Motors, LLC d/b/a Coggin Pontiac-GMC-Buick are: dealer operator(s): CB Tomm, 4425 West Vine Street, Kissimmee, Florida 34746; principal investor(s): CB Tomm, 4425 West Vine Street, Kissimmee, Florida 34746.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, 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: Scott Malatesta, General Motors Corporation, Mail Code 462-A06-066, 100 GM Renaissance Center, Detroit, Michigan 58265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the relocation of CK Motors, LLC d/b/a Coggin Pontiac-GMC-Buick, as a dealership for the sale of Pontiac vehicles (PONT) from its present location at 4425 West Vine Street, Kissimmee, Florida 34746, to a proposed location at 2535 North Orange Blossom Trail, Kissimmee (Osceola County), Florida 34746, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of CK Motors, LLC d/b/a Coggin Pontiac-GMC-Buick are: dealer operator(s): CB Tomm, 4425 West Vine Street, Kissimmee, Florida 34746; principal investor(s): CB Tomm, 4425 West Vine Street, Kissimmee, Florida 34746.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License

Section, Department of Highway Safety and Motor Vehicles, Room A-312, 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: Scott Malatesta, General Motors Corporation, Mail Code 462-A06-066, 100 GM Renaissance Center, Detroit, Michigan 58265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Cobra Scooters, LLC, intends to allow the establishment of Crazy Carls, LLC, as a dealership for the sale of motorcycles manufactured by Taiwan Golden Bee Co. Ltd. (TAIW) at 1578 Highway 83, Defuniak Springs (Walton County), Florida 32433, on or after December 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Crazy Carls, LLC are dealer operator(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433; principal investor(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, 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: Robert P. Bates, Cobra Scooters, LLC, 3939 Royal Drive Northwest, Suite 139, Kennesaw, Georgia 30144.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Douglas Powersports of Sarasota, Inc., as a dealership for the sale of motorcycles manufactured by LML Limited (LMLL) at 6051 North Washington Boulevard, Sarasota (Sarasota County), Florida 34243, on or after December 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Douglas Powersports of Sarasota, Inc. are dealer operator(s): David Barriball, 6051 North Washington Boulevard, Sarasota, Florida 34243; principal investor(s): David Barriball, 6051 North Washington Boulevard, Sarasota, Florida 34243.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Kolbe, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Douglas Powersports of Sarasota, Inc., as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 6051 North Washington Boulevard, Sarasota (Sarasota County), Florida 34243, on or after December 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Douglas Powersports of Sarasota, Inc. are dealer operator(s): David Barriball, 6051 North Washington Boulevard, Sarasota, Florida 34243; principal investor(s): David Barriball, 6051 North Washington Boulevard, Sarasota, Florida 34243.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Kolbe, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that 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 Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 13220 Gulf Boulevard, Madeira Beach (Pinellas County), Florida 33708, on or after January 6, 2009.

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 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 Finishline Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 13220 Gulf Boulevard, Madeira Beach (Pinellas County), Florida 33708, on or after January 6, 2009.

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 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 Finishline Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 13220 Gulf Boulevard, Madeira Beach (Pinellas County), Florida 33708, on or after January 6, 2009.

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, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald 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 Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Electric Car Distributors, Inc., intends to allow the establishment of Gas Sippers, LLC, as a dealership for the sale of low speed vehicles manufactured by American Custom Golfcars, Inc. (ACGC) at 6480 20th Street, #106, Vero Beach (Indian River County), Florida 32966-1004, on or after December 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Gas Sippers, LLC are dealer operator(s): Keith Estep, 6480 20th Street, Vero Beach, Florida 32966-1004; principal investor(s): Keith Estep 1736 31st Avenue, Vero Beach, Florida 32960 and Valerie Estep, 1736 31st Avenue, Vero Beach, Florida 32960.

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: Warren Sistare, President, Electric Car Distributors, Inc., 2306 North Dixie Highway, Fort Lauderdale, Florida 33305.

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 Lambretta International, LLC, intends to allow the establishment of Harbor Scooters, LLC, as a dealership for the sale of motorcycles manufactured by HerChee Industrial Co. Ltd. (HERH) at 3315 Tamiami Trail, Unit A, Punta Gorda (Charlotte County), Florida 33950, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Harbor Scooters, LLC are dealer operator(s): Erica Raffel, 3315 Tamiami Trail, Unit A, Punta Gorda, Florida 33950; principal investor(s): Erica Raffel, 3315 Tamiami Trail, Unit A, Punta Gorda, Florida 33950.

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: Caroline Khurana, Lambretta International, LLC, 14339 Lake City Way Northeast, Seattle, Washington 98125.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

NOTICE OF WITHDRAWAL

Notice is hereby given that the publication of Intracoastal Custom Cycles, LLC, as a new point for Sunbeam (SUNB) motorcycle franchise dealership in Duval County by Sunbeam Southeast, LLC, published in Volume 34, Number 46, page 6059 of the Florida Administrative Weekly on November 14, 2008, has been withdrawn.

**Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Kiki Motors, Inc., as a dealership for the sale of motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 2370 Southwest 8th Street, Miami (Dade County), Florida 33135, on or after January 7, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Kiki Motors, Inc. are dealer operator(s): Enrique Juan Ortega, 9451 Southwest 66th Street, Miami, Florida 33173; principal investor(s): Enrique Juan Ortega, 9451 Southwest 66th Street, Miami, Florida 33173.

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 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 Pacific Rim International West, intends to allow the establishment of Motor Sport Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Yongkang Haili Industrial Co. Ltd. (HAIL) at 1115 Southeast 12th Court, Unit A & B, Cape Coral (Lee County), Florida 33990, on or after December 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Motor Sport Warehouse, Inc. are dealer operator(s): Eugene Fedorovich, 1217 East Cape Coral Parkway, #212, Cape Coral, Florida 33904; principal investor(s): Eugene Fedorovich, 1217 East Cape Coral Parkway, #212, Cape Coral, Florida 33904.

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: Wendy Yu, Pacific Rim International West, 2260 South Archibald Avenue, Unit E, Ontario, California 91761.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of PC Scooter & Cycle, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 3401 East Business Highway 98, Panama City (Bay County), Florida 32401, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of PC Scooter & Cycle, LLC are dealer operator(s): Donald Watts, 1903 Brown Avenue, Panama City, Florida 32405; principal investor(s): Donald Watts, 1903 Brown Avenue, Panama City, Florida 32405.

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 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 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 PC Scooter & Cycle, LLC, as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 3401 East Business Highway 98, Panama City (Bay County), Florida 32401, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of PC Scooter & Cycle, LLC are dealer operator(s): Donald Watts, 1903 Brown Avenue, Panama City, Florida 32405; principal investor(s): Donald Watts, 1903 Brown Avenue, Panama City, Florida 32405.

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 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 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 Punta Gorda Motorsports, LLC, as a dealership for the sale of motorcycles

manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 25191 Olympia Avenue, Punta Gorda (Charlotte County), Florida 33950, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Punta Gorda Motorsports, LLC are dealer operator(s): William Aye, 228 Freeport Court, Punta Gorda, Florida 33950, Timothy Boff, 3111 Shannon Drive, Punta Gorda, Florida 33950 and Richard Bolton, 3337 Sand Piper Drive, Punta Gorda, Florida 33950; principal investor(s): William Aye, 228 Freeport Court, Punta Gorda, Florida 33950, Timothy Boff, 3111 Shannon Drive, Punta Gorda, Florida 33950 and Richard Bolton, 3337 Sand Piper Drive, Punta Gorda, Florida 33950.

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 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 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 Punta Gorda Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 25191 Olympia Avenue, Punta Gorda (Charlotte County), Florida 33950, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Punta Gorda Motorsports, LLC are dealer operator(s): William Aye, 228 Freeport Court, Punta Gorda, Florida 33950, Timothy Boff, 3111 Shannon Drive, Punta Gorda, Florida 33950 and Richard Bolton, 3337 Sand

Piper Drive, Punta Gorda, Florida 33950; principal investor(s): William Aye, 228 Freeport Court, Punta Gorda, Florida 33950, Timothy Boff, 3111 Shannon Drive, Punta Gorda, Florida 33950 and Richard Bolton, 3337 Sand Piper Drive, Punta Gorda, Florida 33950.

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 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 Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mainland China Trading & Consulting, Inc., intends to allow the establishment of Register Chevrolet and Oldsmobile, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 14181 Cortez Boulevard, State Road 50, Brooksville (Hernando County), Florida 34613, on or after December 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Register Chevrolet and Oldsmobile, Inc. are dealer operator(s): Max Register, 14181 Cortez Boulevard, Brooksville, Florida 34613; principal investor(s): Max Register, 14181 Cortez Boulevard, Brooksville, Florida 34613.

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: Murray Smith, Mainland China Trading & Consulting, Inc., 3109 Knox Street, Suite 503, Dallas, Texas 75205.

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 Rich Fetter Enterprises, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 7332 Omega Street, Winter Park (Orange County), Florida 32792, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Rich Fetter Enterprises, Inc. are dealer operator(s): Rich Fetter, 7332 Omega Street, Winter Park, Florida 32792; principal investor(s): Rich Fetter, 7332 Omega Street, Winter Park, Florida 32792.

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 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 Rich Fetter Enterprises, Inc., as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 7332 Omega Street, Winter Park (Orange County), Florida 32792, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Rich Fetter Enterprises, Inc. are dealer operator(s): Rich Fetter, 7332 Omega Street, Winter Park, Florida 32792; principal investor(s): Rich Fetter, 7332 Omega Street, Winter Park, Florida 32792.

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 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 Rich Fetter Enterprises, Inc., as a dealership for the sale of motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 7332 Omega Street, Winter Park (Orange County), Florida 32792, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Rich Fetter Enterprises, Inc. are dealer operator(s): Rich Fetter, 7332 Omega Street, Winter Park, Florida 32792; principal investor(s): Rich Fetter, 7332 Omega Street, Winter Park, Florida 32792.

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 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 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 James Gabriel d/b/a Santa Fe Bicycle Outfitters, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 10 North Main Street, High Springs (Alachua County), Florida 32643, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of James Gabriel d/b/a Santa Fe Bicycle Outfitters are dealer operator(s): James Gabriel, 215 South Main Street, High Springs, Florida 32643; principal investor(s): James Gabriel, 215 South Main Street, High Springs, Florida 32643.

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 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 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 James Gabriel d/b/a Santa Fe Bicycle Outfitters, as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 10 North Main Street, High Springs (Alachua County), Florida 32643, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of James Gabriel d/b/a Santa Fe Bicycle Outfitters are dealer operator(s): James Gabriel, 215 South Main Street, High Springs, Florida 32643; principal investor(s): James Gabriel, 215 South Main Street, High Springs, Florida 32643.

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 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 Save MPG.com, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 180 Race Track Road, Building B, Unit 9, Oldsmar (Pinellas County), Florida 34677, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Save MPG.com, LLC are dealer operator(s): Robert Leslie, 2379 Demaret Drive, Dunedin, Florida 34698 and William Raumbaum, 28960 U.S. 19 North, Suite 100, Clearwater, Florida 33761; principal investor(s): Robert Leslie, 2379 Demaret Drive, Dunedin, Florida 34698 and William Raumbaum, 28960 U.S. 19 North, Suite 100, Clearwater, Florida 33761.

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 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 Save MPG.com, LLC, as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 180 Race Track Road, Building B, Unit 9, Oldsmar (Pinellas County), Florida 34677, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Save MPG.com, LLC are dealer operator(s): Robert Leslie, 2379 Demaret Drive, Dunedin, Florida 34698 and William Raumbaum, 28960 US 19 North, Suite 100, Clearwater, Florida 33761; principal investor(s): Robert Leslie, 2379 Demaret Drive, Dunedin, Florida 34698 and William Raumbaum, 28960 U.S. 19 North, Suite 100, Clearwater, Florida 33761.

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 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 Save MPG.com, LLC, as a dealership for the sale of motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 180 Race Track Road, Building B, Unit 9, Oldsmar (Pinellas County), Florida 34677, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Save MPG.com, LLC are dealer operator(s): Robert Leslie, 2379 Demaret Drive, Dunedin, Florida 34698 and William Raumbaum, 28960 U.S. 19 North, Suite 100, Clearwater, Florida 33761; principal investor(s): Robert Leslie, 2379 Demaret Drive, Dunedin, Florida 34698 and William Raumbaum, 28960 U.S. 19 North, Suite 100, Clearwater, Florida 33761.

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 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 Pacific Rim International West, intends to allow the establishment of Scoot, Inc., as a dealership for the sale of motorcycles manufactured by Yongkang Haili Industrial Co. Ltd. (HAIL) at 5045 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after December 9, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scoot, Inc. are dealer operator(s): John Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231 and Lavinia Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231; principal investor(s): John Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231 and Lavinia Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, M S65, 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: Wendy Yu, Pacific Rim International West, 2260 South Archibald Avenue, Unit E, Ontario, California 91761.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Tank Sports, Inc., intends to allow the establishment of Scoot, Inc., as a dealership for the sale of KTMMEX motorcycles (KTMM) at 5045 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after December 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scoot, Inc. are dealer operator(s): John Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231 and

Lavinia Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231; principal investor(s): John Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231 and Lavinia Drier, 5045 South Tamiami Trail, Sarasota, Florida 34231.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Ji, Tank Sports, Inc., 10925 Schmidt Road, El Monte, California 91733.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of 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 Pink House Corporation d/b/a West Coast Furniture, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 5535 U.S. 27 South, Sebring (Highlands County), Florida 33870, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Pink House Corporation d/b/a West Coast Furniture are dealer operator(s): Richard Havlock, 5535 U.S. 27 South, Sebring, Florida 33870; principal investor(s): Richard Havlock, 5535 US 27 South, Sebring, Florida 33870.

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 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 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 Pink House Corporation d/b/a West Coast Furniture, as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 5535 U.S. 27 South, Sebring (Highlands County), Florida 33870, on or after January 6, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Pink House Corporation d/b/a West Coast Furniture are dealer operator(s): Richard Havlock, 5535 U.S. 27 South, Sebring, Florida 33870; principal investor(s): Richard Havlock, 5535 US 27 South, Sebring, Florida 33870.

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 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.

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

RECEIPT OF BATCHED APPLICATION

AND NOTICE OF TENTATIVE PUBLIC HEARING

The Agency for Health Care Administration has received and accepted the following Certificate of Need application for review in the batched Other Beds and Programs review cycle with an application due date of November 19, 2008.

County: Broward District: 10

CON # 10044

Facility/Project: South Broward Hospital District

Applicant: Memorial Regional Hospital

Project Description: Establish a pediatric heart transplantation program

Also, IF REQUESTED, a tentative public hearing has been scheduled as follows:

PROPOSAL: District 10

DATE/TIME: Wednesday, January 7, 2009, 1:00 – 3:00 p.m.

PLACE: Broward Regional Health Planning Council, Inc.
915 Middle River Drive
Fort Lauderdale, FL 33304

A public hearing request must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, Attention: James B. McLemore, by 5:00 p.m., January 2, 2009. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of the application will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by December 24, 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."

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (File No. 0144913-010) to PCS Phosphate – White Springs (PCS) Hamilton County Mine, Post Office Box 300, White Springs, Florida 32096 under Section 403.201, Florida Statutes (F.S.) from the provisions of subsection 62-302.530(30), Florida Administrative Code (F.A.C.), which provides minimum standards for dissolved oxygen levels in surface waters. This variance will apply to dissolved oxygen levels in the hypolimnions (the deepest layer) of the reclaimed, man-made lakes shown on Maps VII-5 1 of 2 and VII-5 2 of 2 in PCS' conceptual reclamation plan PCS-HC-CPC, which was approved on April 8, 2005. The variance will be permanent.

On May 18, 2007, PCS submitted a petition for a variance from the provisions of subsection 62-302.530(30), F.A.C., which provides minimum standards for dissolved oxygen levels in surface waters.

The Hamilton County Mine is located to the north and west of the Suwannee River, along the east and west sides of Interstate 75, and south of the Georgia Border in Hamilton County, Florida. The mine area is located in Sections 1, 2, 11-15, 22-28, and 33-36, Township 1 North, Range 14 East; Sections 1-5, and 10-14, Township 1 South, Range 14 East; Sections 19-21, and 28-34, Township 2 North, Range 15 East; Sections 1-36, Township 1 North, Range 15 East; Sections 1-27, 35, and 36, Township 1 South, Range 15 East; Section 1, Township 2 South, Range 15 East; Sections 5-9, 16-23, 26-35, Township 1 North, Range 16 East; Sections 1-35, Township 1 South, Range 16 East; Sections 4-6, Township 2 South, Range 16 East;

Section 7, Township 1 South, Range 17 East; and Section 18, Township 1 South, Range 17 East in the watershed of the Suwannee River, an Outstanding Florida Water, Class III waters.

The dissolved oxygen levels in the hypolimnions of the man-made lakes are expected to drop below the mandatory minimum of 5.0 mg/L at times. The low dissolved oxygen levels in the hypolimnions of the man-made lakes are not expected to result in any on-site or off-site impacts. Oxygen levels in the upper layers of the man-made lakes are expected to meet the requirements of Rule 62-302.530, F.A.C., and be adequate to support healthy fish populations. Once reclamation is completed, the man-made lakes will be connected to reclaimed and/or preserved wetlands and streams. Water exiting each of the man-made lakes is expected to meet the requirements for dissolved oxygen and other water quality criteria of Rule 62-302.530, F.A.C. There is no practical means known or available to achieve the required dissolved oxygen levels within the hypolimnions of the man-made lakes. Therefore, the Department intends to grant a variance pursuant to Section 403.201(1)(a), F.S., for dissolved oxygen within the hypolimnions of the man-made lakes approved in conceptual reclamation plan PCS-HC-CPC.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing

or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect. If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Section 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of

appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with: Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On December 9, 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 Giuseppe Chiarizia, L.M.T. license number MA 54313. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 5, 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 Billy Ray Brown, C.N.A. license number CNA 5169535. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida

Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 8, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Sue M. Cooper, C.N.A. license number CNA 161204. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 3, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Restriction Order with regard to the license of Sophia L. Harris, C.N.A. license number CNA 80669. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 5, 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 Heather Olivia Jordan, L.P.N. license number PN 5180445. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 5, 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 Phoebe Fletcher Mayfield, R.N. license number RN 2128432. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 3, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Restriction Order with regard to the license of Anthony A. Grejda, R.Ph. license number PS 34755. This Emergency Restriction 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.

DEPARTMENT OF FINANCIAL SERVICES

INTEREST RATE SET PURSUANT TO SECTION 55.03, FLORIDA STATUTES

Subsection 69I-25.003(3), F.A.C., requires the Department of Financial Services, at least once between December 1 and January 1, to provide notice of the interest rate set by the Chief Financial Officer, pursuant to Section 55.03, F.S. The interest for the year 2009 has been set at 8% per annum or .0002192 per day. For additional information contact the Vendor Ombudsman Section in the Bureau of Accounting at (850)413-5516 or on the internet at www.fldfs.com/aadir/interest.htm.

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: Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street,

Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., January 9, 2009):

APPLICATION TO MERGE

Constituent Institutions: CNLBank, Orlando, Florida, CNLBank, First Coast, Jacksonville, Florida and CNLBank, Southwest Florida, Bonita Springs, Florida

Resulting Institution: CNLBank

Received: December 5, 2008

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN December 1, 2008
 and December 5, 2008

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION
State Board of Education

6A-6.03028	12/2/08	12/22/08	34/21	
6A-6.030281	12/2/08	12/22/08	34/21	
6A-6.0331	12/2/08	12/22/08	34/21	
6A-6.03311	12/2/08	12/22/08	34/21	
6A-6.03312	12/2/08	12/22/08	34/21	
6A-6.03314	12/2/08	12/22/08	34/21	
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6A-6.0334	12/2/08	12/22/08	34/21	
6A-6.03411	12/2/08	12/22/08	34/21	

DEPARTMENT OF REVENUE
Miscellaneous Tax

12B-8.006	12/5/08	12/25/08	34/35	
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DEPARTMENT OF TRANSPORTATION

14-40.003	12/4/08	12/24/08	34/25	34/45
14-40.020	12/4/08	12/24/08	34/25	34/45
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14-40.030	12/4/08	12/24/08	34/25	34/45

DEPARTMENT OF CORRECTIONS

33-102.101	12/5/08	12/25/08	34/44	
33-601.603	12/5/08	12/25/08	34/42	
33-601.733	12/5/08	12/25/08	34/27	34/34
33-602.201	12/5/08	12/25/08	34/41	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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WATER MANAGEMENT DISTRICTS
Suwannee River Water Management District

40B-400.215	12/3/08	12/23/08	34/38	
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DEPARTMENT OF HEALTH
Division of Medical Quality Assurance

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Board of Clinical Laboratory Personnel

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Board of Nursing

64B9-7.001	12/1/08	12/21/08	34/33	34/35
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DEPARTMENT OF FINANCIAL SERVICES
Division of Consumer Services

69J-2.003	12/5/08	12/25/08	34/15	34/38
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Finance

69V-40.002	12/5/08	12/25/08	34/39	
69V-40.031	12/5/08	12/25/08	34/39	
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69V-40.200	12/5/08	12/25/08	34/39	
69V-40.220	12/5/08	12/25/08	34/39	
69V-560.102	12/5/08	12/25/08	34/39	34/48

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