

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: 9J-5.026
 RULE TITLE: Rural Land Stewardship
 PURPOSE AND EFFECT: The purpose and effect are to amend the rule to implement current statutory requirements regarding the Rural Land Stewardship Program.

SUBJECT AREA TO BE ADDRESSED: Chapter 9J-5, F.A.C. is to be amended to establish minimum criteria for the review of requests to authorize the designation of Rural Land Stewardship Areas and for the review of amendments to local comprehensive plans that would establish or amend Rural Land Stewardship Areas.

SPECIFIC AUTHORITY: 163.3177(9), 163.3177(11)(h) FS.

LAW IMPLEMENTED: 163.3177(11)(d) FS.

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

DATE AND TIME: March 31, 2008, 11:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Doyle Conner Building Auditorium, 1911 S.W. 34th Street (State Road 121), Gainesville, 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 7 days before the workshop/meeting by contacting: Sheri Coven, Intergovernmental Affairs Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1600. If you are 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 IS: Robert Pennock, Strategic Planning Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2356

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <http://www.dca.state.fl.us/fdcp/dcp/rurallandstewardship/index.cfm#rural>

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

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.1010	Point of Entry into Proceedings
40D-1.1024	Processing Procedures for Noticed General Permits Under Chapter 40D-400, F.A.C.
40D-1.603	Permit Application Procedures

PURPOSE AND EFFECT: The purpose of these rule amendments is to amend the District's procedures for issuing notices of receipt of permit applications and notices of agency action. The effect will be to update the District's processes to allow for internet and email notices and to implement more efficient and less costly processes for noticing receipt of applications and agency action.

SUBJECT AREA TO BE ADDRESSED: Noticing of permit applications and agency actions.

SPECIFIC AUTHORITY: 120.54(5), 373.044, 373.113, 373.118, 373.414 FS.

LAW IMPLEMENTED: 120.54(5), 373.116, 373.118, 373.216, 373.219, 373.229, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426, 373.427 FS.

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

DATE AND TIME: April 1, 2008, 10:00 a.m.

PLACE: Southwest Florida Water Management District Office, Governing Board Room, 7601 Highway 301 North, 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-2.101	Content of Application

PURPOSE AND EFFECT: The purpose of these rule amendments is to amend the District's procedures for issuing notices of receipt of permit applications and notices of agency action. The effect will be to update the District's processes to allow for internet and email notices and to implement more efficient and less costly processes for noticing receipt of applications and agency action.

SUBJECT AREA TO BE ADDRESSED: Noticing of permit applications and agency actions.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.216, 373.229 FS.

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

DATE AND TIME: April 1, 2008, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.101 **RULE TITLE:** Content of Application

PURPOSE AND EFFECT: The purpose of these rule amendments is to amend the District's procedures for issuing notices of receipt of permit applications and notices of agency action. The effect will be to update the District's processes to allow for internet and email notices and to implement more efficient and less costly processes for noticing receipt of applications and agency action.

SUBJECT AREA TO BE ADDRESSED: Noticing of permit applications and agency actions.

SPECIFIC AUTHORITY: 373.044, 373.133, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.426 FS.

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

DATE AND TIME: April 1, 2008, 10:00 a.m.

PLACE: Southwest Florida Water Management District Office, Governing Board Room, 7601 Highway 301 North, 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-40.112 **RULE TITLE:** Content of Application for General Permits

PURPOSE AND EFFECT: The purpose of these rule amendments is to amend the District's procedures for issuing notices of receipt of permit applications and notices of agency action. The effect will be to update the District's processes to allow for internet and email notices and to implement more efficient and less costly processes for noticing receipt of applications and agency action.

SUBJECT AREA TO BE ADDRESSED: Noticing of permit applications and agency actions.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 FS.

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

DATE AND TIME: April 1, 2008, 10:00 a.m.

PLACE: Southwest Florida Water Management District Office, Governing Board Room, 7601 Highway 301 North, 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: Martha

A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

REGIONAL UTILITY AUTHORITIES

Big Bend Water Authority

RULE NOS.:	RULE TITLES:
49E-1.001	Agency Description
49E-1.002	Office Hours, Location
49E-1.003	Boundaries
49E-1.004	Statutes and Rules
49E-1.005	Delegation of Authority by the Board of Directors
49E-1.006	Designation of Agency Clerk and Official Reporter
49E-1.007	Maintenance of Records
49E-1.008	General Description of Agency Operations
49E-1.009	Adoption of Model Rules of Procedure
49E-1.010	Public Information and Inspection and Copying of Records

PURPOSE AND EFFECT: To establish rules for the Authority.
 SUBJECT AREA TO BE ADDRESSED: Organizational Rules.

SPECIFIC AUTHORITY: 163.01, 373.1962, 119.021, 120.53, 119.07, 189.416 FS.

LAW IMPLEMENTED: 120.53, 163.01, 189.416, 119.021, 120.525, 120.565, 120.569, 120.57 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: Jo Hiers, Big Bend Water Authority, 1313 1st Avenue S. E., Steinhatchee, Florida 32359, (352)498-3576

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

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

RULE NO.:	RULE TITLE:
60FF-5.001	Requirements for Sworn Invoices Submitted by or on Behalf of Wireless Service Providers

PURPOSE AND EFFECT: The proposed rule provides the requirements for sworn invoices submitted by or on behalf of wireless service providers.

SUBJECT AREA TO BE ADDRESSED: Requirements for Sworn Invoices Submitted by or on Behalf of Wireless Service Providers.

SPECIFIC AUTHORITY: 365.172(b)(a)12., 365.173(2)(c) FS.
 LAW IMPLEMENTED: 365.173(2)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John C. Ford, Executive Director, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60FF-5.001 Requirements for Sworn Invoices Submitted by or on Behalf of Wireless Service Providers.

All wireless service providers seeking reimbursement for actual costs incurred to provide 911 or E911 service pursuant to Section 365.173(2)(b), F.S., shall complete and submit a sworn invoice containing the following:

- (1) The service provider's name and address;
- (2) The date of the invoice;
- (3) The service period for which reimbursement is sought;
- (4) Itemization of non-recurring charges for which reimbursement is sought, including:
 - (a) Description of each item;
 - (b) Quantity of each item provided;
 - (c) Unit cost of each item; and
 - (d) Total cost of each item.
- (5) Itemization of monthly recurring charges for which reimbursement is sought, including:
 - (a) Description of each item;
 - (b) Quantity of each item provided;
 - (c) Unit cost of each item; and
 - (d) Total cost of each item.
- (6) Itemization of other recurring charges for which reimbursement is sought, including:
 - (a) Timing of each recurring item, e.g., annual, quarterly, bi-monthly, etc.;
 - (b) Description of each item;
 - (c) Quantity of each item provided;
 - (d) Unit cost of each item; and
 - (e) Total cost of each item.

(7) Totaled Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges.

(8) Total amount of reimbursement sought in the invoice;

(9) The following certification: "I hereby certify that the foregoing statements are true and correct, and that no material fact has been withheld or concealed from the Wireless 911 Board"; and

(10) The dated and notarized signature of the person submitting the invoice.

(11) Payment will be made to the order of the provider only.

Specific Authority 365.172(6)(a)12., 365.173(2)(b) FS. Law Implemented 365.173(2)(b) FS. History—New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

RULE NO.: RULE TITLE:

60FF-5.002 Rural County Grants

PURPOSE AND EFFECT: The proposed rule provides the requirements and approval process for the Rural County Program.

SUBJECT AREA TO BE ADDRESSED: Rural County Grants.

SPECIFIC AUTHORITY: 365.172(b)(a)12., 365.173(2)(c), (g) FS.

LAW IMPLEMENTED: 365.173(2)(c), (g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John C. Ford, Executive Director, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60FF-5.002 Rural County Grants.

The E911 Rural County Grant program is a semi-annual grant program provided for the purpose of assisting rural counties, as defined by Section 365.172(3)(y), F.S., with the installation and maintenance of an Enhanced 911 (E911) system.

(1) Eligibility. Any county with a population of fewer than 75,000 is eligible to apply. The county must be currently assessing the full \$0.50/month nonwireless fee provided in Section 365.172(8)(f), F.S.

(2) General conditions.

(a) Each rural county applying for rural county grant funds shall complete and submit W Form 1A, "Application for the E911 Rural County Grant Program," effective 7/1/2007, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
ATTN: Administrative Assistant
4050 Esplanade Way
Building 4030 – Suite 125H
Tallahassee, Florida 32399-0950.

The applicant must provide the original grant application and seven copies postmarked or delivered to the Board's Office on or before March 1 or October 1 of each year, dependant on the fall or spring application period.

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

(c) Applications for grants for each item over \$25,000 must be accompanied by at least three written competitive quotes. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Sole source funding will be considered on a case-by-case basis. Justification and documentation for sole-source funding must be provided with this application.

(d) Priorities for awarding of grants will be determined by the Board. Grant priorities may be adjusted by the Board and published with the grant application package three (3) months prior to the application submission date. The grant priority list is available as an addendum with the grant application at the start of each grant cycle at the address shown in paragraph (2)(a) above.

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

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

(g) Two or more rural counties may apply for a joint grant, but each county must complete and submit W Form 1A as requested and indicated.

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

(i) Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 days after the end of the reporting period, which ends September 30, December 31, March 31, and June 30. In lieu of submitting a signed quarterly

Grant Budget/Expenditure Report form, the updated form can be e-mailed to the Board's administrative/technical staff. The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

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

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

(l) The E911 Board will adjust the funds awarded to a rural county based upon eligibility of requested items, institutional knowledge of Board members, published quotes, increased effectiveness of grant funds, minimum allowable specifications for performing the needed E911 function, or other documented factors.

(3) The Rural County Grant program will operate on the following two schedules:

Spring Schedule

Counties submit applications: by March 1

E911 Board evaluates applications: March – April

Board votes on applications at regularly scheduled meetings: March – June

Board sends notification of award and issues checks to counties approved for funding: before June 30

Fall Schedule

Counties submit applications: by October 1

E911 Board evaluates applications: October – November

Board votes on applications at regularly scheduled meetings: October – December

Board sends notification of award and issues checks to counties approved for funding: before December 30

(4) After the grants have been awarded, the E911 Board may adjust the funds awarded to a rural county, due to the changes in E911 technology, at any time within the grant period. Adjustments may be requested with an authorized Change Request Form and appropriate cost estimates from the county. Changes shall be based on a notice of subsequent extensive changes in technology that were not available at the date of grant submission. Increased system costs shall be considered based on eligible requested items that clearly demonstrate increased effectiveness of grant funds and the proposed E911 system's capabilities due to the changes in E911 technology.

Specific Authority 365.172(6)(a)12, 365.173(2)(c), (g) FS. Law Implemented 365.173(2)(c), (g) FS. History–New

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

RULE NO.: 60FF-5.003
RULE TITLE: State Grant Programs

PURPOSE AND EFFECT: The proposed rule provides the requirements and approval process for the E911 State Grant Program.

SUBJECT AREA TO BE ADDRESSED: State Grant Programs.

SPECIFIC AUTHORITY: 365.172(6)(a)11., 365.173(2)(g) FS.
LAW IMPLEMENTED: 365.173(2)(g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John C. Ford, Executive Director, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60FF-5.003 E911 State Grant Programs.

The E911 State Grant program is a grant program provided for the purpose of assisting State of Florida counties with the installation of Enhanced 911 (E911), Phase II and Next Generation 911 systems.

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

(2) General conditions.

(a) Each county applying for E911 State Grant funds shall complete and submit W Form 1A, "Application for the E911 State Grant Program," effective 11/1/2007, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
ATTN: Administrative Assistant
4050 Esplanade Way
Building 4030 – Suite 160
Tallahassee, Florida 32399-0950.

The applicant must provide the original grant application and seven copies postmarked or delivered to the E911 Board's Administrative Office on or before the date specified in the announcement notification and the grant application.

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

(c) Equipment procurement shall be based on the county's purchasing requirement and the applicable State purchasing requirements including Florida Statutes 112.061.

(d) Applications for grants for each item over \$25,000 must be accompanied by at least three written competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses. Sole sources funding will be considered on a case-by-case basis. Justification and documentation for sole-source funding must be provided with this application. Sole source will be considered if provided in accordance with Florida Statutes 287 or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements.

(e) Priorities for awarding of grants will be determined by the E911 Board. Grant priorities may be adjusted by the Board and published with the grant application package three (3) months prior to the application submission date. The grant priority list is available as an addendum with the grant application at the start of each grant cycle at the address shown in paragraph (2)(a) above.

(f) No grant money will be awarded to be used for the purpose of paying county 911 salaries or call-takers' salaries.

(g) Two or more counties may apply for a joint grant, but each county must complete and submit W Form 1A as requested and indicated.

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

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

(j) At project completion, a final report shall be submitted based on the same reporting periods described above. The County shall determine the completion date based on the final payment date or the initiation date of the warranty period. Final

supporting documentation including copies of all expenditures and corresponding invoices shall be submitted within 90 days of the final report.

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

(l) The E911 Board will adjust the amount awarded to a county based upon the availability of funds, eligibility of requested items, institutional knowledge of Board members, published quotes, increased effectiveness of grant funds, minimum allowable specifications for performing the needed E911 function, or other documented factors.

(3) The E911 State Grant program will operate on the following schedule:

(a) Schedule.

Counties submit applications: by February 1
E911 Board evaluates applications: February – May
Board votes on applications at regularly scheduled meetings: February – June
Board sends notification of award and issues checks to counties approved for funding: before June 30

(b) Dependant on funding available in December 31, 2007 for fiscal year 2007-08, additional awards maybe processed in 2008-09 based on the approved prioritized grants based on the following schedule.

Counties submit applications: by February 1
E911 Board evaluates applications: March – July
Board votes on applications at regularly scheduled meetings: August – October
Board sends notification of award and issues checks to counties approved for funding: before December 30

Specific Authority 365.172(6)(a)11., 365.173(2)(g) FS. Law Implemented 365.173(2)(g) FS. History–New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-15.0011
RULE TITLE: New entitled "Duties of the Responsible Veterinarian Regarding Prescription Drugs"

PURPOSE AND EFFECT: The proposed rule defines the duties and responsibilities of the responsible veterinarian regarding the handling of prescription drugs.

SUBJECT AREA TO BE ADDRESSED: New and entitled "Duties of the Responsible Veterinarian Regarding Prescription Drugs."

SPECIFIC AUTHORITY: 474.206, 474.215 FS.

LAW IMPLEMENTED: 474.215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0783
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: RULE TITLE:
61G18-15.005 Periodic Inspections

PURPOSE AND EFFECT: The proposed rule amendment changes from the usage of self inspections to departmental biennial inspections.

SUBJECT AREA TO BE ADDRESSED: Periodic Inspections.

SPECIFIC AUTHORITY: 474.206, 474.215 FS.

LAW IMPLEMENTED: 474.215, 455.243 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 Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0783
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 Nursing

RULE NO.: RULE TITLE:
64B9-7.001 Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase fees charged by the Department of Law Enforcement for criminal background checks mandated by Section 464-008(1)(b), F.S.: to add language to clarify fees for

application for CNS certification to comply with Legislative changes for 2007: fees for renewal of dual RN/CNS license certificates.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) For application to sit for the examination as provided in Section 464.008, F.S.:

(a) For registered nurse and licensed practical nurse ninety dollars (\$90.00) of which ~~\$47~~ 23 is specifically earmarked to pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

(b) No change.

(2) For application for licensure without examination by endorsement as provided in Section 464.009, F.S.:

For registered nurse and licensed practical nurse ninety dollars (\$90.00) of which ~~\$47~~ 23 is specifically earmarked to pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

(3) through (4) No change.

(5) For application for CNS certification as provided in Section 464.0115, F.S., seventy five dollars (\$75.00).

~~(6)(5)~~ For ARNP registration as a dispensing practitioner pursuant to Section 465.0276, one hundred dollars (\$100.00).

~~(7)(6)~~ For renewal of RN or LPN license as provided in Section 464.013, F.S., eighty dollars (\$80.00).

~~(8)(7)~~ For renewal of a dual RN/ARNP license certificate, one hundred thirty dollars (\$130.00).

(9) For renewal of a dual RN/CNS license certificate, one hundred fifty five dollars (\$155.00).

~~(10)(8)~~ Pursuant to Section 240.4075(6), F.S., the Department shall collect a five dollar (\$5.00) fee upon initial licensure or renewal of all LPNs, RNs, and dual RN/ARNP licenses for the Student Loan Trust Fund.

~~(11)(9)~~ For application to change from active to inactive status as provided in Section 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(12)(10)~~ For renewal of an inactive license as provided in Section 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(13)(11)~~ For reactivation or change of status of an inactive or delinquent license, as provided in Sections 456.036(8) and 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(14)(12)~~ A delinquent status licensee shall pay a delinquency fee of fifty-five dollars (\$55.00) when the licensee applies for inactive status or for reactivation.

~~(15)(13)~~ The inactive status biennial renewal fee shall be fifty-five dollars (\$55.00).

~~(16)(14)~~ The continuing education provider application and renewal fees shall each be two hundred fifty dollars (\$250.00).

~~(17)(15)~~ The application fee for approval of a nursing program shall be one thousand dollars (\$1,000.00).

~~(18)(16)~~ The biennial renewal fee for certified nursing assistant shall be fifty five ~~twenty~~ dollars (~~\$55~~ \$20) for licensees renewing for two years and eighty dollars (\$80) for licensees renewing for three years, as provided in Section 464.203, F.S. The delinquency fee shall be twenty five dollars (\$25).

~~(19)(17)~~ The initial retired status license fee shall be fifty dollars (\$50.00).

Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History—New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 210-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 210-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, 9-26-05, 9-4-06, 5-20-07, _____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-14.010
RULE TITLE: Citations

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

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.072, 456.077, 461.005 FS.

LAW IMPLEMENTED: 456.057, 456.062, 456.072, 456.077, 461.012, 461.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.: 5F-11.002
RULE TITLE: Standards of National Fire Protection Association Adopted

PURPOSE AND EFFECT: This rule revision is for the purpose of adopting the 2008 edition of National Fire Protection Association Standard 58, The LP-Gas Code, which dictates the safe storage, handling, use and distribution of propane in Florida.

SUMMARY: This proposed rule adopts the most recent edition of NFPA 58, The LP-Gas Code, which is the safety standard for propane in Florida. The new edition is updated to address current technical and procedural issues within the industry.

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: 527.06 FS.

LAW IMPLEMENTED: 527.06 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: April 7, 2008, 9:00 a.m. – 11:00 a.m.
 PLACE: Eyster Auditorium, 3125 Conner Blvd., 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 7 days before the workshop/meeting by contacting: Vicki O’Neil, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650; telephone: (850)921-8001. If you are 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: Vicki O’Neil, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, telephone: (850)921-8001

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code, 2008 ~~2004~~ edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, 2006 edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein. Section 6.6.7 of NFPA 58, 2008 ~~2004~~ edition, titled “Installation of Containers on Roofs of Buildings,” is hereby excluded from adoption. Section 7.1.6.2 of NFPA 54, 2006 edition, titled “Conduit With Both Ends Terminating Indoors” is hereby excluded from adoption.

(2) Each of the NFPA publications listed in subsection (1) above is incorporated by reference in each rule within this rule chapter in which reference is made to the publication. In each instance, the publication becomes a part of the rule, in the entirety of the publication, or in part thereof, as the rule provides or the context of the rule may require.

(3) “NFPA” is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, 1-29-06, 8-2-07_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki O’Neil, Bureau Chief, Bureau of LP Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida, 32399-1650; telephone: (850)921-8001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 28, 2007

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09441	Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the 2008-2009 Course Code Directory and Instructional Personnel Assignments to include new and updated courses. The effect is the inclusion in the Course Code Directory courses for which students may receive credit toward high school graduation.

SUMMARY: The Course Code Directory and Instructional Personnel Assignments is updated to include new courses which students may apply toward high school graduation.

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), 1009.53(3), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1009.531, 1009.534, 1009.535, 1009.536, 1011.62(1) FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Heather Sherry, Director of K-20 Articulation, Department of Education, 325 West Gaines Street, Suite 1401, Tallahassee, Florida 32399, (850)245-0427

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) through (4) No change.

(5) The "Course Code Directory and Instructional Personnel Assignments ~~2008-2009~~ ~~2007-2008~~," is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses and course descriptions for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 1001.02(1), 1009.53(3), 1011.62(1)(r) FS. Law Implemented 1009.531, 1009.534, 1009.535, 1009.536, 1011.62(1) FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-15-01, 7-30-02, 4-21-05, 11-21-05, 7-27-06, 1-18-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith Sheets, Jr., Office of K-20 Articulation, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Heather Sherry, Director, Office of K-20 Articulation, Department of Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09981
RULE TITLE: Implementation of Florida's System of School Improvement and Accountability

PURPOSE AND EFFECT: To amend the adequate progress provision of school grades to accommodate schools that improve the percentage of their lowest performing students who make learning gains, yet fall below the currently specified minimum requirement of at least fifty (50) percent of such students making learning gains.

SUMMARY: This amendment modifies a component of the school grades calculation requiring adequate progress for the lowest performing quartile of students in reading and in math. Under the current rule, for schools that have earned enough points to receive a school grade of "C" or higher, adequate progress is demonstrated if at least 50 percent of these students make learning gains in each subject. If adequate progress is not demonstrated, the school will receive a final grade that is one grade lower than the school would have received otherwise. The amendment allows schools that fall short of the 50-percent mark in this category to demonstrate adequate progress if (1) for schools with at least 40 percent of such students making learning gains, there is annual improvement in the percent making learning gains; or (2) for schools with less than 40 percent making learning gains, there is at least a five-percentage-point annual improvement in the percent making learning gains.

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: 1008.34 FS.

LAW IMPLEMENTED: 1008.34 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juan Copa, Chief, Bureau of Evaluation and Reporting, 325 West Gaines Street, Room 844, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09981 Implementation of Florida's System of School Improvement and Accountability.

(1)(a)1. through 2. No change.

3. Schools designated as Performance Grade "C" or above shall be required to demonstrate that adequate progress in reading, defined as annual learning gains in paragraph (5)(b) of this rule, has been made by the lowest twenty-five (25) percent of students in the school who scored at or below FCAT Achievement Level 3, based on their previous year's FCAT score. The minimum requirement for adequate progress is deemed to be met when at least fifty (50) percent of such students make learning gains as defined in paragraph (5)(b) of this rule. If the percent of such students making learning gains is below fifty (50) percent in the current year, adequate progress can be met if:

a. Schools demonstrate a one (1) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is at least forty (40) percent in the current year; or

b. Schools demonstrate a five (5) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is below forty (40) percent in the current year.

If the minimum requirement for adequate progress in reading among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend its School Improvement Plan to include a component for improving learning gains of the lowest performing students. If a school otherwise designated as Performance Grade “B” or “C” does not make adequate progress, as defined above demonstrate learning gains for at least half of the lowest performing students, in at least one (1) of two (2) consecutive years, the final Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as Performance Grade “A” unless the adequate progress criterion in reading, learning gains for at least half of the lowest performing students, is met each year.

4. through (b) No change.

(2) through (8)(a) No change.

(b) Math lowest twenty-five (25) percent will be added as an additional category of performance beginning in 2006-07. For this category of achievement, schools will earn one (1) point for each percent of students in the lowest twenty-five (25) percent in mathematics reading in the school as defined in paragraph (5)(e) of this rule who make learning gains as defined in paragraph (5)(b) of this rule. Improvement of the lowest twenty-five (25) percent of students in mathematics in each grade, as defined in paragraph (5)(b) of this rule, shall be aggregated for each school, unless the students so designated are performing above proficiency, defined as FCAT Achievement Levels 4 and 5.

1. Schools designated as Performance Grade “C” or above shall be required to demonstrate that adequate progress in mathematics, defined as annual learning gains in paragraph (5)(b) of this rule, has been made by the lowest twenty-five (25) percent of students in the school who scored at or below FCAT Achievement Level 3, based on their previous year’s FCAT score. The minimum requirement for adequate progress is deemed to be met when at least fifty (50) percent of such students make learning gains as defined in paragraph (5)(b) of this rule. If the percent of such students making learning gains is below fifty (50) percent in the current year, adequate progress can be met if:

a. Schools demonstrate a one (1) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is at least forty (40) percent in the current year; or

b. Schools demonstrate a five (5) percentage point improvement in the percent of such students making learning gains over the prior year, if the percent of such students making learning gains is below forty (40) percent in the current year.

If the minimum requirement for adequate progress in mathematics among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend its School Improvement Plan to include a component for improving learning gains of the lowest performing students. If a school otherwise designated as Performance Grade “B” or “C” does not make adequate progress, as defined above demonstrate learning gains for at least half of the lowest performing students, in at least one (1) of two (2) consecutive years, the final Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as Performance Grade “A” unless the adequate progress criterion in mathematics, learning gains for at least half of the lowest performing students, is met each year.

2. No change.

(c) through (d) No change.

(9) through (15) No change.

Specific Authority 1001.02, 1008.22, 1008.33, 1008.345 FS. Law Implemented 1000.03, 1001.42, 1003.63, 1008.33, 1008.34, 1008.345, 1008.36 FS. History—New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, 5-15-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juan Copa, Chief, Bureau of Evaluation and Reporting

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer, Deputy Commissioner for Accountability, Research, and Measurement

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0163

RULE TITLE: Reading Endorsement Competencies

PURPOSE AND EFFECT: The purpose of this rule is to establish the six (6) competencies required for teacher preparation programs and district in-service plans leading to the Reading Endorsement in Florida. The effect is the adoption of the publication containing the Reading Endorsement Competencies.

SUMMARY: This rule establishes the Reading Endorsement Competencies and Indicators that a teacher must complete in order to obtain the Reading Endorsement through the District Add-On Reading Endorsement In-service Plan. The rule also demonstrates the parallelism to the Reading Endorsement obtained through college coursework (Rule 6A-4.0292 F.A.C.).
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 1001.02(2), 1001.215, 1012.55(1) FS.

LAW IMPLEMENTED: 1001.215, 1012.55(1) FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida! Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-9699

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0163 Reading Endorsement Competencies.

The competencies and indicators required for approval of educator preparation programs pursuant to Rule 6A-5.066, F.A.C., and for district in-service add-on programs pursuant to Section 1012.575, Florida Statutes, for certification in the Reading Endorsement, are contained in the publication, Reading Endorsement Competencies, which is hereby incorporated by reference and made a part of this rule. Copies of the Reading Endorsement Competencies may be obtained by contacting Just Read, Florida!, Department of Education, 325 West Gaines Street, Room 1548, Tallahassee, Florida 32399, or from the website at <http://www.justreadflorida.com/endorsement/>.

Specific Authority 1001.02(2), 1001.215, 1012.55(1) FS. Law Implemented 1001.215, 1012.55(1) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!

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

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.090
 RULE TITLE: Content Area Reading Professional Development

PURPOSE AND EFFECT: The purpose of the rule is to delineate the professional development package designed to provide information that content area teachers need to become proficient in applying scientifically based reading strategies through their content areas pursuant to Section 1003.413(4)(b), Florida Statutes. The effect of the rule will be the provision of professional development that will, upon its completion, allow content area teachers to effectively deliver reading intervention to students who are fluent readers in English and who scored at level 2 in reading on the Florida Comprehensive Assessment Test (FCAT).

SUMMARY: This rule provides information on who is a candidate for the Content-Area Reading Professional Development (CAR-PD) package; outlines content of the CAR-PD package.

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), 1001.215, 1003.413(3)(g), (4)(b), 1003.4156, 1003.428 FS.

LAW IMPLEMENTED: 1001.215, 1003.413(3)(g), (4)(b), 1003.4156, 1003.428 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida! Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-9699

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-5.090 Content Area Reading Professional Development.

(1) Pursuant to Section 1003.413(4)(b), Florida Statutes, the Department of Education must provide a professional development package designed to provide information that content area teachers in grades 6-12 need to become proficient in applying scientifically based reading strategies through their content areas. Content Area Reading Professional Development (CAR-PD) is designed to prepare content area teachers to effectively deliver reading intervention to students

who are fluent readers in English and who score at Level 2 in reading on the Florida Comprehensive Assessment Test (FCAT). Districts may elect whether to offer CAR-PD as an option within a school or school district.

(2) Personnel for whom CAR-PD is appropriate.

(a) In accordance with Rule 6A-6.054, F.A.C., teachers who are not certified in Reading (Grades K-12) or endorsed in reading, or who do not meet the definition of "highly qualified" in reading under the federal No Child Left Behind Act, and who provide reading intervention to fluent Level 2 students in their content area class must complete the CAR-PD package.

(b) Career and technical educators, both those who have a state-issued teaching certificate and those who do not, are candidates for the CAR-PD package. In addition, those teachers may enroll in and complete the district add-on reading endorsement program if they wish to acquire advanced knowledge in teaching reading.

(3) The CAR-PD one hundred fifty (150) hour package consists of Florida On-Line Reading Professional Development (FOR-PD) or Florida Reading Initiative (FRI) for sixty (60) inservice points, the CAR-PD Face to Face Academy for sixty (60) inservice points and a thirty (30) hour practicum developed by Florida Literacy and Reading Excellence (FLaRE) and/or by the district. Each district practicum must address Competency 6 indicators to include the following indicators from the Reading Endorsement Competencies: 6.1, 6.5, 6.6, 6.7, 6.9, 6.10 and 6.12 as incorporated by reference in Rule 6A-4.0163, F.A.C.

(4) Content area teachers must take FOR-PD or FRI in its entirety before beginning the sixty (60) hour Face to Face CAR-PD Academy. Once those two (2) courses are completed, content area teachers may begin to provide reading intervention through their content area classes to fluent students who score Level 2 on FCAT. These teachers may take the thirty (30) hour practicum simultaneously with providing reading intervention.

(5) The district shall decide who will facilitate the district practicum. Additionally, the district shall decide the time configuration of the sixty (60) hour Face to Face Academy.

(6) CAR-PD is a train the trainer model, and FLARE coordinators are the designated professional developers for the school or district-based CAR-PD teacher trainers. Once trained by FLARE, these facilitators may return to their school or districts and deliver the sixty (60) hour Face to Face CAR-PD Academy to content area teachers.

(7) Educators who have Reading Endorsement or Reading Certification K-12 are required to complete the sixty (60) hour Face to Face CAR-PD Academy in order to be qualified to train content area teachers. Other educators must complete the one hundred fifty (150) hour CAR-PD package in order to be qualified to be a trainer of content area teachers.

(8) CAR-PD does not fulfill the requirements for a Reading Endorsement.

(9) Inservice hours earned through CAR-PD may be used for renewal of certificates in all subject areas.

Specific Authority 1001.02(2), 1001.215, 1003.413(3)(g), (4)(b), 1003.4156, 1003.428 FS. Law Implemented 1001.215, 1003.413(3)(g), (4)(b), 1003.4156, 1003.428 FS. History—
New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Evan Lefsky, Executive Director, Just Read, Florida!

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!

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

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.021
RULE TITLE: State of Florida High School Diplomas

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to update information on scores needed to obtain a General Education Diploma (GED).

SUMMARY: The rule is amended to update GED Passing Scores due to changes made by the American Council of Education, General Education Development Testing Service.

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

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

SPECIFIC AUTHORITY: 1001.02(1), 1003.435(1), (5) FS.

LAW IMPLEMENTED: 1003.435 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Teresa Bestor, Director, Adult Education and GED Programs, Division of Workforce Education, Florida Department of Education, 325 West Gaines Street, Room 644, Tallahassee, Florida 32399-0400, (850)245-9906

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.021 State of Florida High School Diplomas.

The Commissioner shall award a State of Florida high school diploma pursuant to Section 1003.435, Florida Statutes, to a candidate who meets all of the requirements prescribed herein and has attained on each of the five (5) General Education Development Tests a minimum standard score of 410 or above on a scale of "0" to "800", with an average score of 450, forty two (42) or above on each of the five (5) General Educational Development tests, with an average of forty five (45) effective July 1, 1998; forty four (44) or above on each of the five (5) General Educational Development tests, with an average of forty five (45) effective July 1, 1999; and forty five (45) or above on each of the five (5) General Educational Development tests, with an average of forty five (45) effective July 1, 2000.

(1) The Department, shall designate official testing centers in the state which are authorized to act as agents of the state in administering the GED Tests. The Department shall provide tests and test materials annually to the official testing designated centers, provide test scoring and reporting services, maintain a perpetual record of individual test results, and issue state of Florida high school diplomas to successful candidates.

(2) Each official designated testing center shall establish a schedule for testing which adequately meets the needs of the candidates public within its service area.

(3) Each district shall establish a fee of not less than the total national and state required fees nor more than fifty (50) dollars for each candidate applicant taking the entire test battery consisting of the five (5) GED Tests. This fee shall be paid at the time the application is filed. A fee of not less than the total national and state required fees nor more than the ten (10) dollars shall be paid by each candidate applicant for each retake of the Social Studies, Science, Reading Interpreting Literature and the Arts, and Mathematics tests. A fee of not less than the total national and state required fees nor more than twelve (12) dollars shall be paid by the candidate for each retake of the Writing Skills Test. However, the school board, community college, or agency administering the testing center may authorize the waiver, on a uniform or, on an individual basis, of all or any portion of the fees prescribed in this subsection herein. ~~It is recommended that districts identify and access funding sources such as the additional fees placed on vocational courses for the purpose of financial aid for use as a source of scholarships for students.~~

(4) In order to defray state costs for the testing program, each school board, community college, or agency administering the GED Tests shall remit to the Department the following fees:

(a) Entire battery of five (5) tests: seventeen (17) dollars.

(b) Retake of the Social Studies, Science, Reading Interpreting Literature and the Arts, and Mathematics tests: four (4) dollars.

(c) Retake of the Writing Skills test: five (5) dollars.

(d) Duplication of diploma: four (4) dollars.

(e) Duplication of transcript: four (4) dollars.

(f) Conversion of scores from applicants who have taken the GED in the military: seven (7) dollars.

~~(g) Annual contract fee as directed by the American Council on Education.~~

~~(5) The following requirements shall govern eligibility of candidates to take the GED Tests:~~

~~(a) Be at least eighteen (18) years of age at the time of examination. However, under extraordinary circumstances, according to rules of the local school board, persons who are at least sixteen (16) years of age may be permitted to take the tests. Additionally, incarcerated youth above the age of sixteen (16) years of age at the time of examination may be permitted to take the test based on the written approval of the Department of Corrections Chief Examiner.~~

~~(b) Submit an application to an approved testing center on Form DVE 090, Application for State of Florida High School Diploma, effective July, 1985, which provides essential personal and educational data. This form is hereby incorporated as a part of this rule and may be obtained from any approved GED testing center or from the GED Testing Office, Department of Education, Turlington Building, Tallahassee, Florida 32399.~~

~~(c) Reside in the State at the time application is made.~~

~~(d) Present a valid social security card, social security number or taxpayer identification number properly listing the name and associated number of the examinee. Additionally, the examinee must present a valid Florida Driver's License, or Florida Identification Card.~~

~~(5)(6) The Chief Examiner of each official testing center shall inform all candidates of testing opportunity and retesting limitations. Upon successful completion of the GED Tests as prescribed herein, a candidate shall be awarded a State of Florida high school diploma and shall be considered a high school graduate. A district may, in addition, also award a district diploma to the successful candidate.~~

~~(6)(7) Each candidate taking the GED Tests will be issued an official transcript of scores. A candidate who fails to attain the required minimum scores on the initial GED Tests may test a maximum of three (3) times in each subject area during the GED contract year. A candidate who fails to attain the required minimum scores on the initial GED testing may retake the tests at any subsequent testing session. After the second testing a candidate shall be eligible to retake the tests at any subsequent session if an overall minimum standard score of two hundred twenty (220) has been achieved and the candidate has made a standard score of forty five (45) or more on at least three (3) of the tests. A candidate who fails to achieve a standard score of forty five (45) or more on three (3) or more of the tests after the second testing shall not be eligible to retake the tests for a period of six (6) months.~~

Specific Authority 1001.02(1), 1003.435(1), ~~(5)(6)(b)~~ FS. Law Implemented 1003.435 FS. History—Amended 2-20-64, 4-11-70, 6-7-70, 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 6-7-77, 1-1-79, 9-1-79, 12-7-82, 7-10-85, Formerly 6A-6.21, Amended 12-21-87, 3-1-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Bestor, Director, Adult Education and GED Programs, Division of Workforce Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Hadi, Chancellor, Workforce Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.040	Voluntary Prekindergarten (VPK) Director Credential for Private Providers

PURPOSE AND EFFECT: The purpose of the rule is to address the objections raised by the Joint Administrative Procedures Committee regarding the approval and issuance of the credential for directors of private prekindergarten providers delivering the VPK program.

SUMMARY: This rule identifies the standards, training requirements, and procedures for the VPK Director Credential for private providers.

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: 1002.73(2)(a), 1002.79(1) FS.

LAW IMPLEMENTED: 1002.55(3)(f), 1002.57 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, Executive Director, Office of Early Learning, Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-0445

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.040 Voluntary Prekindergarten (VPK) Director Credential Endorsement for Private Providers.

~~(1) Requirements for the Endorsement. Consistent with the requirements of Section 1002.55(3)(f), Florida Statutes, a private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must have a director who has a VPK Director Credential Endorsement, issued by the Department of Children and Families (DCF), that meets the requirements of subsection (2) of this rule. Successful completion of the Director Credential, as required by Section 402.305(2)(f), Florida Statutes, and paragraph 65C-22.003(8)(a), F.A.C., prior to the effective date of this rule shall satisfy this requirement.~~

~~(1)(2) Training Requirements for the VPK Director Credential.~~ To be eligible for the Voluntary Prekindergarten (VPK) Director Credential Endorsement, ~~issued by the Department of Children and Families (DCF)~~, applicants must successfully complete the following requirements:

(a) A Florida credential certificate program, as referenced in paragraph 65C-22.003(8)(a), F.A.C., approved by DCF and the Department of Education (DOE);

(b) DOE-approved training on the VPK ~~e~~Education standards adopted by the State Board of Education;

(c) DOE-approved course(s) on emergent literacy; and

(d) DOE-approved course(s) that address the following VPK Director competencies:

1. Organizational Leadership and Management – To implement strategies and techniques that promote a responsive work and learning environment, VPK directors shall be able to demonstrate knowledge and application of:

a. Management strategies that support a professional culture and climate;

b. Instructional leadership skills and the provision of supports to VPK instructors;

c. Available resources and supports for VPK instructors and parents; and

d. Local processes and procedures for the transition of VPK children to public and private kindergarten programs.

2. Financial and Legal – To maintain effective financial planning and budgeting systems and sound practices related to legal obligations and responsibilities, VPK directors shall be able to demonstrate knowledge and application of:

a. Applicable laws and rules and legal responsibilities;

b. Roles and responsibilities of state agencies, local coalitions, and providers;

c. Monitoring requirements; and

d. Financial operating procedures.

3. Program and Performance Standards – To maintain an instructional leadership role in creating and sustaining an effective learning environment, VPK directors shall be able to demonstrate knowledge and application of:

- a. Developmentally appropriate and research-based instructional practices and their application in the classroom;
- b. Evaluation of the appropriateness and effectiveness of available prekindergarten curricula;
- c. Effective implementation of a prekindergarten curriculum in the classroom;
- d. Effective instructional strategies for children with disabilities or other special needs and for English language learners;
- e. Developmentally appropriate methods for the on-going assessment of young children and interpretation of these data for program planning and the delivery of instruction; and
- f. Local and state accountability systems.

(2) Procedure for VPK Director Credential.

(a) An applicant for the VPK Director Credential must complete and submit the Florida Voluntary Prekindergarten (VPK) Director Credential Application, Form DOE-DCA 01-0] which is incorporated by reference to become effective with the effective date of this rule.

(b) The VPK Director Credential will be issued upon verification of the completed application and supporting documentation that the applicant has met the onsite experience and educational requirements for a VPK Director Credential.

(3) Effective Date and Renewal. If the applicant obtained the DCF Director Credential prior to the effective date of this rule, the expiration date of the VPK Director Credential will be the same as the applicant's DCF Director Credential. If the applicant did not obtain the DCF Director Credential prior to the effective date of this rule, the expiration date of the VPK Director Credential shall be in accordance with subparagraph 65C-22.003(8)(d)2., F.A.C. To maintain an active VPK Director Credential Endorsement, the director of a private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must meet the requirements in paragraph 65C-22.003(8)(d) subparagraphs 65C-22.003(8)(h)1.-4., F.A.C.

(4) Revocation. The Department will revoke the VPK Director Credentials of a person who provided false information on an application for VPK Director Credential.

Specific Authority 1002.73(2)(a), 1002.79(1) FS. Law Implemented 1002.55(3)(f), 1002.57 FS. History—New 12-31-06, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Shan Goff, Executive Director, Office of Early Learning
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shan Goff, Executive Director, Office of Early Learning
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.05281	Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs

PURPOSE AND EFFECT: The purpose of the amendment is to incorporate revisions required for educational programs in the Department of Juvenile Justice to ensure consistency with current Florida Statutes.

SUMMARY: The rule is amended to align with governing 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: 1003.51(2)(e), (g), 1003.52(10), 1008.25 FS.

LAW IMPLEMENTED: 1001.03, 1003.51, 1003.52 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)245-0475

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.05281 Educational Programs for Youth in Department of Juvenile Justice Detention, Commitment, Day Treatment, or Early Delinquency Intervention Programs.

School districts must provide instruction to prepare all students to demonstrate proficiency in the skills necessary for successful grade-to-grade progression and high school graduation. For students placed in Department of Juvenile Justice (DJJ) programs, collaboration between the DJJ, the Department of Education, school districts, and private providers is essential in order for these students to attain this goal and become productive members of the community.

- (1) through (2) No change.
- (3) Student Assessment.
- (a) No change.

(b) All students in DJJ commitment, day treatment, or early delinquency intervention programs, who have not graduated from school, shall be assessed within ~~ten (10) school~~ seven (7) calendar days of the student's commitment. The entry assessments shall include:

1. Academic measures that provide proficiency levels in:
 - a. Reading,
 - b. Mathematics,
 - c. Writing.
2. Vocational interest and/or aptitude measures.
- (c) No change.

(d) ~~Students placed in a detention center and not transferring to a commitment program shall be assessed only upon entry for academic measures. Assessment information for students in detention centers, transferring to commitment programs, shall be sent directly to the commitment program with the transfer of the student.~~

(e) ~~A common e~~Entry and exit academic assessment measures shall be selected as required by Section 1003.52, Florida Statutes, that ~~is~~ are appropriate for the age, grade, and language proficiency, and program length of stay of the students and shall be non-discriminatory with respect to culture, disability, and socioeconomic status.

(f) No change.

(g) The results of the academic measures, as required by paragraphs (3)(b)-(d) of this rule shall be reported in the format prescribed by Rule 6A-1.0014, F.A.C., to the Department of Education via the Automated Student Data System. The format for the reporting of the results of the academic measures ~~shall~~ may include standard scores for each academic area assessed:

- ~~1. Grade equivalent scores;~~
- ~~2. Percentiles;~~
- ~~3. Scaled scores.~~

(h) No change.

(4) Individual Academic Plans.

(a) 1. through 4. No change.

(b) Progress monitoring ~~Academic improvement~~ plans, required by Section 1008.25, Florida Statutes, or individual educational plans (IEPs) developed for eligible exceptional students, 504 plans developed for eligible students with disabilities, or individual plans developed for limited English proficient students may incorporate the requirements of subsections (4) and (5) of this rule.

(5) No change.

(6) Instructional Program and Academic Expectations.

(a) No change.

(b) Requirements. The instructional program shall meet the requirements of Sections 1003.42, 1003.43, 1003.438, 1003.52, 1008.23, and 1008.25, Florida Statutes, and include:

1. through 4. No change.

5. Instruction shall be delivered through a variety of instructional techniques to address students' academic levels and learning styles, including access to the Florida Virtual School as required in Section 1003.52(4), Florida Statutes.

(7) Qualifications and Procedures for Selection of Instructional Staff.

(a) through (c) No change.

(d) Full-time teachers working in juvenile justice schools, whether employed by a district school board or a provider, shall be eligible for the critical teacher shortage tuition reimbursement program as defined by Section 1009.58, Florida Statutes, and other teacher recruitment and retention programs.

(8) Funding.

(a) No change.

(b) As required by Sections 1003.51 and 1010.20, Florida Statutes, at least ninety (90) ~~eighty (80)~~ percent of the FEFP funds generated by students in DJJ programs must be spent on instructional costs for these students and one-hundred (100) percent of the formula-based categorical funds generated by these students must be spent on appropriate categoricals such as instructional materials and public school technology for these students.

(c) No change.

(9) through (11) No change.

Specific Authority 1003.51 FS. Law Implemented 1003.51, 1003.52 FS. History—New 4-16-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Frances Haithcock, Chancellor, K-12 Public Schools

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2008

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.053
 RULE TITLE: K-12 Comprehensive Research-Based Reading Plan

PURPOSE AND EFFECT: The purpose of the proposed rule is to provide criteria for the development and implementation of district plans for use of the research-based reading instruction allocation provided in Section 1011.62(9), Florida Statutes. The effect of the rule will be the establishment of criteria by which the K-12 Comprehensive Reading Plans will be evaluated and approved pursuant to Section 1001.215(5) and (6), Florida Statutes.

SUMMARY: This rule delineates the requirements for approval of a district's K-12 Comprehensive Research-Based Reading Plan; provides approval requirements in the areas of professional development, assessment, curriculum, and instruction.

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), 1001.215(5), (6), 1011.62(9) FS.

LAW IMPLEMENTED: 1001.02, 1001.215, 1011.62 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida! Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-9699

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.053 K-12 Comprehensive Research-Based Reading Plan.

(1) Annually, school districts shall submit a K-12 Comprehensive Reading Plan for the specific use of the research-based reading instruction allocation in the format prescribed by the Department for review and approval by the Just Read, Florida! Office pursuant to Section 1011.62, Florida Statutes. The K-12 Comprehensive Reading Plan must accurately depict and detail the role of administration (both district and school level), professional development, assessment, curriculum, and instruction in the improvement of student learning. This information must be reflected for all schools and grade levels, including charter schools, alternative schools, and juvenile justice facilities. The K-12 Comprehensive Research-Based Reading Plan must ensure that:

(a) Leadership at the district and school level is guiding and supporting the initiative;

(b) The analysis of data drives all decision-making;

(c) Professional development is systemic throughout the district and is targeted at individual teacher needs as determined by analysis of student performance data;

(d) Measurable student achievement goals are established and clearly described; and

(e) Appropriate research-based instructional materials and strategies are used to address specific student needs.

(2) Research-Based Reading Instruction Allocation. Districts will submit a budget for the K-12 Comprehensive Reading Plan, including salaries and benefits, professional development costs, assessment costs, and programs/materials costs. Budgets must be in accordance with the district approved plan.

(3) Reading Leadership Teams. Districts must describe the process the principal will use to form and maintain a Reading Leadership Team and report rosters of Reading Leadership Team members to the Just Read, Florida! Office in the fall of each school year.

(4) Professional Development. The plan must make adequate provisions to require principals to:

(a) Target specific areas of professional development need based on assessment data and reflect those goals in the Individual Professional Development Plan (IPDP);

(b) Differentiate and intensify professional development for teachers based on progress monitoring data;

(c) Identify mentor teachers and establish model classrooms within the school;

(d) Ensure that time is provided for teachers to meet weekly for professional development; and

(e) Provide teachers with the information contained in the K-12 Comprehensive Research-Based Reading Plan.

(5) Charter schools. Charter schools must be given the opportunity to participate in the district plan, but may opt not to participate. Charter schools that choose to participate in the plan must meet the requirements outlined in the District K-12 Comprehensive Reading Plan; however, they may meet these requirements through methods that differ from those in the district plan. One plan must be submitted for each district that includes charter schools that choose to participate. The district will maintain documentation of the following:

(a) District's offer of invitation to charter schools to participate in the plan;

(b) District's assurance that they will monitor charter schools for fidelity to the plan;

(c) Charter school's agreement to implement the plan with fidelity or charter school's decision not to participate; and

(d) Charter school's agreement to be monitored by the school district for fidelity to the plan.

As with any school in the district, charter schools are subject to the district prioritization of funds based on school need and do not receive a set amount of funding through the reading allocation based upon their student enrollment. If the charter school declines to participate, the funds that would have been directed to the school remain in the district to serve low performing schools.

(6) Reading/Literacy Coaches.

(a) District leadership must allocate resources to hire reading/literacy coaches for the schools determined to have the greatest need based on:

1. Student performance data;
2. Experience and expertise of the administration and faculty in reading assessment, instruction, and intervention; and
3. Receptiveness of administration and faculty to the coaching model.

(b) The district must ensure that the number of schools served by state, federal, or locally funded reading/literacy coaches is maintained or increased over the previous year and prioritized based on school need.

(c) All reading /literacy coaches must report their time to the Progress Monitoring and Reporting Network (PMRN) on a biweekly basis. Principals will be required to log onto the PMRN prior to the start of each school year to enroll their reading/literacy coach(es). Principals must provide the funding source(s) for each coach at the beginning of the school year. Any reading/literacy coach who is funded through the Research-Based Reading Instruction Allocation in the Florida Education Finance Program (FEFP) as part of the K-12 Comprehensive Reading Plan must be a full-time coach. Reading/literacy coaches who split their time between two schools are considered full-time coaches.

(d) Districts must explain how they will monitor the implementation and effectiveness of the coaching model and assure communication between the district, school administration, and the reading coach throughout the year to address areas of concern.

(e) All schools utilizing reading/literacy coaches must implement the Just Read, Florida! reading/literacy coach model as described below:

1. The reading/literacy coach will serve as a stable resource for professional development throughout a school to generate improvement in reading and literacy instruction and student achievement. Coaches will support and provide initial and ongoing professional development to teachers in:

- a. Each of the major reading components, as needed, based on an analysis of student performance data;
- b. Administration and analysis of instructional assessments; and
- c. Providing differentiated instruction and intensive intervention.

2. Coaches will:

- a. Model effective instructional strategies for teachers;
- b. Facilitate study groups;
- c. Train teachers in data analysis and using data to differentiate instruction;
- d. Coach and mentor colleagues;
- e. Provide daily support to classroom teachers;
- f. Work with teachers to ensure that research-based reading programs (comprehensive core reading programs, supplemental reading programs and comprehensive intervention reading programs) are implemented with fidelity;

g. Help to increase instructional density to meet the needs of all students;

h. Help lead and support reading leadership teams at their school(s);

i. Continue to increase their knowledge base in best practices in reading instruction, intervention, and instructional reading strategies;

j. Report their coach logs bi-weekly through the Progress Monitoring and Reporting Network (PMRN);

k. Work with all teachers (including ESE, content area, and elective areas) in the school they serve, prioritizing their time to those teachers, activities, and roles that will have the greatest impact on student achievement, namely coaching and mentoring in classrooms;

l. Work frequently with students in whole and small group instruction in the context of modeling and coaching in other teachers' classrooms;

m. Not be asked to perform administrative functions that will confuse their role for teachers; and

n. Spend limited time administering or coordinating assessments.

(f) While the reading coach must not be assigned a regular classroom teaching assignment, they are expected to work frequently with students in whole and small group instruction in the context of modeling and coaching in other teachers' classrooms.

(g) Minimum Qualifications. Reading/literacy coaches must have experience as successful classroom teachers. Coaches must exhibit knowledge of scientifically based reading research, special expertise in quality reading instruction and infusing reading strategies into content area instruction, and data management skills. They must have a strong knowledge base in working with adult learners. Coaches must be excellent communicators with outstanding presentation, interpersonal, and time management skills. The coach must have a minimum of a bachelor's degree and advanced coursework or professional development in reading is required. The reading/literacy coach must be endorsed or K-12 certified in the area of reading, or working toward that status by completing a minimum of two (2) reading endorsement competencies of sixty (60) in-service hours each or six (6) semester hours of college coursework in reading per year.

(7) District level monitoring of the District K-12 Reading Plan Implementation. The plan must demonstrate adequate provisions for:

(a) Monitoring the level of implementation of the K-12 Comprehensive Research-Based Reading Plan at the school and classroom level, including an explanation of the data that will be collected, how it will be collected, and the frequency of review. Districts must also explain how concerns are

communicated if it is determined that the K-12 Comprehensive Research-Based Reading Plan is not being implemented with fidelity.

(b) Ensuring fidelity of implementation of all reading programs and strategies used at the school level and determining appropriate instructional adjustments.

(c) Incorporating reading and literacy instruction by all content area teachers into subject areas to extend and build discussions of text in order to deepen understanding. This must include a description of the utilization of leveled classroom libraries and independent reading practice.

(d) Reporting of data elements as required by the K-12 Comprehensive Reading Plan (as indicated in Section 1001.215, Florida Statutes) within the Automated Student and Staff Data Base System for survey periods 2, 3, and 5. These data elements include:

1. Progress Monitoring assessment scores not reported to PMRN.

2. Student Enrollment in Reading Intervention.

3. Reading Endorsement competency status for teachers.

4. Reading Certification progress status for teachers.

5. CAR-PD status for teachers, in accordance with Rule 6A-5.090, F.A.C.

(8) School-level monitoring of District K-12 Reading Plan Implementation.

(a) Districts must describe the process used by principals to monitor implementation of, and ensure compliance with, the reading plan, including weekly reading walk throughs conducted by administrators.

(b) Districts must describe how principals monitor collection and utilization of assessment data, including progress monitoring data, to determine intervention and support needs of students.

(9) Assessment, Curriculum, and Instruction.

(a) Elementary schools must offer reading instruction in a dedicated, uninterrupted block of time of at least ninety (90) minutes duration daily to all students. The reading block will include whole group instruction utilizing the comprehensive core reading program and small group differentiated instruction in order to meet individual student needs.

(b) A Comprehensive Core Reading Program (CCRP) must be implemented as the major instructional tool for reading instruction. Districts are provided a performance-based flexibility option which may exempt schools from the use of the CCRP. Districts implementing this flexibility must describe their plan for reading instruction, including the intervention for students reading below grade level in grades K-5 or K-6 as applicable. It is a district decision whether to implement the following performance-based flexibility option:

1. Elementary schools meeting all of the following criteria are not required to implement a Comprehensive Core Reading Program:

a. A current school grade of an A or B;

b. Adequate Yearly Progress (AYP) in reading met for all subgroups;

c. Ninety (90) percent of students meeting high standards in reading (an FCAT score of Level 3 or above).

(c) The second performance-based flexibility option may exempt elementary schools from the use of the CCRP as well as the ninety (90) minute reading block. Districts implementing this flexibility must report the reading instruction that will be provided, including the time allotted for reading instruction. It is a district decision whether to implement the following performance-based flexibility option:

1. For students in grades four and five scoring Level 4 or 5 on FCAT reading, districts should offer enrichment programs steeped in content that continue to develop the child's reading skills. These students are not required to receive instruction from a Comprehensive Core Reading Program, nor are they required to receive ninety (90) minutes of reading instruction.

(d) K-12 reading instruction will align with Florida's Formula for Success, 6+4+ii+iii, which includes six (6) components of reading: oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension; four types of classroom assessments: screening, progress monitoring, diagnosis, and outcome measures; initial instruction (ii) including considerations for background knowledge, motivation, and the provision for print rich, explicit, systematic, scaffolded, and differentiated instruction, and the reading/writing connection; immediate, intensive intervention (iii); including extended time, flexible grouping, accommodations, and more frequent progress monitoring.

(e) Instructional Materials Charts:

1. Districts are required to submit Instructional Materials Charts that address all research-based instructional materials used to provide reading instruction with a description of how they will be integrated into the overall instructional design:

a. Comprehensive Core Reading Programs (CCRP) – elementary school level only.

b. Developmental Reading Programs – (DRP) – middle school level only.

c. Supplemental Intervention Reading Programs (SIRP).

d. Comprehensive Intervention Reading Programs (CIRP).

e. Educational technology.

2. The instructional materials charts must also address the following:

a. Reading instructional minutes per day – elementary school level only.

b. Assessments listed by grade. Elementary – screening, progress monitoring, diagnostic, and outcome measure. Middle and High School – screening (including fluency with criteria for placement in extended time reading intervention), progress monitoring assessment for fluent and disfluent students, diagnostic, and outcome measure.

c. Reading Intervention. Elementary – minutes per day, days per week, group size cap for intervention. Middle and High School – minutes per day, days per week for both fluent and disfluent students, class size cap for reading intervention courses, and whether content area intervention is offered.

d. All charter schools and juvenile justice facilities must be listed within these charts. Districts must note which charter schools have opted out of the plan.

(f) The plan must demonstrate compliance with Rule 6A-6.054, F.A.C., K-12 Student Reading Intervention Requirements.

(g) Districts are required to develop Assessment/Curriculum Decision Trees to demonstrate how assessment data from progress monitoring and other forms of assessment will be used to determine specific reading instructional needs and interventions for students in grades K-12. The chart must include:

1. Name of assessment(s).
2. Targeted audience.
3. Performance benchmark used for decision-making.
4. Assessment/curriculum connection.
5. An explanation of how instruction will be modified for students who have not responded to a specific reading intervention delivered with fidelity with the initial intensity (time and group size) provided.

Specific Authority 1001.02(2), 1001.215(5), (6), 1011.62(9) FS. Law Implemented 1001.02, 1001.215, 1011.62 FS. History– New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Evan Lefsky, Executive Director, Just Read, Florida!
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.054
RULE TITLE: K-12 Student Reading Intervention Requirements

PURPOSE AND EFFECT: The purpose of the rule is to provide criteria for reading intervention for students in grades K-12 as required by Section 1008.25, Florida Statutes. The effect of the rule is to establish criteria for diagnosing and meeting the varying instructional needs of students reading below grade level and for students who score below levels of performance on statewide assessments. The rule will also establish criteria for designing and offering reading courses for middle and high school students scoring at Levels 1 or 2 on the

Florida Comprehensive Assessment Test in reading pursuant to the comprehensive reading plan required by Section 1011.62(9), Florida Statutes.

SUMMARY: This rule outlines requirements for assessment, curriculum, and instruction for elementary, middle, and high school students who show deficiencies in reading; provides scheduling and content requirements for reading intervention.

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), 1001.215(5), (6), 1003.4156(1)(b), 1003.428(2)(b)2.c., 1008.25(2)(b), (4), (5) FS.

LAW IMPLEMENTED: 1001.215, 1003.4156, 1003.428, 1008.25 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Evan Lefsky, Executive Director, Just Read, Florida!, Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400, (850)245-9699

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.054 K-12 Student Reading Intervention Requirements.

(1) Elementary Assessment, Curriculum, and Instruction.

(a) Pursuant to Section 1008.25, Florida Statutes, any elementary student who exhibits a substantial deficiency in reading based upon locally determined assessments, statewide assessments, or through teacher observations must be given intensive reading instruction immediately following the identification of the reading deficiency. For elementary students not participating in the statewide reading assessment, substantial deficiency in reading must be defined by the district school board. For students required to participate in the statewide assessment, a substantial deficiency in reading is defined by scoring Level 1 or Level 2 on the Florida Comprehensive Assessment Test (FCAT) in Reading. Students who exhibit a substantial deficiency in reading must be provided with additional diagnostic assessments to determine the nature of the student’s difficulty, the areas of academic need, and strategies for appropriate intervention and instruction.

(b) Immediate intensive intervention must be provided daily for all students who have been identified with a reading deficiency. This intervention must be in addition to or as an extension of the ninety (90) minute reading block in a smaller group size setting or one on one. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.

(2) Middle School Assessment, Curriculum, and Instruction.

(a) Pursuant to Section 1003.4156, Florida Statutes, middle school students who score at Level 1 on FCAT Reading are required to complete an intensive reading course. Those students who score at Level 2 must be placed in an intensive reading course or a content area reading intervention course.

(b) Middle school students who score at Level 1 or Level 2 on FCAT Reading and have intervention needs in the areas of decoding and/or fluency must have an extended block of reading intervention. This may occur through a double block of intensive reading or by blocking together a class of "Intensive Reading" with another subject area class. This block of time must be taught by the same teacher. This teacher must have the Reading Endorsement or Certification in Reading (Grades K-12). Teachers of sixth grade students may be certified in Elementary Education. Classroom infrastructure (class size, materials, etc.) must be adequate to implement the intervention course. This intervention course should include on a daily basis:

1. Whole group explicit instruction;
2. Small group differentiated instruction;
3. Independent reading practice, utilizing classroom library materials, monitored by the teacher;
4. Infusion of Sunshine State Standard (SSS) benchmarks specific to the subject area blocked with the intensive reading course (biology, world history, etc.); and
5. A focus on informational text at a ratio matching FCAT.

(c) Districts must establish criteria beyond FCAT for placing students into different levels of intensity for reading intervention classes to meet individual instructional needs of students. Districts must determine fluency assessments and benchmark criteria for placement of students requiring additional instructional time in reading intervention. Examples include data from screenings, progress monitoring and diagnostic assessments already in use in the district, as well as teacher recommendation. Schools must diagnose specific reading deficiencies of students scoring at Level 1 and Level 2 on FCAT Reading.

(d) Districts may serve fluent Level 2 students in content area classes through a content area reading intervention. Teachers of these classes must complete the one hundred fifty (150) hour Content Area Reading Professional Development (CAR-PD) package or have the Reading Endorsement or Certification in Reading (Grades K-12). Classroom

infrastructure (class size, materials, etc.) must be adequate to implement the content area reading intervention course. This intervention course should include on a daily basis:

1. Whole group explicit instruction;
2. Small group differentiated instruction;
3. Independent reading practice, utilizing classroom library materials, monitored by the teacher;
4. Infusion of SSS benchmarks specific to the subject area (biology, world history, etc.); and
5. A focus on informational text at a ratio matching FCAT.

(e) Schools must progress monitor students scoring at Level 1 and 2 on FCAT Reading a minimum of three (3) times per year. This should include a baseline, midyear, and end of the year assessment.

(f) Based on the following schedules, reading intervention requirements are listed below if not provided through a content area course for fluent Level 2 students:

1. FCAT Reading Level 1 and Level 2 Fluent:
 - a. Traditional schedule: daily 36 weeks, 1 period.
 - b. 4x4 schedule: daily 18 weeks.
 - c. Alternate day block: every other day 36 weeks.
2. FCAT Reading Level 1 and Level 2 Disfluent:
 - a. Traditional schedule: daily 36 weeks, 2 periods.
 - b. 4x4 schedule: daily 36 weeks.
 - c. Alternative day block: daily 36 weeks, 2 periods – blocked.
3. Other schedule types should provide comparable instructional time for students.

(g) End-of-year assessments should be used to determine specific areas of student reading difficulty and reading intervention placement.

(h) One of the following courses as listed in the 2008-2009 Course Code Directory incorporated in Rule 6A-1.09441, F.A.C., must be used to provide reading intervention to all middle school Level 1 students and those Level 2 students not being served through a content area reading intervention course (all courses require Reading Endorsement or Certification in Reading (Grades K-12):

1. 1000000 M/J INTENSIVE LANGUAGE ARTS
2. 1000010 M/J INTENSIVE READING
3. 1000020 M/J INTENSIVE READING & CAREER PLANNING
4. 1002180 M/J DEVELOPMENTAL LANGUAGE ARTS THROUGH ESOL (MC)
5. 7810020 READING: 6-8

(3) High School Assessment, Curriculum, and Instruction.

(a) Pursuant to Section 1003.428, Florida Statutes, high school students who score at Level 1 on FCAT Reading are required to complete an intensive reading course. Those students who score at Level 2 must be placed in an intensive reading course or a content area reading intervention course.

(b) High school students who score at Level 1 or Level 2 on FCAT Reading and who have intervention needs in the areas of decoding and/or fluency must have an extended block of reading intervention. This may occur through a double block of intensive reading or by blocking together a class of "Intensive Reading" with another subject area class. This block of time must be taught by the same teacher. This teacher must have the Reading Endorsement or Certification in Reading (Grades K-12). Classroom infrastructure (class size, materials, etc.) must be adequate to implement the intervention course. This reading intervention course should include on a daily basis:

1. Whole group explicit instruction;
2. Small group differentiated instruction;
3. Independent reading practice, utilizing classroom library materials, monitored by the teacher;
4. Infusion of SSS benchmarks specific to the subject area blocked with the intensive reading course (biology, world history, etc.); and
5. A focus on informational text at a ratio matching FCAT.

(c) Districts must establish criteria beyond FCAT for placing students into different levels of intensity for reading intervention classes to meet individual instructional needs of students. Districts must determine fluency assessments and benchmark criteria for placement of students requiring additional instructional time in reading intervention. Examples include data from screenings, progress monitoring and diagnostic assessments already in use in the district, as well as teacher recommendation. Schools must diagnose specific reading deficiencies of students scoring at Level 1 and Level 2 on FCAT Reading.

(d) Districts may serve fluent Level 2 students in content area classes through a content area reading intervention. Teachers of these classes must complete the 150 hour Content Area Reading Professional Development (CAR-PD) package or have the Reading Endorsement or Certification in Reading (Grades K-12). Classroom infrastructure (class size, materials, etc.) should be adequate to implement the content area reading intervention course. This intervention course should include on a daily basis:

1. Whole group explicit instruction;
2. Small group differentiated instruction;
3. Independent reading practice, utilizing classroom library materials, monitored by the teacher;
4. Infusion of SSS benchmarks specific to the subject area (biology, world history, etc.); and
5. A focus on informational text at a ratio matching FCAT.

(e) Passing scores on FCAT and concordant scores on other assessments may not be used to exempt students from required intervention. In lieu of the provisions listed above, students in grades 11 and 12 who have met the graduation requirement with a Level 2 score on FCAT Reading may be

served through reading courses, content area courses without a specific professional development requirement, or before or after school.

(f) Schools must progress monitor students scoring at Level 1 and 2 on FCAT Reading a minimum of three (3) times per year. This should include a baseline, midyear, and end of the year assessment.

(g) Based on the following schedules, reading intervention requirements are listed below if not provided through a content area course for fluent Level 2 students.

1. 9th and 10th grade FCAT Reading Level 1 and Level 2 Fluent:

- a. Traditional schedule: 36 weeks, 1 period.
- b. 4x4 schedule: daily 18 weeks.
- c. Alternate day block: every other day 36 weeks.

2. 9th and 10th grade Level 1 and Level 2 Disfluent:

- a. Traditional schedule: daily 36 weeks, 2 periods.
- b. 4 x 4 schedule: daily 36 weeks.
- c. Alternate day block: daily 36 weeks, 2 periods – blocked.

3. 11th and 12th grade FCAT Reading Level 1 and Level 2 Fluent, graduation requirement not met:

- a. Traditional schedule: daily until graduation requirement is met, 1 period.
- b. 4x4 schedule: daily until graduation requirement is met.
- c. Alternate day block: every other day until graduation requirement is met.

4. 11th and 12th grade FCAT Reading Level 1 and Level 2 Disfluent, graduation requirement not met:

- a. Traditional schedule: daily until graduation requirement is met, 2 periods.
- b. 4x4 schedule: daily until graduation requirement is met.
- c. Alternate day block: daily until graduation requirement is met.

5. 11th and 12th grade FCAT Reading Level 1, graduation requirement met through concordant score:

- a. Traditional schedule: daily, 36 weeks, 1 period.
- b. 4x4 schedule: daily, 18 weeks.
- c. Alternate day block: every other day, 36 weeks.

6. Other schedule types should provide comparable instructional time for students.

(h) End-of-year assessments should be used to determine specific areas of student reading difficulty and reading intervention placement.

(i) One of the following courses as listed in the 2008-2009 Course Code Directory incorporated in Rule 6A-1.09441, F.A.C., must be used to provide reading intervention to all high school Level 1 students and those Level 2 students not being served through a content area reading intervention course (all courses require Reading Endorsement or Certification in Reading (Grades K-12):

1. 1000400 INTENSIVE LANGUAGE ARTS

- 2. 1000410 INTENSIVE READING
- 3. 7910100 READING: 9-12
- 4. 1002380 DEVELOPMENTAL LANGUAGE ARTS THROUGH ESOL
- 5. 7910400 LIFE SKILLS READING: 9-12

Specific Authority 1001.02(2), 1001.215(5), (6), 1003.4156(1)(b), 1003.428(2)(b)2.c., 1008.25(2)(b), (4), (5) FS. Law Implemented 1001.215, 1008.25, 1003.4156, 1003.428 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Evan Lefsky, Executive Director, Just Read, Florida!
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2008

DEPARTMENT OF EDUCATION
State Board of Education

RULE NO.: 6A-6.0783
 RULE TITLE: District School Board Exclusive Authority to Sponsor Charter Schools

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide a streamlined process for districts applying for exclusivity and for charter schools to submit documentation in support of or opposition to the granting and/or denying of exclusivity. The effect will be a rule which is streamlined for all parties to utilize.

SUMMARY: This rule provides for the implementation of Section 1002.335, Florida Statutes, relating to granting exclusive authority to sponsor charter schools to school districts.

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: 1002.335(14) FS.
 LAW IMPLEMENTED: 1002.335 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.
 PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jean Miller, Interim Executive Director, Office of Independent Education and Parental Choice, (850)245-0878

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-6.0783 follows. See Florida Administrative Code for present text).

6A-6.0783 District School Board Exclusive Authority to Sponsor Charter Schools.

(1) Purpose. Section 1002.335(5)(e), Florida Statutes, provides for the State Board of Education to grant exclusive authority to a district school board to authorize charter schools within the geographic boundaries of the school district if the district school board provided fair and equitable treatment to its charter schools during the four years prior to the district school board’s application. This rule establishes the basis for the State Board of Education’s determination and procedures through which the State Board of Education will reach its determination.

(2) Resolution. On or before the March 1 prior to the fiscal year exclusive authority is to be in effect, the district school board shall submit to the Agency Clerk a written resolution adopted by the district school board indicating its intent to retain exclusive authority to authorize charter schools.

(3) Application Form. Form IEPC-EA1 will be used for the district’s application, any charter school responses, and any district rebuttal, and is hereby incorporated by reference and made a part of this rule. The form will be published electronically at www.floridaschoolchoice.org. A hard copy of the form may be obtained from the Office of Independent Education and Parental Choice, Suite 522, 325 W. Gaines Street, Tallahassee, Florida 32399. A completed Form IEPC-EA1 for each district, including scores, will be published at www.floridaschoolchoice.org. Districts, as well as charter schools, will be able to print their completed form after submitting to the system.

(4) Application. The application shall be filed by the district school board by completing the online application. The online application will be open for fifteen (15) calendar days. The starting date for districts to begin submission shall be published at least fifteen (15) calendar days before the application period opens at www.floridaschoolchoice.org. Beginning with fiscal year 2009-2010 and thereafter, the application will be due on or before March 1 of the year prior to the fiscal year for which exclusive authority is to be in effect. All district application information will be posted live on the website at www.floridaschoolchoice.org within twenty-four (24) hours of the final submission date for viewing by the public. Charter schools who may choose to respond, must view the comments submitted by the school district on-line and then provide a written response on-line as outlined in subsection (5) of this rule.

(5) Responses to the Application. Any currently operating charter school and any charter school that operated or was authorized by the school district during the four (4) year period under consideration may file an online response to the district's application. The online response shall be filed during a fifteen (15) day period that starts the day the district applications are available for public view on the website. All charter school response information will be posted live on the website at www.floridaschoolchoice.org within twenty-four (24) hours of the final submission date for viewing by the public. Districts who wish to rebut information provided by the charter school, must view the comments submitted by the charter school on-line and then provide a written response on-line as outlined in subsection (6) of this rule.

(6) District Rebuttal. A district may file an online rebuttal to the charter school's response. The online rebuttal shall be filed during the ten (10) calendar day period that starts the day the charter school's responses are available for public view on the website. All district rebuttal information will be posted live on the website at www.floridaschoolchoice.org within twenty-four (24) hours of the final submission date for viewing by the public. This is the final input for the application process. Reviewers will have access to all three input areas described above and will input scores and comments during a twenty (20) calendar day period that starts the day the district's rebuttals are available for public view on the website. Reviewer's scores will be posted on-line for public viewing within twenty-four (24) hours after the reviewer time period ends.

(7) In reaching its determination of whether the school district has provided fair and equitable treatment to its charter schools during the previous four (4) years, the State Board of Education shall consider the criteria outlined in Section 1002.335(5)(e), Florida Statutes. The explanation and responses relating to the above criteria will be reviewed based on the evidence provided by the parties as identified in Form IEPC-EA1.

(8) Intent to Grant or Deny. After review of the applications and responses is complete, the Commissioner will issue the notice of intent of the State Board of Education to grant or deny exclusive authority for each applicant based on the scoring requirements identified in Form IEPC-EA1. Each notice will be published at www.floridaschoolchoice.org and a copy mailed to each party.

(9) If the Notice of Intent to Grant/Deny is Not Challenged. Each notice of intent that is not challenged by any party shall be set for public hearing before the State Board of Education. At the public hearing, each party will be provided two (2) minutes to summarize their arguments and may be provided additional time only to respond to questions posed by members of the State Board of Education.

(10) If the Notice of Intent to Grant/Deny is Challenged. Any party that filed an application or response may challenge the intended action by filing a request for hearing with the

Agency Clerk within twelve (12) calendar days after publication of the notice of intent on the website. The request shall contain the name, address and telephone number of the party requesting the hearing, identify the party's standing (as a district that applied for exclusive authority or a party identified in subsection (5) of this rule that filed a response to a district's application), and attach a copy of the Intent to Grant/Deny Exclusive Authority.

(a) The Commissioner will designate a hearing officer to conduct an informal hearing.

(b) Within fifteen (15) calendar days of the date the request for hearing is filed with the Agency Clerk, the challenging party shall file with the Agency Clerk a written statement that identifies each score that is challenged and state with specificity the reasons why the score should be different.

(c) Within fifteen (15) calendar days of the filing of the challenging party's written statement, any other party may file with the Agency Clerk a written statement limited to argument in response and rebuttal of the challenging party's statement.

(d) The written statements of the challenging party and any responding parties shall comply with the filing requirements of Rule 28-106.104, F.A.C. Argument for each score challenged shall not exceed three (3) pages, and the total number of pages for each party's written statement shall not exceed thirty (30) pages. These page limits are exclusive of supporting documentation.

(e) All written statements shall have relevant supporting documentation attached. The supporting documentation is not limited to documents previously submitted in subsections (4), (5), or (6) of this rule.

(f) A hearing shall be held if requested by any party; however, the hearing shall be limited to matters identified in the written statements filed by the parties.

(g) The hearing officer shall conduct a de novo review of the parties' written statements, oral hearing (if held), and the information previously submitted pursuant to subsections (4), (5), and (6) of this rule.

(h) Non-attorneys who file written statements or participate in any hearing are governed by the standards of conduct identified in paragraph 28-106.107(3)(f), F.A.C. The hearing officer shall submit a Recommended Final Order consisting of findings of fact and conclusions of law to the Commissioner, with a copy served by mail upon the parties who appeared before the hearing officer, with the original to be filed with the Agency Clerk. The hearing officer's findings of fact shall be based upon a preponderance of the evidence.

(11) Each Recommended Final Order to Grant or Deny Exclusive Authority shall be set for public hearing before the State Board of Education. At the public hearing, each party will be provided two (2) minutes to summarize their arguments and may be provided additional time only to respond to questions posed by members of the State Board of Education.

In its Final Order, the State Board of Education may adopt, reject or modify the hearing officer's findings of fact or conclusions of law in the Recommended Final Order.

Specific Authority 1002.335(14) FS. Law Implemented 1002.335 FS. History--New 7-25-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jean Miller, Interim Executive Director, Office of Independent Education and Parental Choice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jean Miller, Interim Executive Director, Office of Independent Education and Parental Choice

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0902	Requirements for Identification, Eligibility Programmatic and Annual Assessments of English Language Learners

PURPOSE AND EFFECT: This rule is amended to update terminology, to clarify the eligibility determination and assessment of limited English proficient students, and to incorporate the standards for annual assessment to measure progress limited English proficiency students are making towards mastery of the English language.

SUMMARY: This rule prescribes the requirements for identification, eligibility determination, programmatic assessment and annual assessment of English language learners.

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 FS.

LAW IMPLEMENTED: 1003.56, 1011.62 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa C. Saavedra, Executive Director, Academic Achievement through Language Acquisition. Phone: (850)245-5074 or Email: Lisa.Saavedra@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0902 Requirements for Identification, Eligibility Assessment and Programmatic and Annual Assessments of English Language Learners Limited English Proficient Students.

(1) Requirements for identification. ~~Beginning with the 1990-91 school year, each student shall be surveyed upon initial enrollment in a school district, with questions specified in this rule. Each student~~ Students whose initial enrollment in the school district was prior to the 1990-91 school year shall be surveyed upon initial enrollment unless he or she has they have been surveyed previously with the questions provided in this rule. The survey shall contain the following questions:

- (a) Is a language other than English used in the home?
- (b) Did the student have a first language other than English?
- (c) Does the student most frequently speak a language other than English?

The questions may appear on a school's the registration form or a separate survey form. The home language and the national origin of each student shall also be collected and retained in the district's data system. Affirmative responses to question (b) or (c), or both requires that the student be placed in the English for Speakers of Other Languages (ESOL) program until completion of the eligibility assessment. A student for whom the only affirmative response to the survey is question (a) does not need to be placed in the ESOL program pending assessment. These student not placed in the ESOL program shall be given the aural and oral or listening and speaking assessment and if in grades 3 through 12, the reading and writing assessment shall be completed within the timelines described below.

(2) Assessment to determine eligibility for appropriate services and funding.

(a) Each student who responded "yes" to any question on the home language survey shall be assessed to determine if the student is limited English proficient based on one of the standards set forth in this subsection (2) of this rule. Any student identified by the home language survey who also meets one of the standards in subparagraphs (2)(a)1., 2. and 3. of this rule shall be classified as an English Language Learner (ELL) determined to be limited English proficient and shall receive appropriate instruction and funding as specified in Sections 1003.56 and 1011.62, Florida Statutes, ~~as amended by Chapter 2002-387, Laws of Florida.~~

1. Any student in grades K through 12 who scores within the limited English proficient range as determined by the publisher's standards on a Department of Education ~~approved~~ aural and oral language proficiency test or scores below the English proficient level on a Department of Education approved assessment in listening and speaking, shall be classified as an English Language Learner determined

~~limited English proficient~~ and shall be provided appropriate services. Assessment of each student's aural and oral proficiency or listening and speaking should be completed as soon as possible after the student's initial enrollment but not later than twenty (20) school days after the student's enrollment unless documented in the following manner:

a. The documentation shall include the reason for the delay, evidence that the student is accorded the programming required for ELLs pending the delay, and a specific timetable for completing the assessment.

b. This documentation shall be mailed to the parents in the language they understand, unless clearly not feasible no later than eight (8) weeks after initial enrollment.

c. A copy shall be retained in the student's files for a minimum of one (1) year.

2. Any student in grade ~~3~~ 4 or above, who scores at or below 32nd percentile on reading comprehension and writing or language usage subtests ~~subparts~~ of a nationally norm referenced test or scores below the English proficient level on a Department of Education approved assessment in reading and writing shall be determined to be limited English proficient and shall be classified as an English Language Learner and provided appropriate services. The assessment in reading and writing shall be completed within one (1) year after the student's enrollment.

3. Any student in grades 3 through 12 who scores English proficient on the aural and oral assessment but whose reading and writing assessment has not been completed within twenty (20) school days shall be referred to an ELL Committee for a placement determination. The ELL Committee shall be convened within twenty (20) school days after the aural and oral assessment or listening and speaking assessment, and shall use the procedures described below to determine whether the student should be placed in the ESOL program pending the reading and writing assessment. The ELL Committee must make a written determination, signed by a majority of the members that in their opinion the student's reading and writing skills exceed the skills equivalent to the 32nd percentile on both the reading and writing subparts of a nationally norm referenced test. No ELL Committee meeting is required if the student is enrolled in the ESOL program pending the reading and writing assessment.

~~4.3.~~ Any student who is determined not to be an English Language Learner as described in subparagraph (2)(a)1. or 2. of this rule ~~limited English proficient~~ or any student determined to be an English Language Learner ~~limited English proficient~~ based solely on one reading or writing assessment as described ~~standards~~ in subparagraph (2)(a)2. of this rule may be referred to an ELL LEP Committee to determine eligibility for appropriate services as a limited English proficient student based upon a parent's or a teacher's request. The ELL LEP Committee may determine a student to be an English Language Learner ~~limited English proficient~~ or not to be an English

Language Learner ~~limited English proficient~~ according to consideration of at least two (2) of the following criteria in addition to the test results from subparagraph (2)(a)1. or 2. of this rule:

a. Extent and nature of prior educational or academic ~~experience,~~ and social experience, and a student interview;

b. Grade level mastery of basic competencies or skills in English in listening, speaking, reading and writing according to applicable local, state, or national criterion-referenced standards;

~~c.b.~~ Written recommendation and observation by current and previous instructional and supportive services staff;

~~d.e.~~ Level of mastery of basic competencies or skills in English and heritage home ~~language~~ according to appropriate local, state or ~~and~~ national criterion-referenced standards;

~~e.d.~~ Grades from the current or previous years; or

~~f.e.~~ Test results other than subparagraph (2)(a)1. or 2. of this rule.

(b) Any determinations by the ELL LEP ~~C~~committee shall be contained in a written evaluation which shall be placed in the ELL Student Plan ~~limited English proficient student's plan~~. Such evaluations shall further set forth a plan, which will be implemented, to address the student's English ~~language~~ needs.

(c) In lieu of the standards in subparagraph (2)(a)1., ~~and 2. and 3.~~ of this rule, a school district may use either a district assessment or the test form of the Comprehensive English Language Learner Assessment (CELLA) approved for use as placement test ~~a district developed or adapted test procedure~~ to assess a student's level of ~~limited~~ English proficiency. The alternative standards for assessing students for placement procedure ~~must be submitted as part of the District ELL Plan and approved by the Department of Education prior to implementation. In reviewing the district's submission of the assessment and procedure in lieu of subparagraphs (2)(a)1. and 2. of this rule, the Department shall make including~~ an affirmative determination that the instruments and standards proposed to be utilized by the school district ~~are valid and reliable measures of whether or not a student's level of English language proficiency is limited English proficient.~~

~~(d)~~ ~~Assessment of each student's aural and oral proficiency should be completed as soon as possible after the student's initial enrollment and shall be completed within four weeks unless documented in the following manner:~~

1. The reason for the delay, evidence that the child is accorded the programming required for limited English proficient students pending the delay, and a specific timetable for completing the assessment.

2. This documentation shall be mailed to the parents in their primary language no later than eight weeks after initial enrollment.

3. A copy shall be retained in the student's files for a minimum of one year.

~~(d)(e)~~ For each student in grade 3 or above who scored within the English proficient range on the aural and oral language proficiency test scored at or above the English proficient level on a listening and speaking assessment in accordance with subparagraph (2)(a)1. of this rule, but was enrolled in the ESOL program under the provisions of subparagraph (2)(a)3. of this rule, the assessment of reading and writing proficiency shall be completed within one (1) year after the date of enrollment. ~~Assessment of each student's reading and writing proficiency shall be completed within one year after the date of enrollment for those students who are not identified as limited English proficient.~~ For students transferring into the school district, assessments completed within one year prior to the date of the student's transfer may be used. ~~For students enrolled in the district prior to 1990-91 who responded "yes" on the home language survey, assessments, completed within one year of the date the district administered the home language survey may be used.~~

~~(e)(f)~~ Assessment of a student's English proficiency as specified in subparagraphs (2)(a)1. and 2. of this rule shall be completed as rapidly as possible. The student shall receive services until assessment is completed. In the interim, from enrollment to eight weeks, the student shall be eligible for ~~ESOL English for Speakers of Other Languages~~ funded services based on a school district interim assessment procedure which shall be described in the ~~District ELL school district LEP~~ Plan approved by the Department of Education.

~~(f)(g)~~ An ~~ELL A-LEP~~ Committee, after notification to the parent of the opportunity to participate ~~in the meeting~~, shall conduct assessments referred to in subsections (2) and (3) of this rule and recommend an ~~ELL Student Plan limited English proficient student plan~~ for such student.

~~(g)(h)~~ An eligible student shall be reported for ESOL funding as specified in Section ~~1011.62 1003.56~~, Florida Statutes, ~~as amended by Chapter 90-288, Laws of Florida.~~

(3) Programmatic Assessment.

(a) Each student determined to be an ~~ELL limited English proficient~~ shall be further assessed in ~~academic areas basic subject areas~~ so as to aid the student's teacher in developing an appropriate instructional program.

(b) Each school district shall seek to document the prior schooling experience of ~~ELLs limited English proficient students~~ by means of school records, transcripts and other evidence of educational experiences, and take such experiences into account in planning and providing appropriate instruction

to such students. The school district shall award equal credit for courses taken in another country or a language other than English as they would the same courses taken in the United States or taken in English. For foreign-born students, the same district adopted policies regarding age appropriate placement shall be followed as are followed for students born in the United States. Should a school district use a placement test for determining appropriate grade or course placement, such assessment may not be based in whole or in part on the student's English language proficiency. Students classified as ELLs shall be placed in the appropriate English for Speakers of Other Language or Language Arts through ESOL course and core subject area courses based on their assigned grade level.

~~(c)~~ Any ~~limited English proficient student's~~ teacher, administrator, parent or parent's designee may request the convening of an ~~ELL a-LEP~~ Committee to review the student's progress in attaining necessary subject area competencies or in overcoming persistent deficiencies in overall student performance. The ~~ELL-LEP~~ Committee may be reconvened at any time after a student has been served for a semester. The ~~ELL-LEP~~ Committee shall make recommendations for appropriate modifications in the student's programming to address problems identified and shall document such modifications in the student's ~~ELL Student Plan~~.

(4) Annual assessment to determine progress towards English language proficiency.

(a) All students classified as ELLs and former ELLs who were exited from the ESOL program based on another assessment and were not tested on CELLA in the prior year's assessment shall be assessed annually on the CELLA.

(b) The CELLA shall be administered in accordance with standard written instructions appropriate for the examination. The written instructions will be issued by the Commissioner in the form of directions for administration and other written communications, and provided to school districts in sufficient time prior to each test.

(c) Provisions shall be made by school districts to administer the test to students who are absent on the designated testing dates according to directions specified by the Commissioner. The directions will be issued in the form of test administration manuals and other written communications, and provided to school districts in sufficient time prior to each test.

(d) Beginning with the effective date of this rule, the English language proficiency levels for Oral Skills, Reading, and Writing shall be as shown in the following tables:

<u>Oral Skills (listening and Speaking) grade cluster scale scores by English Language Proficiency Level</u>				
<u>Grade</u>	<u>Beginning</u>	<u>Low Intermediate</u>	<u>High Intermediate</u>	<u>Proficient</u>
<u>Clusters</u>				
<u>K-2</u>	<u>495-632</u>	<u>633-649</u>	<u>650-672</u>	<u>673-755</u>
<u>3-5</u>	<u>560-675</u>	<u>676-697</u>	<u>698-719</u>	<u>720-805</u>
<u>6-8</u>	<u>565-680</u>	<u>681-712</u>	<u>713-732</u>	<u>733-830</u>
<u>9-12</u>	<u>580-681</u>	<u>682-713</u>	<u>714-738</u>	<u>739-835</u>

<u>Writing grade cluster scale scores by English Language Proficiency Level</u>				
<u>Grade</u>	<u>Beginning</u>	<u>Low Intermediate</u>	<u>High Intermediate</u>	<u>Proficient</u>
<u>Clusters</u>				
<u>K-2</u>	<u>515-636</u>	<u>637-657</u>	<u>658-689</u>	<u>690-775</u>
<u>3-5</u>	<u>575-674</u>	<u>675-702</u>	<u>703-726</u>	<u>727-825</u>
<u>6-8</u>	<u>580-687</u>	<u>688-719</u>	<u>720-745</u>	<u>746-845</u>
<u>9-12</u>	<u>600-689</u>	<u>690-720</u>	<u>721-745</u>	<u>746-850</u>

<u>Reading grade cluster scale scores by English Language Proficiency Level</u>				
<u>Grade</u>	<u>Beginning</u>	<u>Low Intermediate</u>	<u>High Intermediate</u>	<u>Proficient</u>
<u>Clusters</u>				
<u>K-2</u>	<u>345-545</u>	<u>546-628</u>	<u>629-689</u>	<u>690-800</u>
<u>3-5</u>	<u>590-689</u>	<u>690-714</u>	<u>715-733</u>	<u>734-810</u>
<u>6-8</u>	<u>600-713</u>	<u>714-741</u>	<u>742-758</u>	<u>759-815</u>
<u>9-12</u>	<u>605-743</u>	<u>744-761</u>	<u>762-777</u>	<u>778-820</u>

(e) The Commissioner shall annually review the CELLA performance data, the CELLA cut scores and the CELLA English proficiency levels. After consulting with experts in the fields of second language acquisition and assessment, and other stakeholder groups, the Commissioner shall recommend to the State Board of Education whether to maintain the existing cut scores and proficiency levels or make changes as may be necessary to the scores, proficiency levels or other requirements of this rule.

Specific Authority 1001.02 FS, Law Implemented 1003.56, 1011.62 FS, as amended by Section 150, Chapter 2002-387, Laws of Florida. History—New 10-30-90, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa C. Saavedra, Executive Director, Academic Achievement through Language Acquisition

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Frances Haithcock, Chancellor, K-12 Public Schools

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

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0903
 RULE TITLE: Requirement for Classification, Reclassification, and Post Reclassification of English Language Learners

PURPOSE AND EFFECT: This rule is amended to update terminology, clarify the eligibility determination and assessment of limited English proficient students, and to incorporate the standards for annual assessment to measure progress limited English proficiency students are making towards mastery of the English language.

SUMMARY: This rule prescribes the requirements for classification, reclassification, post-reclassification of English language learners, and standards for exit from the ESOL 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: 1001.02, 1003.56, 1011.62 FS.

LAW IMPLEMENTED: 1003.56, 1011.62 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa C. Saavedra, Executive Director, Academic Achievement through Language Acquisition. Phone: (850)245-5074 or Email: Lisa.Saavedra@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0903 Requirement for Classification, Reclassification, and Post Reclassification of English Language Learners.

(1) Classification and reclassification for English Language Learners (ELLs) limited English proficient students.

(a) Each student identified as an ELL limited English proficient shall continue to receive appropriate instruction and be reported for state funding until such time as the student is reclassified as English proficient. English proficiency shall be determined by reassessing the student utilizing the same or comparable assessment instruments, procedures and standards, adjusted for age and grade level, used to determine the student's eligibility assessment. The standards for determining whether the ELLs have attained sufficient English proficiency to exit the English for Speakers of Other Languages (ESOL) program shall be based on multiple measures.

(2) Standards for Student Exit from the ESOL Program.

(a) A student previously classified as an ELL shall be determined English proficient based on at least two (2) of the following standards:

1. The Comprehensive English Language Learning Assessment (CELLA) may be used as one (1) of the measures for determining exit. Oral skills, reading, and writing scale scores for each grade cluster shall be added to determine the composite score at grade level. Scores equal to and greater than the CELLA composite scores in the following table shall be used to determine the level of English proficiency for students tested in listening, speaking, reading and writing on grade level:

Grade Cluster	CELLA English Proficient Composite Scores
K-2	2050 and greater
3-5	2150 and greater
6-8	2200 and greater
9-12	2250 and greater

If the CELLA is selected as one (1) of the exit measures, a minimum CELLA composite score for students tested on grade level and a score at the proficient level on CELLA Reading tested on grade level shall be used to determine the level of English proficiency.

2. A score at or above the proficient level on a Department approved listening and speaking assessment or above the publisher's cut score on an aural and oral assessment. If this measure is used for students in grades 3 through 12, the second measure shall be an assessment in reading and writing.

3. A score at or above the 33rd national percentile on the reading comprehension and writing or language usage subtests on a nationally norm referenced test. The second measure shall be a listening and speaking or aural and oral assessment.

4. A Florida Comprehensive Assessment Test (FCAT) achievement level of three (3) or greater or equivalent developmental scale score on the Reading test of the Sunshine State Standards pursuant to Rule 6A-1.09422, F.A.C. The second measure shall be an assessment in listening and speaking or aural and oral, and writing.

5. A Florida Comprehensive Assessment Test (FCAT) achievement level of three (3) or greater on the Writing + of the Sunshine State Standards pursuant to Rule 6A-1.09422, F.A.C. The second measure shall be an assessment in listening and speaking or aural and oral, and reading.

(b) School districts shall adopt the exit standards described in paragraph (2)(a) of this rule. In lieu of the standards described in subparagraphs (2)(a)1.-5. of this rule, a district may propose an alternative exit standard for use during the first full academic year after this rule is adopted. The district shall submit its proposed alternative exit standards as an amendment to the District's ELL Plan. The proposed alternative exit standards shall be approved by the Department of Education prior to implementation. Alternative exit standards may not be used if their use will result in standards for students classified as ELL that are higher than those required of all other students in the school for determining grade promotion, minimum grade level achievement level, or graduation.

(c)~~(b)~~ Notwithstanding the exit standards described in paragraph (2)(a) of this rule, upon the request of a student's teacher, counselor, administrator, or parent, a student who has been classified as an ELL limited English proficient and enrolled in an English for Speakers of Other Languages (ESOL) program may be reassessed utilizing additional information upon the request of an English for speakers of other languages teacher, counselor, administrator or parent. The ELL LEP Committee shall consider the student's assessment results based on paragraph (2)(a) of this rule and may use criteria established in subparagraph 6A-6.0902(2)(a)4., F.A.C., other assessment information to determine that the student should be exited from the ESOL program if the committee determines that another instructional program or combination of instructional programs better meets the needs of the student. The documentation of the assessment instruments used and the justification for such action shall be retained in the student's records. The ELL Committee shall be convened to review the assessment information and make further determinations for placement and additional services

for any student in grades K-12 with inconsistent assessment information or discrepancies between scores for each language domain of listening, speaking, reading, and writing.

~~(d)~~(e) ~~An ELL limited English proficient student~~ shall be enrolled in one or more programs other than ESOL English for speakers of other languages programs based on eligibility and need. The amount of time the student is assigned to such a program(s) shall be comparable to that assigned to ~~non-limited~~ English proficient students under similar conditions, provided; however, the student assigned full time to a program other than ESOL shall be provided English for Speakers of Other Languages or Language Arts through ESOL and basic subject area instruction using either ESOL instructional strategies or heritage language instructional strategies as required by Rule 6A-6.0904, F.A.C., as soon as possible.

~~(e)~~(d) A ~~former ELL limited English proficient student~~ may only be reclassified as English proficient utilizing the procedures in paragraphs ~~(2)~~(4)(a) and (b) of this rule.

~~(f)~~(e) Extension of time in the ESOL program for ELLs limited English proficient students shall be determined by applying the multiple criteria for entry as specified in Rule 6A-6.0902, F.A.C., and the ELL LEP Committee procedure. This extension of instruction shall be provided to all ELLs limited English proficient students not satisfying the standards in this subsection and to all ELLs whose academic achievement is not on grade level due to lack of English language proficiency, including listening, speaking, reading, and writing in English ~~other limited English proficient students on an individualized basis whose aural and oral proficiency testing and achievement results in English are not consistent.~~ An ELL LEP Committee considering the extension of programming for such students shall refer the students as necessary, for appropriate remedial, compensatory, special and supportive services evaluations, and programs.

~~(g)~~(f) English Language Learners Limited English proficient students provided ESOL or heritage home language instruction may be reported for funding in the Florida Educational Finance Program as specified in Section 1011.62, Florida Statutes F.S., as amended by Chapter 2003.391, Laws of Florida.

~~(3)~~(2) Post Reclassification.

(a) The performance of former ELLs limited English proficient students shall be reviewed periodically to ensure parity of participation once they have been classified as English proficient. These reviews shall take place automatically at the student's first report card and semi-annually during the first year after exiting, and at the end of the second year after exiting. Any consistent pattern of either under-performance on appropriate tests or failing grades shall result in the convening of an ELL LEP Committee, with parental participation, to assess the student's need for additional appropriate programming such as ESOL or other

needed programs. Special consideration shall be given to any decline in grades and decline in test performance and to parent preference.

(b) The ELL LEP Committee shall recommend an appropriate ELL Student ~~student LEP~~ Plan for students reclassified as ELLs limited English proficient. The basis and nature of such recommendations shall be in writing and maintained in the student's file. Any such plan shall be reevaluated for continued appropriateness after one year, and each year thereafter as necessary.

(c) Any student who is reclassified as an ELL limited English proficient shall be provided appropriate instruction on the basis of an annual extension pursuant to a documented determination of the student's needs.

(d) A student who exits the program and is later reclassified as an ELL limited English proficient, may be reported in the ESOL program, as specified in Sections 1003.56 and 1011.62, Florida Statutes, F.S., as amended by Chapter 2002-387, Laws of Florida.

(e) Lack of a students' ESOL funding eligibility does not relieve a school district of any obligation it may have under state or federal law to continue to provide appropriate services to ELLs limited English proficient beyond the state ESOL program funding limits.

Specific Authority 1001.02 FS. Law Implemented 1003.56, 1011.62 FS., as amended by Section 150, Chapter 2002-387, Laws of Florida. History--New 10-30-90, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa C. Saavedra, Executive Director, Academic Achievement through Language Acquisition

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Frances Haitcock, Chancellor, K-12 Public Schools

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

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-20.002	Postsecondary Educational Institution Administrative Responsibilities for State Student Aid and Tuition Assistance Programs

PURPOSE AND EFFECT: The purpose of this proposed rule is to update text to include tuition assistance programs, the William L. Boyd, IV, Florida Resident Access Grant, and the Access to Better Learning and Education Grant. The effect is a rule consistent with current Florida Statute.

SUMMARY: Changes are proposed to rule text, specific authority, and law implemented to reflect current Florida Statutes.

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), 1009.50(6), 1009.505(5), 1009.51(1), 1009.52(7), 1009.53(3), 1009.55(2), 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2) FS.

LAW IMPLEMENTED: 1001.02, 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.532, 1009.55, 1009.72, 1009.73, 1009.765, 1009.77, 1009.89, 1009.891 FS.

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

DATE AND TIME: April 15, 2008, 8:30 a.m.

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.002 Postsecondary Educational Institution Administrative Responsibilities for State Student Aid and Tuition Assistance Programs.

These responsibilities apply to all Rules 6A-20.001 through 6A-20.~~100099~~, F.A.C.

(1) Institutions enrolling students who receive state financial aid and state tuition assistance funds shall:

(a) Develop written procedures for institutional administration of state aid programs,

(b) Provide adequate staff to administer state student aid program funds in an effective, efficient, and accountable manner,

(c) Provide the coordination of institutional, state, ~~and~~ federal student aid, and state tuition assistance awards to students,

(d) Maintain complete, accurate, and auditable student records documenting the institution's administration of state student aid and state tuition assistance funds,

(e) Retain required records for five (5) years or until audited and any audit exceptions are resolved,

(f) Verify and certify student enrollment and eligibility, determination of total educational cost, and calculate financial need,

(g) Disburse state aid and state tuition assistance funds to eligible students,

(h) Secure and maintain student acknowledgment of receipt of funds,

(i) Complete and return to the Department in the format and by the date established by the Department all reports for the administration of state funds and state tuition assistance,

(j) Complete and return institutional applications for state aid funds in the format and by the date established by the Department, and

(k) Refund to the Office Bureau of Student Financial Assistance, Department of Education, any funds for students who fail to meet eligibility criteria. Refunds are to be made within sixty (60) days of the end of the regular registration period or within sixty (60) days of the date the student's ineligibility is determined, whichever is earlier. The amount of refund due the Department shall be:

1. An amount equal to one hundred (100) percent of any state aid and state tuition assistance funds disbursed by the institution to ineligible students, or

2. An amount equal to one hundred (100) percent of any state aid and state tuition assistance funds received by the institution but not disbursed to students, or

3. An amount of state funds, excluding loans, disbursed to eligible students who subsequently withdraw which is consistent with the percentage of refund as defined by the institution's refund policy.

(2) Institutions enrolling students who are eligible to receive state aid and state tuition assistance funds and who are enrolled in courses at more than one (1) institution and earning credits toward an associate or bachelor's degree shall notify the Department which institution is the responsible institution for the administration and delivery of state aid.

Specific Authority 1001.02(1), 1009.50(6), 1009.505(5), 1009.51(1), 1009.52(7), 1009.53(3), ~~1009.55(2)~~, 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2) FS. Law Implemented 1001.02, 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.532, 1009.55, 1009.72, 1009.73, 1009.765, 1009.77, 1009.89, 1009.891 FS. History—New 12-9-86, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

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

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

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: 6A-20.0021
 RULE TITLE: Program Compliance Audits of State Student Financial Aid and the State Tuition Assistance Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to reflect current practice in that program compliance audits for state financial aid programs and tuition assistance grant programs are conducted by the Office of Student Financial Assistance rather than the Inspector General's Office. This amendment will bring participating postsecondary institutions in alignment with the Florida Single Audit Act.

SUMMARY: The Office of the Inspector General within the Department previously conducted program audits. This rule change reflects current practice and brings participating postsecondary institutions in alignment with the Florida Single Audit Act. Statutory references are updated to reflect current Florida Statutes.

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: 295.01(3), 1001.02(1), 1009.51(1), 1009.52(7), 1009.53(3), 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2) FS.

LAW IMPLEMENTED: 295.01, 1009.51, 1009.52, 1009.53, 1009.72, 1009.73, 1009.765, 1009.77, 1009.89, 1009.891 FS.

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

DATE AND TIME: 8:30 a.m., April 15, 2008

PLACE: 325 West Gaines Street, Department of Education, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarship and Grant Programs, Florida Department of Education, Office of Student Financial Assistance, 1940 North Monroe Street, Suite 70, Tallahassee, Florida 32303-4759, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.0021 Program Compliance Audits of State Student Financial Aid and the State Tuition Assistance Grant ~~Florida Resident Access Grant~~ Programs.

The Commissioner shall require the performance of a program compliance audit (also called examination) on a biennial basis for each state student financial aid and state tuition assistance grant ~~Florida resident access grant~~ program administered by a private independent college, university, or school (hereafter

called institution) in accordance with Florida Statutes and State Board of Education Administrative Rules. The purpose of such audits shall be to determine whether the institution has administered the state student financial aid and state tuition assistance grant ~~Florida resident access grant~~ programs in substantial compliance with applicable statutes and rules. This rule shall be effective for audits beginning with the 2007-08 ~~1989-90~~ school year.

(1) Designation of auditors. It shall be the responsibility of the institution receiving state student financial aid and state tuition assistance grant ~~Florida resident access grant~~ programs to secure an audit from an independent certified public accounting (CPA) firm at the institution's expense. The CPA firm shall agree to:

(a) Conduct the audits in accordance with the instructions of the Department's Office of Student Financial Assistance ~~Inspector General~~.

(b) Provide two (2) ~~four (4)~~ or more audit report copies and management letters to the Department.

(c) Allow the state officials or representatives access to review the audit workpapers.

(2) Responsibilities of the Department. It shall be the responsibility of the Office of Student Financial Assistance ~~Department~~ to coordinate each program compliance audit performed by a certified public accounting firm and to ensure that the results of such audits are provided to the Department in accordance with the provisions of subsection (1) of this rule. Instructions for the audits are to be provided by the Office of Student Financial Assistance ~~Department~~.

(3) Responsibilities of the institution. Responsibilities of the institution shall include:

(a) Submitting, when required, a refund check to the Office Bureau of Student Financial Assistance within thirty (30) calendar days from the date on the audit determination letter sent to the institution by the Office of Student Financial Assistance, as provided for in subsection (7) of this rule, or

(b) Notifying the Office Bureau of Student Financial Assistance that it desires either to appeal the examination findings or to have a one hundred (100) percent examination, as provided for in subparagraph (6)(b)2. of this rule.

(4) Instances of noncompliance. The certified public accounting firm shall report instances of noncompliance with applicable statutes and rules found during the examination in accordance with the following provisions:

(a) Students shall be classified as ineligible, if the examination of supporting documentation discloses instances of noncompliance with eligibility criteria specified by applicable statutes and rules.

(b) Awards shall be classified as questioned costs, if the examination discloses one (1) or more of the following conditions:

1. Awards, or the portions thereof, not properly paid or delivered to students, or not properly credited to students' accounts,

2. Awards made to ineligible students, and

3. Awards for which supporting documentation, necessary to establish eligibility, is missing and cannot be located.

(c) Instances of noncompliance which do not affect student eligibility or cause the classification of awards as questioned costs shall be reported with the auditor's findings, but shall have no impact on determining the amount of refunds or whether to expand a sample as provided in subsection (5) of this rule.

(5) Sample selection. For each program administered by the institution, the certified public accounting firm shall select a random sample of fifty (50) award recipients, or twenty-five (25) percent of the total number of award recipients, whichever is less, but no less than ten (10) award recipients; however, if there are less than ten (10) award recipients, then all award recipients shall be selected. If the error rate determined for the initial random sample is equal to or greater than ten (10) percent of the monetary value of the sample, the sample shall be expanded to become statistically valid and representative of the entire award population.

(6) Refunds. Refunds shall be determined in accordance with the following provisions:

(a) For each program with an error rate of less than ten (10) percent of the monetary value of the sample awards, the institution shall refund the specific awards which are classified in the final audit report as questioned costs.

(b) For each program with an error rate equal to or greater than ten (10) percent, the institution shall either:

1. Refund an amount calculated by multiplying the sample error rate times the total awards in the program population, or

2. Engage a CPA firm, at the institution's expense, to audit one hundred (100) percent of the awards in the program population, and refund the sum of the specific awards classified as questioned costs.

(7) Audit determination letter. Within ten (10) working days after receipt of a final audit report, the Office of Student Financial Assistance ~~Office of the Inspector General~~ will complete a desk review and ~~submit the audit to the Bureau of Student Financial Assistance who will~~ write the audit determination letter to the Financial Aid Director and the President of the institution. The audit determination letter to the concerned institution shall include:

(a) A reference to the final audit report and the authority under which a refund, if any, is being requested;

(b) A computation of the requested refund, if any, and

(c) Notice to the institution that it may appeal the audit determination letter, within fifteen (15) calendar days from the date of the audit determination letter, by requesting an informal hearing. The Commissioner, or designee, shall schedule the informal hearing to be held between representatives of the

institution and ~~Office Bureau~~ of Student Financial Assistance within ninety (90) calendar days of the institution's request. If these parties are unable to arrive at a satisfactory agreement or are unable to hold an informal hearing within the ninety (90) calendar days period, the institution may request a formal hearing by submitting a letter to the Commissioner. The Commissioner shall request the Division of Administrative Hearings of the Department of Administration to assign a hearing officer, and the Department shall proceed with the hearing as prescribed by Section 120.57, Florida Statutes.

Specific Authority 295.01(3), 1001.02(1), 1009.51(1), 1009.52(7), 1009.53(3), 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2) FS. Law Implemented 295.01, 1009.51, 1009.52, 1009.53, 1009.72, 1009.73, 1009.765, 1009.77, 1009.89, 1009.891 FS. History—New 9-19-90, Amended 2-15-95, 11-16-97.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarship and Grant Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations

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

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-601.314, F.A.C. to clarify disciplinary charge [9-9].

SUMMARY: The proposed rule amends Rule 33-601.314, F.A.C. to clarify disciplinary charge [9-9], by removing "scarring or other non-life threatening acts" and adding "branding" to the prohibited conduct in that paragraph.

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

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

SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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: Jamie Leigh Jordan, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

SECTION 9 – MISCELLANEOUS INFRACTIONS

Sections 9-1 through 9-7 No change.

9-9 Tattooing, being tattooed, branding or body art to include body piercing, ~~searing or other non-life threatening acts~~ 30 DC + 60 GT

Sections 9-10 through 9-36 No change.

Sections 10 through 11 No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Dean Aufderheide, Director, Mental Health Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

**LAND AND WATER ADJUDICATORY COMMISSION
 Poinciana Community Development District**

RULE NO.: 42AA-1.002
 RULE TITLE: Boundary

PURPOSE AND EFFECT: The Petition, as supplemented, proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 212.65 acres. The District currently covers approximately 3,028 acres of land located entirely within Polk County, Florida. There are no lands within the expansion parcel that are to be excluded from the District. Petitioner has written consent to amend the boundary of the District from the owners of one hundred percent of the real property comprising the expansion parcel. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as supplemented, for expansion by the District Board of Supervisors constitutes consent of the landowners. The

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

Sections 1 through 8 No change.

Maximum
 Disciplinary
 Actions

proposed 212.65 acre expansion area will include single family residential units that will be added to the overall development schedule.

SUMMARY: The Petition, as supplemented, proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 212.65 acres. The District currently covers approximately 3,028 acres of land located entirely within Polk County, Florida. There are no lands within the expansion parcel that are to be excluded from the District. Petitioner has written consent to amend the boundary of the District from the owners of one hundred percent of the real property comprising the expansion parcel. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as supplemented, for expansion by the District Board of Supervisors constitutes consent of the landowners. The proposed 212.65 acre expansion area will include single family residential units that will be added to the overall development schedule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the Petition, as supplemented, the Petitioner has caused a Statement of Estimated Regulatory Costs (“SERC”) to be prepared in compliance with Section 120.541, F.S. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the single family residential households that locate within the proposed expansion area. The SERC estimates that rule amendment implementation and enforcement costs to the Commission and state agencies will be modest. The costs to Polk and Osceola Counties are modest and will be offset by the payment of requisite filing and annual fees. The SERC estimates there will be no effect on state and local revenues from the proposed amendment of the rule. The SERC indicates the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the

infrastructure and associated community facilities. Prospective future landowners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operations and maintenance of the District. The SERC further provides the decision to locate within the District is completely voluntary. The SERC concludes that the expansion of the District's boundary will have no impact on small businesses. As to impact on small counties, neither Polk nor Osceola Counties are "small" counties as defined by Section 120.52, F.S. The SERC analysis is based on a straightforward application of economic theory. Input was received from the developer's engineer and other professionals associated with the developer.

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.

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: 190.005, 190.046, FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046, 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: Wednesday, April 9, 2008, 10:00 a.m.

PLACE: Room 2107, The Capitol, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. If you are 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: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

42AA-1.002 Boundary.

The boundaries of the district are as follows:

PARCEL A

PERIMETER DESCRIPTION

LEGAL DESCRIPTION

A PORTION OF SECTIONS 13, 14, 15, 22, 23, 24, 25, 26, 35 AND 36, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT LOCATED AT THE NORTHWEST CORNER OF POINCIANA NEIGHBORHOOD 1 EAST, VILLAGE 4, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, AS RECORDED IN PLAT BOOK 56, PAGE 25, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, THENCE RUN S04°40'45"E FOR A DISTANCE OF 301.04 FEET TO THE POINT OF BEGINNING SAID POINT OF BEGINNING BEING LOCATED ON THE SOUTHERLY SIDELINE OF CYPRESS PARKWAY AND THE EASTERLY SIDELINE OF RHODODENDRON AVENUE; THENCE RUN S89°54'30"E FOR A DISTANCE OF 2930.85 FEET; THENCE RUN S89°46'58"E FOR A DISTANCE OF 5321.93 FEET; THENCE RUN S89°58'45"E FOR A DISTANCE OF 886.32 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 2059.86 FEET, THROUGH A CENTRAL ANGLE OF 19°04'49" A DISTANCE OF 685.96 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 93°12'37" A DISTANCE OF 40.67 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 3139.52 FEET, THROUGH A CENTRAL ANGLE OF 20°42'36" A DISTANCE OF 1134.80 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90°58'35" A DISTANCE OF 39.70 FEET; THENCE RUN N84°09'21"W FOR A DISTANCE OF 396.38 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE SOUTH HAVING A RADIUS OF 650.53 FEET, THROUGH A CENTRAL ANGLE OF 23°40'59" A DISTANCE OF 268.90 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 540.00 FEET, THROUGH A CENTRAL ANGLE OF 67°17'36" A DISTANCE OF 634.23 FEET; THENCE RUN S04°52'04"W FOR A DISTANCE OF 1734.81 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 560.00 FEET, THROUGH A CENTRAL ANGLE OF 28°42'35" A DISTANCE OF 280.60 FEET; THENCE RUN S33°34'39"W FOR A DISTANCE OF 472.17 FEET; THENCE RUN S56°25'21"E FOR A DISTANCE OF 1140.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE SOUTH HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF

90°00'00" A DISTANCE OF 39.27 FEET; THENCE RUN S33°34'39"W FOR A DISTANCE OF 258.00 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1825.00 FEET, THROUGH A CENTRAL ANGLE OF 35°13'56" A DISTANCE OF 1122.23 FEET; THENCE RUN S01°39'17"E FOR A DISTANCE OF 1818.87 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1125.00 FEET; THROUGH A CENTRAL ANGLE OF 37°45'34" A DISTANCE OF 741.41 FEET; THENCE RUN S36°06'17"W FOR A DISTANCE OF 469.92 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1525.00 FEET, THROUGH A CENTRAL ANGLE OF 46°06'17" A DISTANCE OF 1227.14 FEET; THENCE RUN S10°00'00"E FOR A DISTANCE OF 403.95 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 3350.00 FEET, THROUGH A CENTRAL ANGLE OF 10°00'00" A DISTANCE OF 584.69 FEET; THENCE RUN S00°00'00"E FOR A DISTANCE OF 1200.84 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 2075.00 FEET, THROUGH A CENTRAL ANGLE OF 20°19'55" A DISTANCE OF 736.33 FEET; THENCE RUN S20°19'55"E FOR A DISTANCE OF 443.56 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1925.00 FEET, THROUGH A CENTRAL ANGLE OF 26°36'00" A DISTANCE OF 893.70 FEET; THENCE RUN S06°16'05"W FOR A DISTANCE OF 520.38 FEET; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 6225.00 FEET, THROUGH A CENTRAL ANGLE OF 09°04'15" A DISTANCE OF 985.52 FEET; THENCE RUN S15°20'20"W FOR A DISTANCE OF 1617.02 FEET; THENCE RUN N74°39'40"W FOR A DISTANCE OF 269.91 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE SOUTH HAVING A RADIUS OF 1575.00 FEET, THROUGH A CENTRAL ANGLE OF 15°20'20" A DISTANCE OF 421.65 FEET; THENCE RUN N90°00'00"W FOR A DISTANCE OF 1819.67 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 2950.00 FEET, THROUGH A CENTRAL ANGLE OF 52°36'25" A DISTANCE OF 2708.59 FEET; THENCE RUN N37°23'35"W FOR A DISTANCE OF 502.05 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 2300.00 FEET, THROUGH A CENTRAL ANGLE OF 11°48'13" A DISTANCE OF 473.83 FEET; THENCE RUN N49°11'48"W FOR A DISTANCE OF 833.92 FEET; THENCE RUN WESTERLY ALONG THE ARC OF A

CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 1875.00 FEET, THROUGH A CENTRAL ANGLE OF 30°30'00" A DISTANCE OF 998.11 FEET; THENCE RUN N18°41'48"W FOR A DISTANCE OF 940.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1925.00 FEET, THROUGH A CENTRAL ANGLE OF 22°30'00" A DISTANCE OF 755.95 FEET; THENCE RUN N41°11'48"W FOR A DISTANCE OF 1295.00 FEET; THENCE RUN N48°48'12"E FOR A DISTANCE OF 475.00 FEET; THENCE RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 1325.00 FEET, THROUGH A CENTRAL ANGLE OF 40°00'00" A DISTANCE OF 925.03 FEET; THENCE RUN N08°48'12"E FOR A DISTANCE OF 3153.37 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1825.00 FEET, THROUGH A CENTRAL ANGLE OF 24°02'18" A DISTANCE OF 765.68 FEET; THENCE RUN N32°50'30"E FOR A DISTANCE OF 855.99 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1450.00 FEET, THROUGH A CENTRAL ANGLE OF 65°00'00" A DISTANCE OF 1644.97 FEET; THENCE RUN N32°09'30"W FOR A DISTANCE OF 749.99 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1300.00 FEET, THROUGH A CENTRAL ANGLE OF 16°30'00" A DISTANCE OF 374.37 FEET; THENCE RUN N15°39'30"W FOR A DISTANCE OF 740.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1975.00 FEET, THROUGH A CENTRAL ANGLE OF 24°00'00" A DISTANCE OF 827.29 FEET; THENCE RUN N39°39'30"W FOR A DISTANCE OF 765.00 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1225.00 FEET, THROUGH A CENTRAL ANGLE OF 39°45'00" A DISTANCE OF 849.87 FEET; THENCE RUN N00°05'30"E FOR A DISTANCE OF 229.96 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING. CONTAINING 2875.650 ACRES MORE OR LESS.

ALSO INCLUDING:

PARCEL C

PERIMETER DESCRIPTION

LEGAL DESCRIPTION

A PORTION OF SECTIONS 13, 24, AND 25, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF POINCIANA NEIGHBORHOOD 3, VILLAGE 3, IN TOWNSHIP 27 SOUTH, RANGE 28 EAST, AS RECORDED IN PLAT BOOK 52, PAGE 19, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA. SAID POINT BEING ON THE SOUTHERLY SIDELINE OF WALNUT STREET AND THE EASTERLY SIDELINE OF MARIGOLD AVENUE. THENCE RUN FROM A TANGENT BEARING OF S56°25'21"E RUN EASTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH HAVING A RADIUS OF 2392.77 FEET, THROUGH A CENTRAL ANGLE OF 34°37'51" A DISTANCE OF 1446.24 FEET; THENCE RUN N88°56'48"E FOR A DISTANCE OF 97.67 FEET; THENCE RUN S04°03'28"W FOR A DISTANCE OF 330.04 FEET; THENCE RUN S54°03'28"W FOR A DISTANCE OF 153.75 FEET; THENCE RUN S61°47'51"W FOR A DISTANCE OF 211.04 FEET; THENCE RUN S08°01'02"E FOR A DISTANCE OF 40.95 FEET; THENCE RUN S47°33'48"E FOR A DISTANCE OF 170.24 FEET; THENCE RUN S05°05'14"W FOR A DISTANCE OF 170.69 FEET; THENCE RUN S08°32'10"W FOR A DISTANCE OF 224.90 FEET; THENCE RUN S01°40'55"W FOR A DISTANCE OF 227.80 FEET; THENCE RUN S05°05'14"W FOR A DISTANCE OF 1230.28 FEET; THENCE RUN S18°34'59"W FOR A DISTANCE OF 582.94 FEET; THENCE RUN S37°56'48"W FOR A DISTANCE OF 336.99 FEET; THENCE RUN S00°06'26"W FOR A DISTANCE OF 170.14 FEET; THENCE RUN S38°18'16"W FOR A DISTANCE OF 323.43 FEET; THENCE RUN S49°40'20"W FOR A DISTANCE OF 257.88 FEET; THENCE RUN S56°44'06"W FOR A DISTANCE OF 156.10 FEET; THENCE RUN S7°17'59"W FOR A DISTANCE OF 146.98 FEET; THENCE RUN S46°42'14"W FOR A DISTANCE OF 268.65 FEET; THENCE RUN S61°53'00"W FOR A DISTANCE OF 158.15 FEET; THENCE RUN N78°20'54"W FOR A DISTANCE OF 169.83 FEET; THENCE RUN N53°53'43"W FOR A DISTANCE OF 180.00 FEET; THENCE RUN S36°06'17"W FOR A DISTANCE OF 70.00 FEET; THENCE RUN S52°45'05"W FOR A DISTANCE OF 157.04 FEET; THENCE RUN N81°15'40"W FOR A DISTANCE OF 148.46 FEET; THENCE RUN N77°03'48"W FOR A DISTANCE OF 59.12 FEET; THENCE RUN S12°56'12"W FOR A DISTANCE OF 80.00 FEET; THENCE RUN N77°03'48"W FOR A DISTANCE OF 166.57 FEET; THENCE RUN FROM A TANGENT BEARING OF N10°00'00"W RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1375.00 FEET, THROUGH A CENTRAL ANGLE OF 24°50'04" A DISTANCE OF 595.98 FEET; THENCE RUN N36°06'17"E FOR A DISTANCE OF 469.92 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST HAVING A RADIUS OF 1275.00 FEET, THROUGH A CENTRAL ANGLE OF 37°45'33" A DISTANCE OF 840.25 FEET; THENCE RUN

N01°39'17"W FOR A DISTANCE OF 1818.87 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 1675.00 FEET, THROUGH A CENTRAL ANGLE OF 35°13'55" A DISTANCE OF 1029.98 FEET; THENCE RUN N33°34'39"E FOR A DISTANCE OF 258.09 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" A DISTANCE OF 39.27 FEET TO THE POINT OF BEGINNING. CONTAINING 154.728 ACRES MORE OR LESS.

LESS AND EXCEPT:

LOT 1, BLOCK 302, "POINCIANA NEIGHBORHOOD 6 NORTH VILLAGE 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGES 42 THROUGH 49 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA, RUN NORTH 89°56'36" EAST ALONG THE NORTH LINE OF SAID SECTION 35 A DISTANCE OF 644.07 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00°03'25" EAST A DISTANCE OF 102.49 FEET TO THE NORTHERLYMOST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 1, BEING A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2519.00 FEET, A CENTRAL ANGLE OF 01°55'54" AND A CHORD OF 84.92 FEET THAT BEARS SOUTH 41°32'37" EAST; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 84.96 FEET; THENCE SOUTH 46°34'51" WEST, A DISTANCE OF 74.50 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 91°26'07" AND A CHORD OF 35.80 FEET THAT BEARS NORTH 8°42'05" WEST, SAID POINT BEING HEREAFTER REFERRED TO AS POINT "A"; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 39.90 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2619.00 FEET, A CENTRAL ANGLE OF 01°24'21" AND A CHORD OF 64.25 FEET THAT BEARS NORTH 41°16'50" WEST, THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 64.28 FEET; THENCE NORTH 49°25'20" EAST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. (CONTAINING 0.20 ACRES, MORE OR LESS.)

ALSO LESS AND EXCEPT:

AN APPROXIMATE 2 1/2 ACRE PARCEL LOCATED IN TRACT C, NEIGHBORHOOD 1-E VILLAGE 4, AS RECORDED IN PLAT BOOK 56, PAGE 31, BEING IN SECTION 14, TOWNSHIP 27 SOUTH, RANGE 28 EAST, POLK COUNTY, FLORIDA.

TOGETHER WITH:

Description: Solivita – Phase VIA(Recorded in Plat Book 131, Pages 30-35 of the Public Records of Polk County, Florida).

All of Blocks 14, 15, 16 and 17; portions of Blocks 18, 19, 20, 21, 22, 23, 24, 25 and 26; all of Tracts K-1, K-2, K-3, K-4, K-6, K-7, K-8 and K-9, a portion of Tract K-5; all of the public right-of-way for Rough Lane; portions of the public right-of-ways for, Score Drive, Long Court and Spike Drive; a portion of Greenway 1 as shown on Page 34; a portion of Greenways 1, 2 and 3 as shown on Page 35; a portion of Greenways 1 and 2 as shown on Page 36; a portion of Greenways 2 and 3 as shown on Page 37 and a portion of Greenway 1 as shown on Page 38, the above as shown on Replat of a Portion of Poinciana Neighborhood 1, Village 3, as recorded in Plat Book 58, Pages 31 through 38, Public Records of Polk County, Florida. (Please note that the portions of the Replat of a Portion of Poinciana Neighborhood 1, Village 3 plat described above were vacated by the Polk County Board of County Commissioners at their July 13, 2005 meeting) being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 27 South, Range 28 East, Polk County, Florida; thence S 89°57'44" E along the North line of said Section 13 a distance of 2472.78 feet to the Point of Beginning, said point being the Northeast corner of Golf Villas II at Poinciana, as recorded in Plat Book 72, Pages 16 through 18, Public Records of Polk County, Florida; thence continue S 89°57'44" E along said North line a distance of 2369.24 feet to the most Northerly corner of Lot 8, Block 59, of said Replat of a Portion of Poinciana Neighborhood 1, Village 3; thence along the Westerly line of said Block 59 the following courses and distances : S 14°41'52" W a distance of 355.07 feet; thence S 19°01'09" E a distance of 256.27 feet to the Most Southerly corner of Lot 12 of said Block 59, said point being on a Northwesterly projection of the Southerly line of Block 55 as shown on said Plat; thence S 56°39'52" E along the Southerly line of said Block 55 a distance of 209.11 feet to the Southeast corner of Lot 5 of said Block 55, said point being on the Westerly line of Greenway 3 as shown on said Plat; thence S 58°57'28" W along the Westerly line of said Greenway 3 a distance of 78.56 feet to the Northeast corner of Lot 7, Block 54 as shown on said Plat; thence S 85°52'35" W along the Northerly line of said Block 54 a distance of 251.43 feet to a point on the Westerly line of said Block 54; thence along the Westerly line of said Block 54 the following courses and distances: S 53°27'40" W a distance of 129.38 feet; thence S 33°12'14" W a distance of 129.39 feet; thence S 10°10'36" W a distance of 150.32 feet to the Southwest corner of Lot 11 of

said Block 54; thence S 06°23'29" E along the West line of Greenway 4 as shown on said Plat a distance of 59.99 feet to the Northwest corner of Lot 7, Block 52 as shown on said Plat; thence along the Westerly line of said Block 52 the following courses and distances: S 22°29'49" E a distance of 144.98 feet; thence S 31°54'09" E a distance of 138.60 feet to a point on the Southerly line of said Block 52; thence S 78°11'28" E along the Southerly line of said Block 52 a distance of 228.53 feet to the Southwest corner of Lot 3 of said Block 52; thence S 09°21'52" E along the West line of Greenway 5 as shown on said Plat a distance of 107.64 feet to the Northwest corner of Lot 2, Block 51 as shown on said Plat; thence along the Westerly line of said Block 51 the following courses and distances : S 39°07'24" W a distance of 267.65 feet; thence S 00°32'13" W a distance of 252.09 feet; thence S 31°54'27" E a distance of 135.03 feet to the most Westerly corner of Lot 8 of said Block 51; thence S 04°54'55" W along the West line of Greenway 4 lying South of said Lot 8, Block 51 and North of Lot 6, Block 47 as shown on said Plat, a distance of 64.55 feet to the Northwest corner of said Lot 6, Block 47; thence along the Northerly line of said Block 47 the following courses and distance : N 81°26'08" W a distance of 127.07 feet; thence S 69°09'12" W a distance of 129.16 feet to a point on the Westerly line of said Block 47; thence along the Westerly line of said Block 47 the following courses and distances : S 46°18'56" W a distance of 128.96 feet; thence S 23°22'07" W a distance of 129.08 feet; thence S 08°30'30" E a distance of 163.06 feet to the most Southerly corner of Lot 11 of said Block 47; thence S 26°23'05" E along the West line of Greenway 3 lying South of said Lot 11, Block 47 and North of Lot 11, Block 40 as shown on said Plat and along the Westerly line of said Block 40 a distance of 422.01 feet to the most Westerly corner of Lot 7 of said Block 40; thence S 41°02'16" E along the Southwesterly line of said Lot 7, Block 40 a distance of 120.64 feet to a point on the Southerly line of said Block 40; thence along the Southerly line of said Block 40 the following courses and distance : S 61°20'51" E a distance of 121.61 feet; thence S 76°39'46" E a distance of 121.62 feet; thence N 88°15'31" E a distance of 121.64 feet; thence N 77°08'44" E a distance of 91.93 feet; thence N 83°49'57" E a distance of 178.53 feet to a point on the Westerly right-of-way line of Country Club Road as shown on said Plat, said point being on the arc of a non tangent curve, concave Westerly, having a central angle of 06°44'44" and a radius of 4010.00 feet; thence Southerly along the arc of said curve and along said Westerly right-of-way line a distance of 472.10 feet to the Northeast corner of Lot 1, Block 39 as shown on said Plat (chord bearing and distance between said points being S 05°51'52" E 471.83 feet); thence along the Northerly line of said Block 39 the following courses and distances : S 89°43'43" W a distance of 367.50 feet; thence S 73°05'33" W a distance of 125.80 feet to a point on the Westerly line of said Block 39; thence S 40°55'23" W along the Westerly line of said Block 39 a distance of 125.61 feet; thence continue along the Westerly line of said Block 39 and along the West line of

Greenway 2, lying South of Lot 10 of said Block 39 and North of Lot 6, Block 37 as shown on said Plat, and along the Westerly line of said Block 37, S 27°19'09" W a distance of 614.17 feet; thence continue along the Westerly line of said Block 37 S 37°44'32" E a distance of 217.18 feet to the most Southerly corner of Lot 4 of said Block 37; thence S 22°32'13" W along the West line of Greenway 2 lying South of Lot 3 of said Block 37 and North of Lot 20, Block 27 as shown on said Plat, a distance of 115.01 feet to the most Easterly corner of Lot 19 of said Block 27; thence along the Northerly and Easterly lines of said Block 27 the following courses and distances : N 37°38'21" W a distance of 271.09 feet; thence S 88°52'22" W, a distance of 143.19 feet; thence S 64°58'04" W a distance of 303.42 feet; thence N 25°00'35" W a distance of 119.91 feet; thence S 65°08'34" W a distance of 192.00 feet; thence S 74°04'39" W a distance of 111.97 feet; thence S 82°08'35" W a distance of 43.45 feet; thence leaving the Northerly line of said Block 27, N 07°48'58" W a distance of 52.62 feet; thence N 11°19'01" W a distance of 119.72 feet; thence N 79°56'01" W a distance of 15.34 feet; thence N 06°46'04" E a distance of 65.11 feet; thence N 20°03'14" E a distance of 65.99 feet; thence N 87°19'26" E a distance of 12.72 feet to a point on a non tangent curve, concave Northwesterly, having a central angle of 40°55'26" and a radius of 359.00 feet; thence Northeasterly along the arc of said curve a distance of 256.42 feet to the point of reverse curvature of a curve (chord bearing and distance between said points being N 72°29'01" E a distance of 251.00 feet), concave Southeasterly, having a central angle of 43°07'10" and a radius of 180.00 feet; thence Northeasterly along the arc of said curve a distance of 135.46 feet to the point of reverse curvature of a curve, concave Northwesterly, having at central angle of 47°51'29" and a radius of 405.60 feet; thence Northeasterly along the arc of said curve a distance of 338.79 feet to a point (chord bearing and distance between said points being N 71°12'14" E 329.03 feet); thence N 38°55'40" W a distance of 175.50 feet; thence N 45°04'59" W a distance of 134.31 feet; thence S 70°54'23" W a distance of 77.22 feet; thence S 88°26'21" W a distance of 88.14 feet to a point on a non tangent curve, concave Southeasterly, having a central angle of 29°37'12" and a radius of 518.63 feet; thence Southwesterly along the arc of said curve a distance of 268.11 feet to the point of tangency of said curve (chord bearing and distance between said points being S 68°44'26" W a distance of 265.14 feet), said point being on the arc of a non tangent curve, concave Northerly, having a central angle of 79°03'34" and a radius of 62.03 feet; thence Southwesterly and Northwesterly along the arc of said curve a distance of 85.57 feet to the point of curvature of a curve (chord bearing and distance between said points being N 86°30'33" W 78.95 feet), concave Northeasterly, having a central angle of 29°32'58" and a radius of 104.83 feet; thence Northwesterly along the arc of said curve a distance of 54.06 feet to the point of reverse curvature of a curve, concave Southwesterly, having a central angle of 01°59'34" and a radius

of 2234.64 feet; thence Northwesterly along the arc of said curve a distance of 77.72 feet to the point of reverse curvature of a curve, concave Southeasterly, having a central angle of 82°36'31" and a radius of 50.00 feet; thence Northeasterly along the arc of said curve a distance of 72.09 feet to the point of tangency of said curve; thence N 62°38'41" E a distance of 131.11 feet to the point of curvature of a curve, concave Northwesterly, having a central angle of 91°36'50" and a radius of 144.00 feet; thence Northeasterly and Northwesterly along the arc of said curve a distance of 230.25 feet to the point of tangency of said curve; thence N 28°58'03" W a distance of 74.32 feet to the point of curvature of a curve, concave Southwesterly, having a central angle of 56°47'36" and a radius of 132.50 feet; thence Northwesterly along the arc of said curve a distance of 131.34 feet to the point of compound curvature of a curve, concave Southerly, having a central angle of 26°25'29" and a radius of 227.90 feet; thence Southwesterly along the arc of said curve a distance of 105.11 feet to the point of tangency of said curve; thence S 67°48'53" W a distance of 101.50 feet to the point of curvature of a curve, concave Northeasterly, having a central angle of 86°11'07" and a radius of 50.00 feet; thence Southwesterly and Northwesterly along the arc of said curve a distance of 75.21 feet to the point of reverse curvature of a curve, concave Southwesterly, having a central angle of 10°53'40" and a radius of 601.00 feet; thence Northwesterly along the arc of said curve a distance of 114.28 feet to the point of reverse curvature of a curve, concave Southeasterly, having a central angle of 104°14'28" and a radius of 50.00 feet; thence Northeasterly along the arc of said curve a distance of 90.97 feet to the point of reverse curvature of a curve, concave Northwesterly, having a central angle of 24°02'38" and a radius of 530.90 feet; thence Northeasterly along the arc of said curve a distance of 222.79 feet to the point of compound curvature of a curve, concave Westerly, having a central angle of 86°47'49" and a radius of 189.00 feet; thence Northeasterly and Northwesterly along the arc of said curve a distance of 286.31 feet to the point of tangency of said curve; thence N 43°29'39" W a distance of 91.36 feet to the point of curvature of a curve, concave Southerly, having a central angle of 82°30'10" and a radius of 157.50 feet; thence Northwesterly and Southwesterly along the arc of said curve a distance of 226.79 feet to the point of tangency of said curve; thence S 54°00'10" W a distance of 157.26 feet to the point of curvature of a curve, concave Northeasterly, having a central angle of 105°35'45" and a radius of 50.00 feet; thence Northwesterly along the arc of said curve a distance of 92.15 feet to the point of compound curvature of a curve, concave Easterly, having a central angle of 06°37'12" and a radius of 1340.56 feet; thence Northwesterly along the arc of said curve, a distance of 154.89 feet to the point of compound curvature of a curve, concave Southeasterly, having a central angle of 92°01'56" and a radius of 50.00 feet; thence Northeasterly along the arc of said curve a distance of 80.31 feet to the point of reverse curvature of a curve, concave Northwesterly, having a central angle of

14°34'38" and a radius of 665.00 feet; thence Northeasterly along the arc of said curve a distance of 169.19 feet to the point of compound curvature of a curve, concave Northwesterly, having a central angle of 68°17'04" and a radius of 166.62 feet; thence Northeasterly along the arc of said curve a distance of 198.57 feet to the point of reverse curvature of a curve, concave Easterly, having a central angle of 26°34'37" and a radius of 100.78 feet; thence Northeasterly along the arc of said curve a distance of 46.75 feet to the point of tangency of said curve; thence N 21°57'58" E a distance of 13.30 feet; thence N 38°04'31" W a distance of 106.93 feet; thence N 46°46'59" W a distance of 98.41 feet; thence N 55°57'20" W a distance of 98.24 feet; thence N 65°07'34" W a distance of 98.24 feet; thence N 73°45'49" W a distance of 89.70 feet; thence N 62°57'12" W a distance of 70.73 feet; thence N 45°03'03" W a distance of 77.53 feet; thence N 16°59'23" W a distance of 74.56 feet; thence N 10°42'56" E a distance of 74.56 feet; thence N 38°46'36" E a distance of 77.53 feet; thence N 44°54'08" W a distance of 121.58 feet to a point on the arc of a non tangent curve, concave Southeasterly, having a central angle of 18°05'23" and a radius of 325.00 feet; thence Southwesterly along the arc of said curve a distance of 102.61 feet to a point (chord bearing and distance between said points being S 39°44'51" W 102.19 feet); thence N 59°17'51" W a distance of 50.00 feet to a point on a non tangent curve, concave Southeasterly, having a central angle of 02°33'13" and a radius of 375.00 feet; thence Southwesterly along the arc of said curve a distance of 16.71 feet to a point (chord bearing and distance between said points being S 29°25'32" W 16.71 feet); thence N 56°31'23" W a distance of 9.97 feet to a point on a non tangent curve, concave Southeasterly, having a central angle of 39°42'30" and a radius of 324.00 feet; thence Southwesterly along the arc of said curve a distance of 224.54 feet to a point (chord bearing and distance between said points being S 07°57'40" W 220.08 feet); thence S 79°10'49" W a distance of 18.50 feet to a point on the East right-of-way line of Fairway Road (80.00 foot right-of-way) as shown on said plat, said point being on the arc of a non tangent curve, concave Southwesterly, having a central angle of 72°13'02" and a radius of 590.00 feet; thence Northwesterly along the arc of said curve and along said East right-of-way line a distance of 743.65 feet to the point of tangency of said curve (chord bearing and distance between said points being N 48°02'30" W 695.39 feet); thence continue along said right-of-way line N 84°09'01" W a distance of 136.28 feet to the point of curvature of a curve, concave Northeasterly, having a central angle of 89°02'54" and a radius of 25.00 feet; thence Northwesterly along the arc of said curve and along said right-of-way line a distance of 38.85 feet to the point of tangency of said curve, said point being on the East right-of-way line of Marigold Avenue (150.00 foot right-of-way) as shown on said plat; thence N 04°53'53" E along the East right-of-way line of said Marigold Avenue a distance of 11.91 feet to the point of curvature of a curve, concave Westerly, having a central angle

of 08°01'14" and a radius of 3289.52 feet; thence Northerly along the arc of said curve and along said East right-of-way line a distance of 460.48 feet to a point on the Southerly line of Greenway 1 as shown on the plat of said Golf Villas II at Poinciana, (chord bearing and distance between said points being N 00°53'16" E 460.11 feet); thence along the Southerly line of said Greenway 1 the following courses and distances: N 55°49'17" E, a distance of 269.01 feet; thence S 84°51'03" E a distance of 262.50 feet to a point on the East line of said Greenway 1; thence N 10°01'57" E along the East line of said Greenway 1 and along the East line of Tract A-1 as shown on said plat of Golf Villa II at Poinciana, a distance of 764.20 feet to the Point of Beginning.

LESS AND EXCEPT:Containing 177.61 acres more or less.

Lot 67, Solivita – Phase VIA, according to the plat thereof, as recorded in Plat Book 131, Pages 30 through 35 of the Public Records of Polk County, Florida, being further described as follows:

Begin at the Northwest corner of said Lot 67; thence North 72°52'04 East along the Northwesterly line of said lot, 125.38 feet; thence South 17°02'52 East along the Northeasterly line of said lot, same being the Southwesterly line of Tract P-E18 as shown on said plat, 55.00 feet; thence South 72°52'04" West along the Southeasterly line of said lot, 125.30 feet; thence North 17°07'56" West along the Southwesterly line of said lot, same being the Northeasterly right-of-way line of Sorrento Road as shown on said plat, 55.00 feet to the Point of Beginning. Said lot contains 6,894 square feet, more or less.

LESS AND EXCEPT:

Lot 117, Solivita – Phase VIA, according to the plat thereof, as recorded in Plat Book 131, Pages 30 through 35 of the Public Records of Polk County, Florida, being further described as follows:

Begin at the Northwest corner of said Lot 117; thence North 80°34'33 East along the Northerly line of said lot, 131.58 feet; thence South 11°36'32 East along the Easterly line of said lot, same being the Westerly line of Tract G-4 as shown on said plat, 55.04 feet; thence South 80°34'33" West along the Southerly line of said lot, 134.44 feet to a point on the arc of a non-tangent curve concave Westerly having a radius of 325.00 feet, a central angle of 03°55'26" and a chord of 22.25 feet that bears North 07°27'44" West; thence Northerly along the arc of said curve and the Westerly line of said lot, same being the Easterly right-of-way line of Vizcaya Court as shown on said plat, 22.26 feet; thence North 09°25'27" West continuing along said lot line and said right-of-way line, 32.76 feet to the Point of Beginning. Said lot contains 7,300 square feet, more or less.

ALSO INCLUDING:

DESCRIPTION: SOLIVITA – PHASE VIB

A portion of Blocks 18 through 26, Tract K-5, Greenway 1 (lying Southeasterly and Easterly of Block 23), Greenway 1 (lying between Blocks 22 and 23), Greenway 1 (lying South of Block 26), Greenway 2 (lying between Blocks 24 and 26),

Greenway 3 (lying between Blocks 21 and 22) and a portion of the following publicly dedicated road right-of-ways (all 60-foot-wide): Cart Lane, Long Court, Score Drive and Spike Drive, of the Replat of a Portion of Poinciana Neighborhood 1, Village 3, as recorded in Plat Book 58, Pages 31 through 38, Public Records of Polk County, Florida. (Please note that the portions of the Replat of a Portion of Poinciana Neighborhood 1, Village 3 plat described above were vacated by the Polk County Board of County Commissioners at their July 27, 2005 meeting) being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 27 South, Range 28 East, Polk County, Florida; thence South 89°57'44" East along the North line of said Section 13, 2472.78 feet to the Northeast corner of Golf Villas II at Poinciana, as recorded in Plat Book 72, Pages 16 through 18, Public Records of Polk County, Florida; thence South 10°01'57" West along the East line of Tract A-1 as shown on said plat of Golf Villa II at Poinciana and along the East line of Greenway I as shown on said plat, 764.20 feet to a point on the Southerly line of said Greenway 1; thence along said Southerly line the following courses and distances: North 84°51'03" West, 262.50 feet; thence South 55°49'17" West, 269.01 feet to a point on a non-tangent curve, concave Westerly, having a central angle of 08°01'14" and a radius of 3289.52 feet, said point being on the East right-of-way line of Marigold Avenue as shown on the plat of Poinciana Neighborhood 1 Village 3, as recorded in Plat Book 52, Pages 8 through 18 of the Public Records of Polk County, Florida; thence Southerly along the arc of said curve and along said East right-of-way line a distance of 460.48 feet to the point on tangency of said curve (chord bearing and distance between said points being South 00°53'16" West 460.11 feet); thence South 04°53'53" West along the East right-of-way line of said Marigold Avenue, 11.91 feet to the point of curvature of a curve, concave Northeasterly, having a central angle of 89°02'54" and a radius of 25.00 feet; thence Southeasterly along the arc of said curve and along said right-of-way line, 38.85 feet to the point of tangency of said curve, said point being on the North right-of-way line of Fairway Road as shown on said plat; thence along said North right-of-way line the following courses and distances: South 84°09'01" East a distance of 136.28 feet to the point of curvature of a curve, concave Southwesterly, having a central angle of 72°13'02" and a radius of 590.00 feet; thence Southeasterly along the arc of said curve and along said right-of-way line a distance of 743.65 feet to the Point of Beginning; thence North 79°10'56" East, 18.50 feet to a point on the arc of a non-tangent curve concave East having a radius of 324.00 feet and a chord bearing and distance of North 07°57'40" East, 220.08 feet; thence Northerly along the arc of said curve, through a central angle of 39°42'30", a distance of 224.55 feet; thence South 56°31'23" East, 9.97 feet to a point on the arc of a non-tangent curve concave Southeast having a radius of 375.00 feet and a chord bearing and distance of North 29°25'32" East, 16.71 feet; thence Northeasterly along the arc

of said curve, through a central angle of 02°33'13", a distance of 16.71 feet; thence South 59°17'51" East, 50.00 feet to a point on the arc of a non-tangent curve concave Southeast having a radius of 325.00 feet and chord bearing and distance of North 39°44'51" East, 102.19 feet; thence Northeasterly along the arc of said curve, through a central angle of 18°05'23", a distance of 102.61 feet; thence South 44°54'08" East, 121.58 feet; thence South 38°46'36" West, 77.53 feet; thence South 10°42'56" West, 74.56 feet; thence South 16°59'23" East, 74.56 feet; thence South 45°03'03" East, 77.53 feet; thence South 62°57'12" East, 70.73 feet; thence South 73°45'49" East, 89.70 feet; thence South 65°07'34" East, 98.24 feet; thence South 55°57'20" East, 98.24 feet; thence South 46°46'59" East, 98.41 feet; thence South 38°04'31" East, 106.93 feet; thence South 21°57'58" West, 13.30 feet to the point of curvature of a curve concave East having a radius of 100.78 feet, a central angle of 26°34'37", and a chord bearing and distance of South 08°31'13" West, 46.33 feet; thence Southerly along the arc of said curve a distance of 46.75 feet to a point of reverse curvature of a curve concave Northwest having a radius of 166.62 feet and a central angle of 68°17'04"; thence Southwesterly along the arc of said curve, a distance of 198.57 feet to the point of compound curvature of a curve, concave North having a radius of 665.00 feet and a chord bearing and distance of South 70°53'44" West, 168.73 feet; thence Westerly along the arc of said curve, through a central angle of 14°34'38", a distance of 169.19 feet to a point of reverse curvature of a curve concave Southeast having a radius of 50.00 feet and a central angle of 92°01'56"; thence Southwesterly along the arc of said curve, a distance of 80.31 feet to a point of compound curvature of a curve concave East having a radius of 1,340.56 feet and a central angle of 06°37'12"; thence Southerly along the arc of said curve, a distance of 154.89 feet to a point of compound curvature of a curve concave North having a radius of 50.00 feet and a central angle of 105°35'45"; thence Easterly along the arc of said curve, a distance of 92.15 feet; thence North 54°00'10" East, 157.26 feet to a point on the arc of a curve concave South having a radius of 157.50 feet, a central angle of 82°30'10", and a chord bearing and distance of South 84°44'44" East, 207.70 feet; thence Easterly along the arc of said curve a distance of 226.79 feet; thence South 43°29'39" East, 91.36 feet to a point on the arc of a curve concave West having a radius of 189.00 feet, a central angle of 86°47'49", and a chord bearing and distance of South 00°05'45" East, 259.71 feet; thence Southerly along the arc of said curve a distance of 286.31 feet to a point of compound curvature of a curve concave Northwest having a radius of 530.90 feet and a central angle of 24°02'38"; thence Southwesterly along the arc of said curve, a distance of 222.79 feet to a point of reverse curvature of a curve concave East having a radius of 50.00 feet and a central angle of 104°14'28"; thence Southerly along the arc of said curve, a distance of 90.97 feet to a point of reverse curvature of a curve concave Southwest having a radius of

601.00 feet and a central angle of 10°53'40"; thence Southeasterly along the arc of said curve, a distance of 114.28 feet to a point of reverse curvature of a curve concave North having a radius of 50.00 feet and a central angle of 86°11'07"; thence Easterly along the arc of said curve, a distance of 75.21 feet; thence North 67°48'53" East, 101.50 feet to a point on the arc of a curve concave South having a radius of 227.90 feet, a central angle of 26°25'29", and a chord bearing and distance of North 81°01'37" East, 104.18 feet; thence Easterly along the arc of said curve a distance of 105.11 feet to a point of compound curvature of a curve concave Southwest having a radius of 132.50 feet and a central angle of 56°47'36"; thence Southeasterly along the arc of said curve, a distance of 131.34 feet; thence South 28°58'03" East, 74.32 feet to a point on the arc of a curve concave West having a radius of 144.00 feet, a central angle of 91°36'50", and a chord bearing and distance of South 16°50'22" West, 206.49 feet; thence Southerly along the arc of said curve a distance of 230.25 feet; thence South 62°38'47" West, 131.11 feet to a point on the arc of a curve concave East having a radius of 50.00 feet, a central angle of 82°36'31", and a chord bearing and distance of South 21°20'32" West, 66.01 feet; thence Southerly along the arc of said curve a distance of 72.09 feet to a point of reverse curvature of a curve concave West having a radius of 2234.64 feet and a central angle of 01°59'34"; thence Southerly along the arc of said curve, a distance of 77.72 feet to the point of reverse curvature of a curve concave Northeast having a radius of 104.83 feet and a chord bearing and distance of South 32°42'55" East, 53.47 feet; thence Southeasterly along the arc of said curve, through a central angle of 29°32'58", a distance of 54.06 feet to the point of tangency of said curve, said point being on the arc of a non-tangent curve concave North having a radius of 62.03 feet and a chord bearing and distance of South 86°31'17" East, 78.95 feet; thence Easterly along the arc of said curve, through a central angle of 79°04'28", a distance of 85.57 feet to the point of curvature of a curve concave South having a radius of 518.63 feet and a chord bearing and distance of North 68°44'26" East, 265.14 feet; thence Easterly along the arc of said curve, through a central angle of 29°37'12", a distance of 268.11 feet; thence North 88°26'21" East, 88.14 feet; thence North 70°54'23" East, 77.22 feet; thence South 45°04'59" East, 134.31 feet; thence South 38°55'40" East, 175.50 feet to the point on the arc of a non-tangent curve concave North having a radius of 405.60 feet and a chord bearing and distance of South 71°12'44" West, 329.03 feet; thence Westerly along the arc of said curve, through a central angle of 47°51'29", a distance of 338.79 feet to a point of reverse curvature of a curve concave South having a radius of 180.00 feet and a central angle of 43°07'10"; thence Westerly along the arc of said curve, a distance of 135.46 feet to a point of reverse curvature of a curve concave North having a radius of 359.00 feet and a central angle of 40°55'26"; thence

Westerly along the arc of said curve, a distance of 256.42 feet; thence South 87°19'26" West, 12.72 feet; thence South 20°03'14" West, 65.99 feet; thence South 06°46'04" West, 65.11 feet; thence South 79°52'10" East, 15.34 feet; thence South 11°19'01" East, 119.72 feet; thence South 07°48'58" East, 52.62 feet; thence South 82°08'35" West, 273.79 feet to a point on the aforesaid Westerly right-of-way line of Fairway Road; thence North 01°02'42" West along said Westerly right-of-way line, 108.48 feet to a point on the arc of a curve concave West having a radius of 1,790.51 feet, a central angle of 30°48'08", and a chord bearing and distance of North 16°26'46" West, 951.03 feet; thence Northerly along the arc of said curve and said Westerly right-of-way line a distance of 962.58 feet; thence North 31°50'49" West along said right-of-way line, 414.62 feet to a point on the arc of a curve concave East having a radius of 1,660.00 feet, a central angle of 24°16'23", and a chord bearing and distance of North 19°42'38" West, 698.00 feet; thence Northerly along the arc of said curve and said Westerly Right-of-Way Line a distance of 703.25 feet; thence North 07°34'27" West, 566.77 feet to a point on the arc of a curve concave West having a radius of 590.00 feet, a central angle of 04°21'33", and a chord bearing and distance of North 09°45'13" West, 44.88 feet; thence Northerly along the arc of said curve and said Westerly right-of-way line a distance of 44.89 feet to the POINT OF BEGINNING.

Containing 35.03 acres, more or less.

LESS AND EXCEPT:

Lot 31, Solivita – Phase VIB, according to the plat thereof, as recorded in Plat Book 133, Pages 14 through 17 of the Public Records of Polk County, Florida, being further described as follows:

Begin at the Northwest corner of said Lot 31; thence North 57°47'34" East along the Northwestern line of said lot and the Southeasterly Right-of-Way line of Amalfi Lane as shown on said plat, 80.00 feet; thence South 32°15'06" East along the Northeasterly line of said lot, 143.74 feet to a point on the arc of a non-tangent curve concave Northwesternly having a radius of 530.90 feet, a central angle of 08°40'30" and a chord of 80.30 feet that bears South 60°45'09" West; thence Southwesterly along the arc of said curve and the Northwesternly line of Tract P-E3, Solivita – Phase VIA, according to the plat thereof, as recorded in Plat Book 131, Pages 30 through 35 of the Public Records of Polk County, Florida, 80.38 feet; thence North 32°10'20" West along the Southwesterly line of said lot, 139.60 feet to the Point of Beginning. Said lot contains 11,429 square feet, more or less.

ALL TOGETHER CONTAINING A TOTAL ACREAGE OF 3239.728 acres.

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History–New 11-1-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Lisa Saliba
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Lisa Saliba
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: November 20, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 26, 2007

DEPARTMENT OF VETERANS' AFFAIRS

RULE NOS.:	RULE TITLES:
55-1.001	Agency Established
55-1.0015	Agency Description
55-1.003	Agency Head
55-1.005	Organization and Operations
55-1.021	General Information
55-1.023	Statutory Chapters and Rules
55-1.032	Agency Clerk
55-1.033	Public Access
55-1.034	Drug-Free Workplace

PURPOSE AND EFFECT: To remove rules that are redundant of statute, to update contact information and conform rules to current Florida Statutes.

SUMMARY: Organization.

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: 292.05(3), 296.04(2) FS.

LAW IMPLEMENTED: 20.37, 292.05, 296.04(2), 296.34(3), (5), 296.02, 296.33, 112.0455 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-1.001 Agency Established.

~~The Department of Veterans' Affairs is a component department of the executive branch of the government of the State of Florida, authorized by Article IV, Section 11, Florida Constitution, and created and existing pursuant to Sections 20.37 and 292.05, Florida Statutes.~~

Specific Authority 292.05(3) FS. Law Implemented 20.37 FS. History--New 7-5-89, Repealed.

55-1.0015 Agency Description.

~~The Department of Veterans' Affairs exists to provide assistance to all former, present and future members of the Armed Forces of the United States and their dependents in securing all benefits or privileges to which such persons are or may become entitled under any federal or state law or regulation by reason of their service in the Armed Forces of the United States, without charge to such claimant.~~

Specific Authority 292.05(3) FS. Law Implemented 292.05 FS. History--New 7-5-89, Repealed.

55-1.003 Agency Head.

(1) The head of the Department of Veterans' Affairs is the Governor and Cabinet.

(2) The Executive Director of the Department shall be appointed by the Governor with the approval of three members of the Cabinet and subject to confirmation by the Senate. The Executive Director shall serve at the pleasure of the Governor and Cabinet.

(3) Authority to take the following action is hereby delegated to the Executive Director of the Department of Veterans' Affairs or his designee:

(a) To approve the transfer of appropriations pursuant to Section 216.292, Florida Statutes.

(b) To administer personnel rules for career service employees and persons paid from OPS and to administer personnel actions for employees exempt from the career service system.

(c) To add, delete, or transfer authorized positions within each budget entity in accordance with Sections 216.262 and 216.141, Florida Statutes.

(d) To administer travel and per diem expenses of public officers, employees and authorized persons on official business, pursuant to Section 112.061, Florida Statutes.

(e) To negotiate, execute and enter into contracts and agreements, except as provided in subparagraph (h), required for operation of the Department or to carry out programs approved by the Legislature or Governor and Cabinet; except, however, this delegation shall exclude awards of commodity contracts by the Department of Management General Services.

(f) To expend appropriated funds and make purchases including capital outlay to carry out day-to-day operations of the Department. ~~However, all purchases over \$25,000 which are not made from a state contract established by the Department of General Services shall be reported at least quarterly.~~

(g) To execute contracts and orders approved by or on behalf of the Governor and Cabinet.

(h) To contract for consultant and professional services up to \$100,000. However, selection of consultant and professional services, other than sole source, shall be by procedures set

forth in the Consultants Competitive Negotiations Act, Section 287.055, Florida Statutes (1988), or other competitive selection process established by rule.

(i) To enter into leases of real property for the Department's operations.

(j) To designate appropriate officials or employees to act as custodian of the records of the Department, to accept service of process on behalf of the Department or Executive Director in accordance with law.

(k) To bring suit in the name of the Department and in consultation with the Attorney General, or to defend suit in the name of the Department.

(l) To settle claims, actions, causes of action and legal proceedings brought against the Department or its employee acting within the scope of his/her employment. ~~Such settlement shall be limited to \$25,000.~~

(m) To notify state attorneys, sheriffs or other law enforcement agencies of activity in violation of state law or Department rules when such violation is beyond the capacity of the Department to halt or prosecute.

(n) To accept donations and gifts of property or grants of money on behalf of the Department in compliance with the law, provided such gifts are unencumbered and have no impact on any other agency of the state.

~~(o) To refer Petitions filed pursuant to Section 120.57(1), Florida Statutes, appealing admittance and dismissal decisions made under Sections 296.04(2), (5)(a) and 296.34(3) and (5), Florida Statutes, to the Division of Administrative Hearings.~~

~~(p) To appoint a departmental hearing officer to conduct a hearing to consider issues raised by Petitions filed pursuant to Section 120.57(2), Florida Statutes, appealing admittance and dismissal decisions made under Sections 296.04(2) and (5)(a) and 296.34(3) and (5), Florida Statutes.~~

~~(o)(q)~~ To respond in behalf of the Department to petitions filed pursuant to Sections 120.54, 120.56 and 120.57(1) and (2), Florida Statutes, and to issue declaratory statements pursuant to Section 120.565, Florida Statutes.

~~(p)(r)~~ To approve memberships in professional and other organizations in which state funds appropriated to the Department will be used in payments or dues pursuant to Section 216.345, Florida Statutes.

~~(q)(s)~~ To initiate all rulemaking.

~~(r)(t)~~ To perform other such functions as may be necessary to supervise, direct, conduct and administer the day-to-day duties of the Department as authorized by law or by rules and policies adopted by the Governor and Cabinet.

~~(s)(u)~~ The quarterly report of the Executive Director shall include reports of actions taken under items (e), (h), (i), (k), (l), (m), (n) and ~~(p)(r)~~ above.

(4) When a matter which is the subject of a delegation approved in subsection (3) becomes controversial or when extraordinary events arise concerning a delegated action, that matter shall be brought before the Governor and Cabinet for

their decision. Final action on all Department actions which result in a Recommended Order being issued pursuant to Section 120.57, Florida Statutes, shall be taken by the Governor and Cabinet.

(5) In addition to the delegations listed in subsection (3), the Governor and Cabinet have and may from time to time in the future approve additional delegations to the Executive Director or other staff when adopting other rules of the Department. A person interested in a particular program should review the specific rules of that program.

Specific Authority 292.05(3) FS. Law Implemented 292.05, 296.04(2), (5), 296.34(3), (5) FS. History—New 7-5-89, Amended 5-5-92, 1-2-94, _____.

55-1.005 Organization and Operations.

The organization and operations of the Department are as follows:

(1) The Office of the Executive Director is established to provide overall management direction to the Department. Subunits of this office are:

(a) The Veterans' Domiciliary Home of Florida, a state home for veterans, provides domiciliary care for eligible veterans who are disabled but are not in need of hospitalization or nursing home care services.

(b) The Veterans' Nursing Home of Florida, a licensed health care facility operated by the Department pursuant to the provisions of Part I of Chapter 400, Florida Statutes.

(c) The General Counsel provides legal advice to the Department.

(d) The Florida Commission on Veterans' Affairs, while not subject to control, supervision or direction, is assigned to the Department of Veterans' Affairs to serve as an advisory body to the Department.

(e) The Legislative Affairs Office represents the Department in all matters involving legislation at both the State and Federal levels.

(2) The Division of Veterans' Benefits and Assistance is established to provide management direction to the following subunits:

(a) The Bureau of Veterans' Claims Services assists veterans and their dependents with the processing of claims and appeals for entitlements through the United States Department of Veterans Affairs (VA).

(b) The Bureau of Veterans' Field Services assists veterans and their dependents, through each VA Medical Center (VAMC) in Florida, to ensure that they receive the benefits to which they are entitled and to provide outreach service to veterans in the community.

(c) The Bureau of State Approving for Veterans' Training reviews courses and schools to determine whether they meet the requirements of the VA or other applicable federal regulations as to suitability for veterans.

(3) The Division of Administration and Public Information is established to provide management direction to the following subunits:

(a) The Bureau of Information and Research provides for the coordination of media, dissemination of information and statistical analysis of pertinent data.

(b) The Personnel Section provides for all human resource needs.

(c) The Fiscal Section provides for all fiscal needs.

(d) The Purchasing Section provides for all purchasing and reproduction needs.

(e) The Administrative Section provides for all administrative and automated data processing (ADP) support.

(f) The Staff Development Office provides professional education to employees and required training for County/City Veteran Service Officers.

~~(4) The structure of the Executive Staff's areas of responsibilities are shown in the following graphic illustration.~~

Specific Authority 292.05(3) FS. Law Implemented 292.05, 296.02, 296.33 FS. History—New 7-5-89, Amended 7-2-90, 6-21-92,_____.

55-1.021 General Information.

(1) The principal office of the Department is located at 11351 Ulmerton Rd., Room 311-K, Largo, Florida 33778. ~~444 1st Avenue South, Suite 418, St. Petersburg, Florida 33701.~~

(2) The mailing address of the Department is Florida Department of Veterans' Affairs, 11351 Ulmerton Rd., Room 311-K, Largo, Florida 33778. ~~Post Office Box 31003, St. Petersburg, FL 33731.~~

(3) The normal business hours of the Department are from 8:00 a.m. to 4:30 p.m. of each work day Monday through Friday, excluding the holidays observed by the state as set forth at Section 110.117, Florida Statutes.

(4) Information regarding forms, publications, documents or other matters may be obtained by contacting the Director of Administration and Public Information at the above location, or by mail to the address set forth above.

Specific Authority 292.05(3) FS. Law Implemented 292.05 FS. History—New 7-5-89, Amended_____.

55-1.023 Statutory Chapters and Rules.

(1) The operation of the Department is affected by Chapters 292, 295, and 296, and Part VIII of Chapter 744, Florida Statutes.

(2) All Administrative Rules of the Department adopted pursuant to Chapter 120, Florida Statutes, are contained in Title 55, Florida Administrative Code.

(3) The operation of the Department is also affected by Title 38, United States Code, and by Title 38, United States Code of Federal Regulations.

Specific Authority 292.05(3), 296.04(2) FS. Law Implemented 292.05 FS. History—New 7-5-89, Amended 7-2-90,_____.

55-1.032 Agency Clerk.

(1) The General Counsel of the Department of Veterans' Affairs is hereby designated as the Agency Clerk for the Department. Materials are to be delivered to 4040 Esplanade Way, Suite #152, Tallahassee, Florida 32399-0950. ~~444 1st Avenue South, Suite 418, St. Petersburg, Florida 33731.~~ Materials mailed are to be addressed to General Counsel, Florida Department of Veterans' Affairs, 4040 Esplanade Way, Suite #152, Tallahassee, Florida 32399-0950, Post Office Box 31003, St. Petersburg, FL 33731. The telephone number for the Agency Clerk is (850)487-1533. ~~(813)898-4443.~~

(2) There shall be affixed to each Final Order rendered by the Department the following Certificate of Filing executed by the Agency Clerk and providing in substance as follows:

Certificate of Filing

I HEREBY CERTIFY that the foregoing Final Order has been filed in the official records of the Department of Veterans' Affairs, this ____ day of _____ 49__.

(Signed) _____

Name and Position

Specific Authority 292.05(3) FS. Law Implemented 292.05 FS. History—New 7-5-89, Amended_____.

55-1.033 Public Access.

~~(1) The public shall be afforded full access to all agency proceedings pursuant to Chapter 286, Florida Statutes.~~

~~(2) The Department of Veterans' Affairs shall follow the provisions of Chapter 28-8, F.A.C., regarding procedures to be followed when the agency desires to conduct a meeting or workshop by means of communications media technology.~~

Specific Authority 292.05(3) FS. Law Implemented 292.05 FS. History—New 7-5-89, Repealed_____.

55-1.034 Drug-Free Workplace.

~~The procedures and policies for drug testing, employee assistance, and discipline, as set forth in Department of Management Services Rule 60L-19, F.A.C., are adopted by the Department. This Rule is the Department's implementation of the Drug-Free Workplace Act, Section 112.0455, Florida Statutes.~~

Specific Authority 292.05(3) FS. Law Implemented 112.0455 FS. History—New 2-21-93, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

March 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

February 15, 2008

DEPARTMENT OF VETERANS' AFFAIRS

RULE NOS.:	RULE TITLES:
55-2.002	Membership of Florida Cabinet
55-2.003	Meetings of the Governor and Cabinet as Head of the Department of Veterans' Affairs
55-2.004	Presiding Officer
55-2.005	Quorum
55-2.006	Agendas
55-2.007	Distribution of Agendas
55-2.008	Recording of Proceedings
55-2.009	Minutes
55-2.010	Quarterly Reports
55-2.011	Agency Action
55-2.012	Voting
55-2.013	Amendment to Rules

PURPOSE AND EFFECT: To remove rules that are redundant of statute. To amend requirements for the content of quarterly report preceding legislative session.

SUMMARY: Meetings of Governor and Cabinet as Head of 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: 292.05(3) FS.

LAW IMPLEMENTED: 20.37, 292.05 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-2.002 Membership of Florida Cabinet.

~~The Florida Cabinet shall consist of the Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Commissioner of Agriculture, and the Commissioner of Education.~~

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History-New 7-5-89, Repealed.

55-2.003 Meetings of the Governor and Cabinet as Head of the Department of Veterans' Affairs and Notice.

The business of the Department of Veterans' Affairs shall be presented to the Governor and Cabinet by the Executive Director of the Department or some person designated by him in accordance with rules governing meetings of the Cabinet. Requirements as to presiding officer, quorum, agendas,

minutes, recordings, voting and agency action shall also follow such rules. Regular public meetings of the Governor and Florida Cabinet to transact the business of the Department of Veterans' Affairs shall be at 9:00 a.m., on the second and fourth Tuesdays of each month, in the Cabinet Meeting Room, Lower Level, The Capitol, or at such other place and time in Tallahassee, Florida, as may be designated by the Governor or a majority of the Cabinet. The Executive Director shall publish a standard notice of the Department of Veterans' Affairs meeting in the Florida Administrative Weekly at least seven (7) days in advance. Said notice shall comply with Rule 28-2.001, F.A.C. A meeting shall not be held on holidays, election days, or when the number present fails to constitute a quorum. Special meetings may be held at any place or time at the call of the Governor or of a majority of the members of the Cabinet or as provided by law.

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History-New 7-5-89, Amended.

55-2.004 Presiding Officer.

~~The Governor shall be the presiding officer. In his absence, the meeting shall be presided over by the Secretary of State, or in his absence, the Attorney General.~~

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History-New 7-5-89, Repealed.

55-2.005 Quorum.

~~A quorum shall consist of a majority of the membership of the Governor and Cabinet except where otherwise provided by law.~~

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History-New 7-5-89, Repealed.

55-2.006 Agendas.

~~The business of the Department of Veterans' Affairs shall be presented to the Governor and Cabinet by the Executive Director of the Department or some person designated by him. It shall be in the form of an agenda. Each item of business on each agenda requiring action by the Governor and Cabinet shall be separately presented to the Governor and Cabinet with an explanatory summary of the item and with a recommendation for action. All agenda, their explanation and recommendations, shall be supported by such additional information, not included as an integral part of the agenda, as may be necessary to fully inform the Governor and Cabinet of the matter before it. The agenda shall contain the items to be considered in the order of presentation. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside, and stated in the record. Notification of such change shall be at the earliest practicable time. Any item deferred must be re-agendaed for the next regularly scheduled meeting of the Governor and Cabinet unless a longer period of deferment is approved by a~~

~~majority vote of the Governor and Cabinet. Department of Veterans' Affairs committee reports shall be received at the meeting of the Department. Any matters contained in a committee report which require action by the Governor and Cabinet must be submitted to the Department of Veterans' Affairs for evaluation, recommendation and presentation on an agenda.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed _____.~~

55-2.007 Distribution of Agendas.

~~All agenda containing items for consideration by the Governor and Cabinet shall be furnished to each member by 5 p.m. of the eighth calendar day, prior to the regular meeting day and made available for distribution on request of any interested persons. Charges may be made for duplication and distribution of agendas to such interested parties.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed _____.~~

55-2.008 Recording of Proceedings.

~~The Secretary of State shall record electronically the proceedings of each meeting, which proceedings shall be transcribed into writing and copies distributed to the Governor and Cabinet members. The electronic recording and the transcribed record shall be permanently filed in the Office of the Secretary of State.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed _____.~~

55-2.009 Minutes.

~~(1) The Executive Director of the Department of Veterans' Affairs shall keep the official minutes of the meeting of the Department, transcribe them into writing, and have them approved the next time the Department appears before the Governor and Cabinet with an agenda.~~

~~(2) The minutes of each meeting of the Department, when approved, shall be the official and controlling record of the meeting. The minutes, before being submitted for approval, shall be checked against the electronic recordings of each meeting to ascertain their accuracy.~~

~~Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed _____.~~

55-2.010 Quarterly Reports.

The Executive Director of the Department of Veterans' Affairs shall submit a quarterly report to the Governor and each member of the Cabinet not later than one month following the end of each quarter. Unless a meeting to discuss the report is requested by a member of the Cabinet such report shall be presented as an agendaed item during the next regular meeting scheduled by the Executive Director of the Department. Whenever an audit report is issued on the Department of

Veterans' Affairs, the Executive Director of the Department shall include an explanation of said report in the next regular quarterly report. Such explanation shall include the areas of criticism identified in the audit report and any actions taken to resolve or correct the criticisms. The quarterly report that is due immediately preceding the start of a regularly scheduled session of the Florida Legislature shall also include any recommendations for reorganization plus a brief summary of the proposed legislative program of the Department and information to show why the proposed changes are needed.

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Amended 5-5-92, _____.

55-2.011 Agency Action.

Action of the Head of the Department of Veterans' Affairs shall be by motion, duly made, seconded and passed by simple majority or as otherwise required by law.

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed _____.

55-2.012 Voting.

It shall be the duty of the presiding officer to determine the vote on each motion. If any member desires to record the vote on any motion, he shall be granted that right on request. No member may abstain on any motion where a vote is called unless otherwise provided by law.

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed _____.

55-2.013 Amendment to Rules.

These rules may be amended in conformity with the requirements of Chapter 120, F.S.

Specific Authority 292.05(3) FS. Law Implemented 20.37, 292.05 FS. History--New 7-5-89, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 4, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF VETERANS' AFFAIRS

RULE NOS.:

55-4.001

55-4.002

55-4.003

RULE TITLES:

The Commission

Membership; Qualifications; Term of Office of Commission Members

Organization and Meetings of the Commission

PURPOSE AND EFFECT: To remove rules that are redundant of statute.

SUMMARY: Florida Commission on Veterans' Affairs.
 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: 292.05(3) FS.
 LAW IMPLEMENTED: 292.04 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-4.001 The Commission.

~~(1) The Florida Commission on Veterans' Affairs is established pursuant to Section 292.04, Florida Statutes (1988 Supplement), to serve as an advisory body to the Department of Veterans' Affairs.~~

~~(2) The Commission shall conduct a biennial survey of the possible contributions that veterans or state organizations of veterans and their auxiliaries can make to the State of Florida to assist the Department in providing benefits to veterans and their dependents. The Commission shall report the results of the survey to the Department together with recommendations as to how such contributions can be encouraged.~~

~~(3) The Commission shall work with the various veterans organizations and their auxiliaries within the state and shall function as a liaison between such organizations and the Department on matters pertaining to veterans and their organizations.~~

Specific Authority 292.05(3) FS. Law Implemented 292.04 FS. History—New 7-31-84, Formerly 271-1.01, 271-1.001, Amended 10-4-89, Repealed.

55-4.002 Membership; Qualifications; Term of Office of Commission Members.

~~(1) The Commission consists of nine members appointed by the Governor, subject to confirmation by the Senate.~~

~~(a) Eight commissioners shall be appointed from various regions of the state, with consideration given to proportional representation of the veterans in the state based on population.~~

~~(b) One commissioner shall be appointed from the state at large.~~

~~(2) The Governor may suspend a member of the Commission only for cause, subject to removal or reinstatement of the member by the Senate.~~

~~(3) Each member shall possess the following qualifications:~~

~~(a) Be a veteran of a war in which the United States was or is a participant;~~

~~(b) Have been separated from the Armed Forces of the United States under honorable conditions; and~~

~~(c) Be a resident of the state.~~

~~(4) Commissioners shall serve for terms of four years.~~

~~(a) A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.~~

~~(b) A member of the Commission shall be eligible for reappointment.~~

Specific Authority 292.05(3) FS. Law Implemented 292.04 FS. History—New 7-31-84, Formerly 271-1.02, 271-1.002, Amended 10-4-89, Repealed.

55-4.003 Organization and Meetings of the Commission.

~~(1) The Commission shall select a chairperson, a vice chairperson and a secretary elected by the members to serve a two year term.~~

~~(a) Meetings of the Commission shall be held quarterly upon the call of the Chairperson.~~

~~(b) The Commission may meet at any place within the state.~~

~~(c) A quorum for the purpose of conducting Commission business shall consist of a majority of the appointed members.~~

~~(d) A majority of the members of a committee shall constitute a quorum for the conduct of business assigned to that committee.~~

~~(e) In the presence of a quorum, commission or committee business shall be conducted by majority vote. Upon the request of any member, a roll call vote shall be taken.~~

~~(f) Except where such rules conflict with the provisions of this rule chapter, Roberts Rules of Order, Revised Edition, shall govern the deliberations of all commission and committee business.~~

~~(2) The Commission is assigned to the Department of Veterans' Affairs which:~~

~~(a) Shall cooperate fully with the Commission in matters related to the duties of the Commission; and~~

~~(b) Shall endeavor to implement the recommendations of the Commission concerning its duties.~~

~~(3) The Commission, in the performance of its duties under Section 292.04, Florida Statutes, shall not be subject to control, supervision, or direction by the Department of Veterans' Affairs.~~

Specific Authority 292.05(3) FS. Law Implemented 292.04 FS. History—New 7-31-84, Formerly 271-1.03, 271-1.003, Amended 10-4-89, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF VETERANS' AFFAIRS

RULE NOS.: RULE TITLES:
55-5.001 Purpose
55-5.002 Procurement Goal
55-5.003 Procedures

PURPOSE AND EFFECT: To remove rules that are redundant of statute.

SUMMARY: Minority Business Enterprise 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: 287.0947(2) FS.

LAW IMPLEMENTED: 215.422, 255.05(1)(a), 287.042(4)(f), 287.0945(1), 287.0947, 287.062(1), (4), (5), 287.0947 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-5.001 Purpose.

~~These rules are adopted by the Department of Veterans' Affairs to promote and enhance the participation of certified minority business enterprises in providing to the Department commodities, contractual services, and construction contracts, other than those construction contracts which are subject to the provisions of Chapter 339, Florida Statutes. The Department is committed to the legislatively stated goal of assisting certified minority business enterprises in gaining entry into the procurement arena and securing a percentage of the Department's procurement dollars, which will help to stimulate and develop Florida's minority business sector.~~

Specific Authority 287.0947(2) FS. Law Implemented 287.042(4)(f), 287.0945(1), 287.0947 FS. History-New 7-2-90, Repealed.

55-5.002 Procurement Goal.

~~All purchasing and contracting entities within the Department will be responsible for a good faith effort to utilize certified minority business enterprises in the procurement of~~

~~commodities, contractual services and construction projects in endeavoring to meet the goals as set forth in Section 287.042(4)(f) of the Florida Statutes.~~

Specific Authority 287.0947(2) FS. Law Implemented 287.042(4)(f), 287.0945(1), 287.0947 FS. History-New 7-2-90, Amended 1-26-93, Repealed.

55-5.003 Procedures.

~~(1) The Executive Director of the Department designates the Director of Administration and Public Information as the Minority Business Enterprise Assistance Officer to oversee the minority business enterprise activities of the Department.~~

~~(2) The Minority Business Enterprise Assistance Officer shall:~~

~~(a) Seek out, identify, compile, and maintain a list of minority owned firms which have provided, or desire to provide, services or commodities to the Department;~~

~~(b) Make discretionary purchases for less than the threshold amount for Category 2 purchases, where permitted by law, from certified minority business enterprises;~~

~~(c) Review contracts to determine those which could be reserved for bidding only among the certified minority business enterprises that are on the list maintained under paragraph (2)(a) above;~~

~~(d) Coordinate the minority business enterprise activities of the Department with the Minority Business Enterprise Assistance Office of the Department of Management Services;~~

~~(3) The Department shall encourage prime contractors to utilize certified minority business enterprises as subcontractors on state funded projects.~~

~~(4) The Department shall annually develop minority participation goals no less than the established goals set forth in Section 287.042(4)(f) of the Florida Statutes, based upon available data in accordance with the State Comptroller's determination of dollar amounts expended during the previous fiscal year.~~

~~(5) The Department shall assure timely payment to vendors and contractors as provided in Section 215.422, Florida Statutes.~~

~~(6) The Department shall encourage participation by certified minority business enterprises in the state purchasing system by providing advance payment when permitted by law and in accordance with Comptroller's Memorandum Number 1 (1983-84).~~

Specific Authority 287.0947(2) FS. Law Implemented 215.422, 255.05(1)(a), 287.062(1), (4), (5), 287.0947 FS. History-New 7-2-90, Amended 1-26-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF VETERANS' AFFAIRS

RULE NOS.:	RULE TITLES:
55-6.001	Authority
55-6.002	Purpose
55-6.003	Public Inspection and Duplication
55-6.004	Final Orders Required to be Indexed
55-6.005	Listing of Final Orders
55-6.006	Numbering of Final Orders
55-6.007	System for Indexing Final Orders
55-6.008	Maintenance of Records
55-6.009	Plan

PURPOSE AND EFFECT: To remove rules that are redundant of statute.

SUMMARY: Final Order Indexing, Management And Availability.

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: 120.533, (1)(f), (1)(j) FS.

LAW IMPLEMENTED: 120.53(2)-(4), (2)(a)1.-5., 119.041(2) FS., Chapter 91-30, Section 10, Laws of Florida.

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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-6.001 Authority.

~~These rules regarding the indexing, management, and availability of final orders are issued pursuant to Section 120.533, Florida Statutes, and Chapter 1S 6, Florida Administrative Code, and have been approved by the Department of State pursuant to Section 120.53(2)(c), Florida Statutes.~~

Specific Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History–New 1-26-93, Repealed.

55-6.002 Purpose.

~~The purpose of this chapter is to provide public access to and availability of final orders.~~

Specific Authority 120.533 FS. Law Implemented 120.53(2)-(4) FS. History–New 1-26-93, Repealed.

55-6.003 Public Inspection and Duplication.

~~The following shall be made available from the agency for public inspection and copying, at no more than cost:~~

~~(1) All final orders.~~

~~(2) A current subject matter index identifying final orders which are indexed.~~

~~(3) A list of all final orders which are not indexed, which must be listed pursuant to Rule 1S-6.005, Florida Administrative Code.~~

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)1.-5. FS. History–New 1-26-93, Repealed.

55-6.004 Final Orders Required to be Indexed.

~~For purposes of this chapter, final orders issued pursuant to Sections 120.565, 120.57(1), (2), and (3), Florida Statutes, which are required to be indexed pursuant to Rule 1S-6.004, Florida Administrative Code, shall be indexed. The categories and types of final orders which are excluded from indexing pursuant to Sections 120.53(2), (3), 120.53(2)(d), Florida Statutes, which are not required to be indexed pursuant to Rule 1S-6.004, Florida Administrative Code, are as follows: final orders resulting from stipulations, consent agreements, and agreed settlements which are of limited or no precedential value or legal significance, or that are ministerial in nature, or any final order which does not specifically qualify for indexing as specified in Rule 1S-6.004, Florida Administrative Code.~~

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)3., (s) FS. History–New 1-26-93, Repealed.

55-6.005 Listing of Final Orders.

~~The agency maintains a list of stipulations, agreed settlements, consent agreements and final orders that do not qualify for indexing as specified in Rule 1S-6.004, Florida Administrative Code, and which the agency has therefore excluded from indexing. The list contains the names of the parties to the proceeding and the number assigned to the final order.~~

Specific Authority 120.533 FS. Law Implemented 120.53(2)(a)4. FS. History–New 1-26-93, Repealed.

55-6.006 Numbering of Final Orders.

~~All final orders which are indexed or listed shall be sequentially numbered as rendered using a two-part number separated by a dash with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with number 1 each new calendar year. The following assigned agency designation prefixes shall precede the two-part number, as applicable: DVA for the Department of Veterans' Affairs; DVAB for the Division of Veterans' Benefits and Assistance; and DVAA for the Division of Administration and Public Information.~~

Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History–New 1-26-93, Repealed.

55-6.007 System for Indexing Final Orders.

~~(1) The index shall be alphabetically arranged by main subject headings taken from the Florida Statutes index, when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. Main subject headings shall be all capital letters and shall be flush left on the page followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings may be taken from the text of the Florida Statutes being construed. Subheadings and sub-subheadings at equal indentations shall be alphabetized. The numbers of the final orders shall be listed sequentially in an indentation immediately below the applicable subheading. Cross references shall be used to direct the user to subject headings which contain the relevant information. Related key words (specific words, terms, and phrases) and common and colloquial words shall be listed and cross referenced to the appropriate main subject headings.~~

~~(2) The main subject headings shall be consulted by the agency's indexer and subsequent similar entries shall be indexed under the existing appropriate heading. The index shall be cumulative and shall be updated and made accessible to the public at least every 120 days. New main subject headings will be added when necessary. The index shall be cumulative for each calendar year.~~

~~(3) The agency indexing clerk shall index final orders in addition to carrying out responsibilities relating to numbering and listing as set forth in this rule chapter.~~

Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History—New 1-26-93, Repealed.

55-6.008 Maintenance of Records.

~~Final orders that comprise final agency action and that must be indexed or listed pursuant to this chapter shall be permanently maintained by the agency pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.~~

Specific Authority 120.533(1)(j) FS. Law Implemented 119.041(2) FS. History—New 1-26-93, Repealed.

55-6.009 Plan.

~~(1) The agency shall make final orders accessible and available to the public by sequentially numbering and indexing final orders that are required to be indexed and listing those final orders that are required to be listed and are not indexed. The agency shall make the final orders, subject matter index, and the list available to the public.~~

~~(2) The agency indexing clerk shall assist the public in obtaining information pertaining to final orders.~~

~~(3) The system or process used by the agency to search and locate final orders required to be indexed and listed is as follows: the designated agency clerk will receive all requests~~

~~for copies of final orders, will search the appropriate index or list for the location of requested final orders, and will retrieve and copy such final orders in accordance with the provisions of this Chapter 55-6, Florida Administrative Code.~~

~~(4) The agency maintains and stores such final orders, index, and list in the offices of the agency at 144 First Avenue South, Room 418, St. Petersburg, Florida. The office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays and weekends.~~

Specific Authority 120.533(1)(j) FS. Law Implemented Chapter 91-30, Section 10, Laws of Florida. History—New 1-26-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

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

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

DEPARTMENT OF VETERANS' AFFAIRS

RULE NOS.:	RULE TITLES:
55-11.002	Policies
55-11.003	Definitions
55-11.005	Admission Eligibility
55-11.008	Residents' Contribution to Support
55-11.010	Residents' Deposits of Money
55-11.011	Residents' Deposits of Personal Property
55-11.012	Vocational Rehabilitation and Work Incentive Programs

PURPOSE AND EFFECT: To conform rules to current Florida Statutes.

SUMMARY: Veterans' Domiciliary Home of Florida.

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: 296.04(2) FS.

LAW IMPLEMENTED: 296.02, (2), 296.04(1), (2), (6), 296.06, (1), (2), 296.07, 296.08, 296.10(1), 296.11(3), 296.12, 296.13, 296.14, 296.17, 400.402 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-11.002 Policies.

(1) The Veterans' Domiciliary Home of Florida shall be maintained to provide domiciliary care, i.e., shelter, sustenance and incidental medical care on an ambulatory self or temporarily assisted care basis for eligible veterans who are suffering from a disability, disease or defect that incapacitates the resident from earning a living, but who are not in need of hospitalization or nursing care services, to attain physical, mental and social well-being through special rehabilitative programs to restore residents to their highest level of functioning. The Domiciliary Home is also licensed to provide extended congregate care for eligible veterans.

(2) Resident's shall be admitted into the home without regard to race, age, gender, ~~sex~~, creed, religion, national origin, or any other reason that would thereby create a practice of discrimination. However, an applicant's veteran status shall not constitute discrimination.

(3) The Department will operate the homes in compliance with the standards prescribed by the VA; and with all applicable provisions of Part I, Chapter 429, Florida Statutes, and the state regulatory standards to the extent that such provisions are not contravened by a provision of Part I, Chapter 296, Florida Statutes. Where the standards of the state are more restrictive than the standards of the VA, the standards of the state shall apply.

Specific Authority 296.04(2) FS. Law Implemented 296.02(2), 296.06(1) FS. History--New 5-29-90, Amended 11-19-92, 10-27-94, 12-27-98,_____.

55-11.003 Definitions.

(1) "Administrator" means the person appointed to serve as the chief executive of the home.

(2) "Applicant" means a veteran with peacetime or wartime service as defined in subsections (12) and ~~(18) (47)~~ herein, who is not in need of hospitalization or nursing home care.

(3) Assisted Living Facility has the meaning given to that term under Sections 429.01 400.401 and 429.02(6) 400.402, F.S.

(4) "Department" means the Florida Department of Veterans' Affairs.

(5) "Director" means the executive director of the Florida Department of Veterans' Affairs.

(6) "Domiciliary care" means shelter, sustenance, and incidental medical care provided on an ambulatory self or temporarily assisted care basis for eligible veterans who are disabled by age or disease, but who are not in need of hospitalization or nursing home care services, and includes extended congregate care.

(7) "Extended Congregate Care" means the definitions given in Section 429.02(12) 400.402, Florida Statutes.

(8) "Incidental medical care" means medical care provided by the Domiciliary Home that meets the minimum standards required by the United States Department of Veterans' Affairs, Veterans Health Services and Research Administration Manual M-5, Part VIII, Chapter 2, dated November 4, 1992, incorporated by reference in this rule.

(9) Interdisciplinary Team – A group of professionals consisting of a Director of Nursing, senior registered nurse supervisor, social worker, physician, rehabilitation therapist and dietician who develop a service plan for each resident, and make recommendations to the Administrator for implementing the service plan.

(10) "Interdisciplinary written treatment plan" means the written plan which sets forth each resident's emotional, behavioral, rehabilitation and physical goals as established by staff disciplines representing medical, nursing, dietetics, social service and rehabilitation.

(11) Mentally ill means impairment of the emotional process of the ability to exercise conscious control of one's actions, or of the ability to perceive reality, or to understand, which impairment substantially interferes with a person's ability to meet the ordinary demands of living and which impairment cannot be controlled by medication.

(12) "Peacetime service" means service in the active military, naval, or air service by any person who was discharged or released therefrom under honorable conditions and said service was not during a wartime era as defined in subsection ~~(18)(47)~~ herein.

(13) "Personal Needs Allowance" means money belonging to the resident for personal needs, and is received monthly. Rate is calculated on an annual basis by the Administrator in accordance with Section 296.10(1)(b), F.S. and in accordance with Title II of the Social Security Act, 42 U.S.C. ss. 401 et seq. (Base rate of \$100 plus annual cost-of-living adjustments from January 1, 2004 to present).

~~(14)(43)~~ "Property" means equipment, fixtures and other tangible personal property of a nonconsumable and nonexpendable nature the value or cost of which is \$1000 \$500 or more and the normal expected life of which is one year or more, and hardback-covered bound books the value or cost of which is \$250 \$100 or more, owned by the state.

~~(15)(44)~~ "Resident" means any eligible veteran admitted to live in the Veterans' Domiciliary Home of Florida.

~~(16)(45)~~ "VA" means the United States Department of Veterans' Affairs.

~~(17)(46)~~ "Veterans' Domiciliary Home of Florida," hereinafter referred to as the "home" means a home established by the state for peacetime and wartime veterans, as defined in subsections (12) and ~~(18)(47)~~ herein, and maintained for the use of those veterans not in need of hospitalization or nursing home care, are in need of assisted living care, and who are

ambulatory, can substantially attend to their personal needs, dress themselves, and attend a general dining facility, or who are in need of extended congregate care.

~~(18)(17) "Wartime service" has the meaning given to that term under Section 1.01(14), F.S. means service in the active military, naval, or air service by any person who was discharged or released therefrom under honorable conditions only, or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the VA on individuals discharged or released with other than honorable discharges, provided that such veterans served during one of the following periods of wartime service:~~

~~(a) Spanish American War: April 21, 1898, to July 4, 1902, and including the Philippine Insurrection and the Boxer Rebellion.~~

~~(b) Mexican Border Period: May 9, 1916, to April 5, 1917, in the case of a veteran who during such period served in Mexico, on the borders thereof, or in the waters adjacent thereto.~~

~~(c) World War I: April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided such veterans had at least 1 day of service between April 5, 1917, and November 12, 1918.~~

~~(d) World War II: December 7, 1941, to December 31, 1946.~~

~~(e) Korean Conflict: June 27, 1950, to January 31, 1955.~~

~~(f) Vietnam Era: February 28, 1961, to May 7, 1975.~~

~~(g) Persian Gulf War: August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law.~~

Specific Authority 296.04(2) FS. Law Implemented 296.02, 296.04(1), 296.06, 296.17 FS. History—New 5-29-90, Amended 11-19-92, 3-31-94, 10-27-94, 12-27-98, _____.

55-11.005 Admission Eligibility.

(1) To be eligible for residence, a veteran must:

(a) Have wartime or peacetime service as defined in subsection 55-11.003(18)(17) or (12), F.A.C., of this chapter of the rules;

(b) Have been discharged or released from such service under honorable conditions or later received an upgraded discharge under honorable conditions;

(c) Be a resident of the state at time of application, and for the 1 year immediately preceding application; and

(d) Not owe money to the Department for services rendered during any previous stay at a Department facility.

(2) The veteran applicant must not be mentally ill, habitually inebriated or addicted to the use of a controlled substance. A resident of the home who is discharged or voluntarily leaves the home because of mental illness,

inebriation or addiction shall be referred by the home to the appropriate federal, state or county agency available for the treatment of such condition.

(3) The veteran applicant must not be in need of hospitalization or nursing home care and must need assisted living care and be ambulatory, substantially able to attend to personal needs, dress, groom, and attend a general dining facility or be in need of extended congregate care.

(4) Criteria for admission to the domiciliary home must be consistent with the admission requirements for assisted living facilities set forth in Rule 58A-5.0181, F.A.C., said criteria are incorporated by reference in this rule section.

(5) Before admission each applicant must apply for a certificate of eligibility. To secure a certificate of eligibility the applicant must complete the Application for Certificate of Eligibility along with all required supporting documentation. The application forms can be obtained from any of the following:

(a) Robert H. Jenkins, Jr. Veterans' Domiciliary Home of Florida, 751 S. E. Sycamore Terrace, 1300 Sycamore Lane, Lake City, Florida 32025 32055.

(b) Florida Department of Veterans' Affairs, 9500 Bay Pines Blvd., Room 214, St. Petersburg, FL 33708 Bay Pines, FL 33504.

(c) Florida Department of Veterans' Affairs Field Services Offices in VA Medical Centers or Outpatient clinics located at Bay Pines, Gainesville, Lake City, Miami, Tampa, Daytona Beach, Orlando, Jacksonville, Viera, West Palm Beach, Tallahassee, Fort Myers, Port Richey, Riviera Beach, Pensacola and Oakland Park or the Veterans' Nursing Homes of Florida in Daytona Beach, Land O'Lakes, Springfield, Port Charlotte and Pembroke Pines. Consult the local telephone directory for the address of the nearest office.

(d) County or City Veteran Service offices located in counties throughout Florida. Consult the local telephone directory for the address of the nearest office.

(6) The Application for Certificate of Eligibility consists of the following forms which are hereby incorporated by reference.

(a) Veterans' Domiciliary Home of Florida Application for Certificate of Eligibility (FDVA Form 10), dated June 1997.

(b) Department of Veterans' Affairs State Home Program Application for Veterans Care Medical Certification (VA Form 10-10SH), dated July 1998 or current version. Medical Certificate (VA Form 10-10m), dated March 1992.

(c) Department of Veterans' Affairs Authorization to Release of Medical Records or Health Information (VA Form 10-5345), dated March 2003 or current version. Request for and Consent to Release of Information from Claimant's Records (VA Form 70-3288), dated December 1988.

(d) Department of Elder Affairs, DOEA Form 1823, dated January 2006, October 1995, Health Assessment for Assisted Living Facilities.

(e) A legible copy of the applicant's Certificate of Release or Discharge from the U.S. Armed Services or a legible copy of a U.S. Department of Veterans' Affairs Hospital Inquiry Screen must also be included.

(7) The fully completed Application for Certificate of Eligibility along with all required supporting documentation must be forwarded to the home at the address set forth at subparagraph ~~(5)(a)(4)(a)~~ herein. Incomplete applications will receive a denial of the Certificate of Eligibility after thirty days, be returned to the applicant.

(a) The completed application will be reviewed by an Admissions Committee consisting of a representative of Business Services, a representative of Health Services and a representative of Social Services. The Business Services representative will be the Business Manager or designee; the Health Services representative will be the Physician and Director of Nursing or ~~Nurse Specialist~~ or designee and the Social Services Representative will be the Social Human Services Worker Counselor Supervisor or designee.

(b) The Admissions Committee will review the application and make a recommendation to the Administrator as to the action to be taken.

Specific Authority 296.04(2) FS. Law Implemented ~~1.01(14), 296.02(6),~~ 296.04(2), 296.06(2), 296.07, 296.08 FS. History—New 5-29-90, Amended 3-31-94, 10-27-94, 12-27-98, 12-28-04, _____.

55-11.008 Residents' Contribution to Support.

(1) Every resident who receives income from any source, including pension, compensation or gratuity from the United States government of more than the current personal needs allowance, \$100 per month, shall contribute to his or her maintenance and support while a resident of the home to the fullest extent possible.

(a) Income from any source is income over which the veteran has control and can exercise discretion.

(b) Pension, compensation or gratuity from the United States Government is the amount paid to the veteran as a single person. Additional amounts paid for a spouse or other dependents are not considered.

(c) A resident's income shall include all income from any source, plus any pension, compensation or gratuity from the United States Government, minus the current personal needs allowance \$100. Upon the recommendation of the Administrator, and with the approval of the Director, a resident may be allowed to retain some additional amount on a temporary basis, when necessary due to exceptional or unusual personal health needs of the resident.

(d) As a condition for acceptance to residency in the home, and at the time of admission to the home, a resident will be required to authorize the Administrator to verify the resident's income.

(2) The Administrator shall determine the amount of the required contribution of each resident of the home based on the daily cost of care in the home.

(a) The daily cost of care is calculated by dividing the total expenditures of the home for the period for which the calculation is being made by the estimated total number of days in the period that residents will occupy beds in the home (average daily census).

(b) The daily cost of care will be calculated annually based on the calendar year (January 1 through December 31), except that if the average daily census changes by 10%, up or down, for the immediately preceding 3 calendar month period, the Administrator may shall recalculate the daily cost of care based on the revised average daily census figure.

(c) The resident's required contribution may shall be adjusted, up or down, on the first day of the month following the month in which the recalculation of the daily cost of care occurs has occurred.

(3) The VA contribution is the amount of VA per diem payment to the home for those residents determined by the VA to be eligible to receive such assistance.

(4)(a) The required contribution for a resident who is eligible for the VA contribution is the daily cost of care as calculated under paragraph (2)(a) herein, not to exceed the amount of the resident's income as calculated under paragraph (1)(c) herein.

(b) The required contribution for a resident who is not eligible for the VA contribution is the daily cost of care as calculated under paragraph (2)(a) herein.

(5) Upon admission, the resident shall pay in full, in advance, the pro-rata share of the resident's contribution for the remainder of the calendar month during which the resident is admitted.

(6) Each resident shall pay the full amount of the resident's contribution for each calendar month, in advance, by the fifth business day of the month. A resident who does not have income eligible for co-payment and is physically able to work will be required to participate in the Work Incentive Therapy Program. In the event the resident is discharged for any reason before the end of the month, a pro-rata portion of the resident's contribution for the month shall be refunded to the resident.

(7) Failure to pay the required contribution will be cause for the Administrator, subject to the approval of the Director, to dismiss the resident from the home.

Specific Authority 296.04(2) FS. Law Implemented 296.04(6), 296.10(1) FS. History—New 5-29-90, Amended 3-31-94, 1-25-96, 12-27-98, 7-26-00, _____.

55-11.010 Residents' Deposits of Money.

(1) The Veterans' Domiciliary Home of Florida Residents' Deposit Trust Fund is established at Lake City, Florida, in a financial institution that is insured by the Federal Deposit

Insurance Corporation (FDIC) or the National Credit Union Association (NCUA). The Residents' Deposit Trust Fund is a local fund which is not part of the State Treasury.

(2) A resident may voluntarily deposit moneys with the home at no charge to be made of the resident by the home.

~~(a) If any interest is earned on the residents' deposits, the interest shall be deposited to the Residents' Deposit Trust Fund. Money deposited and any interest earned may be withdrawn, in whole or in part, at the will of the resident. Upon the resident's death, money deposited and any interest earned will be distributed in accordance with Chapter 296.12(2), F.S. All interest earned on the residents' deposits shall be deposited to the Grants and Donations Trust Fund to be expended for the common benefit of the residents of the home, such as improved facilities, recreational equipment and recreational supplies subject to the requirements of Chapter 216, F.S.~~

(b) Each resident desiring to make a deposit of funds to the Residents' Deposit Trust Fund shall be informed of the above provision.

(3) Such moneys as a resident may have on deposit with the Residents' Deposit Trust Fund may be withdrawn, in whole or in part, at the request of the resident. A resident who requests a withdrawal between 9:00 a.m. and 3:00 p.m. on any weekday, excluding holidays observed by state employees, will be allowed to withdraw in cash a sum of money up to \$150.00. A resident who requests a withdrawal of more than \$150.00, 11:00 a.m. on any weekday, excluding holidays observed by state employees, will, by 2:00 p.m. of the day of the request is made, receive a check payable to the resident drawn on the Trust Fund. Except in an emergency, requests made after 11:00 a.m. will be processed ~~handled~~ on the next regular workday ~~weekday~~.

(4) Upon a resident leaving the home, if such moneys are not withdrawn by the resident at the time of departure, they shall be held in the Trust Fund for a period of 3 years, unless withdrawn by the resident or demanded by a legal representative or heir of the resident in the event of the death of the resident.

(a) Upon the death of a resident who died intestate, the Administrator is empowered to:

1. Disburse funds of the deceased resident for payment of the resident's funeral expenses.

2. Upon proof determined by the Administrator to be proper to adequately identify the heirs of the deceased resident without probate proceedings, the Administrator shall pay to the heirs any balance of moneys held by the home.

(5) If after 3 years the resident does not demand the funds that were not withdrawn at the time of departure, or, if after the death of a resident or former resident who still has funds on deposit, no heirs who are entitled to the whole of such funds are discovered within 1 year after the death of the resident, then such remaining funds shall be deposited ~~paid~~ to the state as provided in Chapter 717, F.S.

Specific Authority 296.04(2) FS. Law Implemented 296.11(3), 296.12, 296.13 FS., as amended by Chapter 92-80, Laws of Florida. History—New 5-29-90, Amended 11-19-92, 12-27-98,_____.

55-11.011 Residents' Deposits of Personal Property.

(1) Any resident of the home may deposit articles of personal property, other than money, with the Administrator for safekeeping by the home.

(a) An itemized record of the deposit of such articles of personal property shall be maintained by Business Services. This record shall contain:

1. The full name of the resident depositing the property.
2. The date of deposit of the property.
3. A description of each article of property with sufficient detail so as to make possible the identification of the article or articles deposited.
4. A statement of the resident as to the estimated value of each article deposited. If the resident assigns a value of \$500 or more to an article to be deposited with the home, an independent appraisal by a qualified appraiser must be furnished by the resident substantiating the value of the article.
5. The disposition made of the property and the date such disposition was made.

(2) Property deposited with the home shall be returned on demand, upon the resident executing a written acceptance, acknowledging the return of such property.

(3) If such property is not claimed by the resident at the time of leaving the home, or if the resident is deceased, it will be held for safekeeping as unclaimed personal property for up to one year from the date of the resident's demise or departure from the home. The Administrator may ~~will~~ make a reasonable monthly storage charge for the safekeeping of such unclaimed property which shall become a lien upon the property if not paid.

(4) Upon proof of identity, the Administrator shall release the property to the resident's heirs, devisees or legatees.

(5) When the value of such articles of unclaimed property exceeds the probable cost of a public sale, the Administrator shall cause a public sale to be held to dispose of the unclaimed articles. All storage charges and costs of sale shall be reimbursed to the Operations and Maintenance Trust Fund of the home, and any remaining unclaimed funds shall be disposed of as provided in Chapter 717, F.S.

Specific Authority 296.04(2) FS. Law Implemented 296.14 FS. History—New 5-29-90, Amended 3-31-94, 12-27-98, 7-26-00,_____.

55-11.012 Vocational Rehabilitation and Work Incentive Programs.

(1)(a) It is the purpose of the vocational rehabilitation program, ~~as set forth in 38 C.F.R. 17.217(j), dated July 1, 1997,~~ to afford the resident an opportunity to gain employment outside the home as a part of the therapeutic rehabilitation of

the resident; to assist the resident to become a self-sufficient and productive member of society, able to live in a noninstitutional setting.

(b) The work incentive program will afford the resident the opportunity to work at the home and be compensated for rendering assistance in the care of the home and grounds.

(2) A resident must have his or her participation in these programs approved as a part of the resident's written interdisciplinary treatment plan.

(3)(a) After the approval of the resident's participation in the vocational rehabilitation program has been entered into the resident's interdisciplinary treatment plan, and if the resident does not have a job, he/she ~~may~~ shall be referred to the area Agency for Workforce Innovation Florida Department of Labor and Employment Security Job Service for an assessment of the resident's skills and abilities.

(b) The resident ~~may~~ shall be assisted in securing employment appropriate to the resident's skills, abilities and physical condition by the U.S. DVA Rehabilitation Programs Disabled Veteran Outreach Program (DVOP) or Local Veterans Employment Representative (LVER) personnel.

(4)(a) After the approval of the resident's participation in the work incentive program ~~is has been~~ entered into the resident's interdisciplinary treatment plan, the interdisciplinary team shall determine the type of work the resident may be qualified and capable of performing and refer the resident to the home personnel office for processing. Work incentive positions will be filled based on recommendations from the interdisciplinary team and available work incentive position vacancies.

(b) The personnel office will process the employment package based on the interdisciplinary team's recommendation of shall assess the resident's skills and abilities and determine the appropriate kind of work to which the resident can be assigned. The employment package will be processed in accordance with the personnel policies of the Florida Department of Veterans' Affairs.

(c) The resident ~~may~~ shall be assigned to work that renders assistance in the care of the home and grounds that is consistent with the resident's skills, abilities and physical condition.

(5) The resident's continued participation in these programs shall be contingent on the employment being compatible with the resident's interdisciplinary treatment plan and the resident's continued observance of all the rules governing the preservation of order and discipline in the home as set forth at Rule 55-11.009, F.A.C., herein.

~~(6) When available, transportation to and from employment in the local community will be provided by the home for the first thirty (30) days of employment. Thereafter, the resident will be responsible for arranging his own transportation.~~

~~(6)(7)~~ The resident's contribution to his or her support while employed under either program, shall be in accordance with the schedule of payment determined by the Administrator and approved by the Director, to be computed at fifty percent (50%) of the resident's net earnings after taxes and after the set aside of the personal needs allowance, first \$100 per month, not to exceed the resident's required contribution based on the daily cost of care as calculated in subsection 55-11.008(2), F.A.C., herein. Payments toward a resident's contribution for support will be due within five (5) business days after each pay period. The resident is required to authorize the Administrator of the home to secure from the employer sufficient information to verify the resident's earnings under the program.

~~(7)(8)~~ The Inter-Disciplinary Team must approve a resident's Vocational Rehabilitation Program which shall be for a maximum period of three (3) months prior to a discharge to independent living.

Specific Authority 296.04(2) FS. Law Implemented 296.04(6), 296.10(1), 296.17, 400.402 FS. History--New 6-25-91, Amended 3-31-94, 12-27-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Herman
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF VETERANS' AFFAIRS

RULE NOS.:	RULE TITLES:
55-12.002	Policies
55-12.003	Definitions
55-12.004	Admission Eligibility
55-12.006	Residents' Contribution to Cost of Care
55-12.007	Order and Discipline in the Home
55-12.008	Residents' Deposit of Money or Personal Property

PURPOSE AND EFFECT: To conform rules to current Florida Statutes.

SUMMARY: Veterans' Nursing Home of Florida.

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: 296.34(3) FS.

LAW IMPLEMENTED: 296.33, (6), 296.34-.38, 296.41 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55-12.002 Policies.

(1) The Veterans' Nursing Homes of Florida shall be maintained to provide nursing home care to eligible veterans in need of such services by providing each resident the opportunity to achieve and maintain their optimal functional level for as long as possible.

(2) Applicants shall be admitted into the home without regard to race, age, ~~gender, sex,~~ creed, religion, national origin, or any other reason that would thereby create a practice of discrimination. However, consideration of an applicant's veteran status shall not constitute discrimination.

(3) The Department will operate the homes in compliance with the standards prescribed by the VA; and with all applicable provisions of Part II, Chapter 400, Florida Statutes, and the regulatory standards set forth at Chapter 59A-4, F.A.C., to the extent that such provisions are not contravened by a provision of Part II, Chapter 296, Florida Statutes. Where the standards of the state are more restrictive than the standards of the VA, the standards of the state shall apply.

Specific Authority 296.34(3) FS. Law Implemented 296.33(6), 296.35, 296.41 FS. History—New 5-23-93, Amended 12-27-98,_____.

55-12.003 Definitions.

(1) The terms used in this Chapter have the meaning set forth at Section 296.33, Florida Statutes.

(2) "Applicant" means a veteran as defined in subsection 1.01(14), Florida Statutes, who is in need of nursing home care.

(3) "Interdisciplinary Care Plan" means the resident care plan developed, implemented and maintained for each resident in accordance with Rule 59A-4.109, F.A.C.

(4) "Property" means equipment, fixtures and other tangible personal property of a nonconsumable and nonexpendable nature the value or cost of which is \$1,000 ~~\$500~~ or more and the normal expected life of which is one year or more, and hardback-covered bound books the value of which is \$250 ~~\$100~~ or more, owned by the state.

(5) "VA" means the United States Department of Veterans Affairs.

Specific Authority 296.34(3) FS. Law Implemented 296.33, 296.38, 296.41 FS. History—New 5-23-93, Amended 12-27-98,_____.

55-12.004 Admission Eligibility.

(1) To be eligible for admission an applicant must:

(a) Be an eligible veteran as defined in subsection 55-12.003(2), F.A.C., of this Chapter of these rules.

(b) Be a resident of the state at the time of application and for 1 year immediately preceding application.

(c) Be in need of nursing home care for a condition which requires services that fall within the level of care which the home has the resources and functional ability to provide.

(2) Each applicant must be referred to the home by a VA Medical Center. Except for an applicant who is able to pay the full cost of care, prior to admission, each applicant must have been approved by the VA as being eligible for federal aid ~~pursuant to Section 17.195 of Title 38, Code of Federal Regulations, incorporated by reference in this rule.~~

Specific Authority 296.34(3) FS. Law Implemented 296.36 FS. History—New 5-23-93, Amended 12-27-98, 7-26-00,_____.

55-12.006 Residents' Contribution to Cost of Care.

(1) Every resident who receives income from any source, including pension, compensation or gratuity from the United States government of more than \$35.00 per month, shall contribute to his or her cost of care while a resident of the home to the fullest extent possible.

(a) Income from any source is income over which the resident has control and can exercise discretion. It does not include taxes or other expenses necessary for the production of the income.

(b) Pension, compensation or gratuity from the United States Government is the amount paid to the resident as a single person. Additional amounts paid for the support of a spouse or other dependents are not considered.

(c) A resident's income shall include all income from any source, plus any pension, compensation or gratuity from the United States Government, minus \$35.00. Upon the recommendation of the Administrator, and with the approval of the Director, a resident will be allowed to retain some additional amount on a temporary basis, when necessary due to exceptional or unusual personal health needs of the resident.

(2) The Administrator shall determine the amount of the required contribution of each resident of the home based on the daily cost of care in the home.

(a) The daily cost of care is calculated by dividing the total operating budget of the home for the period for which the calculation is being made by the estimated total number of days in the period that residents will occupy beds in the home (average daily census).

(b) The daily cost of care will be calculated annually based on the 12 month state fiscal year (July 1 through June 30), except that if the average daily census changes by 10%, up or down, for the immediately preceding 3 calendar month period, the Administrator ~~may shall~~ recalculate the daily cost of care based on the revised daily census figure.

(c) The residents required contribution shall be adjusted, up or down, on the first day of the month following the month in which the recalculation of the daily cost of care occurs. ~~has occurred.~~

(3) The VA contribution is the amount of VA per diem payment to the home for those residents determined by the VA to be eligible to receive such assistance.

(4)(a) The required contribution for a resident who is eligible for the VA contribution is the daily cost of care as calculated under paragraph (2)(a) herein, not to exceed the amount of the resident's income as calculated under paragraph (1)(c) herein.

(b) The required contribution for a resident who is not eligible for the VA contribution is the daily cost of care as calculated under paragraph (2)(a) herein.

(5) Upon admission the resident shall pay in full, in advance, the pro-rata share of the resident's contribution for the remainder of the calendar month during which the resident is admitted.

(6) Each resident shall pay the full amount of the resident's contribution for each calendar month, in advance, by the fifth business day of the month. In the event the resident is discharged for any reason before the end of the month, a pro-rata portion of the resident's contribution for the month shall be refunded to the resident.

(7) Failure to pay the required contribution will be cause for the Administrator, subject to the approval of the Director, to dismiss the resident from the home.

Specific Authority 296.34(3) FS. Law Implemented 296.37 FS. History--New 5-23-93, Amended 12-27-98, 7-26-00,_____.

55-12.007 Order and Discipline in the Home.

(1) Resident of the home shall cooperate fully in the preservation of order and discipline in the home.

(a) Residents shall observe good health habits and personal hygiene.

1. Smoking inside the home is prohibited. Areas may shall be designated outside the home for such use.

2. The use of drugs or any controlled substance in the home is prohibited except as provided in subparagraph 3. herein. Alcohol may be consumed by a resident as ordered by the resident's physician.

3. Prescription drugs will be controlled by the home, to be administered as ordered by the resident's physician. Residents may self-administer prescription or over the counter drugs as ordered by the resident's physician where the Interdisciplinary Care Plan of the resident indicates this practice to be safe.

4. Resident's shall submit to such physical or mental examinations and shall cooperate in such health or rehabilitative programs as may be ordered by the resident's physician or the Medical Director.

(b) Residents shall conduct themselves in a way that does not endanger the safety or comfort of other residents of the home.

1. Residents shall not bring anything into the home that endangers the safety or comfort of other residents.

2. Residents shall not have personal items in their possession that would constitute a fire or safety hazard.

3. Residents shall maintain a courteous relationship toward other residents and staff of the home. Abusive, profane or obscene language shall not be used.

4. Residents shall dress appropriately for the particular activity that they may be engaged in from time to time.

5. Residents shall respect the property of other persons and the facilities of the home.

6. Illegal gambling shall not be permitted in the home.

(c) Visiting hours, area of visitation, and conduct of residents and visitors during visits shall not interfere with the comfort and well-being of other residents.

(d)1. A resident may leave the home for up to 96 hours where such absence is approved in the resident's Interdisciplinary Care Plan. The resident is required to make the full contribution to the cost of care while absent.

2. A resident who leaves against medical advice shall not be eligible to return unless approved by the resident's physician and the Administrator.

(e) No resident shall engage in illegal conduct.

(2) The Administrator, subject to the approval of the Director, is empowered by subsection 296.34(5), Florida Statutes, to dismiss a resident of the home for any infraction of these rules.

(3) Where the Administrator determines that a resident has caused physical damage to the home, or its furnishings and equipment, either negligently or intentionally, the Administrator shall determine the cost of repairs or replacement, and take action to recover such costs. The Administrator shall recover such repair or replacement cost by:

(a) Increasing the resident's co-payment.

(b) Using funds of the resident that are on deposit in the Resident's Deposit Trust Fund.

(c) Holding personal property or funds of the resident being held by the home for safekeeping as security for the cost of repairs or replacement.

Specific Authority 296.34(3) FS. Law Implemented 296.34 FS. History--New 5-23-93, Amended 12-27-98,_____.

55-12.008 Residents' Deposit of Money or Personal Property.

(1) The Veterans' Nursing Home of Florida Residents' Deposit Trust Fund is established in a local financial institution that is insured by the Federal Deposit Insurance Corporation

(FDIC) or the National Credit Union Association (NCUA). The Residents' Deposit Trust Fund is a local fund which is not part of the State Treasury.

(2) Any resident of the home may voluntarily deposit moneys with the home at no charge to be made of the resident by the home.

(a) All interest earned on the residents' deposits shall be deposited in the Resident's Deposit Trust Money deposited and any interest earned may be withdrawn, in whole or in part, at the will of the resident. Upon the resident's death, money deposited and any interest earned will be distributed in accordance with Section 296.12(2), F.S. Grants and Donations Trust Fund to be expended for the common benefit of the residents of the home, such as improved facilities, recreational equipment and recreational supplies subject to the requirements of Chapter 216, Florida Statutes.

(b) Each resident desiring to make a deposit of funds to the Resident's Deposit Trust Fund shall be informed of the above provision.

(3) Such moneys as a resident may have on deposit with the Residents' Deposit Trust Fund may be withdrawn, in whole or in part, at the request of the resident. A resident who requests a withdrawal between 9:00 a.m. and 11:00 a.m. on any weekday, excluding holidays observed by state employees, will, by 2:00 p.m. of the day the request is made, receive cash up to \$150. A resident who requests a withdrawal of more than \$150 will receive a check payable to the resident drawn on the Resident's Trust Fund a check payable to the resident drawn on the Trust Fund. Except in an emergency, requests made after 11:00 a.m. will be processed handled on the next regular business day weekday.

(4) Upon a resident leaving the home, if such moneys are not withdrawn by the resident at the time of departure, they shall be held in the Trust fund for a period of 3 years, unless withdrawn by the resident or demanded by a legal representative or heir of the resident in the event the resident is deceased.

(a) Upon the death of a resident who died intestate, the Administrator is empowered to:

1. Disburse funds of the deceased resident for payment of the resident's funeral expenses.

2. Upon proof determined by the Administrator to be proper to adequately identify the heirs of the deceased resident without probate proceedings, the Administrator shall pay to the heirs any balance of moneys held by the home.

(5) If after 3 years the resident does not demand the funds that were not withdrawn at the time of departure, or, if after the death of a resident or former resident who still has funds on deposit no heirs who are entitled to the whole of such funds are discovered within 1 year after the death of the resident, then such remaining funds shall be paid to the state as provided in Chapter 717, Florida Statutes.

(6) The Administrator shall provide for the safekeeping of the personal property of any resident as well as the funds of any resident ~~not~~ deposited in the Resident's Deposit Trust Fund. ~~All such property or funds shall be handled in accordance with subsection 59A 4.104(5), F.A.C.~~

Specific Authority 296.34(3) FS. Law Implemented 296.38 FS. History--New 5-23-93, Amended 12-27-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

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

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

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NOS.: RULE TITLES:

55A-1.003 Procedure

55A-1.004 Unlawful Display or Use

PURPOSE AND EFFECT: To remove rules that are redundant of statute and to update contact information.

SUMMARY: Identification Cards.

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: 295.17(1)(b) FS.

LAW IMPLEMENTED: 295.17(2), (3) 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55A-1.003 Procedure.

(1) A veteran who wishes to request an identification card must complete an Application For Florida Disabled Veteran's Identification Card, FDVA Form 14, ~~April 1990~~, which form is hereby incorporated by reference. The application form can be obtained from any of the following:

(a) Florida Department of Veterans' Affairs, P. O. Box 31003, St. Petersburg, Florida 33731, or 9500 Bay Pines Blvd., St. Petersburg, Florida 33708. ~~144 1st Avenue South, Room 418, St. Petersburg, Florida 33701.~~

(b) Florida Department of Veterans' Affairs Field Services offices in VA Medical Centers located at Bay Pines, Gainesville, Lake City, Miami, ~~and Tampa, and West Palm Beach~~, as well as VA Out Patient Clinics in Daytona Beach, Ft. Myers, Jacksonville, Oakland Park, Orlando, Pensacola, Pt. Richey and Viera. Consult the local telephone directory for the address of the nearest office.

(c) County or City Veteran Service Offices located in counties throughout Florida. Consult the local telephone directory for the address of the nearest office.

(2) The Department shall require the veteran to submit proof that the veteran is a permanent resident of Florida at the time of application.

(3) A veteran claiming eligibility for an identification card pursuant to paragraph (1)(a) of this chapter shall, if available, submit a copy of the award letter from the VA showing that the veteran is 100%, service-connected, permanently and totally disabled.

(4) A veteran claiming eligibility for an identification card pursuant to paragraph (1)(b) of this chapter shall submit a statement from the branch of service concerned attesting to the veteran's current disability rating and retirement pay status. Such statement must be dated no more than 180 days prior to the date the application is received by the Department.

(5) The Department will review the veteran's completed application to determine eligibility to receive the identification card.

(a) If the veteran is found to be eligible, the Department will proceed to issue the card.

(b) If the veteran is found to be ineligible, the Department will notify the veteran by letter as to the reason for the Department's finding.

(6) When a veteran has been found to be eligible to have an identification card issued, the Department shall send the card to the veteran with instructions as to the following action required of the veteran to complete the issuance of the card.

(a) The veteran must sign the identification card on the signature line indicated.

(b) The veteran must secure a 1 ~~1/4~~ inch by 1 ~~1/4~~ inch current photograph of the veteran applying for the card.

(c) The veteran must return the signed card, and the photograph to the Department at the address set forth at paragraph (1)(a) herein. The Department will then complete and authenticate the card and return it to the veteran.

(7) Each card issued shall be serially numbered and shall prominently display the statement that use of the card by any person other than the veteran to whom the card is issued is unlawful.

(8) If, due to a change in circumstances, it becomes necessary to issue a replacement card, the veteran shall return the card to the Department with an explanation of the changed information. The Department will issue a corrected card.

(9) Should the card be lost or destroyed, the veteran may apply for a replacement card by following the application procedure set forth herein.

Specific Authority 295.17(1)(b) FS. Law Implemented 295.17 FS. History—New 7-2-90, Amended 12-24-97, _____.

55A-1.004 Unlawful Display or Use.

~~(1) Pursuant to subsection 295.17(2), Florida Statutes, it is unlawful for any person to display or use any fictitious, fraudulent or expired identification card.~~

~~(2) Pursuant to subsection 295.17(2), Florida Statutes, it is unlawful for any person to copy or reproduce, or have in his or her possession any copy or reproduction of an identification card or a facsimile thereof that could be mistaken for a valid card.~~

~~(3) Pursuant to subsection 295.17(3), Florida Statutes, any person who violates any of the provisions of subsection 295.17(2), Florida Statutes, is guilty of a noncriminal violation punishable by a fine of \$200.~~

Specific Authority 295.17(1)(b) FS. Law Implemented 295.17(2), (3) FS. History—New 7-2-90, Amended 12-24-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

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

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

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE NO.: 55A-3.005
RULE TITLE: County and City Veteran Service Officer Training Courses

PURPOSE AND EFFECT: To update contact information.

SUMMARY: County and City Veteran Service Officers.

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: 292.05(3) FS.

LAW IMPLEMENTED: 292.11(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULE IS:

55A-3.005 County and City Veteran Service Officer Training Courses.

(1) In order to be certified by the Department, an applicant for the position of either a county or city Veteran Service Officer must successfully complete the Department’s Training Course.

(2) The Department shall hold at least one such Training Course each calendar quarter unless there are no applicants. The Department may hold more than one Training Course in any quarter when there is sufficient demand.

(3) The Training Course will be held at the Department offices at 9500 Bay Pines Blvd., St. Petersburg, Florida 33708 as indicated in ~~Rule 55-1.021, Florida Administrative Code.~~ Applicants will be notified in advance as to the schedule for the course.

(4) The course shall be designed to acquaint the applicant with the various benefits and compensation available to eligible veterans and dependents; the eligibility standards; and the procedures to be followed in assisting veterans or dependents in applying for and receiving such benefits and compensation.

(5) Each applicant will be required to demonstrate mastery of the subjects covered in the Training Course by passing a written test administered by the Department. Any applicant who fails to pass the test shall not be certified by the Department.

Specific Authority 292.05(3) FS. Law Implemented 292.11(4) FS. History—New 8-14-79, Formerly 9H-3.05, 22S-3.05, 22S-3.005, Amended 10-4-89,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 04, 2008

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

**DEPARTMENT OF VETERANS’ AFFAIRS
Division of Veterans’ Benefits and Assistance**

RULE NO.: 55A-5.004
RULE TITLE: State Approval of Educational Courses

PURPOSE AND EFFECT: To update contact information.

SUMMARY: Standards for State Approval

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: 292.05(3) FS.

LAW IMPLEMENTED: 295.124 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULE IS:

55A-5.004 State Approval of Educational Courses.

(1) Under the provisions of Section 3672, Chapter 36 of Title 38, United States Code, and the contract entered into between the Bureau and the United States Department of Veterans’ Affairs (U.S.D.V.A.), the Bureau of State Approving for Veterans’ Training is charged with the responsibility of reviewing and approving courses offered by certain accredited and nonaccredited institutions of higher learning and accredited and nonaccredited noncollege degree institutions and courses, specifying courses which it has approved to the Secretary of Veterans’ Affairs so that eligible veterans or other eligible persons enrolled in such courses may receive veterans’ benefits for their attendance.

(2) In order that an educational institution may have its courses reviewed and approved by the Bureau, it shall submit to the Bureau two copies of an application for approval and two copies of its catalog or bulletin certified as true and correct in content and policy by an authorized representative of the school. Copies of the application form and attachments may be obtained from the Bureau’s address at: 9500 Bay Pines Blvd., St. Petersburg, Florida 33708. Application shall be made by completing the application form and attachments, Forms FDVA-BSA-96 (09/90), Personal Data for School Personnel, and FDVA-BSA-113 (01-95), Resident School Application for Approval to Offer Training, hereby incorporated by reference, and submitting them to the Bureau together with the required copies of its catalog or bulletin. ~~Copies of the forms may be obtained from the Bureau’s address at: 1353 East Lafayette, Suite C, Tallahassee, FL 32301-4746.~~

(3) Upon receipt of a properly completed application and two certified copies of the catalog or bulletin, the Bureau shall review the catalog or bulletin to determine whether the courses offered by the educational institution meet the requirements contained in Section 3675 or 3676 of Chapter 36, Title 38, United States Code, or any applicable federal regulations.

(4) The Bureau shall also send a representative to the site of the educational institution to make an on-site inspection of the institution’s facilities and records in order to ensure their compliance with federal and state law.

(5) Once a determination has been made by the Bureau, it shall notify the educational institution which has made application of its decision in writing. When the decision is to approve courses, the letter shall indicate the courses which have been approved, and an official copy of the letter shall be furnished to the Secretary of Veterans' Affairs. The letter to the Secretary shall be accompanied by a copy of the catalog or bulletin of the institution as approved by the Bureau and any other information required by Section 3678 of Title 38, United States Code. An educational institution which has its courses or any of them disapproved by the Bureau shall be notified of such disapproval by a certified or registered letter of notification and a return receipt secured. A copy of the letter of disapproval shall likewise be furnished to the Secretary of Veterans' Affairs.

(6) The educational institution is required to keep the Bureau informed of: any changes in a program or curriculum, change in a school calendar, institution of a new degree program, issuance of a new school catalog, change of ownership or management, a move, or other changes in its operations relating to approved programs. The educational institution shall submit to the Bureau the information concerning the change. The Bureau will review the changes, make an on-site inspection visit if necessary, and request any additional material needed. The Bureau will then issue an approval or denial letter to the educational institution concerning the changes with an official copy of the letter furnished to the Secretary of Veterans' Affairs.

Specific Authority 292.05(3) FS. Law Implemented 295.124 FS. History--New 9-2-79, Amended 5-27-80, Formerly 9H-5.04, 22S-5.04, 22S-5.004, Amended 10-30-89, 12-5-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Herman
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF VETERANS' AFFAIRS
Division of Veterans' Benefits and Assistance

RULE NOS.:	RULE TITLES:
55A-7.002	Statement of Legislative Intent
55A-7.003	Definitions
55A-7.004	Covered Employers
55A-7.005	Covered Positions
55A-7.008	Persons Eligible for Appointment and Retention Preference
55A-7.009	Announcements, Applications, and Due Process

55A-7.010	Employment Preference When Using a Numerically Based Selection Process
55A-7.011	Employment Preference When Numerically Based Selection Process is Not Used
55A-7.0111	Reinstatement or Reemployment; Promotion Preference
55A-7.012	Procedures for Commencement and Expiration of Preference
55A-7.013	Documentation of Preference Claim
55A-7.014	Notice and Documentation by Employer
55A-7.015	Preference in Retention
55A-7.016	Enforcement of Preference

PURPOSE AND EFFECT: To remove rules that are redundant of statute. To update contact information. To conform rules to current Florida Statutes. To amend rules concerning Announcements, Applications, Due Process and Documentation of Preference Claim.

SUMMARY: Veterans' Preference in Appointment and Retention in Employment.

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: 295.07(2), 295.085(2) FS.

LAW IMPLEMENTED: 1.01(14), 295.065, 295.07(1), (2)(c), (4), 295.08, 295.09, 295.101, 295.11 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: Ron Lynn, (850)487-1533

THE FULL TEXT OF THE PROPOSED RULES IS:

55A-7.002 Statement of Legislative Intent Policy.

It is the intent of the Legislature to provide preference and priority for veterans in the hiring practices of the state and its political subdivisions. This includes preference and priority in appointment, retention, reinstatement, reemployment and promotion. It is the policy of the State of Florida to give preference to eligible veterans and spouses of veterans in appointment and retention in positions of public employment.

Specific Authority 295.07(2) ~~295.085(2)~~ FS. Law Implemented 295.065 ~~295.085(2)~~ FS. History--New 3-30-88, Formerly 22VP-1.002, Amended _____.

55A-7.003 Definitions.

As used in this chapter:

(1) "Appointment" means employment of a preference-eligible applicant into a vacant position with the state or political subdivisions of the state after the effective date of these rules.

(2) "Armed Forces" or "armed services" means the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States.

(3) "Augmented Rating" means the final numerical score received by a preference-eligible applicant after it is increased by veterans' preference points in accordance with Rule 55A-7.010, F.A.C., of this chapter.

(4) "Complaint Lacking Merit" means a complaint lacking a basis in law and/or fact, and which is so insufficient in that there is little if any prospect that it can be successfully resolved in favor of the veteran.

(5) "Department" means the Florida Department of Veterans' Affairs.

(6) "Department of Defense" means the United States Department of Defense.

(7) "Examination" means any selection device which results in a numerical score and by which applicants are determined eligible for consideration for a specific position. These devices will include the following:

(a) A written or proficiency assessment of an applicant's knowledge, skills, and abilities,

(b) An assessment of the essential knowledge, skills, abilities, and other job-related requirements possessed by an applicant, or

(c) An evaluation of the applicant's training and experience.

(8) "Minimum Qualifications" means a specification of the kinds of experience, training, education, and licensure or certification (if applicable) that provides appropriate job-related evidence that an applicant possesses the minimum required knowledge, skills, and abilities necessary to the discharge of the duties involved.

(9) "Numerically Based Selection Process" means an examination resulting in a numerical score which is the sole criterion for making an employment selection decision from a pool of candidates who meet minimum qualifications.

(10) "Vacant Position" means a position which the covered employer has announced as being open for recruitment and available to all applicants. A position that is announced as being open to current employees only, to be filled by the reassignment, promotion or demotion of an employee is not a vacant position for the purpose of this chapter.

(11) "DVA" means the United States Department of Veterans' Affairs.

(12) "Veteran" or "wartime veteran" is as defined in Section 1.01(14), F.S. ~~To be eligible for veterans' preference as a wartime veteran, an applicant must have served at least one day during a wartime period as delineated in Section 1.01(14), F.S.~~

(a) The veteran must have served at least 1 day during a wartime period to be eligible for veterans' preference. Active duty for training shall not be allowed for eligibility.

(b) A veteran who has served in a campaign or expedition for which a qualifying campaign badge or expeditionary medal has been authorized, (including any armed forces expeditionary medal or the global war on terrorism medal) is eligible for preference pursuant to Section 295.07, F.S.

Specific Authority 295.07(2) FS. Law Implemented 1.01(14), 295.07(1), 295.07(2)(c) FS. History—New 3-30-88, Formerly 22VP-1.003, Amended 2-12-90, 6-21-92, 7-12-93, 12-27-98, 7-26-00, _____.

55A-7.004 Covered Employers.

This chapter applies to employment by the state, including the State University System, the State Community College System, the Florida School for the Deaf and Blind, and the state's political subdivisions as defined in Section 1.01(8), F.S., including ~~The term "political subdivisions" means~~ counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in the state.

Specific Authority 295.07(2) ~~295.085(2)~~ FS. Law Implemented 295.07(1), 295.07(4) ~~295.07(2)~~ FS. History—New 3-30-88, Formerly 22VP-1.004, Amended 2-12-90, _____.

55A-7.005 Covered Positions.

(1) Positions of employment offered by the State as designated in Rule 55A-7.004, F.A.C., and listed below are covered by the provisions of this Chapter.

(a) All positions under the state Career Service System.

(b) All positions under the State University System's University Support Personnel System.

(c) All Career Service System positions under the State Community College System. ~~that are identified as Teaching Assistant/Associate, Specialist/Support staff, Clerical/Secretarial, Technical/Paraprofessional, Skilled Crafts or Service/Maintenance.~~

(d) All Career Service System positions under the Florida School for the Deaf and Blind ~~that are under the Career Service System.~~

(2) Positions of employment offered by a political subdivision of the state are covered by the provisions of this Chapter except those that are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices and the personal secretary of each such officer, members of boards and commissions, persons employed on a temporary basis without benefits, city managers and county

~~managers, heads of departments, management positions, policymaking positions as determined by each political subdivision subject to review by the Public Employees Relations Commission, positions which require licensure as a physician, licensure as an osteopathic physician, licensure as a chiropractic physician, and positions which require that the employee be a member of The Florida Bar which are exempt.~~

Specific Authority ~~295.07(2), 295.085(2)~~ FS. Law Implemented ~~295.07(1), 295.07(4), 295.07(2), 295.11(4)~~ FS. History—New 3-30-88, Formerly 22VP-1.005, Amended 2-12-90, _____.

55A-7.008 Persons Eligible for Appointment and Retention Preference.

The following persons shall be eligible to receive preference in appointment and retention in employment:

(1) Disabled veterans who have served on active duty in any branch of the Armed Forces and who:

(a) Have a presently existing service-connected disability which is compensable under public laws administered by the DVA; or

(b) Are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the DVA and the Department of Defense.

(2) The spouse of any person:

(a) Who has a total and permanent service-connected disability and who, because of this disability, cannot qualify for employment; or

(b) Who is missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

(3) A wartime veteran as defined in subsection 55A-7.003(12)(H), F.A.C., of this chapter.

(4) The unmarried widow or widower of a veteran who died of a service-connected disability

(5) A veteran who has served in a campaign or expedition for which a qualifying campaign badge or expeditionary medal has been authorized (including any armed forces expeditionary medal or the global war on terrorism medal).

Specific Authority 295.085(2) FS. Law Implemented 295.07(1) FS. History—New 3-30-88, Formerly 22VP-1.008, Amended 2-12-90, 6-21-92, _____.

55A-7.009 Announcements, ~~and Applications,~~ and Due Process.

(1) The employer shall give notice in all announcements and advertisements of vacancies in covered positions that preference in ~~initial~~ appointment will be given to eligible veterans and spouses of veterans.

(2) The covered employer shall inform preference-eligible applicants at the time of application of the right to an investigation by the Department if a non-preference eligible applicant is appointed to a position, the time limits for requesting such investigation, and the address to which the

request for an investigation should be sent. Veterans' preference applies only for the preferred applicant's initial employment by a covered employer. Veterans' preference is not given for an employee seeking promotion except as provided at Rule 55A-7.011, F.A.C., below.

(3) Forms provided for application for covered employment shall ask whether the applicant is claiming veterans' preference, ~~and whether the applicant entered into covered employment by a covered employer before or after the present application.~~

(4) Each covered employer shall ensure that records are maintained which document the manner of the selection and the propriety of the selection process and decision in accordance with federal and state laws.

Specific Authority ~~295.07(2), 295.085(2)~~ FS. Law Implemented ~~295.065, 295.11, 295.101, 295.15~~ FS. History—New 3-30-88, Formerly 22VP-1.009, Amended 2-12-90, 7-12-93, _____.

55A-7.010 Employment Preference When Using a Numerically Based Selection Process.

(1) In all covered positions for which an examination, as defined in subsection 55A-7.003(7), F.A.C., of this chapter, is used to determine the qualifications for entrance into employment with a covered employer, the score of a preference-eligible applicant who obtains a qualifying score on the examination shall be augmented as follows:

(a) Where the highest possible examination score is 100, ten points shall be added to the scores of applicants eligible under subsections 55A-7.008(1) and (2), F.A.C.;

~~(b)~~ Five points shall be added to the scores of applicants eligible under subsections 55A-7.008(3), ~~and~~ (4) and (5), F.A.C.;

~~(b)(e)~~ Where the highest possible examination score is other than 100, then 10 percent or 5 percent shall be added to the applicant's score under paragraph (a) or (b) above, as appropriate to give the preference-eligible applicant the equivalent of 10 points or 5 points on a scale of 100.

(2) The names of persons eligible to receive a 10-point preference whose service-connected disabilities have been rated by the DVA or the Department of Defense to be 30 percent or more shall be placed at the top of the appropriate register or employment list in the order of their augmented ratings. This subsection shall not apply to classes of positions with Federal Government designations in the U. S. Department of Labor, Employment and Training Administration's Dictionary of Occupational Titles of professional or technician.

(3) The names of all other preference-eligible applicants shall be placed on the appropriate register or employment list in the order of their augmented ratings.

(4) Appointments to positions are required by the local merit system rules to be made from the appropriate register or employment list in the rank order of their augmented ratings.

Specific Authority 295.07(2) FS. Law Implemented 295.08 FS. History—New 3-30-88, Formerly 22VP-1.010, Amended 2-12-90, 7-12-93, 12-27-98, _____.

55A-7.011 Employment Preference When Numerically Based Selection Process is Not Used.

(1) In all covered positions for which an examination, as defined in subsection 55A-7.003(7), F.A.C., is not used to determine the qualifications for employment, preference in appointment, employment and retention shall be given first to those persons included under subsections 55A-7.008(1) and (2), F.A.C., and second to those persons included under subsections 55A-7.008(3), ~~and (4)~~ and (5), F.A.C., provided such persons possess the minimum qualifications necessary to the discharge of the duties involved.

(2) Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process but does not require the employment of a preferred applicant over a nonpreferred applicant who is the most qualified applicant for the position. Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible veteran meets minimum qualifications for an open position, then he or she will advance to the next step in the public employer's selection process. If, at any step in the selection process, a determination is made that the veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct. In the event of any investigation conducted pursuant to Section 295.11, F.S., the Department of Veterans' Affairs shall require that the agency or political subdivision which is party to such investigation demonstrate how its policies were effectuated at each step of the employment selection process, including why an interview was not provided, in regard to the individual preference-eligible applicant or employee who requested the investigation.

(3) The employer is required to document and justify the decision to hire a nonpreferred applicant over the preferred applicant, subject to the review of that decision by the Department of Veterans' Affairs as provided by ~~at~~ by Rule 55A-7.016, F.A.C., of this Chapter, and ultimately by the Public Employees Relations Commission.

Specific Authority 295.07(2) FS. Law Implemented 295.085, 295.11(4) FS. History—New 3-30-88, Formerly 22VP-1.011, Amended 2-12-90, 7-12-93, 12-27-98, 12-28-04, _____.

55A-7.0111 Reinstatement or Reemployment; Promotion Preference.

(1) When an employee in a covered position leaves employment of the state or its political subdivisions for the purpose of serving in the Armed Forces of the United States

and is separated therefrom with an honorable discharge, the state or its political subdivision shall reinstate or reemploy such person under the following conditions:

(a) Reinstatement or reemployment is made to the same or to an equivalent position.

(b) Reinstatement or reemployment is made within one year of the date of separation from the military service, or, in the case of extended active duty, within one year of the date of discharge or separation subsequent to the extension.

(2) Persons reinstated or reemployed under this section shall be awarded preference in promotion, and shall be promoted ahead of all other employees who are as well or less qualified for the position. When an examination, as defined in Rule 55A-7.003, F.A.C., is utilized, such persons shall be eligible for preference points and ranking on the register as provided by Rule 55A-7.010, F.A.C., of this chapter. Eligibility for preference in promotion shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

(3) If the reinstated or reemployed person is not promoted, the person retains promotion preference eligibility until the first promotion following reemployment is satisfied.

(4) Where the reinstated or reemployed person is not promoted and the register is vacated to establish a new register for the next promotion, such person shall retain eligibility for preference points and ranking on the new register as provided by Rule 55A-7.010, F.A.C.

Specific Authority ~~295.07(2)~~ ~~295.085(2)~~ FS. Law Implemented 295.08, 295.09 FS. History—New 3-30-88, Formerly 22VP-1.011, Amended _____.

55A-7.012 Procedures for Commencement and Expiration of Preference.

~~(1) A veterans' preference claim shall be indicated by the applicant on the employment application form which shall be placed into the employee's personnel file upon appointment to a position to document utilization of veterans' preference.~~

~~(2) The procedures for granting veterans' preference pursuant to this chapter shall commence on the date the rule becomes effective.~~

~~(3) A veteran's employment preference shall be deemed to have expired after an eligible person pursuant to Rule 55A-7.008, F.A.C., of this chapter has applied and been employed by the state or any agency of a political subdivision of the state.~~

Specific Authority 295.07(2) FS. Law Implemented 295.101 FS. History—New 3-30-88, Formerly 22VP-1.012, Amended 12-27-98, Repealed _____.

55A-7.013 Documentation of Preference Claim.

(1) An applicant for a covered position who believes he or she is entitled to veterans' preference in employment shall indicate such preference on the application form.

(2) The applicant claiming preference is responsible for providing required documentation at the time of making an application for a vacant position, or prior to the closing date of the vacancy announcement.

(3) The covered employer shall inform applicants of requirements for documentation of eligibility for preference.

(4) The covered employer shall determine whether an applicant is eligible for ~~employee has utilized his or her~~ veterans' preference.

(5) The covered employer shall document the employee's election of veterans' preference.

~~(6)(5)~~ Intentional misrepresentation of the claim for preference shall disqualify the applicant from claiming veterans' preference, and if employed, shall be subject to disciplinary action by the covered employer.

~~(7)(6)~~ Documentation shall include the following:

(a) Veterans, disabled veterans, and spouses of disabled veterans shall furnish a Department of Defense document, commonly known as form DD-214 or military discharge papers, or equivalent certification from the DVA, listing military status, dates of service and discharge type.

(b) Disabled veterans shall also furnish a document from the Department of Defense, the DVA, or the Department certifying that the veteran has a service-connected disability.

(c) Spouses of disabled veterans shall also furnish either a certification from the Department of Defense, or the DVA that the veteran is totally and permanently disabled or an identification card issued by the Department; spouses shall also furnish evidence of marriage to the veteran and a statement that the spouse is still married to the veteran at the time of the application for employment; the spouse shall also submit proof that the disabled veteran cannot qualify for employment because of the service-connected disability.

(d) Spouses of persons on active duty shall furnish a document from the Department of Defense or the DVA certifying that the person on active duty is listed as missing in action, captured in line of duty, or forcibly detained or interned in line of duty by a foreign government or power; such spouses shall also furnish evidence of marriage and a statement that the spouse is married to the person on active duty at the time of that application for employment.

(e) The unremarried widow or widower of a deceased veteran shall furnish a document from the Department of Defense or the DVA certifying the service-connected death of the veteran, and shall further furnish evidence of marriage and a statement that the spouse is not remarried.

~~(f) Spouses of persons eligible to claim preference under subsection 55A-7.008(2), F.A.C., shall furnish certification from the VA that the veteran has a total and permanent service-connected disability.~~

~~(g) All documents specified in this section must clearly indicate that they are copies of originals.~~

Specific Authority 295.07(2) FS. Law Implemented 295.07 FS. History–New 3-30-88, Formerly 22VP-1.013, Amended 2-12-90, 7-12-93, 12-27-98, _____.

55A-7.014 Notice and Documentation by Employer.

~~(1) The covered employer shall inform preference-eligible applicants at the time of application of the right to an investigation by the Department if a non-preference-eligible applicant is appointed to a position, the time limits for requesting such investigation, and the address to which the request for an investigation should be sent.~~

~~(2) Each covered employer shall ensure that records are maintained which document the manner of the selection and the propriety of the selection process and decision in accordance with federal and state laws.~~

Specific Authority 295.07(2) FS. Law Implemented 295.11 FS. History–New 3-30-88, Formerly 22VP-1.014, Amended 12-27-98, Repealed _____.

55A-7.015 Preference in Retention.

(1) In all covered positions where layoffs are necessitated, special consideration in the retention of employees shall be given first to those persons included under subsections 55A-7.008(1) and (2), F.A.C., and second to those persons included under subsections 55A-7.008(3), ~~and (4), and (5).~~ F.A.C., of this chapter. The point system procedures described in Rule 55A-7.010, F.A.C., may also be utilized by covered employers. In the event that a point system is not utilized by the covered employer, the employer must demonstrate how special consideration was afforded at each step in the retention process.

(2) Each covered employer shall ensure that records are maintained which document the manner of the retention and the propriety of the retention process and decision in accordance with federal and state laws.

Specific Authority 295.07(2) ~~295.085(2)~~ FS. Law Implemented 295.07, 295.08, 295.085 ~~295.085(2)~~ FS. History–New 3-30-88, Formerly 22VP-1.015, Amended 7-12-93, _____.

55A-7.016 Enforcement of Preference.

(1) An applicant eligible for veterans' preference who believes he or she was not afforded employment preference in accordance with this chapter may file a complaint with the Department at 11351 Ulmerton Road, Room 311-K, Largo, Florida 33778, Post Office Box 31003, St. Petersburg, Florida 33731, requesting an investigation. When the applicant has received notice of a hiring decision from a covered employer, the complaint shall be filed within 21 calendar days from the date that the notice is received by the applicant. The day of receipt by the applicant of the hiring decision will be presumed to be the date on the employer's letter plus 5 calendar days for mail unless there is definitive proof that the applicant received the notice earlier. When the applicant has not received notice of a hiring decision within two calendar months of the receipt

of the application by the employer, the applicant shall contact the employer to determine if the position has been filled by a nonpreferred applicant. After having determined from information supplied by the employer that the position has been filled by the appointment of a nonpreferred applicant, the preferred applicant may file a complaint within three calendar months of the date the application was received by the employer. Receipt by the employer will be presumed to be the date stamp utilized by the employer to document mail receipt on the date shown on the application, if no other proof of receipt is available. If the position has not been filled, the time period for filing a complaint is extended to provide the preferred applicant one calendar month after having determined that the position has been filled. It is the responsibility of the preferred applicant to maintain contact with the employer to determine if the position has been filled.

(2) Within 10 calendar days of receipt of the complaint, the Department shall send a written acknowledgment of receipt to the complainant, advising that the complaint will be acted upon in accordance with Chapter 55A-7, F.A.C., a copy of which shall be furnished to the complainant.

(3) Within 10 calendar days of receipt of the complaint, the Department shall designate a Department representative who will be responsible for conducting the investigation and requesting information from the employer.

(4) Within 30 calendar days of a request by the Department, the employer or hiring authority shall furnish the following information:

(a) The documentation required by subsection 55A-7.014(2) or 55A-7.015(2), F.A.C., whichever applies.

(b) A statement justifying the hiring decision.

(c) If applicable, a statement as to whether the essential job functions can or cannot be performed by the applicant. If a statement is provided advising the essential job functions cannot be performed by the applicant, then the hiring entity must also provide information as to the type of employment accommodation which was considered and/or discussed with the applicant.

(5) Within 30 calendar days of receipt of the information from the covered employer, the Department shall issue its investigative findings, by certified mail, return receipt requested, and shall provide copies to the complainant and the employer. The report shall include the following:

(a) The name of the individual supplying the information from the employer.

(b) The nature of the information supplied.

(c) The rationale the agency used for not selecting the veteran.

(d) Whether the position was subject to employment preference under Rule 55A-7.010 or 55A-7.011, F.A.C., of this chapter.

(e) The nature of the preference which the applicant is claiming.

(f) A statement as to whether preference was afforded to the applicant.

(g) A factual finding, based on information considered, as to whether the veteran's complaint is valid, invalid, and whether it lacks merit.

(6) If the complaint is found to be invalid, the Department shall also notify the complainant, that the complainant may petition the Public Employees Relations Commission for a hearing, within 20 calendar days from the date of receipt of the findings, and the address to which the petition should be sent.

(7) If the complaint is found to be valid, at the time of issuing its findings to the complainant and employer, the Department shall solicit from the employer a statement as to the action the employer proposes to take to resolve the complaint. The employer shall send a written statement of the proposed action to the complainant by certified mail, return receipt requested, within 20 calendar days of the date the Department's findings are issued, and the employer shall furnish a copy to the Department. The complainant, if not satisfied with the proposed action, shall notify the Department in writing within 10 calendar days. The Department shall notify the complainant within 10 calendar days of receipt of the complainant's notice, by letter sent certified mail, return receipt requested, of the right to petition the Public Employees Relations Commission for a hearing within 20 calendar days from the receipt of such letter, and the address to which the petition should be sent.

(8) If the complaint is found to be valid and the employer fails to send a written statement of the proposed action to the complainant within 20 calendar days of the date the Department's findings are issued to the complainant and employer, the complainant shall, within 10 calendar days, advise the Department of the employer's failure to effect a resolution satisfactory to the complainant. The Department shall notify the complainant within 10 calendar days of receipt of the complainant's notice, by letter, sent certified mail, return receipt requested, of the right to petition the Public Employees Relations Commission for a hearing within 20 calendar days from receipt of such letter, and the address to which the petition should be sent.

Specific Authority 295.07(2) FS. Law Implemented 295.11 FS. History--New 3-30-88, Formerly 22VP-1.016, Amended 2-12-90, 7-12-93, 12-27-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Herman

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Earl Daniell

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective January 1, 2008.

1. Effective January 1, 2008, an additional Medicaid Trend Adjustment shall be applied to achieve a recurring annual reduction of \$75,182,326.
2. All language regarding the use of a low occupancy adjustment is being removed.
3. In Section I.B. and V.B 16, a clarification has been made to add the term "indirect" to patient care and remove the term "direct care."
4. Grammatical corrections throughout the Title XIX Long-Term Care Reimbursement Plan.

SUMMARY: The proposed changes to Rule 59G-6.010, F.A.C., incorporate revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The rule modifies January 1, 2008 nursing home rates, removes language describing the low occupancy adjustment, and includes grammatical corrections through out the nursing home reimbursement plan.

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

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

SPECIFIC AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: April 9, 2008, 2:00 p.m. – 3:00 p.m.
 PLACE: Agency for Health Care Administration 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or by e-mail at stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXXXH-XXXXII~~ XXXXH-XXXXIII Effective Date January 1, 2008 ~~July 1, 2007~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-08-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 8-26-07, 2-12-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carlton D. Snipes
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-11.001	Definitions
61D-11.002	Cardroom Games
61D-11.0025	Notification in Writing
61D-11.003	Card-Play Hands
61D-11.004	Dealer Responsibilities
61D-11.005	Prohibitions
61D-11.006	Inspection of Premises, Records
61D-11.007	Cardroom Operator License
61D-11.008	Cardroom Business Occupational License
61D-11.009	Cardroom Employee Occupational License and Pari-Mutuel/Cardroom Combination License
61D-11.011	Notification of Criminal Conviction or Charge
61D-11.012	Duties of Cardroom Operators
61D-11.013	Display of Identification and Possession of Occupational Licenses
61D-11.014	Cards
61D-11.0145	Dominoes

- 61D-11.0149 Dominoes Supervisors
- 61D-11.015 Chips and Tokens
- 61D-11.016 Card and Domino Tables
- 61D-11.0175 Count Rooms and Count Procedures
- 61D-11.018 Reporting Requirements to Determine Net Proceeds or Gross Revenues
- 61D-11.019 Internal Control System
- 61D-11.020 Drop Box and Key Control Procedures
- 61D-11.021 Tip Box Procedures
- 61D-11.022 Cardroom Imprest Bank and Card Table Imprest Tray
- 61D-11.024 Rake Procedures
- 61D-11.025 Cardroom Electronic Surveillance
- 61D-11.0251 Security Plans
- 61D-11.0275 Tournaments
- 61D-11.0279 Jackpots, Prizes, and Giveaways

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement changes in accordance with Senate Bills 134 and 752, effective July 1, 2007.

SUMMARY: The subject areas to be addressed in these proposed rules are: the play of dominoes; applications for a cardroom license; giveaways, jackpots, and prizes for players with specific combinations of cards; increase in wagering amounts; implementation of play of Texas Hold'em with a buy-in of no more than \$100; implementation of tournament play; increased surveillance security; and internal control standards.

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: 550.0251(12), 849.086(4), (5), (6), (11) FS.

LAW IMPLEMENTED: 849.086 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: April 18, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. If you are

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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-11.001 Definitions.

(1) "All-in" means when a player commits all of his or her chips or tokens into a pot.

(2) "Ante" means a predetermined wager that each player is required to make in some poker games prior to any cards being dealt in order to participate in the round of play.

(3) "Bet" means to wager an amount signified by the number of chips or tokens contributed to a pot on any betting round.

(4) "Betting round" means a complete wagering cycle in a hand of poker after all players have called, folded, checked, or gone all-in.

(5) "Blind" means a predetermined bet a player or players must place on the table before the cards are dealt.

(6) "Business Entity" means a sole proprietorship, general or limited partnership, corporation, business trust, joint venture, or unincorporated association.

(7)(4) "Button" means a circular object moved clockwise around a poker table to denote the assigned ~~an~~ imaginary dealer for each hand.

(8) "Buy-in" means the amount of money required by the cardroom operator to enter and participate in a game.

(9) "Cardroom surveillance" means the capability to observe and electronically record activities being conducted in a cardroom facility.

(10)(2) "Chips or tokens" means a money substitute, redeemable for cash, issued and sold by a cardroom operator for use in cardroom games.

(11) "Day" means the 24-hour period that commences on the current calendar day at 6:00 a.m. and terminates at 5:59.59 a.m. the following calendar day.

(12) "Dedicated camera" means a color video camera that continuously records a specific activity.

(13)(3) "Drop" means the total amount of money, chips, and tokens removed from the drop box.

(14)(4) "Drop Box" means a locked container permanently marked with the number corresponding to a permanent number on the card or domino table.

(15)(5) "Facility" means the cardroom, any storage area for card or domino tables, cards, chips, tokens, dominoes, drop boxes, tip boxes, records relating to cardroom activity, and other cardroom supplies, the count room, and imprest bank.

(16) "Game" means the completion of all betting rounds and final determination of a winner based upon the comparison of all cards dealt and held by players at the end of all betting.

(17) "Hand" means the group of cards dealt to a player in a game.

(18)(6) "Imprest bank" means the total amount of chips, tokens, and U.S. currency segregated for cardroom operation.

(19)(7) "Imprest tray" means an area on a card table in which a predetermined dollar amount of chips, tokens, or U.S. currency is kept by the dealer.

(20) "Jackpot" means a cumulative pool of money collected from card games that is awarded to a player who holds a certain combination of cards specified by a cardroom operator.

~~(8) "Jackpot" — A jackpot occurs when the cardroom operator or the cardroom management company deducts from each hand, round, or game played a certain amount or charges a certain amount which is accumulated and placed in a separate fund from the pot and paid out when a desired result is achieved by a player or players. The term "jackpot" does not include any game authorized under Section 849.086, F.S.~~

(21)(9) "Licensee" means a person holding any license issued by the division for purposes of cardroom operations.

(22) "Operate" means to conduct authorized games pursuant to Section 849.086, F.S., within a licensed cardroom facility. The term does not include the activities authorized in paragraph 61D-11.012(5)(c), F.A.C.

(23) "Playing light" means drawing chips or tokens from the pot to show how much a player owes when the player is out of chips or tokens in an effort to allow a player to continue without chips or tokens, until more chips or tokens are earned.

(24)(10) "Pot" means the total amount wagered in a game or series of games of poker or dominoes. Wagering into the pot shall be conducted as provided by Section 849.086(8), F.S.

(25)(11) "Proposition player" means a player who is employed by a cardroom licensee, but who uses his own money to initiate or play in card games.

(26) "PTZ Camera" means a light-sensitive video camera that possesses, at a minimum, pan, tilt, and zoom capabilities or features comparable thereto.

(27) "Raise" means to increase the size of the preceding bet.

(28) "Re-buy" means the additional tournament chips or tokens purchased by players according to the schedule of re-buys prominently displayed in the cardroom during tournament play.

(29) "Replenishment of chips or tokens" means in games of Texas Hold'em without a betting limit, when a player purchases additional chips or tokens above the minimum required and no more than the maximum allowed in the poker game being played.

(30) "Round of play" means, for any game of poker, the process by which cards are dealt, bets are placed and the winner is determined and paid in accordance with the rules of Chapter 61D-11, F.A.C.

(31) "Seeding the jackpot fund" means the cardroom operator contributes the initial value to start the jackpot fund. The amount of the cardroom operator's contribution shall not be deducted from the jackpot fund prior to the award of the jackpot.

(32) "Shift" means a period of time designated by the employer during which an employee works when a licensed cardroom is open to conduct business pursuant to Rule 61D-11.012, F.A.C.

~~(33)(12) "Shill" means a player in a game provided by or employed by a cardroom operator licensee who only bets with money provided by the cardroom operator.~~

(34) "Showdown" means the point in a poker game in which all hands are fully revealed to all other players and the hand with the best combination becomes the winner.

(35) "Shuffle" means the process of mixing or rearranging a deck of cards to remove the probability that a predetermined series of cards may be drawn from the deck after it is mixed or rearranged.

(36) "Side bets" means additional wagers made between two or more persons on the outcome or any portion of an authorized game other than wagers authorized pursuant to Chapter 849, F.S.

(37) "Surveillance room" means a secure location in a pari-mutuel facility used for cardroom surveillance.

(38) "Surveillance system" means a system of video cameras, monitors, recorders, and other ancillary equipment used for cardroom surveillance.

(39) "Tip box" means a locked container into which all dealer tips must be inserted.

~~(40) "Tournament" means any competition involving a series of games of poker, consisting of more than one betting round involving more than one table, where the winner of the competition and runners-up may receive a prize or cash award.~~

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,

61D-11.002 Cardroom Games.

(1) Only those Those games listed in authorized by Section 849.086(2)(a), F.S., are the only games authorized for play at licensed cardroom facilities at pari-mutuel facilities licensed to conduct cardroom operations.

(2) The cardroom operator or management company shall furnish all cards, dominoes, chips and tokens. Failure by a cardroom operator or cardroom management company to redeem chips or tokens for their cash value shall be a violation of these rules.

~~(a) The deck(s) being used at a given table where any game is being played shall be provided by the licensee. The design on the backs of the cards in the deck must be identical, and no card may contain any marking, symbol, or design that enables a player to know the identity of any element printed on the face of the card. The backs of the cards may contain a logo. The backs of the cards in the deck must be designed to eliminate the ability of any person to place concealed markings on them. No cardroom operator may use cards that are taped, cut, shaved, marked, defaced, bent, crimped, or deformed.~~

~~(b) The cardroom operator shall provide a dealer for each table at the licensed cardroom operator's facility. The dealer may not make a bet or otherwise wager on any game at the licensed cardroom facility where that dealer is employed.~~

~~(3) The cardroom operator shall prominently display a list of all games available for play in the cardroom that are authorized pursuant to Chapter 849, F.S.~~

~~(4) The cardroom operator shall maintain a copy of the rules of play including wagering requirements. The rules of play shall be made available to the division or to players upon request.~~

~~(5) Each player in an authorized game shall play the game solely to improve his or her chance of winning and shall take no action to improve another player's chance of winning.~~

~~(6) A player may not communicate any information to another player which could assist the other player in any manner respecting the outcome of a game.~~

~~(7) A cardroom operator who has reasonable cause to believe that a player has acted or is acting in violation of subsection (5) or (6) above may require the player to leave the game or facility. The cardroom operator shall notify the division of the details surrounding the identified player or player's violation in writing on the next business day.~~

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, _____.

61D-11.0025 Notification in Writing.

~~(1) Any written notice to the division required pursuant to Chapter 61D-11, F.A.C., shall be provided to the Office of Auditing, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399, by the most expeditious means available which shall include but not be limited to an email address provided by the division, facsimile to (850)488-0550, mail or hand delivery, unless otherwise specified.~~

~~(2) Any written notice from the division required pursuant to Chapter 61D-11, F.A.C., shall be provided by the most expeditious means available which shall include but not be limited to email, facsimile, mail or hand delivery, unless otherwise specified.~~

Specific Authority 849.086(4) FS. Law Implemented 849.086 FS. History—New _____.

61D-11.003 Card-Play Hands.

(1) The ranking of cards in a poker hand shall be consistent with the rules of Hoyle's Modern Encyclopedia of Card Games, 1974 Edition, adopted and incorporated herein by reference or the modified rules of the game as submitted to the division by the cardroom operator and approved by the division.

(2) At the discretion of the house, the joker may be used in poker as an ace, as any other card not already in the player's hand to complete a straight flush, a flush, or a straight, or as the lowest card not already in the player's hand. If the use of the joker card is to be used in certain games, the house must prominently display within the cardroom area post in which games the joker card it will be used utilized, and how the joker card it will be ranked in a showdown.

~~(3) If the house elects to utilize a set fee as a rake for the purpose of payment for a player to participate in a game, it shall be collected as the ante for each hand, by placing chips or tokens equaling the ante in front of the player on the table before the first card of the game is dealt. The dealer must sweep the ante and place it in a designated rake circle or drop slide until a winner is declared, and then dropped into the drop box. The amount of the ante shall be established by the house, and be conspicuously posted for the players to see.~~

~~(3)(4) Before a card game may be played the play, the dealer must, in front of the players, manually or by use of a mechanical card shuffler shuffle the cards so that they are randomly intermixed.~~

~~(4)(5) Cards, once completely shuffled, must be dealt out of the hand of the dealer.~~

~~(5) The A "button" may be utilized, and moved around the card table in a clockwise fashion player to player, so that the player who has the button receives the advantage of playing and betting last.~~

Specific Authority 550.0251(12), 849.086(4), ~~(8), (10)~~ FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended _____.

61D-11.004 Dealer Responsibilities.

~~(1) A dealer shall not allow a bet or raise amount, or the number of raises in a round of betting, to exceed the limits imposed by Section 849.086(8)(b), F.S. The House provided dealer shall be responsible to ensure that each bet or raise does not exceed \$2 in value. In addition, the dealer shall also be responsible for ensuring that no more than three raises are made in any round of betting. A dealer failing to comply with control of bet value and number of raises is subject to the following penalties:~~

- ~~(a) First offense — \$50.00 and/or 1 day suspension.~~
- ~~(b) Second offense — \$250.00 and/or 5 day suspension.~~
- ~~(c) Third offense — \$500.00 and/or suspension, not to exceed 10 days.~~
- ~~(d) Fourth offense — Will result in a 1-year suspension of the cardroom employee's occupational license.~~

~~(e) Any dealer who does not have a violation within 2 years from his/her most recent violation will revert to a "first offense" penalty for his/her next violation of this provision.~~

(2) In games of Texas Hold-em without a betting limit played pursuant to Section 849.086(8)(b), F.S., a dealer shall not allow a player to:

(a) Enter a card game, having come from another game table with more chips or tokens than the limit of \$100;

(b) Replenish his or her chips or tokens in an amount that would allow the player's aggregate chips or tokens to exceed \$100;

(c) Replenish his or her chips or tokens in amounts other than multiples of \$10; or

(d) Replenish his or her chips or tokens until the player's aggregate chip or token amount has been reduced below \$100.

(3)(2) Dealers shall not be allowed to regularly deal at the same table, and will be rotated shifted to a different table at least every three hours.

~~(3) When a new dealer comes on duty at a card table, the new dealer must count all of the cash and chips or tokens in the imprest tray before accepting responsibility for it, or the new dealer must supply his or her own imprest tray.~~

~~(4) No change.~~

(a) Spread the currency ~~The currency must be spread on the top of the card table by the dealer;~~

(b) State the ~~The amount of currency received must be stated by the dealer accepting it;~~

(c) Provide ~~Immediately after an equivalent dollar amount of chips or tokens has been given to the player; and, the cash shall be placed in the table's imprest tray.~~

(d) Place all the currency in the imprest tray.

(5) Dealers shall take breaks only in areas the cardroom operator has designated in the cardroom internal controls. ~~The dealer may not make a bet or otherwise wager on any game at the licensed cardroom facility where that dealer is employed.~~

(6) Dealers shall accept tips only while dealing at an assigned table. Tips shall be accepted by collecting them in the tip box.

(7) A dealer shall not accept a tip at any time he or she is not seated at the table, unless:

(a) The dealer's cardroom supervisor is notified;

(b) The tip is collected in the tip box; and

(c) The tip is then counted with all other earned tips for the card dealer's assigned shift.

(8) Dealers shall not allow cash or other personal items that may inhibit play to be placed on a table during the play of any hand.

(9) Dealers shall display the front and back of their hands, with fingers spread over the table in sufficient distance from all other players and objects for surveillance recording, after every transaction when cash, chips or tokens are exchanged with or provided to a player.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,_____.

61D-11.005 Prohibitions.

~~(1) No person shall introduce into the game any cards, chips, or tokens, or dominoes, other than those from the cardroom operator's facility into any authorized game.~~

~~(2) No cardroom operator or licensee shall extend credit, make a loan, or grant a gift to any person that which would enable that person to play in an authorized card game. The consideration required to participate in any card game shall be collected in full, by cash or check, in exchange for chips or tokens prior to participation in any game offered at the cardroom facility at a licensed facility.~~

~~(a) Only cash shall be used to purchase chips or tokens at card and domino tables. However, regular play chips may be converted to tournament chips.~~

~~(b) The practice of playing "light", or drawing chips or tokens from the pot to show how much a player owes when out of chips or tokens, is prohibited. The player shall be required to purchase additional chips or tokens in order to proceed playing.~~

~~(3) No device, apparatus, mechanism or thing which may give a participant in a card game an advantage over any other participant in that game may be used by any person.~~

~~(3)(4) Side bets on the outcome of games are prohibited.~~

~~(a) Only persons actually playing in the card game may wager upon the outcome of the game.~~

~~(b) Wagers by persons other than those playing, which in any way involves the outcome of the game, or any aspect of the game, are prohibited.~~

~~(4)(5) No person shall, either directly or indirectly:~~

~~(a) Employ or attempt to employ any device, scheme, or artifice to defraud any participant in a card game, or the cardroom operator.~~

~~(b) Engage in any act, practice, or course of operation that would constitute as would operate as a fraud or deceit upon any participant in a game; or the any cardroom operator.~~

~~(c) Engage in any act, practice, or course of operation with the intent of cheating any participant or the cardroom operator to gain an advantage in the game over a participant(s) or cardroom operator.~~

~~(5)(6) Cardroom occupational licensees are prohibited from participating in authorized cardroom card games; at the licensed cardroom facility where they are employed.~~

~~(6) No player shall be allowed to exceed the limits on replenishment of chips or tokens established by subsection 61D-11.004(2), F.A.C.~~

~~(7) through (8) No change.~~

~~(9) Jackpots are prohibited.~~

~~(9)(40) Skills and proposition players are prohibited.~~

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,_____.

61D-11.006 Inspection of Premises, Records.

(1) The cardroom operator shall contact the division for an inspection for compliance with the provisions of Section 849.086, F.S., and Chapter 61D-11, F.A.C., no less than ten days prior to opening a new cardroom or amending an existing cardroom area. Amending an existing cardroom area includes changing the number of tables, surveillance system, internal controls, or floor plan.

(a) A cardroom operator shall not open a new facility or the affected portion of an existing cardroom for which the operator has made notice of any proposed changes until the division provides written authorization to proceed.

(b) If after inspection of the facility, the division determines that the cardroom operator is not in compliance with Section 849.086, F.S., or Chapter 61D-11, F.A.C., the division shall provide the cardroom operator with a written list of deficiencies by the most expeditious means available to include delivery via email, mail, facsimile, or in person.

1. The cardroom operator shall advise the division in writing pursuant to Rule 61D-11.0025, F.A.C., when the deficiencies have been corrected;

2. The division shall conduct a follow-up inspection no earlier than five days from the date of the inspection during which the deficiencies were determined and no later than five days from the date of the cardroom operator written notification of correction provided in writing pursuant to Rule 61D-11.0025, F.A.C.;

3. Upon completion of its inspection for corrective action, the division shall provide the results of its inspection in writing pursuant to Rule 61D-11.0025, F.A.C.;

4. Subsequent inspections shall be performed according to this rule until the deficiencies noted are corrected; and

5. Upon satisfactory completion of corrective action, the division shall acknowledge in writing that all deficiencies are resolved and that the cardroom operator may proceed with using the designated facility space. The division shall deliver its written acknowledgement and authorization to proceed in writing pursuant to Rule 61D-11.0025, F.A.C.

(2) At any time during a cardroom operator's regular business hours, ~~division~~ any Division of Pari-Mutuel Wagering personnel shall be allowed to enter into the cardroom and any cardroom related areas to: used in conjunction therewith, and:

(a)(4) Observe any a count of all monies received during the operation of the cardroom, a count of all chips or tokens, currency, and a count of drop boxes, for the purpose of reconciliation, and inspect any all receipts, reports, or and records used in conjunction with the operation of the said cardroom; activity.

(b)(2) Inspect any records of the cardroom operator or licensees that relate in any way to the operation of a cardroom; or any employee of the licensee that relate in any way to the operation of a cardroom.

(c) Review any records maintained by an employee of the cardroom operator that relates to the operation of a cardroom;

(d)(3) Check that licenses are prominently displayed; and that the cardroom is being operated in compliance with Section 849.086, F.S., and the rules promulgated thereunder;:

(e)(4) Inspect cardroom devices and recording equipment, including the devices and equipment used for security and surveillance as required by Rule 61D-11.025, F.A.C., to ensure compliance with Section 849.086, F.S., and the rules promulgated thereunder; and-

(f) Ensure the surveillance cameras and equipment are configured so that the division has the ability to direct the surveillance of particular activities or persons.

(5) Inspect the cardroom facility for violations of Section 849.086, F.S., and the rules promulgated thereunder.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 5-9-04,_____.

61D-11.007 Cardroom Operator License.

(1) Each cardroom gaming licensee desiring to move their cardroom license, so as to change the location of the cardroom, shall first transfer in accordance with Chapter 550, F.S., the corresponding pari-mutuel wagering permit that entitles the permitholder to operate a cardroom.

(a) Upon approval of the transfer of the pari-mutuel permit, the pari-mutuel permitholder shall submit proof that a referendum was held in the county where the cardroom is to be operated and show that the majority of the electors voting on the referendum have approved the transfer to the new location.

(b) The proof of a majority vote of the electors shall consist of The Board of County Commissioners certifying the election results and making them known to the division in writing.

(c) The division shall transfer, without requirement of a referendum election, the cardroom license of any permitholder that relocated its permit pursuant to Section 550.0555, F.S.

(2) No cardroom may be operated at a licensed pari-mutuel facility unless a valid cardroom license has been issued by the division to a licensed pari-mutuel permitholder. Cardroom activities shall only be conducted at the same facility where pari-mutuel wagering is authorized under the pari-mutuel wagering license.

(3) Cardroom licenses shall be renewed annually in conjunction with annual applications for pari-mutuel licenses, provided the applicant requests, as part of the pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto.

(1)(4) If a pari-mutuel permitholder amends its annual operating dates pari-mutuel license and such amended license does not satisfy the renewal application requirements of

~~required by this rule and~~ Section 849.086(5)(b), F.S., the cardroom license will become void upon the issuance of the amended annual operating dates pari-mutuel license.

(2)(5) An applicant for an annual cardroom license shall complete Form DBPR PMW-3160, Permitholder Application for Annual License to Operate a Cardroom, adopted and incorporated by Rule 61D-12.001, F.A.C. Florida Administrative Code, and submit a fee of \$1,000.00 for the first card table and \$500.00 for each additional card table to be operated during the license period. For cardroom facilities at which more than one pari-mutuel permit is operated during a year, table fees for the facility may be paid by one or all of the permitholders. License fees are non-refundable. For the initial cardroom license application, in addition to the application and fees submitted, the applicant shall submit its written internal control system, required by Rule 61D-11.019, F.A.C. for approval by the division, and proof of authorization by a local government pursuant to Section 849.086(16), F.S. ~~No cardroom application shall be acted upon until the cardroom applicant's system of internal control has been approved by the division. Any~~ If the cardroom operator electing elects to offer a new an authorized game that it did not include in its license application, it shall inform the patrons on the list of authorized games offered by the operator, as required by Section 849.086(7)(e), F.S. Such list must be conspicuously displayed and a description of all card or domino games must be available for patron review. All games offered must comply with Section 849.086, F.S., and Chapter 61D-11, F.A.C., at all times, division of the authorized game it will offer that was not included in its license application by filing Form DBPR PMW-3150, Notification of a Card Game, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code.

(3)(6) No license application, amendment to an application, or amendment to request additional cardroom tables shall be effective until the division has received payment of cardroom table fees, applicable license fees have been received by the division and the division has issued a license or amended license to operate a cardroom.

(4) Cardroom operations shall not begin under a cardroom license until the cardroom has been inspected and approved under Rule 61D-11.006, F.A.C., and:

(a) Live racing is being or has been conducted at the cardroom operator's pari-mutuel wagering facility under a license issued pursuant to Section 550.01215, F.S., or Section 550.5251, F.S.; or

(b) Intertrack pari-mutuel wagering activities are authorized to be conducted at the cardroom operator's pari-mutuel wagering facility pursuant to Section 550.615, F.S.

Specific Authority 550.0251(12), 849.086(4), (5), ~~(11)(6)~~ FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, _____.

61D-11.008 Cardroom Business Occupational License.

(1) As part of the initial application or renewal for a cardroom business occupational license provided in Section 849.086, F.S., an applicant shall submit the following:

(a) A complete Form DBPR PMW-3130, Business Occupational License Application, for an initial cardroom business license, adopted and incorporated by Rule 61D-12.001, F.A.C.;

(b) The \$250.00 cardroom business occupational license fee;

(c) A complete set of fingerprints for each person listed in paragraph (3)(a) on a pari-mutuel wagering applicant fingerprint card, and fingerprint processing fees as established by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, upon initial application, and every five years thereafter;

(d) A copy of all records of administrative, civil, or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054 and 550.1815, F.S., and a copy of each complaint or other pleading and a copy of any final order, judgment, or other final judicial disposition for each administrative, civil, or criminal proceeding disclosed; and

(e) A list of all business entities that will be providing products or services to the cardroom.

(2)(4) ~~A~~ No cardroom operator may not do business with any cardroom management company or cardroom or domino distributor that does not possess ~~hold~~ a current valid cardroom business occupational license.

(3)(2) ~~A corporation, general or limited partnership, sole proprietorship, business trust, joint venture, or unincorporated association, or other business entity may not be issued or possess hold~~ a cardroom business occupational license in this state if any person or entity one of the persons or entities specified in paragraph (a) of this subsection has been determined by the division ~~not~~ to be not of good moral character, to have filed a false report to any government agency or; pari-mutuel wagering or gaming commission or authority, or has been convicted of any offense specified in paragraph (b) of this subsection.

(a)1. through 10. No change.

(b)~~+~~ A felony or misdemeanor involving forgery, larceny, extortion, or conspiracy to defraud, in this state or any other state or under the laws of the United States; or a felony or misdemeanor set forth in Section 550.105, F.S.

2. A felony or misdemeanor set forth in Section 550.105, F.S.

(4)(3) ~~A~~ If the applicant for a cardroom business occupational license has received a full pardon or a restoration of civil rights in accordance with Florida law and pursuant to Section 944.292, F.S., with respect to the conviction specified

in paragraph (3)(b) of this rule ~~(2)(b)~~, the conviction does not constitute an absolute bar to the issuance or renewal of a license or grounds for the revocation or suspension of a license if the applicant has received a full pardon or a restoration of civil rights in accordance with Florida law and pursuant to Section 944.292, F.S.

~~(5)(4)~~ After notice, the division ~~may shall~~ refuse to issue or renew, or ~~may shall~~ suspend or revoke the license of, as appropriate; any licensee or applicant found in violation of paragraph (3)(b) of this rule ~~(2)(b)~~.

~~(5)~~ All applicants for a cardroom business occupational license or renewal thereof shall be required to pay a Florida Department of Law Enforcement fingerprint processing and criminal record check fee for each person or entity as specified in paragraph (2)(a) as follows:

~~(a)~~ All applicants, upon initial application, shall pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

~~(b)~~ Every five years after the initial license application, the applicant for a renewal license shall be subject to and pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

~~(6)~~ All applicants for a new cardroom business occupational license are required to submit a set of fingerprints to be taken by house security, or by a law enforcement agency, and processed through the Florida Department of Law Enforcement, and the Federal Bureau of Investigation and every 5 years thereafter. Certified Florida Law Enforcement officers are exempt from the fingerprint requirement.

~~(7)~~ An applicant for an annual cardroom business occupational license shall complete Form DBPR PMW 3130, Business Occupational License Application, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, and submit the \$250.00 fee for an annual cardroom business occupational license.

~~(7)(8)~~ Cardroom business occupational licenses shall expire on June 30th of every year.

Specific Authority 550.0251(12), 849.086(4), ~~(5)~~, (6), ~~(11)~~ FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, _____.

61D-11.009 Cardroom Employee Occupational License and Pari-Mutuel/Cardroom Combination License.

(1) As part of the initial application or renewal for a cardroom employee occupational license provided in Section 849.086, F.S., an applicant shall submit the following:

(a) A complete Form DBPR PMW-3120, Individual Occupational License Application, adopted and incorporated by Rule 61D-12.001, F.A.C., for an initial cardroom employee license;

(b) A complete set of fingerprints on a pari-mutuel wagering applicant fingerprint card and fingerprint processing fee as established by the Florida Department of Law Enforcement and the Federal Bureau of Investigation, upon initial application and every five years thereafter;

(c) The \$50.00 cardroom employee occupational license fee; and

(d) A copy of all records of administrative, civil, or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054 and 550.1815, F.S., and a copy of each complaint or other pleading and a copy of any final order, judgment, or other final judicial disposition for each administrative, civil, or criminal proceeding disclosed.

~~(2)(1)(a)~~ Applicants who intend to work in a position for cardroom licensing for positions providing food service, maintenance, and security, or as a mutuels teller, or in permitholder management, who do not hold a current pari-mutuel wagering occupational license, shall be required to submit Form DBPR PMW 3120, Individual Occupational License Application, adopted and incorporated by Rule 61D-12.001, F.A.C., and apply for a pari-mutuel/cardroom combination wagering occupational license by submitting items (1)(a) through (d) listed above.

~~(b)~~ All applicants in paragraph (1)(a), upon initial application, and every five licensing years shall pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

~~(2)~~ All applicants for a new or renewal of a cardroom employee occupational license, shall complete Form DBPR PMW 3120, Individual Occupational License Application, adopted and incorporated by Rule 61D-12.001, F.A.C., and submit \$50.00 for the cardroom employee occupational license. In addition to the annual license fee, each applicant shall pay a Florida Department of Law Enforcement fingerprint processing and criminal record check fee as follows:

~~(a)~~ All applicants, upon initial application, shall pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

~~(b)~~ Every five years after the initial license application, the applicant for a renewal license shall be subject to and pay for a Florida Department of Law Enforcement fingerprint and criminal record check fee.

~~(3)~~ All applicants for a new cardroom employee occupational license are required to submit a set of fingerprints to be taken by house security, or by a law enforcement agency, and processed through the Florida Department of Law Enforcement, and the Federal Bureau of Investigation and every 5 years thereafter. Certified Florida Law Enforcement officers are exempt from the fingerprint requirement.

(4) All occupational and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error ~~or~~. ~~The division will return the licensing fee if the applicant withdraws the application before processing begins.~~

(5) Request for Waiver of any disqualifying factors in an application that would otherwise be grounds for disapproving the application shall be made on Form DBPR PMW-3180, Request for Waiver, adopted and incorporated by Rule 61D-12.001, F.A.C.

(6) Prior to transferring, a current pari-mutuel wagering occupational licensee, who intends to work in a position will be performing food service, maintenance, security, ~~mutuels teller, and/or permitholder management~~ duties in the cardroom shall make application for and obtain an, ~~mutuel teller or pari-mutuel management,~~ the cardroom operator must notify the division Chief Inspector, and upgrade for his or her current pari-mutuel license to a pari-mutuel/cardroom combination license on Form DBPR PMW-3170, License Upgrade Application, adopted and incorporated by Rule 61D-12.001, F.A.C.

(7) Cardroom employee occupational licenses and pari-mutuel/cardroom combination licenses shall expire on June 30th of every year.

(8) ~~Cardroom employees shall have their pari-mutuel wagering or cardroom employee occupational license in their possession at all times while on duty in the cardroom.~~

Specific Authority 550.0251(12), 849.086(4), ~~(5)~~; (6) FS. Law Implemented 849.086(6) FS. History—New 1-7-97, Amended 5-9-04, 3-4-07, _____.

61D-11.011 Notification of Criminal Conviction or Charge.

Any cardroom ~~business~~ occupational licensee shall provide or cardroom employee occupational licensee must make written notification to the division when the licensee has been arrested, indicted, or charged in any other way with a criminal offense eriminaly convicted, found guilty of, or pled no contest to a felony or misdemeanor as set forth in paragraph 61D-11.008(2)(b), F.A.C., within five three days of the arrest, or if not arrested, within five days of the receipt of a charging document finding. Licensees are not required to report non-criminal traffic offenses.

Specific Authority 550.0251(12), 849.086(4), ~~(6)~~(14) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended _____.

61D-11.012 Duties of Cardroom Operators.

(1) All ~~licensed~~ cardroom operators must conspicuously display a notice of the rake amounts, time limitations, or other rake procedures, and the minimum and maximum bet limits at each card and domino table establish and maintain written internal controls to comply with Section 849.086, F.S., and the rules promulgated thereunder. The written internal control

~~system must be submitted as part of the initial license application, and approved or disapproved with comments by the division within 30 days of receipt of the written internal controls.~~

(2) Cardroom operators shall maintain, prior to the initial opening of business, provide the division with a roster written list of all persons a cardroom operator employs, including birth dates and social security numbers, employed by the cardroom operator. A cardroom operator shall also maintain a weekly listing of all cardroom employees who worked during each week. The list of persons shall include for each employee: The cardroom operator shall furnish a job title of its employees, and provide a weekly payroll listing of all cardroom employees that worked during that payroll period, including their full name and social security number, but may exclude compensation.

(a) The job title;

(b) Full name; and

(c) Occupational license number.

(3) Cardroom operators shall maintain a current log provide a weekly list of persons whose employment with the cardroom operator has been terminated, or the employee resigned, or abandoned his or her position, that includes:-

(a) Full name;

(b) Occupational license number; and

(c) A description of the reason for the employee's separation.

(4) ~~As part of the initial license application, the cardroom operator shall provide a listing of all distributors and cardroom management companies that are providing products or services to the cardroom. The cardroom operator division shall notify the division be notified in writing on Form DBPR PMW-3220, List Notice of Change of Cardroom Business Occupational Licensees Providing Products and Services to a Cardroom, adopted and incorporated by Rule 61D-12.001, F.A.C. Florida Administrative Code, of any change in companies providing said services within 10 days of such change.~~

(5) Cardroom operators shall install electronic surveillance equipment to record all activity in the cardroom bank and cage and count area. Surveillance cameras and monitors shall be able to record and observe in color or black and white.

(a) Tapes and other electronic media storage shall be labeled in chronological order by date and time.

(b) Tapes and other electronic media storage of surveillance records shall be maintained for a period of no less than 14 days and shall be kept for a longer period of time if requested by the division or any law enforcement agency.

~~(5)~~(6)(a) The cardroom operator must display the hours of operation in a conspicuous location in the hours of operation of the cardroom subject to the following terms and conditions:-

(a) Days and hours of cardroom operation shall be those set forth in the application or renewal of the cardroom operator. Changes to days and hours of cardroom operation shall be submitted to the division at least seven days prior to proposed implementation;

(b) Pursuant to Section 849.086(7)(b), F.S., a cardroom operator may operate a licensed facility any cumulative 12-hour period within the day;

(c) Activities such as the buying or cashing out of chips or tokens, seating customers, or completing tournament buy-ins or cash-outs may be done one hour prior to or one hour after the cumulative 12-hour designated hours of operation; and

(d) The playing of authorized games shall not occur for more than 12 hours within a day, regardless of the number of pari-mutuel permitholders operating at a pari-mutuel facility.

(6)(b) A cardroom operator licensee must display the following restrictions in a conspicuous location the following restrictions for players:

- (a)1- A player must be at least 18 years of age;
- (b)2- No side bets are permitted; and
- (c)3- No credit is extended by the house.

(7) Cardroom operators are required to issue a photo identification I.D. to all cardroom employees. The photo identification which shall include, but not be limited to the name of the cardroom facility, cardroom employee occupational license number, and expiration date of the license.

(8) The If a management company is managing cardroom operations, the cardroom operator must provide the division written notice to the division within 20 days of a any change in any the management company contract.

(9) Cardroom operators shall establish a system for using imprest banks and trays an imprest banking system for cardroom operations.

(10) At the close of each shift, the chips, tokens, and currency currency, chips and tokens in the imprest tray at each card table shall be reconciled to the their predetermined beginning balances pursuant to the approved cardroom internal controls.

(a) The last dealer shall be responsible for the currency, chip and token balance in his/her tray.

(b) The cardroom operator will document any discrepancies in the reconciliation of the imprest trays or bank on Form DBPR PMW 3650, Cardroom Daily Control Sheet, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code.

(11) The At the end of each shift, or the close of a table, the drop box must be locked away in a secure location until the count takes place.

(12) The cardroom operator shall designate and assign a licensed cardroom employee as a dealer for each card table that is being used for play. The assigned dealer shall be present at his/her assigned table during all gaming activity. No gaming

may be conducted at a card table during the absence of the designated dealer. The count of card table revenue must be performed in compliance with the requirements set forth in the "Minimum Internal Control Standards." Each drop box must be accounted for individually in a secure designated area. Two or more persons must verify the contents of the drop box when emptied.

(13) The cardroom operator shall designate and assign a licensed cardroom employee as a cardroom manager or supervisor during the operation of the cardroom. The assigned manager or supervisor shall be present within the licensed cardroom facility at all times during gaming activity. No gaming may be conducted within the licensed cardroom facility during the absence of the designated manager or supervisor. Card tables will be restricted to area(s) specified on the cardroom licensee application.

(14) When a cardroom operator is offering games of dominoes, the cardroom operator shall designate and assign at least one licensed cardroom employee as the supervisor of games of dominoes. A dominoes supervisor may not supervise more than eight dominoes tables.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04, 4-12-06, _____.

61D-11.013 Display of Identification and Possession of Duties of Cardroom Employee Occupational Licenses Licensees.

(1) All cardroom employee occupational licensees shall wear their photo identification issued pursuant to Rule 61D-11.012(7), F.A.C., I.D.'s while on duty. A cardroom employee shall not attempt to hide his or her photo identification from any patron or from surveillance cameras. The I.D. shall be visible to players at all times.

(2) Cardroom employees shall have their occupational license in their possession and wear it at all times while on duty.

Specific Authority 550.0251(12), 849.086(4), (6)(5) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended _____.

61D-11.014 Cards.

(1) The cardroom operator shall only use cards designed to eliminate the ability of any person to place concealed markings on the back of all cards in a deck.

(2) Cards that are taped, cut, shaved, marked, defaced, bent, crimped, or deformed shall not be used.

(3) All cards shall be plastic.

(4)(4) Decks of playing cards intended for use in a cardroom licensed facility shall be When decks of cards are received for use in a cardroom, they must be stored in a locked cabinet, located in a secure location when not in use.

~~(2) Before the beginning of gaming during a shift or day, and as necessary during the hours of operation, the cardroom operator must open the cabinet and remove the appropriate number of decks of cards for that shift or day, distribute the decks to the dealer at each table, and place the extra decks in a locked card reserve.~~

~~(5)(3) Each dealer assigned to a card table shall inspect each deck of playing cards intended for use at that table immediately prior to the start of the first round of play. The assigned dealer must ensure that cards are not taped, cut, shaved, marked, defaced, bent, crimped, or deformed in any fashion that may permit covert identification of the card by players. Prior to their use, each deck must be inspected by the dealer. The dealer must check the back of each card to ensure that it is not flawed, scratched, or marked in any way.~~

~~(a) Any card that is taped, cut, shaved, marked with any description, defaced, bent, crimped or deformed in any fashion that may permit covert identification of the card by players during the course of play must be withdrawn from play and marked as a complete deck of 52 cards or 54 cards when the joker cards are included, and identified as damaged cards. Each time a card is determined to be damaged, the entire deck shall be withdrawn from play and replaced with a new deck after that new deck is thoroughly inspected under the requirements of this rule. Cards damaged during the course of play must be replaced with a new deck.~~

~~(b) Any deck of cards in which it is determined damaged cards exist shall be withdrawn from play immediately upon identification of the damage as follows: Cards found to be damaged when inspected, or that are damaged during play, must be placed in a sealed envelope or container, identified by table number, date, and time, and must be signed or initialed by the dealer. Damaged cards shall be retained by the cardroom operator for 30 days:~~

~~1. The entire deck of cards containing the damaged card or cards shall be removed from play before card play may resume at the card table and the damaged card deck shall be placed in a sealed envelope or container;~~

~~2. The sealed envelope shall be marked with the table number, the date, and time the deck was withdrawn from play;~~

~~3. The cardroom supervisor shall sign his/her name across the seal of the envelope indicating the supervisor has sealed and inspected the seal prior to storage of the damaged cards; and~~

~~4. All damaged cards shall be retained for at least 30 days from the date of withdrawal from play.~~

~~(c) Cards which have been removed from play shall be permanently altered so that the cards can not be put back into play.~~

~~(d) Dealers shall:~~

~~1. Inspect and count all cards in the deck of cards provided for play at his/her card table before each game of cards begins;~~

2. Exchange or rotate the deck of cards with another approved deck of cards at least every six hours; and

3. Inspect and count all cards in the deck provided for exchange or rotation before employing that deck in the next game of cards.

(e) If an automated card shuffling device is being used, a cardroom operator shall use two decks of cards; and

1. The backs of the cards in the two decks shall be of different colors;

2. One deck shall be shuffled by the automated card shuffling device while the other deck is being dealt or used to play the game; and

3. Both decks shall be continuously alternated in and out of play, with each deck being used for every other game.

(6) Internal controls shall be established for the issuance of all cards to the shift supervisor and the floor supervisors.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended_____.

61D-11.0145 Dominoes.

(1) The backs of dominoes shall have a design that does not allow a player the ability to place concealed markings on the dominoes or to know the identity of any markings of the dots on either half of the face of the domino.

(2) Dominoes that are marked, defaced, chipped, substituted from another set, or deformed shall not be used.

(3) Dominoes shall have a symbol or marking that identifies the domino to the specific facility where it is used for play.

(4) Sets of dominoes must be locked in a secure location when not in use.

(5) Prior to use, each domino must be inspected by the dominoes supervisor to ensure that no domino is marked, defaced, chipped, substituted from another set, or deformed.

(a) Dominoes damaged during the course of play must be replaced.

(b) Sets of dominoes that are marked, defaced, chipped, substituted from another set, or deformed shall be replaced and handled in the same manner as damaged cards under paragraph 61D-11.014(5)(b), F.A.C.

(c) Sets of dominoes that have been removed from play shall be handled in the same manner as damaged cards under paragraph 61D-11.014(5)(c), F.A.C.

(d) Only one set of dominoes at a time shall be maintained at a table. Each set of dominoes shall be rotated in and out of play at least every six hours.

(6) Internal controls shall be established for the issuance of all dominoes to the shift supervisor and the dominoes supervisors.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New_____.

61D-11.0149 Dominoes Supervisors.

(1) The dominoes supervisor shall be responsible for oversight of the play of dominoes for the tables which includes:

(a) Collection of any fee for participation;

(b) Exchanging of cash for chips or tokens. Each cardroom operator providing dominoes for play shall provide internal controls for the interaction between the imprest bank and the dominoes supervisor;

(c) Inspection of the dominoes for compliance with Rule 61D-11.0145, F.A.C., before the set is made available for play; and

(d) Reporting of any side betting to management pursuant to internal controls.

(2) A dominoes supervisor shall not allow a bet or raise amount, or the number of raises in a round of betting, to exceed the limits imposed by Section 849.086(8)(b), F.S.

(3) Dominoes supervisors shall only take breaks in areas designated by the cardroom operator in their internal controls.

(4) Dominoes supervisors shall not allow cash or any other personal items to be placed on a table during the play of any game of dominoes.

(5) Dominoes supervisors shall manage the retirement of all dominoes, chips, or tokens, as stated in the internal controls.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History–New _____.

61D-11.015 Chips and Tokens.

(1) All It shall be the responsibility of the cardroom operator to keep all chips and tokens not in play or which are not available for play or use that day shall be, stored in a locked cabinet, located in a secure secured location.

(2) Internal controls shall be established for the issuance of all chips/tokens or cards to the shift supervisor (pit boss), and the floor supervisors.

(2)(3) Daily records must be kept for all AH chips and tokens issued including from storage shall be maintained with a record of the date, time, table to which they were issued, the denomination(s), and total value on Form DBPR-PMW-3650, Cardroom Daily Control Sheet, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code.

(3)(4) The face of each chip or token Chips and tokens must include:

(a) The name of the facility that issued issuing cardroom, on each side of the chip or token. Names of other facilities shall not be displayed on a chip or token; and

(b) The value of the chip or token, must be inscribed on each side of the chip or token;

(4)(e) The A-chip must be designed so that when stacked with chips and tokens of other denominations and viewed, the denomination of the chips or tokens must be distinguishable from that of the other chips or tokens when stacked in the stack.

(5) Chips or tokens purchased at a cardroom facility shall be redeemed by the cardroom operator for the appropriate cash value.

(6) Tournament chips shall:

(a) Be distinguishable from all other chips used at the cardroom facility;

(b) Not be redeemable for anything of value;

(c) Be only purchased at a buy-in or registration; and

(d) Be used to compute the total points accumulated and the winner or winners of a tournament.

(7) Cardroom operators shall maintain records documenting the daily ending inventory of tokens and chips pursuant to Section 849.086(11)(a), F.S.

Specific Authority 550.0251(12), 849.086(4), ~~(8)~~ FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended 4-12-06, _____.

61D-11.016 Card and Domino Tables.

(1) Card Cardroom operators shall utilize card tables shall have, with a clearly designated rake circles, an imprest trays, tip boxes, and drop box slots. In lieu of a rake circle on a card table, a drop box slide may be used utilized.

(2) Domino tables shall be square with clearly designated areas located at each of the four corners of the table for the placement of wagers and the payment of participation fees. The surface of the dominoes table shall be one solid color that will not interfere with the ability of the surveillance system to clearly identify each domino played or the value of chips or tokens in the wagering area. There shall be no imprest tray on a domino table.

(3) Card games shall only be played on card tables.

(4) Dominoes shall only be played on domino tables.

(5)(2) Each card table shall be clearly designated with the number of the table, which shall be visible to the surveillance system.

(6) At no time may a cardroom contain more tables than that for which the cardroom operator has been licensed. Unused and unlicensed tables must not be stored inside the cardroom, but may be stored in designated non-public areas for the purpose of dealer training or other storage areas with no potential for official play.

Specific Authority 550.0251(12), 849.086(4), ~~(8), (10)~~ FS. Law Implemented 849.086 FS. History–New 1-7-97, Amended _____.

61D-11.0175 Count Rooms and Count Procedures.

(1) At the close of each shift, but not less than once daily, the cardroom operator shall:

(a) Count and record the amount of chips or tokens and currency for each table;

(b) Make a fill or credit to bring the imprest tray back to its beginning balance;

(c) Document beginning and ending inventories in the fill or credit report reflecting the value of chips or tokens and currency whether final fills are or are not made;

(d) Confirm that the supervisor has verified beginning and ending inventories of chips or tokens and currency; and

(e) Ensure that drop boxes are removed from tables immediately and transported to the count room or other secure area by two employees. At least one of the transporting employees shall not be under the immediate supervision of the shift supervisor or manager.

(2) The cardroom operator shall have a count room within its facility used for counting of funds. Cardroom operations counts shall be performed at separate times and independent of pari-mutuel or slot operations counts.

(3) The count room shall include:

(a) Reinforced doors equipped with locks and a device that signals the surveillance monitoring room and the security department whenever a door is opened;

(b) Tables for counting chips, tokens, or currency;

(c) Surveillance equipment as referenced in paragraph 61D-11.025(5)(c), F.A.C.; and

(d) A fixed door type or hand-held metal detector to inspect all persons exiting the count room. In lieu of the use of metal detectors, a cardroom operator may choose to complete a key inventory at the exit door of the count room that shall be described in the internal controls.

(4) The internal controls shall include the following procedures to be followed before any count process:

(a) A procedure for securing chips, tokens, or currency from any previous count;

(b) Procedures providing for a count team including a supervisor and at least two team members, with one team member being the count recorder. Count team members shall be rotated as specified in the internal controls. The rotation shall be such that the team is not the same three individuals more than any three days per week;

(c) A procedure ensuring that all persons present in the count room during the counting process wear outer garments that must be a full-length, one-piece, pocket-less garment with openings for the arms, feet, and neck only;

(d) A procedure ensuring that no person carry any personal items into the count room; and

(e) A procedure ensuring that the count room supervisor record, in writing, the name and license number of each member of the count team, and record the same information on any personnel entering or exiting the count room during the count process.

(5) The internal controls shall include the following procedures for the count process:

(a) A procedure for dual count and reconciliation of all chips, tokens, or currency. Dual count and reconciliation shall be a procedure to ensure presentation of all chips, tokens, or currency in the count room to an employee who verifies the chips, tokens, or currency;

(b) A procedure to segregate chips, tokens, or currency including a procedure for resolving any discrepancies;

(c) A procedure for handling torn or mutilated chips, tokens, or currency;

(d) A procedure for the proper use of any counting machine that may be used;

(e) A procedure for emptying the contents of each drop box on the count table;

(f) A procedure requiring that each drop box be counted separately;

(g) A procedure to ensure that the drop box and the inside of the drop box be held up to the full view of a surveillance camera;

(h) A procedure to ensure that after each drop box has been viewed and counted, the drop box shall be locked and placed in a storage area exclusively for drop boxes;

(i) A procedure for a count team member to record the following information on a count report:

1. The table number to which each drop box contents corresponds;

2. The value of each denomination of chips, tokens, or currency counted;

3. The total value of all denominations of chips, tokens, or currency counted; and

4. The gaming date of the count and the total number of all drop boxes opened and counted.

(j) A procedure to reconcile the daily count records to the totals on the Monthly Remittance Reports required in subsection 61D-11.018(2), F.A.C.;

(k) A procedure to ensure that the doors to the count room remain locked except to allow authorized entrance to individuals as stated in the internal controls;

(l) A procedure to ensure that:

1. All count team members secure all of the chips, tokens, or currency in the count room if a count team member leaves the count room;

2. All count team members are screened before leaving the count room;

3. No count team member shall be in the count room alone; and

4. The count team members do not re-enter the count room until all count team members are present;

(m) A procedure ensuring that each count report is signed by the count team members and the count room supervisor; and

(n) A procedure ensuring reconciliation of copies of fill or credit reports to the count sheets.

(6) The internal controls shall include the following procedures to be followed after any count process:

(a) A procedure requiring the supervisor to inspect the entire room and all counting equipment to verify that no chips, tokens, or currency remain in the room;

(b) A procedure to make correction to information originally recorded by the count team or to any count documentation by crossing out the error, entering the correct figure, and entering the initials of at least two count team members who verified the change;

(c) A procedure to reconcile the fill or credit report for each imprest tray to the count documentation;

(d) A procedure for the delivery of the verified and signed count documents to the accounting department. The delivery shall occur immediately after all count procedures are completed; and

(e) A procedure requiring that the accounting department calculate and record the total drop for that gaming day based upon the verified and signed count documents.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History—New _____.

61D-11.018 Reporting Requirements to Determine Net Proceeds or Gross Revenues.

~~(1) Each Every licensed pari-mutuel facility operating a cardroom operator shall maintain a hard-copy of permanent monthly records of all financial transactions directly or indirectly related to the cardroom activities. All transaction data must be maintained on the premises of the cardroom operator. The cardroom operator must maintain documentation supporting all amounts reported in the records. Each record shall include, but not necessarily be limited to all details of the following:~~

~~(a) For greyhound and jai alai permitholders, each record shall clearly show totals of gross revenues.~~

~~(b) For harness or thoroughbred permitholders, each record shall clearly show totals of operating revenues, expenses, and net proceeds.~~

~~(2) Each thoroughbred and harness horse racing permitholder who is licensed to engage in cardroom activity shall keep records that clearly show a statement of assets, liabilities, operating revenues and expenses and net proceeds to determine distributions to purses and breeders' awards, as required by Section 849.086(13), F.S.~~

~~(2)(3) Cardroom Every licensed cardroom operators shall file Form DBPR PMW-3640, Cardroom Monthly Remittance Report, and Form DBPR PMW 3650, Cardroom Daily Control Sheet, both adopted and incorporated by Rule 61D-12.001, F.A.C. Florida Administrative Code, with the division by the fifth day of each calendar month for the preceding calendar month's cardroom activity.~~

Specific Authority 550.0251(12), 849.086(4), (11), ~~(13)~~ FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 4-12-06, _____.

61D-11.019 Internal Control System.

~~(1) Initial applications for a cardroom shall include a~~ Each applicant for a license to operate a cardroom shall submit with their initial application their written internal control system established in compliance with Section 849.086, F.S., and the rules promulgated thereunder to the division for approval. Subsequent changes to the internal controls of a cardroom operator must be submitted noticed to the division for approval and must be approved by the division prior to implementation of such changes. The division will have 30 days from receipt of the internal control changes to approve or disapprove the changes to the internal controls.

~~(2) Failure of any cardroom operator to follow the internal controls once approved by the division shall be a violation of these rules. A cardroom operator is responsible for compliance with its internal control system.~~

~~(3) through (3)(h) No change.~~

~~(i) Competency of staff and ability to comply with established policies and procedures is promoted through training; and~~

~~(j) Efficiency of operations is enhanced.~~

~~(4) The cardroom manager or general manager shall sign and submit the internal control procedures to the division. The internal control procedures shall at a minimum contain the following: The division will use standards set forth in the "Minimum Internal Control Standards," herein incorporated by reference, to determine whether the requirements of Section 849.086, F.S., and the rules promulgated there under are complied with in the submitted internal control system. If the submitted system is disapproved, the division shall provide a written report detailing the deficiencies and will make suggestions in the report on how the deficiencies can be corrected.~~

~~(a) A requirement that a supervisor or the transporter verify all transfers between imprest trays and the cardroom bank with their signature on the transfer document;~~

~~(b) The designation of a cardroom bank holding all cardroom funds;~~

~~(c) The designation of an imprest bank holding all imprest trays;~~

~~(d) The designation of a cashier cage methodology for the control and accounting of funds that are part of the cardroom bank as an alternative to an imprest bank if designated in the internal controls;~~

~~(e) A requirement that all transactions flowing through the cardroom bank be summarized daily as specified in the internal controls as follows:~~

~~1. Increases and decreases to the cardroom bank inventory shall be summarized and supported by documentation;~~

2. A record shall reflect that the cardroom bank inventories are counted by at least two persons and recorded at the end of each day on inventory documentation;

3. Information shall be summarized and recorded in the cardroom operator's accounting records on the business day following each day of operation; and

4. A statement of whether an imprest bank or cashier cage methodology is used shall be indicated by the cardroom operator.

(f) When a cashier cage methodology is used, the facility shall include in the facility internal control procedures security controls that limit access into the cashier cage. The internal controls shall also require a list of employees who are granted access to the cashier cage and their individual license numbers;

(g) A requirement that the cardroom operator perform internal audits every six months of operation. Internal audit documentation must:

1. Include documentation of material exceptions to internal controls; and

2. Be provided to the division within 30 days of the date of the internal audit.

(h) A description of the cardroom's patron dispute resolution process;

(i) A list of all authorized games offered for play and a description of the rules of play and wagering requirements for each game;

(j) A requirement for the complete replacement of all card decks that have been in play for three months and domino sets that have been in play for six months;

(k) The methodology for administration of jackpot payouts:

1. Payouts for jackpots may be made in chips, tokens, or currency if the amount of the distribution is equal to or less than \$4,999.99; and

2. A combination of check, chips, tokens, or currency shall be used for all jackpot payments greater than \$4,999.99.

(l) An identification of where dealers may take their break, and provide at a minimum, that such breaks be arranged so there is limited opportunity for dealer and player personal interaction;

(m) The methodology for administration of rakes to include:

1. A flat fee rake or a rake on a time limit shall be designated for each cardroom or cardroom game. The method of rake may be different for different cardroom games within one cardroom;

2. When the cardroom elects to use a flat fee rake, the amount of the rake the cardroom operator designates shall be stated in the cardroom internal controls; and

3. When the cardroom operator elects to employ a rake on a time limit basis, the amount of the rake for each time period shall be stated in the cardroom internal controls;

(n) A floor plan of the cardroom that shall be maintained in the surveillance room. The floor plan shall:

1. Be based on a readable scale and show the placement or location of the following:

a. Each cardroom table and its corresponding table number;

b. Security cameras and other surveillance equipment;

c. Count rooms and cashier cage;

d. The location of the cardroom operator's designated cardroom gaming area. Designated cardroom gaming areas shall be separated by a check-in area where the cardroom operator shall check identifications of players prior to being seated for play or shall have controlled entry and exit points where the cardroom operator shall check identifications to ensure no persons under 18 years of age are allowed access to the designated cardroom gaming area; and

e. The security surveillance system monitoring room.

2. Provide for clear lines of sight for the security surveillance system. There shall be no area where cards or dominoes are played or where money is collected, distributed, or counted which the security surveillance system is unable to monitor with clarity.

(o) The methodology for key access controls for drop boxes;

(p) The methodology for retirement of cards, chips, dominoes, or tokens. The methodology shall:

1. Designate the individual position responsible for the retirement procedure;

2. Require the cardroom operator to notify the division in writing of the retirement action no later than 30 days after retirement of the cards, chips, dominoes, or tokens; and

3. Require all retired cards, chips, dominoes, or tokens be retained in a secure location for 60 days.

(q) The methodology for maintaining a database of persons who have been excluded from its facility by the cardroom operator or the division;

(r) A requirement that all internal control documents include a footnote with the revision date for that version of the internal controls; and

(s) If the facility permits the use of cardroom chips or tokens to purchase pari-mutuel tickets, then the internal controls must provide a procedure to:

1. Identify all cardroom chips or tokens used to purchase pari-mutuel tickets;

2. Convert the cardroom chips or tokens to cash; and

3. Return all cardroom chips or tokens to the cardroom at the end of each shift.

(5) The division shall not approve an internal control submission if:

(a) Any provision of the internal control submission is inconsistent with the requirements of Chapter 61D-11, F.A.C.;

(b) Any game or series of games played is not an authorized game under Section 849.086(2)(a), F.S.; or

(c) Players are allowed to wager in excess of the wagering limitation found in Section 849.086(8)(b), F.S.

Specific Authority 550.0251(12), 849.086(4), ~~(11) (7), (12), (14)~~ FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended _____.

61D-11.020 ~~Card Game Drop Box~~ Card Game Drop Box and Key Control Procedures.

~~Each card table shall have one drop box with a drop slot which when activated will cause the rake or ante to drop directly into the drop box. The card game drop box shall be a locked container marked with a permanent number corresponding to the permanent number on the card table. The locked container shall be locked to the card table and shall be separately keyed from the drop box itself.~~

(1) Each table shall have a drop box that is configured to permit the dealer to insert the rake directly into the drop box. The drop box shall be: All card game drop boxes shall be removed from their respective card table no later than at the conclusion of each day's authorized cardroom activity. Card game drop boxes shall be removed without any interruptions so that the markings on the boxes are clearly visible and will be stored in a secure place or immediately counted and the count documented for accounting transaction purposes.

(a) Marked with a permanent number corresponding to the table number to which the drop box is assigned;

(b) Affixed with a lock to the table; and

(c) Separately keyed from the table release lock.

(2) Each cardroom operator shall develop and use a lock and key control system that limits or restricts access to secure compartments, drop boxes, and areas as identified in the operator's internal control procedures. The count of the drop box must be in compliance with the requirements set forth in the cardroom operator's internal control system.

(a) The cardroom operator's security department shall receive the locks and keys; and

(b) A master locksmith or similarly qualified cardroom operator employee shall install all locks specified in this subsection.

(3) The cardroom operator's security department shall maintain all drop box keys as specified in the internal controls.

(4) Drop boxes shall require dual keys:

(a) Drop box release keys used to unlock the box from the table and the drop box contents keys shall have separate custodians who shall be authorized by the cardroom operator's internal controls to:

1. Have access to the drop box release keys and remove the drop boxes from the tables; and

2. Have access to the drop box contents keys and open the drop boxes during the count procedures.

(5) If access to keys is manually controlled, all access shall be documented in a written log that shall include:

(a) The justification for access to keys;

(b) The identity of the key and key box;

(c) The occupational license number or employee number of the employee removing the key;

(d) The date and time each key is signed out;

(e) The date and time each key is returned; and

(f) The signatures of at least two persons for each key removed.

(6) If an electronic key box is used, the electronic key box system shall provide scheduled and on-demand reports for a complete audit trail of all access including:

(a) The identity of the key and key box;

(b) The occupational license number or employee number of the employee removing the key;

(c) The date and time each key is signed out;

(d) The date and time each key is returned;

(e) A report of unauthorized attempts to access the key box;

(f) All entries, changes, or deletions in the key box system; and

(g) The identity of the employees who made attempts to enter or perform changes, or deletions in the key box system.

(7) All duplicate keys shall be controlled in the same fashion as the original keys.

(8) Cardroom operators shall:

(a) Remove all drop boxes immediately after the end of the final game for each day's activity. In the event the immediate removal of drop boxes is not possible, a security guard shall be in the room until the drop boxes are removed; and

(b) Remove drop boxes so that the markings are clearly visible to surveillance cameras.

(9) The drop box count shall comply with Rule 61D-11.0175, F.A.C., and the cardroom operator's internal control system.

Specific Authority 550.0251(12), 849.086(4), ~~(11) (8), (10)~~ FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended _____.

61D-11.021 ~~Card Game Tip Box~~ Card Game Tip Box Procedures.

(1) Each table shall have a dealer tip box that is configured to permit the dealer to insert a tip directly into the tip box. Each card table shall have one dealer tip drop box with a drop slot that when activated shall cause the tip to drop directly into the drop box. The dealer tip drop box shall be a locked container marked as a tip drop box.

(2) All tip boxes shall be marked. All tip box markings shall be clearly visible.

(a) To make them clearly visible to surveillance cameras;

(b) To distinguish from all other boxes as a tip box; and

(c) With a permanently affixed identification number or name.

(3) Dealers shall:

(a) Place each tip on the table in front of the tip box so that surveillance can identify the tip; and

(b) Tap the tip on the corner of the imprest tray before inserting the tip into the tip box.

(4) The cardroom operator shall maintain, by date, a log indicating tip box assigned, by number or name, and total tips each dealer collected.

Specific Authority 550.0251(12), 849.086(4), ~~(11)~~ FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended _____.

61D-11.022 Cardroom Imprest Bank and Card Table Imprest Tray.

(1) A cardroom operator shall designate a secure area for housing the bank for cardroom operations.

(2) The chips, tokens, and currency ~~currency, chips and tokens~~ for the cardroom operation shall be physically maintained separately from any other currency of the pari-mutuel wagering facility, except that chips may be used to purchase pari-mutuel tickets if the cardroom operator’s internal controls include procedures for converting the designated chips back to cash and returning that cash to the cardroom.

(3) All cardroom operators must employ an imprest bank or cashier cage method.

(4) When a card table imprest tray is replenished from the cardroom imprest bank:

(a) The dealer shall count all chips, tokens, and currency transferred in public view under surveillance on the card table; and

(b) The transporter or a supervisor shall verify the value of the transferred chips, tokens, and currency the dealer has counted.

(5) The cardroom bank or cashier cage must be a secure area where access is limited to those persons authorized in the internal controls.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended _____.

61D-11.024 Rake-Off Procedures.

~~The set fee rake-off shall be called at the beginning of each hand. The set fee rake off shall be placed in a designated rake circle or drop box slide and shall remain in the designated circle or slide until a winner is declared and paid. The set fee rake off shall then be dropped into the table drop box. A rake taken as a percentage of the pot shall be collected and placed in a designated rake circle or drop box slide immediately upon the conclusion of the round, hand, or game. The rake taken as a percentage of the pot shall then be dropped into the table drop box prior to the beginning of another round, hand, or game.~~

(1) The cardroom operator shall:

(a) Designate a flat fee or a timed rate fee as a rake for the cardroom and for each cardroom game; and

(b) Conspicuously display the rake limits and method at each cardroom table for the players to see.

(2) If a flat fee rake is used in a game, it shall:

(a) Be placed in a designated rake circle or on top of a drop box slide;

(b) Remain in the designated circle or on top of the slide until a winner is declared and paid; and

(c) Be dropped into the table drop box immediately after a winner is declared for a round, hand, or game.

(3) If a timed rate fee is used, it shall:

(a) Be collected prior to dealing the first hand for the stated time period by placing chips or tokens in a designated rake circle or drop box slide as identified in the internal controls; and

(b) Be dropped into the table drop box immediately after it is collected.

Specific Authority 550.0251(12), 849.086(4), ~~(8), (10)~~ FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended _____.

61D-11.025 Cardroom Electronic Surveillance.

(1) ~~Each~~ For purposes of monitoring the playing area, each cardroom ~~operator~~ licensee shall install in its establishment a room with an electronic surveillance system according to the specifications herein to monitor the activities within the cardroom facility, ~~and shall provide timely access to the system on the licensee’s premises, by the division upon request.~~

(2) The surveillance system must be capable of:

Definitions:
(a) The covert monitoring of: “Cardroom surveillance” means the capability to observe and electronically record activities being conducted in a licensed cardroom facility.

1. The conduct and operation of card and domino tables;

2. The conduct and operation of the central location where tournament buy-ins and registration occur;

3. The conduct and operation of the cashier’s cage;

4. The collection and count of the gaming revenue drop;

5. The movement of any cardroom imprest tray, chips, tokens, or currency while being transported within the facility to a card or domino table, count room, money room, vault, cardroom bank or cashier cage, or other secure area.

(b) Detection and recording of: “Dedicated camera” means a black & white or color video camera that continuously records a specific activity.

1. Cheating, theft, embezzlement, and any other activity considered illegal under the law or inconsistent with Chapter 61D-11, F.A.C., or Section 849.086, F.S., in the cardroom facility; and

2. The presence in the cardroom facility of any unauthorized or excluded person.

(c) “PTZ Camera” means a light sensitive video camera which possesses, at a minimum, pan, tilt, and zoom capabilities or features comparable thereto.

~~(d) "Surveillance room" means a secure location in a licensed cardroom facility used primarily for cardroom surveillance.~~

~~(e) "Surveillance system" means a system of video cameras, monitors, recorders, and other ancillary equipment used for cardroom surveillance.~~

~~(3) The person holding the position of cardroom manager or supervisor with oversight of cardroom drops and revenue shall not be in a position to conduct surveillance for the count room and drop activities.~~

~~(4)(3) The surveillance Surveillance system and equipment shall employ digital electronic technology with the acuity and clarity that is no less than that provided by magnetic tape systems. The digital equipment shall:~~

~~(a) Record to a quality of 4 Common Intermediate Format (CIF). At a minimum, each video camera unit must:~~

~~1. Include date and time generators which possess the capability to display the date and time of recorded events on videotape so as to enable the operator to identify the point on such tape at which a particular event was recorded;~~

~~2. Possess the capability of having its picture displayed on a video monitor and recorded;~~

~~3. Be equipped with lenses of sufficient magnification to clearly distinguish the value of the playing cards; and~~

~~(b) Be viewable on a monitor. The entrance to the surveillance room must be locked so that it is not readily visible or accessible to the general public.~~

~~(c) Include date and time generators; and Access to the surveillance room must be limited to the cardroom manager or other personnel authorized in accordance with the licensee's policy as set forth in its written surveillance system plan.~~

~~(d) Display the date and time of recorded events in the record to enable the operator to identify the point on such record at which a particular event was recorded.~~

~~(5) Different capability levels of cameras shall be:~~

~~(a) Dedicated cameras that record at a rate of 30 frames per second for viewing all activities on the entire surface of each card and domino table;~~

~~(b) Dedicated cameras that record at a rate of 30 frames per second for viewing:~~

~~1. The central location for tournament buy-ins and registration;~~

~~2. The cashier's cage, cashier's drawers, and vault; and~~

~~3. The surveillance room pursuant to subsection (16) of this rule.~~

~~(c) PTZ cameras that:~~

~~1. Are placed behind domes or one-way mirrors;~~

~~2. Are concealed from view;~~

~~3. Permit unobstructed viewing with sufficient video monitors;~~

~~4. Simultaneously cover various vantage points;~~

~~5. Operate at a rate of 30 frames per second;~~

6. Permit identification of any person in the gaming area with sufficient clarity;

7. Monitor and record the movement of chips, tokens, currency, imprest trays, drop boxes, and tip boxes within the cardroom facility;

8. Monitor all areas and activities occurring within the count rooms with audio capability and motion-sensitive performance to record during any occupancy in the count process;

9. Monitor and record all areas where chips and tokens are exchanged for cash or checks with sufficient clarity to permit identification of all physical items involved in the recorded transactions; and

10. Magnify or zoom to clearly distinguish table numbers and the value of playing cards, dominoes, chips, tokens, and currency.

(6) During each count of chips, tokens, and currency in the cardroom facility count room:

(a) The surveillance room must be staffed with the personnel identified in the facility internal controls; and

(b) The count must be recorded with cardroom surveillance equipment.

(7) The surveillance room:

(a) Entrance shall be located so that it is not readily visible or accessible to the general public;

(b) Access must be limited to the cardroom manager or other personnel authorized in the facility's internal controls; and

(c) The interior shall not be visible or accessible to the public.

~~(8)(d) Each video camera unit required by this rule must be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled by patrons or employees.~~

~~(9)(e) Employees shall not intentionally obstruct surveillance system equipment.~~

~~(10)(f) Adequate lighting shall be present in all areas of the cardroom to enable camera coverage of sufficient quality to produce clear videotape recordings.~~

~~(g) Reasonable effort must be made to repair each malfunction of surveillance system equipment required by this rule within seventy-two (72) hours after the malfunction is discovered. Within twenty-four (24) hours of discovery, the licensee shall notify the division via facsimile transmission of the equipment malfunction. If a malfunction is not repaired within seven (7) days after it is discovered, causing the licensee to be in non-compliance with this rule, the licensee must immediately notify the division via facsimile transmission of the failure to repair.~~

(11) All tapes and other electronic surveillance recordings shall be:

(a) Maintained for at least 14 days;

(b) Labeled in chronological order by date and time of recording; and

(c) Retained for a period of time longer than 14 days if requested by the division or any law enforcement agency.

~~(h) The licensee shall preserve and store any video recording for at least fourteen (14) days. The division shall have unfettered access to all such video recordings.~~

~~(12)(i) The surveillance system within the cardroom must possess the capability to monitor, identify, and record the activities of the patrons and dealers at each poker table, in a manner that provides 100 percent 100% video camera coverage of the cardroom at all times.~~

~~(j) The number and types of video cameras required in each cardroom facility are as follows:~~

~~1. PTZ video cameras, or cameras with comparable features are required in each cardroom facility to effectively monitor in detail and from various vantage points at all times, (a) the activities conducted at each table, (b) the movement of cash, gaming chips, and drop slot boxes, (c) all areas of the cardroom including entrances and exits.~~

~~2. One fixed dedicated video camera unit per table will be required when cardroom gross receipts, as defined in Section 849.086(2)(h), F.S., equal or exceed \$500,000 in a calendar month.~~

~~3. The surveillance standard referenced in 2. above will be effective beginning the fiscal year immediately following the fiscal year in which the \$500,000 threshold is met.~~

~~(k) When dedicated cameras are required pursuant to the provisions of paragraph (j) above, each camera must provide coverage of: (1) each table with sufficient clarity to identify patrons and employees, and (2) each table surface, with sufficient clarity to simultaneously view all table activities.~~

~~(13)(1) Each operator cardroom licensee shall maintain a surveillance log of all surveillance activities in the surveillance monitor room that shall include: The log shall be maintained by the cardroom manager and shall be stored securely. At a minimum, the following information shall be recorded in a surveillance log:~~

~~(a)1. Date and time each surveillance commenced;~~

~~(b)2. The name and license number of each person who initiates, performs, or supervises the surveillance;~~

~~(c)3. Reason for the surveillance, including the name, if known, and the description of each individual being monitored, and a brief description of the activity in which the monitored person is engaging;~~

~~(d)4. The time times at which each videotape recording is was commenced and terminated;~~

~~(e)5. The time at which each suspected criminal offense is observed, and a notation of the reading on the meter, counter, or device that identifies the point on the recording that videotape at which such offense was recorded;~~

~~(f)6. The time the time at which surveillance is terminated; and~~

~~(g)7. The date Date and time of any equipment malfunction and repair.~~

(14) When surveillance equipment malfunctions and fails to operate as required by this rule:

(a) Play at the table or tables in any area for which there is inadequate monitoring shall be suspended until the quality of the surveillance system is restored to the levels required by this rule;

(b) The cardroom operator shall ensure that any malfunction of surveillance equipment is immediately repaired or replace the malfunctioning equipment or component with a working unit to restore surveillance operation to the levels required by this rule; and

(c) The cardroom operator shall:

1. Maintain a log of all malfunctions of the surveillance and recording equipment;

2. Notify the division by the beginning of the next business day when:

a. Such repair is required; and

b. Upon completion of the repairs.

3. Repair or replace any video or audio recording system that has failed within 24 hours of the failure; and

4. Close the tables for play in that area for which there is inadequate monitoring if after 24 hours surveillance recording has not been restored.

(15) The surveillance system shall provide back-up for video or audio recording during the repair and replacement time.

(16) The activity within the surveillance room shall be continuously recorded.

Specific Authority 550.0251(12), 849.086(4)(a), ~~(11)~~ FS. Law Implemented 849.086(4)(a), ~~(b), (f), (7)(a)~~ FS. History—New 10-21-97, Amended _____.

61D-11.0251 Security Plans.

(1) The cardroom operator shall maintain a security plan in its security office that shall include:

(a) A position description for each security officer or employee that includes the position's duties, assignments, and responsibilities;

(b) The minimum number of security officers or employees required for each shift;

(c) Procedures for handling incidents requiring the assignment of a security officer or employee;

(d) Training requirements and procedures for employees and officers; and

(e) A description of each alarm or alert used for incidents of violent crime that shall include, but not be limited to, robbery, armed robbery, or an incident involving a hostage situation.

(2) The security plan shall include procedures for annual testing of all security alarms or alerts required by rules regulating the cardroom facility.

Specific Authority 550.0251(12), 849.086(4), (11) F.S. Law Implemented 849.086 F.S. History—New _____.

61D-11.0275 Tournaments.

(1) As part of its internal controls, each cardroom operator, who conducts tournaments shall provide written procedures for the conduct of tournaments that shall:

(a) Require that the entry fee and any rebuys do not exceed the wagering limitations of Section 849.086(8)(b) and (c), F.S.;

(b) Provide a method for charging house and tournament fees for participation in a tournament of poker or dominoes; and

(c) Describe:

1. The point values of chips or tokens;

2. The number of chips or tokens each participant will receive upon buy-in or registration;

3. The appearance of chips or tokens which shall be visually distinct from those used in regular play;

4. The allowance and use of blinds;

5. The allowance and use of re-buys;

6. The distribution of winnings; and

7. The process to ensure that chips or tokens will not be redeemed for cash or any other thing of value.

(2) The written procedures must be available to all interested participants upon request and displayed within the cardroom.

(3) Cash received for entry fees shall be separate from all other cash received by the cardroom operator for regular cardroom gaming until such time as all cash is counted.

(4) The monthly remittance report filed with the division in conjunction with the report required by Section 849.086(13), F.S., shall include an aggregate accounting of:

(a) The amount collected for games played in a tournament per player;

(b) The total amount of participation fees collected;

(c) The total number of participants;

(d) The total amount distributed to winning participants;

(e) The taxable gross receipts amount; and

(f) The calculation of total tax due for the tournament.

(5) The cardroom operator shall:

(a) Maintain a log of all tournaments played with a separate entry for each type of daily tournament containing the information in paragraphs (4)(a) through (4)(f) of this rule; and

(b) Reconcile the log of tournament activity to the information provided in the monthly remittance report in subsection (4).

Specific Authority 550.0251(12), 849.086(4), (11) F.S. Law Implemented 849.086 F.S. History—New _____.

61D-11.0279 Jackpots, Prizes, and Giveaways.

(1) The following requirements apply to all cardroom and dominoes tables participating in jackpots:

(a) The cardroom operator shall post the rules of the jackpots offered, including which specific hands constitute a winner, and all details regarding seeding the jackpot fund;

(b) Post the jackpot rake at each table;

(c) Ensure that:

1. An additional drop box is installed on the left hand side of tables for jackpot proceeds;

2. The internal controls require that the dealer drop the jackpot rake into the jackpot drop box;

3. Jackpot drop boxes have a permanently affixed number that corresponds to the table to which the drop box is assigned;

4. Jackpot drop boxes are marked or colored to distinguish them from the regular drop box and tip box;

5. All jackpot drop boxes are dropped and counted daily using drop procedures set forth in Rule 61D-11.0175, F.A.C.;

6. Jackpot revenues are not commingled with other monies;

7. All revenue from the jackpot drop is accumulated separately from other revenue and deposited daily into a separate non-interest bearing bank account;

8. The daily balance for each jackpot is displayed prominently within the cardroom facility;

9. All jackpot accounting records:

a. Include a detailed ledger with all credits, debits, and any jackpot amount carried forward to the jackpot from the prior playing day; and

b. Are maintained to account for each different jackpot offered.

10. All jackpot payouts are made in accordance with the internal controls; and

11. The internal controls will state whether a maximum jackpot threshold limit is established. The internal control shall state if a threshold is selected, when the designated threshold is achieved, the series of cards comprising the hand winning the jackpot shall be changed to a series of cards that has a higher probability of occurring.

(2) Each jackpot amount shall be:

(a) Equal to the ending total balance of that specific jackpot fund at the end of the previous day's count; and

(b) Displayed as required in subparagraph (1)(c)8. of this rule.

(3) The cardroom operator shall:

(a) Maintain a separate Form DBPR PMW-3605, Daily Tracking of Cardroom Jackpot, adopted and incorporated by Rule 61D-12.001, F.A.C., for each day of cardroom activity, and each different jackpot;

(b) Submit each Form DBPR PMW-3605 monthly to the division along with each Form DBPR PMW-3640, Cardroom Monthly Remittance Report, adopted and incorporated by Rule 61D-12.001, F.A.C.; and

(c) Maintain a log of jackpot payouts that shall include:

1. The name, address, and telephone number of each winner;

2. The check number if paid by check;

3. A copy of the winner's identification for winnings which meet the Internal Revenue Service threshold; and

4. A copy of any forms required to be filed by the Internal Revenue Service.

(5) A jackpot, prize, or giveaway shall only be awarded to a player holding a combination of cards specified by the cardroom operator.

(6) The internal controls shall include procedures for reporting winnings that reach the Internal Revenue Service threshold.

(7) The transaction for a giveaway or prize must be a separate transaction from any buy-in or rebuy. Jackpot contributions may be a part of a buy-in or re-buy, but the jackpot portion of the buy-in or re-buy must be fully disclosed and accounted for separately.

(8) A cardroom operator may not withhold a percentage of the jackpot pool for the cost of administering the jackpot. One hundred percent of any jackpot shall be applied to the payment of jackpots.

Specific Authority 550.0251(12), 849.086(4), (11) FS. Law Implemented 849.086 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Drago, Interim Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 14, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-11.017	Admissions Requirements
61D-11.023	Accounting for Transactions Between Card Table Imprest Tray and Cardroom Imprest Bank

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal will be to implement changes in accordance with Senate Bills 134 and 752, effective July 1, 2007.

SUMMARY: Elimination of Rules 61D-11.017 and 61D-11.023, F.A.C.

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

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

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4), (11), (13) FS.

LAW IMPLEMENTED: 849.086 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: April 18, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. If you are 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-11.017 Admissions Requirements.

Specific Authority 550.0251(12), 849.086(4), (11), (13) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 3-4-07, Repealed_____.

61D-11.023 Accounting for Transactions Between Card Table Imprest Tray and Cardroom Imprest Bank.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History--New 1-7-97, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Drago, Interim Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 14, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Pari-Mutuel Wagering

RULE NO.: 61D-12.001
RULE TITLE: Incorporated and Approved Forms
PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to amend the various forms related to cardrooms used by the Division of Pari-Mutuel Wagering in accordance with Senate Bills 134 and 752, effective July 1, 2007.

SUMMARY: This proposed rule amends forms of the Division of Pari-Mutuel Wagering related to cardrooms needed to implement amendments in Section 849.086, 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: 550.0251(12), 849.086(4), (5), (6), (11) FS.

LAW IMPLEMENTED: 849.086 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):

FORM NUMBER	SUBJECT	EFFECTIVE DATE
(1) DBPR PMW-3120	Individual Occupational License Application	3-4-07
(2) DBPR PMW-3130	Business Occupational License Application	3-4-07
(3) DBPR PMW-3150	Notification of a Card Game	3-4-07
(3)(4) DBPR PMW-3160	Permitholder Application for Annual License to Operate a Cardroom	3-4-07
(4)(5) DBPR PMW-3170	License Upgrade Application	3-4-07
(5)(6) DBPR PMW-3180	Request for Waiver	3-4-07
(6)(7) DBPR PMW-3220	List Notice of Change of Cardroom Business Occupational Licensees	3-4-07
	Providing Products and Services to a Cardroom	
(7) DBPR PMW-3605	Daily Tracking of Cardroom Jackpot	
(8) DBPR PMW-3640	Cardroom Monthly Remittance Report	3-4-07
(9) DBPR PMW-3650	Cardroom Daily Control Sheet	3-4-07

Specific Authority 550.0251(12), 849.086(4), (5), (6), (11) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 3-4-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Drago, Interim Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2008

DATE AND TIME: April 18, 2008, 9:00 a.m. – 1:00 p.m.
PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. If you are 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-12.001 Incorporated and Approved Forms.

The following is a list of all forms now incorporated which are to be used by the Division in its dealing with the cardroom operators and licensees who conduct cardroom gaming. A copy of these forms may be obtained at www.myflorida.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of each of these forms is the promulgation date of this rule.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Engineers

RULE NOS.: 61G15-30.001
61G15-30.002
61G15-30.003
RULE TITLES: Purpose
Definitions Common to All Engineer's Responsibility Rules
Minimum Requirements for Engineering Documents

- 61G15-30.005 Delegation of Engineering Documents: Obligations of the Engineer of Record
- 61G15-30.006 Delegation of Engineering Documents: Obligations of the Delegated Engineer of Record
- 61G15-30.007 Prime Professional’s Responsibility
- 61G15-30.009 Retention of Engineering Documents
- 61G15-30.010 Energy Conservation Compliance

PURPOSE AND EFFECT: The purpose and effect for Rule 61G15-30.001, F.A.C., is to clarify and update existing language; for Rule 61G15-30.002, F.A.C., it is to add new categories of engineering definitions; for Rule 61G15-30.003, F.A.C., it is to amend the rule title and to add new requirements for engineering documents; for Rules 61G15-30.005 and 61G15-30.006, F.A.C., it is to amend the rule title; for Rules 61G15-30.007 and 61G15-30.009, F.A.C., it is to clarify existing language; for Rule 61G15-30.010, F.A.C., it is to establish a new rule for setting forth engineer responsibilities in the process of preparing data relative to energy conservation compliance.

SUMMARY: In Rule 61G15-30.001, F.A.C., existing language is clarified and updated; in Rule 61G15-30.002, F.A.C., new categories of engineering definitions are added; in Rule 61G15-30.003, F.A.C., rule title is amended and new requirements for engineering documents are added; in Rules 61G15-30.005 and 61G15-30.006, F.A.C., rule title is amended; in Rules 61G15-30.007 and 61G15-30.009, F.A.C., existing language is clarified; in Rule 61G15-30.010, F.A.C., a new rule for setting forth engineer responsibilities in the process of preparing data relative to energy conservation compliance is established.

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

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

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.023, 471.025, 471.030, 471.033(1)(g),(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-30.001 Purpose.

The Board has adopted these responsibility rules pursuant to Section 471.033(2), F.S., to safeguard the life, health, property and welfare of the public by promoting proper conduct in the practice of engineering and due care and regard for acceptable engineering principles and standards. The Board considers that professional engineers may avoid disciplinary actions by observing the procedures set forth herein. Failure to comply with these rules may be considered as noncompliance with subsection 61G15-19.001(4), F.A.C., unless the deviation or departure therefrom is justified by the specific circumstances of the project in question and the sound professional judgment of the engineer. Furthermore, these rules are intended to apply as general guidelines where no contractual relationship exists between the parties addressed herein. These rules are not intended to take precedence over contractual relationships developed between the parties addressed herein, so long as those contractual relationships do not violate Chapter 471, F.S., or the stated purpose of these responsibility rules or any other rule promulgated pursuant thereto. These responsibility rules shall apply to every person holding a certificate of registration as a professional engineer, every certified engineer intern, and every holder of a certificate of authorization, as appropriate. A professional engineer’s practices, education, training, experience, qualifications, technical competence, conduct, and responsibilities in connection with his authorized engineering practice, services, and creative work are subject to regulation solely by the Board of professional engineers, ~~and~~ the courts, and local jurisdictions.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1) FS. History—New 1-26-93, Formerly 21H-30.001, Amended.

61G15-30.002 Definitions Common to All Engineer’s Responsibility Rules.

(1) through (6) No change.

(7) “Engineering Documents Prepared for Public Record” are those documents filed for public record with the Authority Having Jurisdiction (AHJ) to determine compliance with Codes and Standards and to be used for execution of the project. These documents are required to be signed and sealed.

(8) Shop Drawings: Drawings depicting installation means and methods, catalog information on standard products, prepared by a contractor, manufacturers, or professional engineers for incorporation into the project which are prepared based on engineering direction contained in Engineering Documents. Shop drawings do not require the signature, date and seal of a professional engineer.

(9) Record Documents: Documents that are a compiled representation of the constructed project. If the engineer is relying on information provided by others not under the direct supervision and control of the engineer, then the engineer shall

not be required to sign, date and seal these Documents. If relying on information by others, as a minimum, the following shall be included on the Documents:

(a) Statement that the documents are a compiled representation of the constructed project.

(b) Listing of the sources and basis of information used in the preparation of the Documents.

(c) Statement that the Documents are believed to be correct to the best of the engineer's knowledge, and that the accuracy of the information cannot be guaranteed.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1), 471.023, 471.025 FS. History–New 1-26-93, Formerly 21H-30.002, Amended _____.

61G15-30.003 Minimum Requirements for Engineering Documents. Engineering Document Classification.

(1) Engineering Documents are prepared in the course of performing engineering services. When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code and relevant laws, ordinances, rules and regulations, as determined by the AHJ. The Documents shall include:

(a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.

(b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.

(c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.

(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.

(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

(2) Engineers shall legibly indicate their name and business address, on engineering documents. Engineering documents which are issued for preliminary or conceptual use, shall clearly note the intended purpose of such documents.

(3) When elements of the project are shown on an engineering document only for information or clarification and the Engineer does not intend to accept responsibility for the elements, the engineer shall clearly note on the documents the extent of his responsibility.

(4) Engineering drawings shall be legible and conform to good drafting practices. They must also comply with Chapter 61G15-23, F.A.C., Seals.

(5) Engineers shall clearly note on any preliminary engineering documents that such documents are not in final form, but are being transmitted to the public agency to receive agency reviews, comments and interpretations. The documents may subsequently be revised by the engineer to reflect resolution of issues with the public agency prior to final action by the agency. Changes, revisions and modifications to a project may prompt additional document submittal for agency approval action on the same project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), 471.025(3) FS. History–New 1-26-93, Formerly 21H-30.003, Amended _____.

61G15-30.005 Delegation of Engineering Documents: Obligations of the Engineer of Record Request for and Review of Delegated Engineering Documents.

(1) through (2) No change (The existing text on this rule already has the proper subsection numbers)

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.005.

61G15-30.006 Delegation of Engineering Documents: Obligations of the Delegated Engineer of Record Delegated Engineer's Responsibility.

(1) through (3) No change.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.006.

61G15-30.007 Prime Professional's Responsibility.

It is the responsibility of the prime professional engineer, where one exists, to retain and coordinate the services of such other professionals as needed to complete the services contracted for the project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.007, Amended _____.

61G15-30.009 Retention of Engineering Documents.

At least one copy of all documents displaying the licensee's signature, seal, date and all related calculations shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were sealed. These documents shall be maintained in any readily accessible format.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g), (j) FS. History–New 5-9-04, Amended _____.

61G15-30.010 Energy Conservation Compliance.

The engineer who prepares the compliance calculations, and certifies the accuracy thereof, shall verify that the building construction documents conform to compliance calculations. Data used in calculations shall be under the signature, date and seal of the responsible design professionals. The Engineer of

Record for energy conservation compliance calculations shall retain the signed, dated and sealed data as provided for in Rule 61G15-30.009, F.A.C., Retention of Engineering Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g), (j) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-32.001	General Responsibility
61G15-32.002	Definitions
61G15-32.003	Common Requirements to All Fire Protection Engineering Documents
61G15-32.008	Design of Fire Alarms and Detection Systems

PURPOSE AND EFFECT: The purpose and effect for Rule 61G15-32.001, F.A.C., is to clarify existing language and to add tasks for which an Engineer of Record is responsible; for Rule 61G15-32.002, F.A.C., it is to add a new requirement with regard to Fire Protection Delegated Engineering Documents; for Rule 61G15-32.003, F.A.C., it is to add new requirements for Fire Protection Electrical Engineering Documents; for Rule 61G15-32.008, F.A.C., it is to replace old definitions of fire alarms, signaling, and control systems with new definitions and to establish new requirements for such fire alarms, signaling, and control systems.

SUMMARY: In Rule 61G15-32.001, F.A.C., existing language is clarified and tasks for which an Engineer of Record is responsible are added; in Rule 61G15-32.002, F.A.C., a new requirement with regard to Fire Protection Delegated Engineering Documents is added; in Rule 61G15-32.003, F.A.C., new requirements for Fire Protection Electrical Engineering Documents are added; in Rule 61G15-32.008, F.A.C., old definitions of fire alarms, signaling, and control systems are replaced with new definitions and new requirements for such fire alarms, signaling, and control systems are established.

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

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

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.005(7), 471.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-32.001 General Responsibility.

Fire protection engineering documents shall be prepared in accordance with applicable technology and the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the project. Both the Engineer of Record for the fire protection system and the delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific rules contained herein. The Engineer of Record for the Fire Protection System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance with his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Fire Protection Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-32.001, Amended _____.

61G15-32.002 Definitions.

(1) through (9) No change.

(10) Fire Protection Delegated Engineering Documents. Fire Protection System Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Fire Protection System has delegated responsibility for the design of a fire protection component or system and which are signed sealed and dated by the delegated engineer. These documents shall be included in the final set of documents submitted to the owner to be filed for a building permit and Fire Marshall approval.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History–New 5-19-93, Formerly 21H-32.002, Amended 4-2-00, 6-26-01, _____.

61G15-32.003 Common Requirements to All Fire Protection Engineering Documents.

(1) through (8) No change.

(9) Fire Protection Electrical Engineering Documents shall additionally meet the requirements of Rule 61G15-30.003, F.A.C., Engineering Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.005(7), 471.033(2) FS. History—New 5-19-93, Formerly 21H-32.003, Amended 4-2-00, 6-26-01, _____.

(Substantial rewording of Rule 61G15-32.008 follows. See Florida Administrative Code for present text)

61G15-32.008 Design of Fire Alarms and Detection Systems. Signaling Systems and Control System.

(1) Fire alarms and detection systems include but are not limited to fire protection supervision, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions.

(2) The design specifications shall be based on applicable codes, when applicable, or alternate engineering sources including published underwriter's engineering documents, and sound engineering practices.

(3) For fire alarm plans on small systems below the threshold requirements for mandatory use of professional engineering services, the Engineer of Record shall specify the minimum system requirements.

(4) To ensure minimum design quality of Fire Alarm and Detection Systems Engineering Documents, said documents shall include as a minimum the following information when applicable:

(a) The plans shall be clear, with a symbols legend, system riser diagram showing all initiation and notification components, and cabling requirements. Indicate locations where fire ratings are required as determined by the system's survivability requirements. Identify the general occupancy of the protected property, and for each room and area unless it is clear from features shown.

(b) Locate initiation and notification devices and connections to related systems on the floor plans and sections when needed for clarity. Related systems include, but are not limited to sprinkler systems, elevator controls, smoke control systems, dampers, and doors.

(c) Strobe intensity and speaker output ratings for all notification devices.

(d) Identify the Class and Style of circuits as listed in the NFPA 72.

(e) Identify the functions required by the alarm and control systems including the transmission of emergency signals being monitored or annunciated.

(f) Indicate whether the fire alarm is conventional or addressable, and indicate all zoning.

(g) Locate surge protective devices and required protective features.

(h) Locate system devices that are subject to environmental factors, and indicate requirements for the protection of equipment from temperature, humidity or corrosive atmospheres, including coastal salt air.

(i) The plans shall include a site plan of the immediate area around the protected building, structure or equipment when alarm devices are required outside the structure.

(j) In buildings where smoke detection will be obstructed by walls, beams or ceiling features, the Engineer of Record shall provide applicable design and details to direct the installer to mitigate the obstructions. In buildings with smoke detection under a pitched roof, the plans shall indicate the roof pitch and a building section shall be provided as part of the Engineering Design Documents.

(k) Fire detection systems utilizing smoke detection in situations where smoke stratification is anticipated, the design shall provide the necessary criteria to mitigate the detection problems.

(l) Systems designed using Performance Based criteria shall be identified and referenced to design guides or standards approved by the local authority having jurisdiction consistent with standards adopted by the Florida State Fire Marshal or the Florida Building Code.

(m) The system design must indicate if the system is to provide a general evacuation signal or a zoned evacuation for all high-rise buildings or multi-tenanted properties.

(n) Wiring requirements for underground, wet locations, campus style wiring, protection against damage and burial depth shall be specified or indicated on the engineering design documents.

(o) Requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner's operating personnel, as needed to operate the systems as intended over time.

(5) In the event that the Engineer of Record elects to specify specific equipment and to show the required wiring, battery and voltage drop (circuit analysis) calculations shall be completed. The calculations shall be completed using the equipment manufacture's data and applicable NFPA 72 procedures.

(6) System test requirements shall be noted on the Engineering Design Documents.

(7) When the engineer determines that special requirements are required by the owner, insurance underwriter or local fire code amendments these requirements shall be documented or referenced on the Engineering Design Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-32.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 20, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 21, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-33.001	General Responsibility
61G15-33.002	Definitions
61G15-33.003	Design of Power Systems
61G15-33.004	Design of Lighting Systems
61G15-33.005	Design of Communications Systems
61G15-33.006	Design of Alarm and Signaling Systems
61G15-33.007	Design of Lightning Protection Systems
61G15-33.008	Design of Grounding Systems
61G15-33.010	Certification of Electrical Systems of Public Interest

PURPOSE AND EFFECT: The purpose and effect for Rule 61G15-33.001, F.A.C., is to clarify existing language and to add tasks for which an Engineer of Record is responsible; for Rule 61G15-33.002, F.A.C., it is to clarify and amend existing definitions, add a new definition for Electrical Delegated Engineering Documents and delete unnecessary language; for Rule 61G15-33.003, F.A.C., it is to clarify existing language, delete unnecessary language and add new requirements with respect to power systems; for Rule 61G15-33.004, F.A.C., it is to update existing language and add new requirements with respect to lighting systems; for Rule 61G15-33.005, F.A.C., it is to clarify existing language, delete unnecessary language and add new requirements with respect to electrical engineering documents for communications systems; for Rule 61G15-33.006, F.A.C., it is to amend rule title, to clarify existing language, delete unnecessary language and add new requirements with respect to alarm and signaling systems and electrical engineering documents for alarm and signaling systems construction documents; for Rule 61G15-33.007, F.A.C., it is to clarify and update the existing language and add new requirements with respect to electrical engineering documents for lightning protection systems; for Rule 61G15-33.008, F.A.C., it is to clarify and update the existing language; for Rule 61G15-33.010, F.A.C., it is to establish a new rule that will govern the certification of electrical systems of public interest.

SUMMARY: In Rule 61G15-33.001, F.A.C., existing language is clarified and tasks for which an Engineer of Record is responsible are added; in Rule 61G15-33.002, F.A.C., existing definitions are clarified and amended, a new definition for Electrical Delegated Engineering Documents is added and unnecessary language is deleted; in Rule 61G15-33.003, F.A.C., existing language is clarified, unnecessary language is deleted and new requirements with respect to power systems is added; in Rule 61G15-33.004, F.A.C., existing language is updated and new requirements with respect to lighting systems is added; in Rule 61G15-33.005, F.A.C., existing language is clarified, unnecessary language is deleted and new requirements with respect to electrical engineering documents for communications systems are added; in Rule 61G15-33.006, F.A.C., the rule title is amended, existing language is clarified, unnecessary language is deleted and new requirements with respect to alarm and signaling systems and electrical engineering documents for alarm and signaling systems construction documents are added; in Rule 61G15-33.007, F.A.C., the existing language is clarified and updated and new requirements with respect to electrical engineering documents for lightning protection systems are added; in Rule 61G15-33.008, F.A.C., the existing language is clarified and updated; in Rule 61G15-33.010, F.A.C., a new rule that will govern the certification of electrical systems of public interest is established.

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

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

SPECIFIC AUTHORITY: 471.008, 471.033(2), 553.73 (13-413.1 FBC) FS.

LAW IMPLEMENTED: 471.033 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-33.001 General Responsibility.
Electrical Engineering documents shall be prepared in accordance with applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of record for the electrical systems project. Electrical Engineering documents shall demonstrate compliance ~~be prepared in accordance~~ with the requirements of the applicable codes and standards as

defined herein. The ~~E~~ngineer of ~~R~~ecord is responsible for determining the applicability of appropriate codes and standards to a given project. In the event the codes and standards fail to cover or address a specific requirement or situation, alternative research, test results, engineering data, and engineering calculations shall be utilized. New technology may be utilized when said technology has been demonstrated to provide equivalent or improved performance. Construction documents shall indicate the nature and character of the electrical work and shall describe, label and define the required electrical systems components, processes, equipment and material and its structural utility support systems. Both the ~~E~~ngineer of ~~R~~ecord for the electrical system and the delegated engineer if utilized, shall comply with the requirements of the general responsibility Rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific rules contained herein. The Engineer of Record for the Electrical System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance to his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Electrical Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.001, Amended _____.

61G15-33.002 Definitions.

(1) Engineer of Record for the Electrical Systems. The Florida ~~Registered~~ Professional ~~E~~ngineer who develops the electrical system design criteria or performs the analysis and is responsible for the preparation of the Electrical documents for the project.

(2) through (4) No change.

(5) Electrical Engineering Documents. ~~All~~ The electrical drawings, specifications, reports, calculations, data and other documents utilized to establish setting forth the overall design and requirements for the construction, alteration, modernization, repair, demolition, arrangement, and/or use of the electrical system, or analysis or recommendations, as prepared by the Engineer of Record for the Electrical System. Electrical Engineering Documents shall additionally meet the requirements of 615-30.003 Engineering Documents.

(6) Electrical Submittals. Submittals, catalog information on standard products, or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida ~~professional registered~~ engineer.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Code, Part II, Chapter 553,

~~Florida Statutes. Applicable codes and standards also include those published by the National Fire Protection Association (NFPA), the Institute of Electrical and Electronic Engineers (IEEE), the Illuminating Engineering Society of North America (IESNA), as well as those promulgated by the state fire marshal and other state and local authorities having jurisdiction.~~

(8) Electrical Delegated Engineering Documents. Electrical Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Electrical System has delegated responsibility for the design of an electrical component or system and which are signed, sealed and dated by the delegated engineer.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.002, Amended _____.

61G15-33.003 Design of Power Systems.

(1) Power systems convey or distribute electrical energy. Items to be included in the design and analysis of these systems are: steady state and transient loads, short circuit analysis and protection (design and analysis), load flow, voltage drop, harmonics, and protective device coordination.

(2) Electrical ~~E~~ngineering ~~D~~ocuments applicable to power systems shall at a minimum indicate the following:

(a) Power Distribution System Riser Diagram with short circuit values.

(b) No change.

(c) Circuit interrupting Protection devices and fault current interrupting capability.

(d) Location and characteristics of surge protective devices.

~~(e)(d)~~ Main and distribution equipment, control devices panelboard locations and sizes.

(f) Voltage drop calculations for the feeders and customer-owned service conductors are required. Additionally, the documents shall state the reasons why the two percent limit for feeders and customer-owned service conductors are not being met, if applicable.

~~(g)(e)~~ Circuitry of all outlets, equipment and devices.

~~(h)(f)~~ Short circuit analysis Load computations.

~~(g)~~ Load computations.

~~(i)(h)~~ Electrical legends.

~~(j)(i)~~ Grounding and bonding.

~~(k)(j)~~ Instrumentation and control where required.

(l) Record documents applicable to power systems shall, at a minimum, contain information as required by Florida Building Code.

(m) Installation and testing requirements of required emergency and standby power systems.

Specific Authority 471.008, 471.033(2), 553.73 (13-413.1 FBC) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.003, Amended _____.

61G15-33.004 Design of Lighting Systems.

(1) Lighting systems convert electrical energy into light. Items to be included in the lighting design and analysis are: Average illuminance, Equivalent spherical illuminance, Uniformity ratios, Visual comfort probability, special purpose lighting, impact of light intrusion, trespass and safety and the requirements of the Florida Energy Efficiency Code, part IX, Chapter 553, Florida Statutes.

(2) Electrical Engineering documents for lighting systems shall, at a minimum, indicate the following:

- (a) No change.
- (b) Emergency Lighting, egress and exit lighting.
- (c) Exit Lighting as required.
- (d) Lighting control and circuiting.
- (e) Calculated values to demonstrate compliance with the Florida Energy Code for Building Construction.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.004, Amended _____.

61G15-33.005 Design of Communications Systems.

(1) Communications systems are utilized to convey voice and messages or data. Items to be included in the design documents or analysis of these systems are: Human factors engineering, cabling requirements, installation requirements, performance requirements, backup power requirements, the interrelationship of the various systems, and applicable standards and regulatory requirements.

(2) Electrical Engineering documents for communications systems shall, at a minimum, indicate the following:

- (a) System riser diagram for each cabling system.
- (b) No change.
- (c) Cabling Conductor type and performance data of the transmission installation requirements.
- (d) through (e) No change.
- (f) Installation, identification and testing requirements.
- (g) Characteristics and locations of surge protective devices.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.005, Amended _____.

(Substantial rewording of Rule 61G15-33.006 follows. See Florida Administrative Code for present text)

61G15-33.006 Design of Alarm and Signaling Systems.

(1) Alarm and signaling systems include but are not limited to: motor control systems, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions (See 61G15-32.008 for Fire Alarm

Systems), surveillance and access control systems, temperature control, and systems related to energy conservation and facility management systems. The design documents shall be based on applicable NFPA standards as modified by applicable codes, or alternate engineering sources including published underwriter’s engineering documents and sound engineering practices.

(2) The Electrical Engineering Documents for alarm and signaling systems construction documents shall at a minimum indicate the following:

- (a) Description of the control system functions, or a functional diagram.
- (b) Equipment legend.
- (c) Cabling and conductor types and requirements.
- (d) System riser diagram.
- (e) Installation, identification and testing requirements.
- (f) Back-up power.
- (g) Location and characteristics of surge protective devices.
- (h) Details and requirements indicated by Rule 61G15-32.008, F.A.C.

(i) Complete requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner’s operating personnel, as needed to operate the systems as intended over time.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.006, Amended _____.

61G15-33.007 Design of Lightning Protection Systems.

(1) Lightning Protection Systems are passive systems used to protect building and structures from damage caused by lightning and static discharges. Items to be considered in the design or analysis of this system include the requirements of NFPA-780.

(2) Electrical Engineering documents for lightning protection systems shall indicate:

- (a) Lightning Risk Assessment.
- (b)(~~a~~) Air terminals height and spacing.
- (c) Corrosion protection measures.
- (d)(~~b~~) No change.
- (e)(~~e~~) No change.
- (f) Conductor type and size.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.007, Amended _____.

61G15-33.008 Design of Grounding Systems.

(1) No change.

(2) Electrical Engineering Design Documents for grounding systems shall indicate at a minimum the following:

- (a) Type and location of grounding electrodes.
- (b) Bonding requirements.

(c) Testing requirements.

(d) Conductor material type, size and protection requirements.

(e) Connections of separate grounding systems, ~~properly~~ bonded, ~~per code~~ and use requirements.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.008, Amended _____.

61G15-33.010 Certification of Electrical Systems of Public Interest.

(1) The Engineer of Record shall be required, as required by the Authority Having Jurisdiction, to demonstrate compliance.

(2) Verifications from Electrical Engineering Documents warranted by codes and ordinances shall include when applicable:

(a) Energy efficiency and conservation tabulations, statements or calculations.

(b) Lighting levels included in the design that show intrusion, trespass, dark sky, safety or that show/preserve natural habitat tendencies.

(d) Light /noise /product specifications that indicate conformance with a community, county, or state standards, codes or ordinances.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.03 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-34.001	General Responsibility
61G15-34.002	Definitions
61G15-34.003	Design of Heating Ventilation and Air Conditioning Systems
61G15-34.007	Design of Plumbing Systems

PURPOSE AND EFFECT: The purpose and effect for Rule 61G15-34.001, F.A.C., is to clarify existing language and to add tasks for which an Engineer of Record is responsible; for Rule 61G15-34.002, F.A.C., it is to clarify and amend existing definitions and add a new definition for Mechanical Delegated Engineering Documents; for Rule 61G15-34.003, F.A.C., it is

to delete unnecessary language and add new requirements with respect to Mechanical Engineering Documents; for Rule 61G15-34.007, F.A.C., it is to clarify existing language.

SUMMARY: In Rule 61G15-34.001, F.A.C., existing language is clarified and tasks for which an Engineer of Record is responsible are added; in Rule 61G15-34.002, F.A.C., existing definitions are clarified and amended and a new definition is added for Mechanical Delegated Engineering Documents; in Rule 61G15-34.003, F.A.C., unnecessary language is deleted and new requirements with respect to Mechanical Engineering Documents are added; in Rule 61G15-34.007, F.A.C., existing language is clarified.

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

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

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.033 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-34.001 General Responsibility.

Mechanical Engineering Documents shall be prepared in accordance with the applicable technology and with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of Record for the mechanical systems project. Mechanical Engineering documents shall ~~demonstrate compliance be prepared in accordance~~ with the requirements of the applicable codes and standards as defined herein. The Engineer of Record is responsible for determining the applicability of appropriate codes and standards for a given project. In the event the codes and standards fail to cover or address a specific requirement or situation, alternative research, test results, engineering data, and engineering calculations shall be utilized. New technology may be utilized when said technology has been demonstrated to provide equivalent or improved performance. Construction documents shall indicate the nature and character of mechanical work and shall describe, label and define the required mechanical systems components, processes, equipment and material and its structural utility support systems. Both the Engineer of Record for the Mechanical System and the Delegated Engineer if utilized, shall comply with the requirements of the general responsibility Rules, Rule

61G15-30, F.A.C., and with the requirements of the specific rules contained herein. The Engineer of Record for the Mechanical System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance to his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Mechanical Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 11-16-94, Amended _____.

61G15-34.002 Definitions.

(1) Engineer of Record for the Mechanical Systems. The Florida ~~Registered~~ Professional Engineer who is in responsible charge for the preparation, signing, dating, sealing and issuing of any engineering document(s) for ~~develops~~ the mechanical systems design criteria or performs the analysis and is responsible for the preparation of the mechanical documents for the project.

(2) through (4) No change.

(5) Mechanical Engineering Documents. All The mechanical drawings, specifications, reports, calculations, data and other documents utilized to establish setting forth the overall design and requirements for the construction, alteration, modernization, repair, demolition, arrangement, and/or use of the mechanical system(s), or analysis or recommendations, as prepared by the Engineer of Record for the mechanical system. Mechanical Engineering Documents shall additionally meet the requirements of Rule 61G15-30.003, F.A.C., Engineering Documents.

(6) Mechanical Shop Drawings Submittals. Submittals, catalog information on standard products, or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida ~~Registered~~ Professional Engineer.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in ~~Part II, Chapter 553, Florida Statutes. Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Code. Applicable codes and standards are those promulgated by the State Fire Marshal and those required by the state and local authorities having jurisdiction. These codes and standards include those published by the National Fire Protection Association (NFPA), The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), The American Society for Testing Materials (ASTM), American Society for Mechanical Engineers (ASME), National Electrical Manufacturers Association (NEMA), American National Standards Institute (ANSI), Underwriters' Laboratories (UL), American Society of Plumbing Engineers (ASPE), Sheet Metal and Air~~

~~Conditioning Contractor's Association (SMACNA), American Movement and Control Association (AMCA), Air Conditioning and Refrigeration Institute (ARI), SBCCA Mechanical and Plumbing Codes, Florida Energy Code, State Building Codes.~~

(8) Mechanical Delegated Engineering Documents. Mechanical Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Mechanical System has delegated responsibility for the design of a mechanical component or system and which are signed sealed and dated by the delegated engineer.

Specific Authority 471.008, 471.033(2) FS. Law Implemented ~~471.033~~ ~~471.030~~ FS. History—New 11-16-94, Amended 2-5-96, _____.

61G15-34.003 Design of Heating Ventilation and Air Conditioning Systems.

(1) Heating, Ventilating, and Air Conditioning (HVAC) Systems include, but are not limited to ~~are~~ those systems that control the temperature ~~and/or~~ humidity, ~~and/or~~ mechanical ventilation of a particular space or building. ~~Items to be considered in the design and analysis of these systems are ambient dry and wet bulb temperatures, inside dry and wet bulb temperatures, inside design humidity, fresh air makeup, internal heat gains from any sources. Ventilation systems shall be designed to remove foul odors from a space or building, or to remove space heat from equipment rooms.~~

(2) All HVAC systems shall be designed in accordance with the ~~ASHRAE Standards and Building Code Florida Codes, and reference standards as adopted by the authority having jurisdiction. The HVAC systems shall be designed and operated such that the entire building is under positive or neutral pressure when all primary HVAC systems are operating. Mechanical Engineering documents applicable to HVAC systems shall, where applicable, include but are not limited to the following:~~

~~(a) Equipment selection schedule for each piece of mechanical equipment. All equipment shall have capacities listed including efficiencies, electrical or fuel requirements, static pressure and fan air quantities as applicable to the system, fluid flow and pressure head quantities as applicable to the system, and heat transfer capacities.~~

~~(b) Floor plans; site plans; and building and mechanical system elevations as appropriate.~~

~~(c) Outside (fresh) air make-up conditions.~~

~~(d) Cooling coil requirements based on sensible heat, latent heat and total heat gains.~~

~~(e) Heating equipment requirements.~~

~~(f) Outside and inside design dry and wet bulb conditions.~~

~~(g) Exhaust riser diagrams.~~

~~(h) Outside air riser diagrams.~~

~~(i) Process flow diagrams with pipe sizes and fluid flow quantities.~~

- ~~(j) Condensate discharge piping with pipe sizes.~~
- ~~(k) Instrumentation and Control System diagrams and sequence of operation.~~
- ~~(l) Ductwork layout and sizing; insulation, supply, return, and exhaust inlet and outlet sizes; and outside air intake sizes. Air quantities shall be specified for inlets and outlets.~~
- ~~(m) Florida Energy Code calculations as applicable.~~
- ~~(n) NFPA Standards and all required fire protection devices and systems.~~
- (3) The Engineer of Record shall determine the level of detail shown on plans for a HVAC system for mechanical engineering plans pertaining to HVAC systems exempted by the threshold requirements for mandatory use of professional engineering services. All such plans shall provide a clear understanding of the minimum system requirements expected to be installed by the contractor.
- (4) For Mechanical Engineering Documents pertaining to HVAC systems that exceed the threshold requirements for mandatory use of professional engineering services, the plans shall have the following minimum indicate the following:
 - (a) Demonstrate and provide adequate information for the AHJ to determine compliance with codes and ordinances. These may include test methods and results; data and tabulations for Energy Conservation that are results of the design.
 - (b) Equipment selection schedule for each piece of mechanical equipment. All equipment shall have capacities listed including efficiencies, electrical or fuel requirements, static pressure and fan air quantities as applicable to the system, fluid flow and pressure head quantities as applicable to the system, and heat transfer capacities.
 - (c) Floor plans; site plans; and building and mechanical system elevations as appropriate.
 - (d) Outside (fresh) air make-up conditions.
 - (e) Cooling coil requirements based on sensible heat, latent heat and total heat gains.
 - (f) Heating equipment requirements.
 - (g) Outside and inside design dry and wet bulb conditions.
 - (h) Exhaust riser diagrams on buildings more than three stories when ductwork travels vertically.
 - (i) Outside air riser diagrams on buildings more than three stories when ductwork travels vertically.
 - (j) Process flow diagrams with pipe sizes and fluid flow quantities.
 - (k) Condensate discharge piping layout with pipe sizes.
 - (l) Instrumentation and Control System diagrams and sequence of operation.
 - (m) Ductwork layout and sizing; insulation requirements, supply, return, and exhaust inlet and outlet sizes; and outside air intake sizes. Air quantities shall be specified for inlets and outlets.

(n) All data needed to complete the Florida Energy Code calculations as applicable.

(o) A list of referenced NFPA Standards and layouts of all required fire protection devices and systems.

(p) Building pressurization criteria.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 11-16-94, Amended.

61G15-34.007 Design of Plumbing Systems.

(1) No change.

(2) Mechanical Engineering Documents applicable to Plumbing Systems shall when applicable, include but are not limited to the following:

(a) through (b) No change.

(c) Potable Water isometric diagrams with pipe sizes and total water fixture units.

(d) through (m) No change.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 11-16-94, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:	RULE TITLE:
61G19-9.001	Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The proposed rule amendment updates and clarifies the composition of the mandated minimum continuing education courses requirements.

SUMMARY: The proposed rule amendment updates and clarifies the composition of the mandated fourteen (14) hours of continuing education course requirements.

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

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

SPECIFIC AUTHORITY: 455.2124, 455.213(6), 468.606, 468.627 FS.

LAW IMPLEMENTED: 455.2124, 455.213(6), 468.627 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.001 Continuing Education for Biennial Renewal.

(1) Except as noted below, prior to the end of each biennial certification period, all certificate holders shall complete a minimum of fourteen (14) classroom or interactive distance learning hours of continuing education courses, which shall include a minimum of two (2) hours in the area of accessibility, and, ~~effective in the licensure renewal biennium that begins December 1, 2003,~~ a minimum of two (2) classroom or interactive distance learning hours in the area of Florida laws and rules (other than accessibility and ethics) and, effective in the licensure renewal biennium that begins December 1, 2007, one (1) classroom or interactive distance learning hour in the area of ethics as a condition of the biennial renewal of all certifications held by the certificate holder.

(2) through (3) No change.

(4) "Laws and Rules" as used in subsection (1) above means the study and examination of the related subject matter as is exemplified and contained within Chapters ~~112,~~ 320, 468, 553, 471, 481, 489 (as it relates to licensure and scope of practice), and 713 (as it relates to permitting), F.S., and their associated rules in the Florida Administrative Code (F.A.C.) as listed in the Board's Candidate Information Bulletin (CIB) online. "Ethics" as used in subsection (1) above means the study and examination of the subject matter contained within Chapter 112, F.S., and other ethical principles specifically relevany to the role of licensees of this board."

(5) through (8) No change.

Specific Authority 455.2124, 455.213(6), 468.606, 468.627 FS. Law Implemented 455.2124, 455.213(6), 468.627 FS. History—New 5-23-94, Amended 5-21-95, 11-28-95, 6-9-97, 1-4-00, 4-23-01, 3-19-02, 6-10-02, 6-1-03, 1-10-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2007

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

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

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised Supervision Data Form into the current forms rule.

SUMMARY: The proposed rule amendment incorporates the revised form into the Board's rule regarding forms.

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

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

SPECIFIC AUTHORITY: 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 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:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (31) No change.

(32) DH-MQA 2004, entitled "~~Physician Assistant~~ Supervision Data Form," (Revised 02/08) (Rev. 7/03).

Specific Authority 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(4), 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, 456.036, 456.048, 456.073, 458.309, 458.311, 458.312(4), 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. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 1, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.007
RULE TITLE: Standards of Practice
PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the rule with regard to the notes of the procedure.

SUMMARY: The proposed rule amendment specifies that the medical record shall specifically reflect the confirmation of the “pause” procedure.

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: 458.309 FS.
LAW IMPLEMENTED: 458.331(1)(t), (v), (w) 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:

64B8-9.007 Standards of Practice.

The Board of Medicine interprets the standard of care requirement of Section 458.331(1)(t), F.S., and the delegation of duties restrictions of Section 458.331(1)(w), F.S., with regard to surgery as follows:

(1) No change.

(2) This rule is intended to prevent wrong site, wrong side, wrong patient and wrong surgeries/procedures by requiring the team to pause prior to the initiation of the surgery/procedure to confirm the side, site, patient identity, and surgery/procedure.

(a) No change.

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the team has been gathered and immediately prior to the initiation of any procedure, the team will pause and the physician(s) performing the procedure will verbally confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. The ~~medical record notes of the procedure~~ shall specifically reflect when this confirmation procedure was completed and which personnel on the team confirmed each item. This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, F.S., and shall be in addition to any other requirements that may be required by the office or facility.

(c) No change.

(3) through (4) No change.

Specific Authority 458.309 FS. Law Implemented 458.331(1)(t), (v), (w) FS. History—New 11-28-91, Formerly 21M-20.015, 21M-27.007, 61F6-27.007, 59R-9.007, Amended 2-18-04, 9-18-05, 4-25-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Surgical Care Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 1, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-13.005
RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The proposed rule amendment is intended to address written concerns of the staff of the Joint Administrative Procedures Committee.

SUMMARY: The proposed rule amendment adds the word “or” in subsection (10) of the rule pursuant to the written comments submitted by staff of the Joint Administrative Procedures Committee.

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

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

SPECIFIC AUTHORITY: 456.013(6), (7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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:

64B8-13.005 Continuing Education for Biennial Renewal.
(1) through (9) No change.

(10) In addition to the continuing medical education credits authorized above, up to 5 hours, per biennium, of continuing education credit may be fulfilled by performing pro bono medical services, for an entity serving the indigent or underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigency shall be low-income (no greater than 150% of the federal poverty level) or uninsured persons. Credit shall be given on an hour per hour basis.

(a) through (c) No change.

(11) No change.

Specific Authority 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05, 4-25-06, 12-26-06, 1-16-08.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2008

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

DEPARTMENT OF HEALTH

Division of Environmental Health

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

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

SUMMARY: The proposed amendment to Rule 64E-2.018, F.A.C., changes the date of the Trauma Registry Manual from December 2005 to February 2008. A copy of the proposed revisions to the Trauma Registry Manual can be found on the following website: <http://www.doh.state.fl.us/demo/Trauma/notices.htm> under “Notices and Upcoming Events.”

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: 395.401 FS.

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

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

DATE AND TIME: Monday, April 7, 2008, 2:00 p.m. – 3:00 p.m. EST

PLACE: Department of Health, Division of Emergency Medical Operations, Office of Trauma, Capital Circle Office Complex, 4025 Esplanade Way, Conference Room 301, Tallahassee, FL 32399-1738; Conference Call Number: (888)808-6959, Conference Code: 2354440.

Pursuant to the provisions of 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: Susan McDevitt, (850)245-4440, ext. 2760. If you are 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: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760, Email: susan_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-2.018 Trauma Registry.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan McDevitt, Director, Office of Trauma
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Bencie Fairburn, M.D., M.S.A., Director, Division of Emergency Medical Operations
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

67-53.005 Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds.

Specific Authority 420.9072(9) FS. Law Implemented 420.907, 420.9075(3)(e) FS. History--New 2-9-94, Amended 12-28-94, 1-6-98, Formerly 91-37.015, Amended 12-26-99, 9-22-03, Formerly 67-37.015, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darlene Raker, SHIP Program Manager
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Dearduff, SHIP Program Administrator
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2007

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-53.005
RULE TITLE: Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds

PURPOSE AND EFFECT: The Board proposes to repeal the rule. Compliance monitoring requirements in this rule will be included into the Chapter 67-37, Florida Administrative Code.

SUMMARY: The rule will 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: 420.9072(9) FS.

LAW IMPLEMENTED: 420.907, 420.9075(3)(e) FS.

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

Pursuant to the provisions of 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: Darlene Raker (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: Robert Dearduff, SHIP Administrator, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULE IS:

**Section III
Notices of Changes, Corrections and
Withdrawals**

**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

Southwest Florida Water Management District

RULE NO.: 40D-1.659
RULE TITLE: Forms and Instructions
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 4, January 25, 2008 issue of the Florida Administrative Weekly. The proposed rule amendment adopts by reference a revised Supplemental Form – Southern Water Use Caution Area, Form No. LEG-R.007.01 (___). An informational sentence to guide applicants completing the form is being added to the form to clarify the answer choices for a question on the form.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.091
RULE TITLE: Publications and Agreements Incorporated by Reference
NOTICE OF CORRECTION

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

The following information was inadvertently omitted from the Notice of Proposed Rulemaking as published in the above cited issue on pages 1146-1148:

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen E. West, Deputy General Counsel, Office of Southwest Florida Water Management District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 26, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2008

LAND AND WATER ADJUDICATORY COMMISSION

Poinciana Community Development District

RULE NO.: 42AA-1.002 RULE TITLE: Boundary

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 49, December 7, 2007 issue of the Florida Administrative Weekly has been withdrawn.

LAND AND WATER ADJUDICATORY COMMISSION

Southeastern Community Development District

RULE NO.: 42III-1.003 RULE TITLE: Supervisors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 9, February 29, 2008 issue of the Florida Administrative Weekly.

42III-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: ~~Clay Smallwood~~ Matthew Fitzpatrick, ~~Chris Gent~~ Corbett Drew, ~~Shaw Flippen~~ Mike Joiner, Sean Fennelly, and ~~Pat Groeniger~~ Mike Brandon.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History–New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.002 RULE TITLE: Licensing and Inspection Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 43, October 26, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.008 RULE TITLE: License Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 45, November 9, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-13.001 RULE TITLE: Responsibilities of Directors

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. 3, January 18, 2008 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

(1) Subsection (3) shall now read as follows: A director not certified by the American Board of Pathology in clinical pathology or by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology, who is directing a clinical laboratory performing highly complex testing, shall ensure a co-director certified by the American Board of Pathology in clinical pathology or by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology is available to provide clinical consultation and technical supervision consistent with the scope and volume of highly complex testing being performed as defined in 42 C.F.R. 493.5 as published on October 1, 2007 and 42 C.F.R. 493.17 as published on October 1, 2007 which are incorporated by reference. Directors certified by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology shall provide clinical consultation only in the specialty area(s) for which they are board certified or have 4 years of pertinent clinical laboratory experience.

(2) 483.825, F.S. will be removed from Law Implemented

THE PERSON TO BE CONTACTED REGARDING THE CHANGES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.450
RULE TITLE: Centralized Prescription Filling
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 51, December 21, 2007 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- 1. Subsection (3)(c) shall now read as follows: (c) Rule 64B16-28.1081, F.A.C., Regulation of Daily Operating Hours.
2. Subsection (6)(a)2. shall now read as follows: Ensure all the information required to be on a prescription pursuant to subsections 456.0392 and 893.04, F.S., is transmitted to the central fill pharmacy either on the face of the prescription or in the electronic transmission of information;
3. 465.003 shall be removed from the Specific Authority.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-7.001
RULE TITLE: Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 7, February 15, 2008 issue of the Florida Administrative Weekly. The following correction has been made to Rule 65G-7.001, F.A.C., wherein the Notice of Change published February 15, 2008 inadvertently contained a definition for the term "Advanced Registered Nurse Practitioner" at subsection 65G-7.001(3), F.A.C., without the appropriate strike-through formatting to indicate its deletion. As noted in the initial Notice of Change, published February 1, 2008, this definition is not contained in the final version of the rule.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: 69A-46.010, 69A-46.0165, 69A-46.017, 69A-46.041
RULE TITLES: Submission of the Application, Submission of the Application for a Water-Based Fire Protection Permit Required Continuing Education, Inspection, Testing and Maintenance Requirements for Fire Protection Systems

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 47, November 21, 2007 issue of the Florida Administrative Weekly.

69A-46.010 Submission of the Application.

(3)(a)1. . . . For purposes of this rule chapter, four (4) years proven experience as a certified plumbing contractor, plumber licensed pursuant to the provisions of Section Chapter 489.115, Florida Statutes, may be offered toward the experience requirements for a Contractor I or II and shall be considered equivalent to two (2) years proven experience in the employment of a contractor. . . . The applicant's experience must be verified by the contractor employing the applicant, utilizing Form DFS-K3-1795 (Effective: _____) Employment Verification Form, incorporated herein by reference, or the . . . A copy of Form DFS-73-1795 (Effective: _____) can be obtained from the Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, 325 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida 32303. . . .

(3)(c)2. . . . Four years experience in the employment of an individual licensed as a certified underground utility contractor or plumbing contractor pursuant to the provisions of Section Chapter 489.115, Florida Statutes, . . .

69A-46.0165 Submission of the Application for a Water-Based Fire Protection Permit.

Specific Authority 633.01, 633.517(1), 633.524(1) 633.521(4) FS.

69A-46.017 Required Continuing Education.

Specific Authority 633.01, 633.517(1) FS. Law Implemented 633.521(10), 633.537(4) FS. History--New 10-2-96, Amended 6-18-97, 6-8-98, 11-21-01, Formerly 4A-46.017, Amended _____.

69A-46.041 Inspection Requirements for Fire Protection Systems.

(3)(b) Inspection tags must be a minimum ~~maximum~~ dimension of 133 mm (5 1/4 inches) in height and 89 mm (3 1/2 inches) in width, and a maximum dimension of 178 mm (7th inches) in height and 102 mm (4 inches) in width.

(4)(a) If a fire protection system is found to be in compliance with the applicable NFPA standards, a GREEN Compliance Tag shall be attached to either the main riser or the main control valve in such a manner as to be plainly visible and not more than 60 inches above the finished floor of the system.

The balance of the rule reads as previously published.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:
69A-58.0081 Means of Egress

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., Florida Statutes, published in Vol. 34, No. 4, January 25, 2008 edition of the Florida Administrative Weekly.

69A-58.004 No change.

69A-58.0081 Means of Egress.

(1) through (16) No change.

(17) Boiler Rooms.

(a) No change.

(b) Each boiler room door shall: All Boiler rooms housing equipment with an input capacity of 60,000 BTUs per hour or more and that is intended to supply hot water or steam shall be equipped with heat detectors connected to any required fire alarm system.

1. Open ~~Each boiler room door shall open~~ directly to the outside and, if opening toward a building or path of egress, shall have opening protection in accordance with section 8.3.4 of NFPA 101, or-

2. ~~When a door~~ If an additional door serving a boiler room opens into the interior of the building, the door shall swing into the boiler room and have opening protection in accordance with section 8.3.4 of NFPA 101.

(c) All rooms housing a fuel-fired heat producing appliance that does not meet the minimum thresholds of Chapter 69A-51, F.A.C., and with an input capacity of 60,000 BTUs per hour or more and that is intended to supply hot water or steam shall be equipped with heat detectors connected to any required fire alarm system. Access room doors shall have opening protection in accordance with section 8.3.4 of NFPA 101. Each boiler room door shall:

~~1. Each boiler room door shall open directly to the outside and, if opening toward a building or path of egress, shall have opening protection in accordance with section 8.3.4 of NFPA 101 or~~

~~2. When a door~~ If an additional door serving a boiler room opens into the interior of the building, the door shall swing into the boiler room and have opening protection in accordance with section 8.3.4 of NFPA 101.

(18) through (20) No change.

69A-58.0082 No change.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.: RULE TITLES:
69O-143.041 Definitions
69O-143.042 Custody Agreement; Requirements

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 41, October 12, 2007 Florida Administrative Weekly has been continued from March 11, 2008 to March 25, 2008.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER08-12 FLORIDA LOTTO™

SUMMARY: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™ and replaces Emergency Rule 53ER08-1, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-12 FLORIDA LOTTO™.

(1) How to Play FLORIDA LOTTO™.

(a) FLORIDA LOTTO is a lottery on-line game in which players select six (6) numbers from a field of one (1) to fifty-three (53).

(b) Players may make their FLORIDA LOTTO ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Players may mark their desired numbers on the play slip by selecting six (6) numbers from each panel played, or may mark the "Quick Pick " box located at the bottom of each panel for the terminal to randomly select one (1) or more of the six (6)

numbers. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

(c) Each panel can be played for \$1.00, \$2.00 or \$3.00. A player choosing to play for \$1.00 will play for the base jackpot described in paragraph (3)(b) below. A player choosing to play for \$2.00 will play for the base jackpot plus an additional \$10 million. A player choosing to play for \$3.00 will play for the base jackpot plus \$10 million in the \$2.00 jackpot prize pool plus \$15 million in the \$3.00 jackpot prize pool, for a total additional prize of \$25 million.

(d) Players may receive one (1) ticket with either five (5) or ten (10) sets of six (6) numbers randomly selected by the terminal for the next FLORIDA LOTTO drawing by marking the desired purchase amount under the number 5 or 10, respectively, in the "Quick Picks" box. Players may mark Quick Picks in addition to panel plays. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player.

(e) Players may play up to fifty-two (52) consecutive FLORIDA LOTTO drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel (A-J) played. The purchase price selected per panel shall apply to all drawings. Advance play does not apply to Grouper®.

(f) Players may receive six (6) quick pick tickets for \$5.00, consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™ and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO, by telling the retailer they wish to play "Grouper®". Tickets in Grouper play cannot be player-selected and cannot be cancelled. Free tickets will be generated in the following percentages: FANTASY 5 – 47%; MEGA MONEY – 47%; FLORIDA LOTTO – 6%.

(2) FLORIDA LOTTO Drawings.

(a) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday.

(b) FLORIDA LOTTO drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FLORIDA LOTTO drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) The equipment shall be configured so that six (6) balls are drawn from one (1) set of balls numbered one (1) through fifty-three (53).

(e) Once the ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower.

(f) Six (6) balls shall be drawn by vacuum action into the display devices. The numbers shown on the six (6) balls, after certification by the Draw Manager and the Accountant, are the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs, or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (b). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

(3) FLORIDA LOTTO Prize Divisions.

(a) FLORIDA LOTTO is a pari-mutuel game, except for the \$2.00 and \$3.00 Jackpots, which are set prize pools. For each draw, 50 percent (50%) of the net sales after cancels and promotional plays from the sale of the base \$1 FLORIDA LOTTO tickets and the first dollar from the sale of \$2.00 and \$3.00 FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of prizes as provided below.

(b) The base Jackpot prize pool shall consist of 63.5 percent (63.5%) of the winning pool for the drawing plus any base Jackpot money carried forward from the previous draws. The base Jackpot prize shall be divided equally among the players matching all six official winning numbers. If there is no Jackpot winner in a drawing, the base Jackpot pool shall be carried over and added to the base Jackpot pool of the next FLORIDA LOTTO drawing.

(c) The second prize pool shall consist of 12.3 percent (12.3%) of the winning pool for the drawing. The second prize pool shall be divided equally among the players matching five (5) of the six (6) official winning numbers. If there is no winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the base Jackpot prize pool of the next FLORIDA LOTTO drawing.

(d) The third prize pool shall consist of 10 percent (10%) of the winning pool for the drawing. The third prize pool shall be divided equally among the players matching four (4) of the six (6) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool shall be carried over and added to the base Jackpot prize pool of the next FLORIDA LOTTO drawing.

(e) The fourth prize pool shall consist of 14.2 percent (14.2%) of the winning pool for the drawing. The fourth prize pool shall be divided equally among the players matching three (3) of the six (6) official winning numbers. If there is no winner in the fourth prize category for a drawing, the fourth prize pool shall be carried over and added to the base Jackpot prize pool of the next FLORIDA LOTTO drawing.

(f) The base Jackpot prize will pay the exact guaranteed dollar amount. The second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$3.50. All rounding differences in the second, third and fourth prizes shall be used to fund the restricted prize pool described in paragraph (4)(a) below.

(4) FLORIDA LOTTO \$2.00 and \$3.00 Jackpots.

(a) For each draw, approximately 56 percent (56%) of the net sales after cancels and promotional plays of the second and third dollars from the sale of \$2 and \$3 FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of prizes as provided below (the "restricted prize pool"). The Lottery will use a model developed to forecast the amount of money required to be maintained in the restricted prize pool to support payments to winners – based on future probabilities. The restricted prize pool will be analyzed and any excess balance in the pool will be transferred to the educational enhancement trust fund.

(b) The \$2.00 Jackpot prize is \$10 million paid to a single winner in thirty (30) annual payments. The \$10 million in the \$2.00 Jackpot prize pool shall be divided equally among the players matching all six official winning numbers who played for \$2.00 or \$3.00. If there is no \$2.00 or \$3.00 Jackpot winner in a drawing, the \$2.00 Jackpot prize shall not be carried forward to the next drawing.

(c) The \$3.00 Jackpot prize is \$10 million from the \$2.00 Jackpot plus \$15 million, for a total of \$25 million, paid to a single winner in thirty (30) annual payments. The \$15 million in the \$3.00 Jackpot prize pool shall be divided equally among the players matching all six official winning numbers who played for \$3.00. If there is no \$3.00 Jackpot winner in a drawing, the \$3.00 Jackpot prize shall not be carried forward to the next drawing.

(5) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning FLORIDA LOTTO numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

- (a) Jackpot Prize(s): Six of six official winning numbers.
- (b) Second Prize: Five of six official winning numbers.
- (c) Third Prize: Four of six official winning numbers.
- (d) Fourth Prize: Three of six official winning numbers.
- (6) FLORIDA LOTTO Odds of Winning.

The odds of winning the prizes described in subsection (5) are as follows:

(a) Jackpot Prize(s) – 1:22,957,480.

(b) Second Prize – 1:81,409.50.

(c) Third Prize – 1:1,415.82.

(d) Fourth Prize – 1:70.79.

(e) The overall odds of winning a prize in a FLORIDA LOTTO drawing are 1:67.36.

(7) FLORIDA LOTTO Guaranteed Base Jackpot.

(a) For each drawing the Lottery will announce a guaranteed deferred payment value of the base Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers, if any.

(b) For prizes to be paid in annual installments, if the cash available in the base Jackpot pool is insufficient at the time the ticket is claimed to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the base Jackpot pool to render it sufficient to yield the announced guaranteed base Jackpot.

(c) For prizes to be paid in annual installments, if the cash available in the base Jackpot pool is more than sufficient at the time the ticket is claimed to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall deposit the excess funds into the restricted prize pool.

(d) The guaranteed cash option value of the base Jackpot will be the amount required on the day of the drawing or, if the drawing is held on a Saturday or holiday, the business day prior to the drawing, to purchase securities to fund the announced guaranteed deferred payment value of the base Jackpot. This day shall be referred to as the "prize determination day."

(e) For prizes to be paid in a single cash payment, if the cash available in the base Jackpot pool is insufficient on the prize determination day to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the base Jackpot pool to render it sufficient to yield the announced guaranteed base Jackpot.

(f) For prizes to be paid in a single cash payment, if the cash available in the base Jackpot pool is more than sufficient on the prize determination day to yield the announced guaranteed base Jackpot value over the designated deferred payment period, the Lottery shall deposit the excess funds into the restricted prize pool.

(8) FLORIDA LOTTO \$2.00 Jackpot.

The winner of a Florida Lotto \$2.00 Jackpot shall win the base Jackpot plus an additional \$10 million. If there are multiple winners of the base Jackpot, the winner of the \$2.00 Jackpot shall be entitled to his or her share of the base Jackpot plus \$10

million. If there are multiple winners of the \$2.00 Jackpot, each winner shall be entitled to his or her share of the base Jackpot plus his or her share of the \$2.00 Jackpot. Example of a shared jackpot with 3 winners, one of which played \$1.00 and two of which played \$2.00: Each winner will receive 1/3 of the base Jackpot prize and the two \$2.00 players will each receive 1/2 of the \$2.00 Jackpot prize. If the base Jackpot is \$3 million, the \$1.00 player will win \$1 million and the two \$2.00 players will each win \$6 million.

(9) FLORIDA LOTTO \$3.00 Jackpot.

The winner of a Florida Lotto \$3.00 Jackpot shall win the base Jackpot plus an additional \$10 million in the \$2.00 Jackpot plus an additional \$15 million. If there are multiple winners of the base Jackpot or the \$2.00 Jackpot, the winner of the \$3.00 Jackpot shall be entitled to his or her share of the base Jackpot plus his or her share of the \$10 million in the \$2.00 Jackpot plus \$15 million. If there are multiple winners of the \$3.00 Jackpot, each winner shall be entitled to his or her share of the base Jackpot plus his or her share of the \$2.00 Jackpot plus his or her share of the \$3.00 Jackpot. Example of a shared jackpot with 3 winners, one of which played \$1.00, one which played \$2.00 and one which played \$3.00: Each winner will receive 1/3 of the base jackpot prize; the \$2.00 and \$3.00 players will each receive 1/2 of the \$2.00 prize pool; and the \$3.00 player will receive the entire \$3.00 prize pool. If the base jackpot is \$3 million, the \$1.00 player will win \$1 million, the \$2.00 player will win \$6 million and the \$3.00 player will win \$21 million.

(10) FLORIDA LOTTO Payment Options.

(a) Players have a choice of two payment options for receiving their portion of the FLORIDA LOTTO Jackpot prizes. Payment options are "Cash Option" and "Annual Payment." Winners of \$2.00 and \$3.00 FLORIDA LOTTO Jackpot prizes may choose a different payment option for the base Jackpot amount and the \$2.00 and \$3.00 Jackpot amounts. The \$2.00 and \$3.00 Jackpot prizes must be paid using the same payment option.

(b) Jackpot winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once a Jackpot winner files a claim and exercises the winner's chosen option, the election of that option shall be final. In order to select the Cash Option, the Jackpot winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Jackpot winner does not elect the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (9)(f) below.

(c) A Jackpot winner who chooses the Cash Option will receive one (1) lump sum cash payment of the amount required on the prize determination day to purchase securities to fund the applicable Jackpot prize paid over thirty (30) years, less applicable withholding taxes. The amount of the Cash Option payment to multiple Jackpot winners will be their pro rata

share of the amount required on the prize determination day to purchase securities to fund their pro rata share of the applicable Jackpot prize paid over thirty (30) years, less applicable withholding taxes.

(d) If a Jackpot prize winner elects the Annual Payment option, his or her portion of the applicable Jackpot prize will be paid in thirty (30) annual installments, each less applicable withholding taxes.

(e) If the prize amount per winner in a FLORIDA LOTTO drawing cannot be paid in increments of \$1,000 in thirty (30) installments, the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over thirty (30) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the announced guaranteed Jackpot, the present value of the difference between the amount the investment will yield and the winner's guaranteed prize amount over thirty (30) years will be paid to the winner in the first payment.

(f) If the number of winners of a Jackpot prize would result in each person's prize being less than \$1,000,000 if paid over thirty (30) years, the Lottery shall pay the Jackpot winner or winners in a single cash payment of their pro rata share of the amount required on the prize determination day to purchase securities the applicable Jackpot paid over thirty (30) years, less applicable withholding taxes.

(g) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(i) Any interest or earnings accrued on a FLORIDA LOTTO Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment option, shall accrue to the State of Florida and not to the winner.

(11) FLORIDA LOTTO Rules and Prohibitions.

(a) By purchasing a FLORIDA LOTTO ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) FLORIDA LOTTO prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer's hours of operation and on-line system availability, FLORIDA LOTTO tickets are available for purchase daily between the hours of 6:00 a.m. and midnight Eastern Time (ET).

(e) The scheduled time for the Wednesday and Saturday FLORIDA LOTTO drawings is approximately 11:00 p.m., ET. Ticket sales for a specific FLORIDA LOTTO drawing will close approximately twenty (20) minutes prior to that drawing.

(f) Retailer cancellations of FLORIDA LOTTO tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FLORIDA LOTTO ticket shall be cancelled after game close for the related drawing. FLORIDA LOTTO tickets that produce cash prize coupons, entry vouchers or free FLORIDA LOTTO tickets in a promotion cannot be cancelled. The two (2) hour cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FLORIDA LOTTO close of game. Any ticket sold after the close of game will be printed with the next FLORIDA LOTTO draw date.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers, wager amounts and draw date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

(12) The prize amount of any winning Jackpot ticket purchased prior to January 18, 2008, shall be the greater of the prize amount calculated under the provisions of this rule or the prize amount calculated under the provisions of the rule in effect prior to January 18, 2008.

Specific Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 2-28-08. Replaces 53ER08-1, F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: February 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-13
 RULE TITLE: Retailer LOTTO™ Bonus Commission Program

SUMMARY: The Florida Lottery will award a bonus commission to the retailer(s) that sells one or more winning \$2.00 or \$3.00 FLORIDA LOTTO Jackpot ticket(s) for a Wednesday or Saturday LOTTO drawing.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-13 FLORIDA LOTTO™ Retailer Bonus Commission Program.

(1) Beginning March 5 through May 31, 2008, the Florida Lottery will conduct, as a retailer sales incentive, a Retailer LOTTO Bonus Commission Program in which the Florida Lottery will award a bonus commission to a retailer that sells a \$2.00 or \$3.00 winning FLORIDA LOTTO Jackpot ticket for a Wednesday or Saturday FLORIDA LOTTO drawing.

(2) A retailer that sells a winning Jackpot ticket for a \$2.00 play will receive the standard bonus commission plus \$5,000, and a retailer that sells a winning Jackpot ticket for a \$3.00 play will receive the standard bonus commission plus \$10,000. The additional bonus commission will not carry forward in the event no winning \$2.00 or \$3.00 Jackpot tickets are sold for a specific drawing.

(3) If multiple winning \$2.00 or \$3.00 FLORIDA LOTTO Jackpot tickets are sold for the same drawing, the retailers selling such tickets shall share the applicable bonus commission. Each retailer selling one or more of the winning \$2.00 Jackpot tickets will receive a share of the bonus equal to the number of winning \$2.00 Jackpot tickets sold by that particular retailer divided by the total number of winning \$2.00 Jackpot tickets sold for that drawing. Each retailer selling one or more of the winning \$3.00 Jackpot tickets will receive a share of the bonus equal to the number of winning \$3.00 Jackpot tickets sold by that particular retailer divided by the total number of winning \$3.00 Jackpot tickets sold for that drawing.

(4) Award of a FLORIDA LOTTO Jackpot bonus commission is not dependent upon the winning Jackpot ticket being claimed by the winner.

(5) Retailers whose Florida Lottery contracts are terminated or inactivated prior to payment of the bonus commission shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or contract terms.

(6) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Florida Lottery, and to award the remaining balance of the bonus commission, if any.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History—New 2-28-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: February 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-14
RULE TITLE: MEGA MONEY™

SUMMARY: This emergency rule sets forth the provisions for the conduct of MEGA MONEY™ and replaces Emergency Rule 53ER08-2, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-14 MEGA MONEY™.

(1) How to Play MEGA MONEY™.

(a) MEGA MONEY is a lottery on-line game in which players select four (4) numbers from a field of one (1) through forty-four (44) and one (1) MEGABALL® number from a separate field of one (1) through twenty-two (22).

(b) Players may make their MEGA MONEY ticket selections by marking a play slip or by telling the retailer their desired selections. There are five (5) panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five (5) numbers (four (4) in the upper play area and one (1) in the lower play area) from each panel played, or may mark the “Quick Pick” box located at the bottom of each panel for the terminal to randomly select any or all of the five numbers from either or both play areas. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first four of the five numbers appearing in a single horizontal row on a MEGA MONEY ticket shall be the numbers selected from the upper play area of the play slip and the last number shall be the MEGABALL number selected from the lower play area of the play slip.

1. Players may mark the “Grouper®” box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™ and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play are not player-selected and cannot be cancelled. Grouper play may also be selected by telling the retailer. Free tickets will be generated in the following percentages: FANTASY 5 – 47%; MEGA MONEY – 47%; and FLORIDA LOTTO – 6%.

2. Players may mark the \$5 “Quick Picks” box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next MEGA MONEY drawing, or may mark the \$10 “Quick Picks” box to receive one (1) ticket with ten (10) sets of five (5) randomly selected numbers for the next

MEGA MONEY drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(c) Players may play up to thirty consecutive MEGA MONEY drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of drawings desired in the “Advance Play” section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. Advance play does not apply to Grouper.

(2) MEGA MONEY Drawings.

(a) MEGA MONEY drawings shall be conducted two (2) times per week, on Tuesday and Friday.

(b) MEGA MONEY drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm (“Accountant”) who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (one (1) ball set and one (1) drawing machine) used in a MEGA MONEY drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery’s Security Division (“Draw Manager”) and the Accountant before and after each drawing.

(d) A ball set contains sixty-six (66) balls comprised of one (1) subset of forty-four (44) balls (“subset 1”) and one (1) subset of twenty-two (22) balls (“subset 2”). The balls in subset 1 are numbered one (1) through forty-four (44). The balls in subset 2 are numbered one (1) through twenty-two (22). A MEGA MONEY drawing machine contains two (2) separate mixing chambers and two (2) ball display devices.

(e) Once a set of balls has been selected and inspected, the selected MEGA MONEY drawing machine shall be loaded by the Draw Manager by placing each subset of balls into its mixing chamber. The two (2) subsets of balls shall be mixed by the action of an air blower.

(f) Four (4) balls from subset 1 and one (1) MEGABALL from subset 2 are drawn by vacuum action into their respective display device. The numbers shown on the four (4) balls and the number shown on the MEGABALL, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (2)(b). In using such substitute procedures, the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(3) Determination of Prize Winners.

(a) Wherever used, the terms "Jackpot prize" and "top prize" both refer to the highest prize level in the MEGA MONEY game.

(b) In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning MEGA MONEY numbers in any order for the draw date for which the ticket was purchased, in one of the following combinations:

1. Jackpot Prize: Four (4) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

2. Second Prize: Four numbers (4) selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

3. Third Prize: Three (3) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

4. Fourth Prize: Three (3) numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

5. Fifth Prize: Two (2) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

6. Sixth Prize: One (1) number selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

7. Seventh Prize: Two (2) numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

8. Eighth Prize: No numbers selected from the first subset of balls and the MEGABALL number selected from the second subset of balls.

(4) MEGA MONEY Odds of Winning.

(a) The odds of winning the prizes described in subsection (3) are as follows:

1. Jackpot Prize – 1:2,986,522.00

2. Second Prize – 1:142,215.33

3. Third Prize – 1:18,665.76

4. Fourth Prize – 1:888.85

5. Fifth Prize – 1:638.15

6. Sixth Prize – 1:75.57

7. Seventh Prize- 1:30.39

8. Eighth Prize- 1:32.68

(b) The overall odds of winning a prize in a MEGA MONEY drawing are 1:12.58.

(5) MEGA MONEY Prize Divisions.

(a) MEGA MONEY is a pari-mutuel game. For each draw, fifty percent (50%) of the net sales after cancels and promotional plays from the sale of MEGA MONEY tickets in the corresponding MEGA MONEY sales period shall be allocated as the winning pool for the payment of the Jackpot prize, second prize, third prize, fourth prize, fifth prize, sixth prize and seventh prize. Free MEGA MONEY tickets issued as an eighth prize shall not be included in gross revenue calculations.

(b) Jackpot Prize.

The Jackpot prize pool shall consist of 54.32 percent of the winning pool plus any money carried forward from the prior draw until the Jackpot prize pool reaches the estimated cash equivalent of the deferred payment value of \$2 million paid over twenty (20) years, at which point the Jackpot prize pool will be capped. When this threshold is met, the Jackpot prize pool will comprise zero percent of the winning pool in excess of the cap, and any money in excess of the cap shall roll down and be distributed among the second through the seventh prize levels according to the percentage each prize level comprises of the adjusted prize pool. The total winning prize pool, less the amount required to achieve the cap (not to exceed 54.32 percent of the total winning prize pool), shall comprise the adjusted prize pool.

1. If there is a Jackpot prize winner(s) in a drawing, the guaranteed Jackpot prize shall be divided equally among the Jackpot prize winners for that drawing.

2. If there is not a Jackpot prize winner in a drawing and the Jackpot prize pool is not capped, the Jackpot prize pool shall be carried over and added to the Jackpot prize pool of the next MEGA MONEY drawing.

3. If there is not a Jackpot prize winner in a drawing in which the Jackpot prize pool is capped, the capped amount shall be carried over to the next MEGA MONEY drawing and the money in excess of the cap shall be returned to an adjusted prize pool and then be distributed among the second through the seventh prize levels according to the adjusted percentage each prize level comprises of that winning prize pool.

(c) Second Prize.

When the Jackpot prize pool is not capped, the second prize pool shall consist of 1.72 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the second prize pool shall consist of 3.75 percent of the adjusted prize pool for the drawing. The second prize pool shall be divided equally among the second prize winners for that drawing.

(d) Third Prize.

When the Jackpot prize pool is not capped, the third prize pool shall consist of 3.77 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the third prize shall consist of 8.20 percent of the adjusted prize pool for the drawing. The third prize pool shall be divided equally among the third prize winners for that drawing.

(e) Fourth Prize.

When the Jackpot prize pool is not capped, the fourth prize pool shall consist of 11.25 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the fourth prize pool shall consist of 24.50 percent of the adjusted prize pool for the drawing. The fourth prize pool shall be divided equally among the fourth prize winners for that drawing.

(f) Fifth Prize.

When the Jackpot prize pool is not capped, the fifth prize pool shall consist of 7.84 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the fifth prize pool shall consist of 17.25 percent of the adjusted prize pool for the drawing. The fifth prize pool shall be divided equally among the fifth prize winners for that drawing.

(g) Sixth Prize.

When the Jackpot prize pool is not capped, the sixth prize pool shall consist of 7.94 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the sixth prize pool shall consist of 18 percent of the adjusted prize pool for the drawing. The sixth prize pool shall be divided equally among the sixth prize winners for that drawing.

(h) Seventh Prize.

When the Jackpot prize pool is not capped, the seventh prize pool shall consist of 13.16 percent of the winning pool for the drawing. When the Jackpot prize pool is capped, the seventh prize pool shall consist of 28.30 percent of the adjusted prize pool for the drawing. The seventh prize pool shall be divided equally among the seventh prize winners for that drawing.

(i) Eighth Prize.

1. An eighth prize shall consist of one free MEGA MONEY quick pick ticket (\$1.00 value), except as provided in subparagraph (5)(i)2. below. An eighth prize shall consist of one (1) free MEGA MONEY quick pick ticket regardless of whether the MEGA MONEY Jackpot prize pool is capped. Eighth prizes shall not utilize any portion of the winning prize pool or adjusted prize pool for the drawing.

2. A player who submits by mail a MEGA MONEY lottery ticket which entitles the claimant to a free MEGA MONEY quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(j) If there is not a winner within one of the second through seventh prize categories for a drawing, the prize pool for that category shall be distributed for that drawing in accordance with the following table:

<u>PRIZE POOL CATEGORY FOR WHICH THERE IS NO WINNER</u>	<u>PRIZE POOL CATEGORY TO WHICH THE NONWINNING PRIZE POOL CATEGORY IS ADDED</u>
<u>Second Prize – 4 of 4</u>	<u>3 of 4 + MEGABALL</u>
<u>Third Prize – 3 of 4 + MEGABALL</u>	<u>3 of 4</u>
<u>Fourth Prize – 3 of 4</u>	<u>2 of 4 + MEGABALL</u>
<u>Fifth Prize – 2 of 4 + MEGABALL</u>	<u>1 of 4 + MEGABALL-</u>
<u>Sixth Prize – 1 of 4 + MEGABALL</u>	<u>2 of 4 -</u>
<u>Seventh Prize – 2 of 4</u>	<u>To fund future prizes in Lottery games or for special Lottery prize promotions</u>

(k) Except for the Jackpot prize, all prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the sixth and seventh prizes shall be no less than \$2.00. All rounding differences will be deposited into a reserve account to be used for prizes or special prize promotions.

(6) MEGA MONEY Guaranteed Jackpot.

(a) For each drawing the Lottery will announce a guaranteed deferred payment value of the MEGA MONEY Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers. For each MEGA MONEY drawing, the deferred payment value of the MEGA MONEY Jackpot prize that can be won by a single player shall be guaranteed at a minimum of \$500,000 paid over twenty (20) years except as set forth in paragraph (7)(e) below.

(b) For prizes to be paid in annual installments, if the cash available in the Jackpot prize pool is insufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the Jackpot prize pool to render it sufficient to yield the announced guaranteed Jackpot.

(c) For prizes to be paid in annual installments, if the cash available in the Jackpot pool is more than sufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall deposit the excess funds into a reserve account to be used for prizes or special prize promotions.

(d) The guaranteed cash option value of the Jackpot will be the amount required on the day of the drawing or, if the drawing is held on a holiday, the business day prior to the drawing, to purchase securities to fund the announced guaranteed deferred payment value of the Jackpot. This day shall be referred to as the “prize determination day.”

(e) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is insufficient on the prize determination day to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the Jackpot pool to render it sufficient to yield the announced guaranteed Jackpot.

(f) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is sufficient on the prize determination day to yield more than the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall deposit the excess funds into a reserve account to be used for prizes or special prize promotions.

(7) MEGA MONEY Payment Options.

(a) Players can choose one of two payment options for receiving their portion of the MEGA MONEY Jackpot prize. Payment options are “Cash Option” and “Annual Payment.”

(b) Jackpot prize winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once the Jackpot prize winner files a claim and exercises the winner's chosen option, the election of that option shall be final. In order to select the Cash Option, the Jackpot prize winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Jackpot prize winner does not file a claim electing the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (7)(f) below.

(c) A Jackpot prize winner who chooses the Cash Option will receive one (1) lump sum cash payment of the amount required on the prize determination day to purchase securities to fund the announced guaranteed Jackpot paid over twenty (20) years, less applicable withholding taxes. The amount of the Cash Option payment to multiple Jackpot winners will be their pro rata share of the amount required on the prize determination day to purchase securities to fund the announced guaranteed Jackpot paid over twenty (20) years, less applicable withholding taxes.

(d) If a Jackpot prize winner elects the Annual Payment option, his or her portion of the guaranteed Jackpot prize will be paid in twenty (20) annual installments, each less applicable withholding taxes.

(e) If the prize amount per winner in a MEGA MONEY drawing cannot be paid in increments of \$1,000 in twenty (20) installments, the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over twenty (20) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the guaranteed Jackpot amount, the present value of the difference between the amount the investment will yield and the winner's guaranteed prize amount over twenty (20) years will be paid to the winner in the first payment. The following example illustrates such payment. All payment amounts are less tax withholding.

<u>Example: Guaranteed Jackpot prize</u>	<u>\$ 500,000</u>
<u>Number of winners:</u>	<u>2</u>
<u>Guaranteed prize per winner</u> <u>(\$500,000 ÷ 2)</u>	<u>\$ 250,000</u>
<u>Annual Payment</u> <u>(\$250,000 ÷ 20)</u>	<u>\$ 12,500</u>
<u>Maximum Security Available</u> <u>for annual payments</u>	<u>\$ 12,000</u>
<u>Total Annual Payments</u>	<u>\$ 240,000</u>
<u>Difference between</u> <u>guaranteed prize and</u> <u>investments available</u>	<u>\$ 10,000</u>
<u>Present Value of Difference to</u> <u>be added to the 1st payment *</u>	<u>\$ X.XXX</u>

* Will be calculated based on current interest rates at the time the investments are purchased.

The provisions of this paragraph (7)(e) shall not be construed to prohibit the Lottery from investing collectively, in a single U.S. Treasury security, the prize pool shares of multiple winners of the same drawing who all elect the Annual Payment option, and distributing the prize winnings on a pro rata basis in increments other than \$1,000.

(f) If the number of winners of a guaranteed Jackpot prize results in each person's prize being less than \$100,000 paid over twenty (20) years, the Lottery shall pay the Jackpot winners in a single cash payment of their pro rata share of the amount required on the prize determination day to purchase securities to fund the announced guaranteed Jackpot paid over twenty (20) years, less applicable withholding taxes.

(g) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(h) Any interest or earnings accrued on a MEGA MONEY Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment Option, shall accrue to the State of Florida and not to the winner.

(8) MEGA MONEY Rules and Prohibitions.

(a) By purchasing a MEGA MONEY ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) MEGA MONEY prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer's hours of operation and on-line system availability, MEGA MONEY lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, Eastern Time (ET).

(e) The scheduled time for the Tuesday and Friday MEGA MONEY drawings is approximately 11:00 p.m. (ET). Ticket sales for a specific MEGA MONEY drawing will close approximately twenty minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next MEGA MONEY draw date.

(f) Retailer cancellations of MEGA MONEY tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no MEGA MONEY ticket can be cancelled after game close for the related drawing and no eighth prize (free MEGA MONEY quick pick ticket) can be cancelled at any time. MEGA MONEY tickets that produce cash prize coupons, entry vouchers or free FLORIDA LOTTO

tickets in a promotion cannot be cancelled. The two (2) hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related MEGA MONEY close of game.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections which are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

(9) The prize amount of any winning Jackpot ticket purchased prior to January 18, 2008, shall be the greater of the prize amount calculated under the provisions of this rule or the prize amount calculated under the provisions of the rule in effect prior to January 18, 2008.

Specific Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented, 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History--New 2-28-08, Replaces 53ER08-2, F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: February 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-15
 RULE TITLE: Promotional Events

SUMMARY: This emergency rule sets forth the provisions for the award of prizes at special promotional events conducted by the Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-15 Promotional Events.

(1) The Lottery is authorized to conduct various promotional events in connection with the promotion of lottery games. Such events involve the award of prizes through drawings or other contests. The awarding of prizes at a promotional event does not itself constitute a lottery game. This rule sets forth the provisions for the award of prizes at a promotional event.

(2) The following information, if applicable, shall be made readily available to the participants at the time and location of the event and in connection with any pre-event method of entry into the drawing or other contest:

- (a) Date and time of the drawing or other contest;
- (b) Price and method of entry into the drawing or other contest;
- (c) Deadline for entry into the drawing or other contest;
- (d) Number and description of prizes to be awarded;
- (e) Any drawing or other contest restrictions (e.g. must be present to win);
- (f) Drawing or other contest procedures;
- (g) Determination of prize winners;
- (h) Method of claiming prizes;
- (i) Prize delivery provisions.

(3) A person designated by the Lottery shall conduct promotional drawings or other contests. All drawings and contests will be open to the public.

(4) Odds of winning a prize are dependent upon the number of entries received.

(5) All promotional contest participants must be at least 18 years of age.

(6) Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida lottery ticket are not eligible to win a promotional prize.

(7) Entry into any promotional contest constitutes permission for the Florida Lottery to photograph and/or videotape and record the prize winner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prize winner for advertising or publicity purposes without additional compensation.

(8) All entries and prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. Entry into a promotional contest constitutes agreement to abide by the official rules of the promotion.

(9) If the value of the promotional prize equals \$600 or more, the value will be reported to the Internal Revenue Service as income. Payment of any federal income tax and any additional federal, state and/or local taxes is the responsibility of the winner.

Specific Authority 24.109(1), 24.107(1) FS. Law Implemented 24.107(1) FS. History--New 2-28-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: February 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-16
 RULE TITLE: Instant Game Number 741, 10X THE MONEY

SUMMARY: This emergency rule describes Instant Game Number 741, "10X THE MONEY," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning; value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-16 Instant Game Number 741, 10X THE MONEY.

(1) Name of Game. Instant Game Number 741, "10X THE MONEY."

(2) Price. 10X THE MONEY lottery tickets sell for \$2.00 per ticket.

(3) 10X THE MONEY lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning 10X THE MONEY lottery ticket, the ticket must meet the applicable requirements of Rule 53ER07-68, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN
20 TWENTY	10X WIN10X							

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN
20 TWENTY								

(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$2.00 TWO	\$3.00 THREE	\$5.00 FIVE	\$10.00 TEN	\$20.00 TWENTY	\$25.00 THIRTY FIVE
\$30.00 THIRTY	\$50.00 FIFTY	\$100 ONE HUN	\$300 THR HUN	\$1,000 ONE THOU	\$3,000 THR THOU	\$30,000 THTY THOU

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption

in the "WINNING NUMBERS" play area shall entitle the claimant to the prize shown for that play symbol. A ticket having a "10X WIN10X" symbol in the play area shall entitle the claimant to 10 times the prize shown.

(b) The prizes are: TICKET, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$30.00, \$50.00, \$100, \$300, \$1,000, \$3,000 and \$30,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a 10X THE MONEY lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 741 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2 TICKET	1 IN	806,400
\$2	\$2	12.50	806,400
\$3	\$3	30.00	336,000
\$2 + \$3	\$5	37.50	268,800
\$5	\$5	37.50	268,800
\$5 x 2	\$10	150.00	67,200
\$10	\$10	150.00	67,200
\$2 (10X)	\$20	300.00	33,600
\$20	\$20	300.00	33,600
\$3 (10X)	\$30	450.00	22,400
(\$2 x 5) + (\$5 x 4)	\$30	450.00	22,400
\$5 (10X)	\$50	2,400.00	4,200
\$5 x 10	\$50	2,400.00	4,200
(\$5 x 2) + (\$10 x 2) + \$20	\$50	2,400.00	4,200
\$50	\$50	2,400.00	4,200
\$10 (10X)	\$100	18,000.00	560
\$25 x 4	\$100	18,000.00	560
\$10 x 10	\$100	18,000.00	560
\$100	\$100	18,000.00	560
\$30 (10X)	\$300	22,500.00	448
(\$10 x 5) + (\$50 x 5)	\$300	22,500.00	448
\$300	\$300	22,500.00	448
\$100 (10X)	\$1,000	180,000.00	56
\$1,000	\$1,000	180,000.00	56
\$3,000 (10X)	\$30,000	1,260,000.00	8
\$30,000	\$30,000	1,260,000.00	8

(10) The estimated overall odds of winning some prize in Instant Game Number 741 are 1 in 3.63. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 741, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a 10X THE MONEY lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for 10X THE MONEY lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS, History—New 2-29-08.

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: February 29, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-17
 RULE TITLE: Instant Game Number 742, SPRING FLING TRIPLER

SUMMARY: This emergency rule describes Instant Game Number 742, “SPRING FLING TRIPLER,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-17 Instant Game Number 742, SPRING FLING TRIPLER.

(1) Name of Game. Instant Game Number 742, “SPRING FLING TRIPLER.”

(2) Price. SPRING FLING TRIPLER lottery tickets sell for \$1.00 per ticket.


(3) SPRING FLING TRIPLER lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning SPRING FLING TRIPLER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER07-68, F.A.C.

(4) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$3.00	\$5.00	\$6.00	\$10.00	\$15.00	\$20.00	\$25.00	\$30.00
TICKET	ONE	TWO	THREE	FIVE	SIX	TEN	FIFTEEN	TWENTY	THIRTY	THIRTY
\$50.00	\$60.00	\$75.00	\$100	\$150	\$250	\$300	\$500	\$750	\$1,500	FLOWER
FIFTY	SIXTY	SEVENTY FIVE	ONE HUND	ONEHUND FTY	THOHUN FTY	THR HUN	FIVE HUN	SEVHUN FTY	FIFTH HUN	FLOWER

(5) Determination of Prizewinners.

(a) A ticket having three like prize amounts and corresponding prize amount captions in the play area shall entitle the claimant to a prize of that amount. A ticket having two like prize amounts and corresponding prize amount

captions plus a “ FLOWER” symbol in the play area shall entitle the claimant to triple the prize shown.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$5.00, \$6.00, \$10.00, \$15.00, \$20.00, \$25.00, \$30.00, \$50.00, \$60.00, \$75.00, \$100, \$150, \$250, \$300, \$500, \$750 and \$1,500. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a SPRING FLING TRIPLER lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The estimated odds of winning, value and number of prizes in Instant Game Number 742 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 56 POOLS OF TICKETS PER POOL
TICKET	\$1 TICKET	1 IN 10.00	1,008,000
\$1	\$1	15.00	672,000
\$2	\$2	25.00	403,200
\$1 (FLOWER)	\$3	60.00	168,000
\$3	\$3	75.00	134,400
\$2 (FLOWER)	\$6	100.00	100,800
\$6	\$6	100.00	100,800
\$5 (FLOWER)	\$15	600.00	16,800
\$15	\$15	600.00	16,800
\$10 (FLOWER)	\$30	1,200.00	8,400
\$30	\$30	1,200.00	8,400
\$20 (FLOWER)	\$60	3,600.00	2,800
\$60	\$60	3,600.00	2,800
\$25 (FLOWER)	\$75	18,000.00	560
\$75	\$75	18,000.00	560

\$50 (FLOWER)	\$150	45,000.00	224
\$150	\$150	45,000.00	224
\$100 (FLOWER)	\$300	90,000.00	112
\$300	\$300	90,000.00	112
\$250 (FLOWER)	\$750	180,000.00	56
\$750	\$750	180,000.00	56
\$500 (FLOWER)	\$1,500	1,008,000.00	10
\$1,500	\$1,500	1,008,000.00	10

(7) The estimated overall odds of winning some prize in Instant Game Number 742 are 1 in 3.81. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 742, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a SPRING FLING TRIPLER lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(10) Payment of prizes for SPRING FLING TRIPLER lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 2-29-08.

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: February 29, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

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

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

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT on February 28, 2008, the Department of the Lottery, received a petition for a corrected and amended petition for partial waiver of subsection 53ER06-4(16), F.A.C., by Phillip Etoy Martin and April Marie Martin, co-trustees of the Martin Family Revocable Trust. Petitioners seek a waiver of the rule regarding the submission of IRS form 5754 “at the time of submission of the Winner Claim form.”

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of the General Counsel, Florida Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399. Comments on this Petition may be filed by writing to the above address or by calling (850)487-7777 [TDD (850)487-7784].

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on February 12, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from L’Eden Cafe located in Tampa. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (20) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a

rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on February 13, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from the Prince of Wales located in St. Augustine. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of forty-two (42).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (42) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on February 25, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on February 8, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Speedie Doggs located in Ponce De Leon. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment and have seating for ten.

This variance request was approved and is contingent upon Petitioner ensuring public bathrooms inside of Curt Miller Oil Company has hot and cold running water at all times, kept in a clean and sanitary manner, and they are available during all hours of operation. Petitioner shall ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. The establishment will be allowed to have ten (10) outside seats. If there are any changes to the accessibility to the bathroom facilities the Petitioner is

required to notify the Division and the approved variance will be re-evaluated. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on February 27, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on February 15, 2008, for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Baskin Robbins located in Pace. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of twenty (20).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (20) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on February 27, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on February 1, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Brick House located in Monticello. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of forty (40).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (40) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a

rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on February 27, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on February 25, 2008, for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from El Sanguchon located in Orlando. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of twenty-three (23).

This variance request was approved and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (23) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on February 5, 2008, the Board of Accountancy, received a petition for Brian Patrick Cosgrave, seeking a variance or waiver of paragraphs 61H1-28.0052(4)(a), (b), Florida Administrative Code, which requires that a conditioned candidate must pass all four sections of the CPA examination during the transition period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on February 28, 2008, the Board of Accountancy, received a petition for Paul F. Schneider, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, which requires that required continuing professional education hours have been completed in the 24 months immediately preceding the date of an application for reactivation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on February 20, 2008, the Board of Accountancy, received a petition for Gary Trugman, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, and the requirement that required continuing professional education hours have been completed in the 24 months immediately preceding the date of an application for reactivation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on March 4, 2008, the Florida Department of Environmental Protection has issued an order.

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the Town of Palm Beach, 950 Old Okeechobee Rd., West Palm Beach, FL 33401, (File No. 0250572-002-EV) to temporarily establish an expanded mixing zone of 300 meters offshore and 1,000 meters downcurrent from the point where water from the hydraulic discharge of sand on the beach returns into the Atlantic Ocean. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 W. Tennessee St., Building B, Tallahassee, FL 32304, (850)488-7708.

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, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573 of the F.S. is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 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 the 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.

In the event that 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. Any intervention will be 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 subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)4., F.A.C., 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; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (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 action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the 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 final order is filed with the Clerk of the Department.

A copy of the Order may be obtained by contacting: Matthew Mask, Staff Assistant, 3900 Commonwealth Blvd., Mail Station 300, Tallahassee, FL 32399, (850)414-7731.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on March 3, 2008, the Board of Pharmacy, received a petition for Md. A. Samad Mridha, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that the applicant be certified by the Foreign Pharmacy Graduate Examination Committee to have passed the FPGEE, the Test of English as a Foreign Language, and the Test of Spoken English.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on March 3, 2008, the Board of Pharmacy, received a petition for Tejaskumar R. Patel, seeking a variance or waiver of Rule 64B16-26.2031, Florida Administrative Code, which requires that no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on the petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on February 27, 2008, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-48.0072(11) and 67-48.0072(18), Florida Administrative Code, from Renaissance Preserve I, LLLP, ("Petition"). The Petition is seeking a waiver of the combined debt service coverage requirements.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN THAT on February 15, 2008, the Office of Insurance Regulation has issued an order.

A petition for variance and waiver from Rule 690-125.003, F.A.C., Unfair Discrimination Because of Travel Plans, was filed by Monumental Insurance Company for travel to Iraq and Afghanistan. The Petition has been granted, by this order, permitting insurers to factor into their underwriting travel plans to these two countries.

A copy of the Order may be obtained by contacting Bob Prentiss at bob.prentiss@fldfs.com.

Section VI**Notices of Meetings, Workshops and Public Hearings****DEPARTMENT OF STATE**

The **Department of State**, Office of Cultural, Historical and Information Programs announces a public meeting to which all persons are invited.

DATE AND TIME: April 2, 2008, 2:00 p.m. – Conclusion

PLACE: Marriott Residence Inn, Seminole Room, 600 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Florida Arts Council, Florida Folklife Council and Florida Historical Commission. To interact with colleagues and learn about the various program areas, as well as discussing issues affecting the Department of State's Office of Cultural, Historical and Information Programs and related constituencies. This meeting will not be recorded.

A copy of the agenda may be obtained by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, FL 32399-0250, (850)245-6473 or by email at dalbora@dos.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 4 days before the workshop/meeting. Accommodations can be arranged through: Morgan Lewis, ADA Coordinator, (850)245-6356, Fax (850)245-6497 or by email: mblewis@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).

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 State, Division of Historical Resources, Bureau of Historic Preservation** and the **Florida Folklife Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 3, 2008, 9:00 a.m.

PLACE: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Florida Folklife Council and receive public input.

A copy of the agenda may be obtained by contacting: Tina Bucuvalas, Florida Folklife Program, Bureau of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333.

Pursuant to the provisions of 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: Bureau of Historic Preservation, (850)245-6333 or by Fax (850)245-6437. If you are 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 Florida **Department of State, State Library and Archives of Florida** announces a State Library Council Meeting via Conference Call. All persons are invited.

DATE AND TIME: Monday, March 24, 2008, 2:30 p.m. – 4:30 p.m.

PLACE: Archives Conference Room, State Library and Archives of Florida, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The council will review and discuss programs and issues related to the Division of Library and Information Services. As a side item of the Council meeting, the Friends of the State Library and Archives of Florida Inc.'s Board of Directors and State Library Council members will discuss program planning for the State Library and Archives' citizen support organization.

For additional information, contact: Judith Ring, State Librarian at (850)245-6600 or Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

The **Department of State, Division of Cultural Affairs**, and **Florida Arts Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 3, 2008, 8:30 a.m. – Conclusion

PLACE: Marriott Residence Inn, Seminole Room, 600 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Florida Arts Council. To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council. Note:

If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. The Division of Cultural Affairs will not record this meeting.

A copy of the agenda may be obtained by accessing the Division of Cultural Affairs' Web site at www.Florida-Arts.org or by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473, or by email at dalborn@dos.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 4 days before the workshop/meeting by contacting: Morgan Lewis, ADA Coordinator for the Division of Cultural Affairs at (850)245-6356, by Fax (850)245-6497, or by email: mblewis@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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following Committee telephone conference meetings which all persons are invited to attend.

Committee on Criminal Justice

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

PLACE: Toll Free Dial-in number 1(888)808-6959,
Conference Code: 8733623109

Committee on Improving Economic Outcomes

DATE AND TIME: March 25, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial-in Number: 1(888)808-6959,
Conference Code: 6532211382

Committee on Health Outcomes

DATE AND TIME: March 27, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial-in Number: 1(888)808-6959,
Conference Code: 6532211382

Committee on Foster Care and Family Issues

DATE AND TIME: March 27, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial-in Number: 1(888)808-6959,
Conference Code: 6532211382

Committee on Educational Outcomes

DATE AND TIME: March 28, 2008, 11:15 a.m. – 12:15 p.m.

PLACE: Toll Free Dial-in Number: 1(888)808-6959,
Conference Code: 8733623109

Committee on Legislative Review

DATE AND TIME: March 31, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial-in Number: 1(888)808-6959,
Conference Code: 8733623109

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. These teleconferences are the first under the direction of the new chairpersons. The purpose of these calls is to establish a foundation for the 2008 annual report of the Council.

A copy of the meeting agenda may be obtained by contacting Michael Coard via telephone at (850)414-3300 or via email at Michael.Coard@myfloridalegal.com.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact the Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida State Fair Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 2008, 7:00 p.m.

PLACE: Florida State Fairgrounds, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2008 Florida State Fair and Fairgrounds Operations.

A copy of the agenda may be obtained by contacting Kathleen Fisher at (813)627-4221.

Pursuant to the provisions of 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 Kathleen Fisher at (813)627-4221. If you are 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 Kathleen Fisher at (813)627-4221.

The **Florida State Fair Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: April 8, 2008, 9:00 a.m. – 3:00 p.m.

PLACE: Florida State Fairgrounds, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting Kathleen Fisher at (813)627-4221.

Pursuant to the provisions of 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 Kathleen Fisher at (813)627-4221. If you are 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 Kathleen Fisher at (813)627-4221.

DEPARTMENT OF EDUCATION

The Florida **Rehabilitation Council Coordination Committee** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 26, 2008, 9:00 a.m. – 5:00 p.m.;
March 27, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: Meeting site: TBA, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council.

Any interested parties that need further information may contact Yolanda Manning at (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be

notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

A copy of the agenda may be obtained by contacting: Yolanda Manning, Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

The Emergency Preparedness and Campus Safety Task Force and the Student Affairs Committee of the **Board of Governors, State University System of Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Ballroom, Alumni Center, Florida State University, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Emergency Notification Systems; Campus Safety Personnel; Report from the Emergency Preparedness and Campus Safety Task Force; Report from the Mental Health Issues Subcommittee of the Student Affairs Committee; BOG Regulation 6.006, Acceleration Mechanisms; and BOG Regulation, Vaccinations against Meningococcal Meningitis and Hepatitis B.

A copy of the agenda may be obtained by contacting: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the Office of Access and Equity, DOE at (850)245-9531 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

The Budget Committee and the Facilities Committee, **Board of Governors, State University System of Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2008, 8:00 a.m. – 11:00 a.m.

PLACE: Ballroom, Alumni Center, Florida State University, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General SUS Facilities information; Resolution of the Board of Governors requesting the Division of Bond Finance of the State Board of Administration of Florida to issue Revenue Bonds to finance construction of an apartment style residence hall, main campus, FAU; Resolution of the Board of Governors authorizing the issuance by the Florida Gulf Coast University Financing Corporation of Tax-exempt bonds to finance the construction of a Student Residence, main campus, FGCU; Resolution of the Board of Governors authorizing the issuance by the Florida Gulf Coast University Financing Corporation of Tax-exempt bonds to finance the construction of a Parking Garage, main campus, FGCU; Amended 2008-2009 Fixed Capital Outlay Legislative Budget Request; 2009-2010 Legislative Budget Request Guidelines; Auxiliary Facilities with Bond Covenants requiring approval of 2008-2009 Operating Budgets; and Appropriate and Predictable Funding.

A copy of the agenda may be obtained by contacting: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting the Office of Access and Equity, DOE at (850)245-9531 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

The **Florida Rehabilitation Council for the Blind, Division of Blind Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 27, 2008, 10:00 a.m. (EST)

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: The DBS Director's vacancy and other issues.

For more information, you may contact: Phyllis Dill, AAIL, 14 W. Jordan Street, Suite 2G, Pensacola, FL 32526, (850)595-5282, ext. 11, phyllis.dill@dbs.fldoe.org.

The **Board of Governors, State University System of Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2008, 11:00 a.m. – 4:00 p.m.

PLACE: Ballroom, Alumni Center, Florida State University, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Report, Emergency Preparedness and Campus Safety Task Force; Report, Mental Health Issues Subcommittee of the Student Affairs Committee; Approval, BOG Regulation 6.006, Acceleration Mechanisms, and BOG Regulation, Vaccinations against Meningococcal Meningitis and Hepatitis B; Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute; Medical Education Update; Report, Task Force on FAMU Finance and Operational Control Issues; Approval, Faculty Practice Plan, UCF College of Medicine; Notice of Intent to Amend BOG Regulation 9.017, Faculty Practice Plans; Approval, BOG Regulation 1.005, Public Meeting Requirements, and BOG Regulation 1.006, Conflicts of Interest; Enrollment Realignment and Impact of budget and demographic trends on 5-year enrollment plans; Legislative Update; Update, e-learning and distance education; Approval of Board of Governors Resolutions: Requesting the Division of Bond Finance of the State Board of Administration of Florida to issue Revenue Bonds to finance construction of an apartment style residence hall, main campus, FAU; Authorizing the issuance by the Florida Gulf Coast University Financing Corporation of Tax-exempt bonds to finance the construction of a Parking Garage, main campus, FGCU; and Authorizing the issuance by the Florida Gulf Coast University Financing Corporation of Tax-exempt bonds to finance the construction of a Student Residence Facility, main campus, FGCU; Amend the 2008-2009 Fixed Capital Outlay Legislative Budget Request; Consideration of 2009-2010 Legislative Budget Request Guidelines; Auxiliary Facilities with Bond Covenants requiring Approval of 2008-2009 Operating Budgets; Appropriate and Predictable Funding; Approval BOG Regulations: Amended BOG Regulation 9.004, Razing of Buildings, Amended BOG Regulation 9.005, Naming of Buildings, Amended BOG Regulation 14.002, Construction Definitions, Amended BOG Regulation 14.004, Public Announcement and Qualification Procedure, Amended BOG Regulation 14.005, Certification and Competitive Selection of Architects/Engineering, Amended BOG Regulation 14.007, Competitive Negotiation, Amended BOG Regulation 14.018, Contracting Authority for Construction Contracts, Amended BOG Regulation 14.020, University Supervision of Construction Program, Amended BOG Regulation 14.021, Procedures for Construction Contract Bidding and Award, Amended BOG Regulation 14.022, Disqualification Procedures, Amended BOG Regulation 14.023, Notice and Protest Procedures, Amended BOG Regulation 14.025, Action required Prior to Capital Outlay Appropriation, BOG Regulation 18.001, Purchasing Regulations, BOG Regulation 18.002, Notice and Protest Procedures, BOG Regulation 18.003, Bonding Requirements; Amended BOG Regulation 9.019, University Major Gifts Challenge Grant Program; Approve Repeal of BOG Regulations: BOG Regulation

10.009, Smoking in Public Buildings, BOG Regulation 6C-18.030, Statement of Intent, BOG Regulation 6C-18.035, Definitions, BOG Regulation 6C-18.040, Purchasing Authority of the Institutions, BOG Regulation 6C-18.045, Competitive Solicitations Required, BOG Regulation 6C-18.050, Purchase of Commodities or Contractual Services, BOG Regulation 6C-18.055, Bonds, BOG Regulation 6C-18.060, Contracts, BOG Regulation 6C-18.065, Standard of Conduct, and BOG Regulation 6C-18.070, Purchase of Motor Vehicles; and other matters pertaining to the Board of Governors.

A copy of the agenda may be obtained by contacting: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

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For more information, you may contact: Mikey Bestebreurtje, Corporate Secretary, Board of Governors, 1614 Turlington Building, 325 W. Gaines St., Tallahassee, FL 32399-0400.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 6, 2008, 2:00 p.m., Training Center Directors' Test Bank Committee Meetings

DATE AND TIME: Tuesday, May 6, 2008, 3:00 p.m., Physical Fitness Training Committee Meeting

DATE AND TIME: Tuesday, May 6, 2008, 4:00 p.m., Training Center Directors' Committee Meetings

DATE AND TIME: Wednesday, May 7, 2008, 8:30 a.m., Training Center Directors' Business Meeting

DATE AND TIME: Wednesday, May 7, 2008, 10:00 a.m., Probable Cause Determination Hearings

DATE AND TIME: Wednesday, May 7, 2008, 1:00 p.m., Commission Workshop: 1. Overview of Officer Disciplinary Process; and Security for Commission Business Meetings

DATE AND TIME: Wednesday, May 7, 2008, 3:00 p.m., Regional Criminal Justice Selection Center Directors' Association Meeting

DATE AND TIME: Thursday, May 8, 2008, 8:00 a.m., CJS&T Commission Meeting Business Agenda

DATE AND TIME: Thursday, May 8, 2008, 9:30 a.m., CJS&T Commission Officer Discipline Cases

PLACE: Hilton Naples & Towers, 5111 Tamiami Trail North, Naples, Florida 34103

GUESTROOM RATE: \$97.00 Single or Double from May 5, 2008 – May 8, 2008. You may cancel your reservation 24 hours prior to your scheduled date of arrival. Check-in is 3:00 p.m. and Check-out is 12:00 Noon. The deadline for making reservations is April 13, 2008. The group reservation code is "FDL" HOTEL TELEPHONE NUMBER: (239)430-4900, Fax: (239)430-4901.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meeting will be held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, officer discipline penalty guidelines, and certification and recertification of criminal justice training schools.

A copy of the agenda may be obtained by contacting: Donna Hunt at (850)410-8615 or e-mail at donnahunt@fdle.state.fl.us, if you have any questions concerning the May 2008 Commission meeting. The Commission agenda and agenda items will be posted to the FDLE website on Monday, April 21, 2008, and may be accessed at www.fdle.state.fl.us. To access the web site, click on "Councils," click on "Criminal Justice Standards and Training Commission," and then click on "Meeting Agenda."

OFFICER DISCIPLINE AGENDA: Brenda Presnell, at (850)410-8648 or via e-mail at brendapresnell@fdle.state.fl.us. If you wish to write the Commission for a copy of the above meeting agendas, please write to: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Brenda Presnell.

TRAINING CENTER DIRECTOR ASSOCIATION AGENDA: Training Center Director Association Chairman Jim Hague, Seminole Community College, 100 Weldon Boulevard, Sanford, Florida 32773-6199, or call (407)328-2316, or E-mail haguec@scc-fl.edu.

CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION AGENDA: The Commission agenda and agenda items will be posted to the FDLE website on Monday, April 21, 2008, and may be accessed at www.fdle.state.fl.us. To access the web site, click on "Councils," click on "Criminal Justice Standards and Training Commission," and then click on "Meeting Agenda."

Pursuant to the provisions of 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 Donna Hunt at (850)410-8615. If you are hearing or

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

For more information, you may contact Donna Hunt at (850)410-8615.

DEPARTMENT OF TRANSPORTATION

The **Florida Scenic Highways Program** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 19, 2008, 9:00 a.m. – 4:30 p.m.

PLACE: Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scenic Highways Advisory Committee meeting: The purpose of the meeting is to review and provide recommendations on the National Scenic Byways FY2008 Grant Applications and the De-designation of the Tamiami Trail Scenic Highway.

A copy of the agenda may be obtained by contacting: Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)414-5250, e-mail mariano.berrios@dot.state.fl.us, or Fax (850)414-4443.

Pursuant to the provisions of 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: Mr. Mariano Berrios, (850)414-5250, e-mail mariano.berrios@dot.state.fl.us, or Fax (850)414-4443. If you are 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."

STATE BOARD OF ADMINISTRATION

The **Audit Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 6, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

DATE AND TIME: Friday, March 7, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

DATE AND TIME: Monday, March 10, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

DATE AND TIME: Friday, March 14, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Emerald Coast Room, 6th Floor, Tallahassee, FL

DATE AND TIME: Monday, March 17, 2008, 2:30 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

DATE AND TIME: Wednesday, March 19, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

DATE AND TIME: Monday, March 24, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

DATE AND TIME: Thursday, March 27, 2008, 1:30 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

DATE AND TIME: Monday, March 31, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

DATE AND TIME: Monday, April 7, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

DATE AND TIME: Thursday, April 10, 2008, 8:00 a.m. – 10:00 a.m.

PLACE: Emerald Coast Room, 6th Floor, Tallahassee, FL

DATE AND TIME: Monday, April 14, 2008, 10:30 a.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

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

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

DATE AND TIME: Monday, April 28, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Emerald Coast Room, 6th Floor, Tallahassee, FL

DATE AND TIME: Monday, May 12, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

DATE AND TIME: Monday, June 9, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Hermitage Room, 1st Floor, Tallahassee, FL

PLACE: Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Selection of a firm, review of deliverables, as well as address other general business of the Audit Committee.

The **Florida Hurricane Catastrophe Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 2008, 9:00 a.m. – 4:00 p.m. (ET)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida. Persons wishing to participate by telephone may dial 1(888)808-6959, Conference Code 4765251363.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to obtain approval to file Rule 19-8.010, F.A.C. (Reimbursement Contract) and Rule 19-8.012, F.A.C. (Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure) for Notice of Change and Rule 19-8.013, F.A.C. (Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.), Rule 19-8.029, F.A.C. (Insurer Reporting Requirements), and Rule 19-8.030, F.A.C. (Insurer Responsibilities) for adoption, to discuss the premium formula for the 2008/2009 Contract Year and to vote on the filing of a Notice of Proposed Rulemaking as to Rule 19-8.028, F.A.C. (Reimbursement Premium Formula), and to engage in other general business of the Council.

A copy of the agenda may be obtained by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, or by email: donna.sirmons@sbafla.com.

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

The **Florida Hurricane Catastrophe Fund** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 1, 2008, 10:00 a.m. – 12:00 Noon (ET)

PLACE: Persons wishing to participate may dial 1(888)808-6959, Conference Code 4765251363

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund. This meeting will be held only if it is determined to be necessary during the meeting on March 26, 2008. The purpose will be to obtain approval to file Rule 19-8.028, F.A.C. (Reimbursement Premium Formula) for Notice of Proposed Rulemaking, to discuss the 2008 Ratemaking Formula Report to the State Board of Administration and the Premium Rates Report. In addition, other general business of the Council may be addressed.

A copy of the agenda may be obtained by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, or by email: donna.sirmons@sbafla.com.

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, April 3, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 050863-TP – Complaint by dPi-Teleconnect, L.L.C. against BellSouth Telecommunications, Inc. for Dispute Arising Under Interconnection Agreement. The purpose of this hearing is to permit parties to present testimony and exhibits relative to this proceeding.

If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission’s website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2008, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2008, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2008, 6:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2008, 6:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Program Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2008, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by calling (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Withlacoochee Regional Planning Council** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, April 17, 2008, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323

GENERAL SUBJECT MATTER TO BE CONSIDERED: A change in the Withlacoochee Regional Planning Council Bylaws to reflect a reduction in the number of Board Members. Other minor changes. Changes related to Chapter 29E-1, F.A.C.

A copy of the agenda may be obtained by contacting: Executive Director, Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34471-0323.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday March 10, 2008, 8:30 a.m.

PLACE: ECFRPC Offices, 631 N. Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the ECFRPC Executive Committee to discuss council business and the agenda for the March 19, 2008 council meeting.

A copy of the agenda may be obtained by contacting: Ruth Little at (407)623-1075 or at rlittle@ecfrpc.org.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 17, 2008, 7:00 p.m.

PLACE: Rachel D. Murrah Civic Center of Winter Park, 1050 West Morse Blvd., Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: The East Central Florida Regional Planning Council is working to implement the Regional Vision derived from the

www.myregion.org "How Shall We Grow?" project. Among the first steps is a complete rewrite of the Strategic Regional Policy Plan, the document that guides all agency decision-making. The agency will host a Public Kickoff Meeting on March 17th to update the region on the implementation of the Regional Vision and to provide information on the plan rewrite.

A copy of the agenda may be obtained by contacting our web site at www.ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting Ruth Little at (407)623-1075 or rlittle@ecfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ruth Little at (407)623-1075 or by email at rlittle@ecfrpc.org.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

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

PLACE: ECFRPC Offices, 631 N. Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Ruth Little at (407)623-1075 or by email rlittle@ecfrpc.org.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ruth Little at (407)623-1075 or by email rlittle@ecfrpc.org.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2008, 11:00 a.m.

PLACE: Southwest Florida Regional Planning Council Offices, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: SWFRPC's Legislative Subcommittee to discuss legislative issues affecting Southwest Florida.

A copy of the agenda may be obtained by contacting: Mr. Ken Heatherington, Executive Director by email kheathering@swfrpc.org or (239)338-2550, ext. #222.

Pursuant to the provisions of 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: Mrs. Deb Kooi by email dkooi@swfrpc.org or (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).

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: Ms. Nichole Gwinnett by email ngwinnett@swfrpc.org or (239)338-2550, ext. #232.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 7, 2008, 10:30 a.m.

PLACE: IGFA Fishing Hall of Fame & Museum, 300 Gulf Stream Way, Dania Beach, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments for Southwest Ranches, Surfside, and Homestead; Proposed Local Government Comprehensive Plan Amendments for Homestead; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments for Miami Beach; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business followed by a joint meeting between South Florida Regional Planning Council and the Treasure Coast Regional Planning Council at 12:00 Noon; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by calling (954)985-4416.

Pursuant to the provisions of 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 calling

(954)985-4416. If you are 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 call (954)985-4416.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 2008, 11:00 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the meeting of the Energy Committee.

A copy of the agenda may be obtained by contacting Liz Gulick at (772)221-4060.

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

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 27, 2008, 10:30 a.m. (ET)

PLACE: Ramada Inn Conference Center, 2900 N. Monroe Street, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: In addition to its regular business, the agenda will include the review of any local government plan amendments received in a timely manner.

A copy of the agenda may be obtained by contacting: Janice Watson, ARPC, 20776 Central Avenue East, Blountstown, FL 32424, (850)674-4571.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 25, 2008, 2:00 p.m.

PLACE: Main Conference Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: ADA Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting the SFRTA Executive Office at (954)788-7915.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 28, 2008, 9:30 a.m.

PLACE: Board Room of the South Florida Regional Transportation Authority, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting

A copy of the agenda may be obtained by contacting the Executive Office at (954)788-7915.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CORRECTIONS

The **Department of Corrections** announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 2008, 10:00 a.m.

PLACE: Florida Department of Corrections, Headquarters Building, 2601 Blair Stone Road, 2nd Floor, Building B, Classroom B, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Region XVI Training Council of the Florida Criminal Justice Standards and Training Commission. The primary business of the meeting will be to discuss training and budget issues.

A copy of the agenda may be obtained by contacting: Florida Department of Corrections, Attention: Oscar Paz Soldan, Room A331, Bureau of Staff Development, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 3, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: Doubletree Hotel, 101 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A joint meeting of the Governing Board and the Staff Directors Advisory Committee to which all persons are invited.

A copy of the agenda may be obtained by contacting: Brigitte Messina, 605 Suwannee Street, MS 28B, Tallahassee, Florida, (850)414-4037.

Pursuant to the provisions of 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: Brigitte Messina, 605 Suwannee Street, MS 28B, Tallahassee, Florida, (850)414-4037. If you are 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: Howard Glassman, 605 Suwannee Street, MS 28B, Tallahassee, Florida, (850)414-4062.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 27, 2008, 1:00 p.m. (EDT)

PLACE: District Headquarters, 10 miles west of Tallahassee on Highway 90

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

OTHER MEETINGS HELD ON MARCH 27, 2008:

- 10:00 a.m. (EDT) District Lands Committee – to discuss land acquisition matters
- 11:00 a.m. (EDT) Administration, Budget, and Finance Committee – to discuss amendments to the fiscal year 2007-2008 budget
- 11:30 a.m. (EDT) Regulations Committee – to discuss phase II of the ERP program
- 1:15 p.m. (EDT) Public Hearing on Consideration of Regulatory Matters
- 1:30 p.m. (EDT) Public Hearing on Consideration of Land Acquisition Matters

A copy of the agenda may be obtained by contacting: Dorothy Cotton, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available on the internet at www.nwfwmd.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting Larry Wright at the District. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 24, 2008, 2:00 p.m.

PLACE: Ocala Hilton, 3600 S. W. 36th Avenue, Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board and Withlacoochee Regional Water Supply Authority Joint Workshop – Discussion of Withlacoochee Regional Water Supply Authority future water supply plans and future partnership opportunities with SWFWMD. A dinner social will follow the meeting. (Ad 14218).

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

Pursuant to the provisions of 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 the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 25, 2008, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING, AND PUBLIC HEARING – Conduct Committee meetings, Governing Board meeting, and public hearing. There will also be an opportunity for public input on the intention to amend the District's fiscal year (FY) 2008 budget as follows: Increase the FY2008 Florida Forever/Save Our Rivers Capital Projects Fund budget by \$45,000,000 to reflect unanticipated revenue from the Florida Forever Trust Fund for planned land acquisitions during FY2008, including lands to be acquired for the Lake Hancock project. The proposed budget amendment will not impact the District millage or ad valorem property taxes.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the SWFWMD Executive Department at the address above.

The **Water Resources Advisory Commission** (WRAC) Lake Okeechobee Committee Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 2008, 9:00 a.m. – 4:00 p.m.

PLACE: Okeechobee Civic Center, 1750 U.S. Highway 98 North, Okeechobee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding issues of the restoration and protection of Lake Okeechobee; and the Caloosahatchee and St. Lucie Estuaries. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Loxahatchee River Management Coordinating Council

DATE AND TIME: Monday, March 31, 2008, 2:00 p.m.

PLACE: Town of Jupiter Community Center, 210 Military Trail, Jupiter, Florida 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by contacting: Gardenia Banks Long, Martin/St.Lucie Service Center, 780 S. E. Indian Street, Stuart, Florida, (772)223-2600, ext. 3617.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: April 15, 2008, 10:00 a.m.
 PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting (if needed) of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website <http://www.sfwmd.gov/org/ema/toc/draftagen da.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District Clerk's office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

The **South Florida Water Management District** announces a telephone conference call to which all persons are invited.

Peer Review of the Lower West Coast Floridan Aquifer System Model (LWCFAS)

DATE AND TIME: Thursday, April 24, 2008 9:00 a.m. – 5:00 pm

PLACE: Meeting ID #4670 and 3962 for p.m.

DATE AND TIME: Monday, April 28, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Monday, May 5, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Monday, May 12, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Monday, May 19, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Wednesday, May 28, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #5234

DATE AND TIME: Monday, June 2, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Monday, June 9, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Monday, June 16, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Monday, June 23, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Monday, June 30, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Wednesday, July 2, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Meeting ID #2774 and #1436 for p.m.

DATE AND TIME: Monday, July 7, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Monday, July 14, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID#3124

DATE AND TIME: Monday, July 21, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Monday, July 28, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Meeting ID #0626 and #7543 for p.m.

DATE AND TIME: Monday, August 4, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

DATE AND TIME: Monday, August 11, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Meeting ID #3124

PLACE: This is a teleconference meeting. You may call into the teleconference by dialing either of the following telephone numbers: (561)682-6700 or 1(866)433-6299. You will be prompted to dial the meeting ID number associated with the meetings above. SFWMD, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss the peer review of the LWCFAS model (Lower West coast Floridan Aquifer system model).

A copy of the agenda may be obtained by contacting Hope Radin at (561)682-2120. You may contact Hope Radin for conference room meeting locations at (561)682-2120.

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

agency at least 5 days before the workshop/meeting by contacting the District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: April 29, 2008, 10:00 a.m.

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting (if needed) of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website <http://www.sfwmd.gov/org/ema/toc/draftagenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: March 28, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Dr., Tallahassee FL 32308. Those not able to attend in person may attend by conference phone. The number is 1(888)808-6959, Conference Code (850)488-5420.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Enhanced Benefits Panel will discuss issues related to the technical aspects of the Enhanced Benefits program, under Medicaid Reform.

A copy of the agenda may be obtained by contacting: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308, (850)488-3560.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Aldria White, at the address and phone number written above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Aldria White, at the address and phone number written above.

The **Agency for Health Care Administration**, in conjunction with the **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 31, 2008, 1:00 p.m. – 3:00 p.m. (Eastern)

PLACE: Dr. Nelson Ying Center, 1940 Traylor Boulevard, Orlando, FL 32804

GENERAL SUBJECT MATTER TO BE CONSIDERED: Section 409.912(5), Florida Statutes, provides authorization for the Agency for Health Care Administration, in partnership with the Department of Elder Affairs, to implement an integrated, fixed-payment delivery program for Medicaid beneficiaries who are 60 years of age or older, or 21 years of age or older and dually eligible for Medicare and Medicaid. The program shall be implemented initially on a pilot basis in Brevard, Orange, Osceola and Seminole counties; and Miami-Dade and Monroe counties. Enrollment in Florida Senior Care shall be on a voluntary basis. The primary purpose of this public meeting is to educate Medicaid service providers about Florida Senior Care. An overview of the program will be provided, as well as an opportunity for public comment.

A copy of the agenda may be obtained by contacting: Stephanie Clarke, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)487-2618, e-mail: managediltc@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Stephanie Clarke, 2727 Mahan Drive, Mail Stop

20, Tallahassee, FL 32308, (850)487-2618, e-mail: manage.diltc@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Health Care Administration, Division of Medicaid** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, April 9, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: This will be a telephone conference. Phone Line: 1(888)808-6959, Conference Code: 7556753

GENERAL SUBJECT MATTER TO BE CONSIDERED: The liver/multivisceral committee of the Organ Transplant Advisory Council will review and recommend revisions to the State Plan as it pertains to organ transplantation for Florida Medicaid.

There will be no agenda for this phone conference.

Additional information may be obtained by contacting: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Medicaid Services, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7322, kumart@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Florida Black Business Investment Board** announces a workshop to which all persons are invited.

DATE AND TIME: March 25, 2008, 10:00 a.m.

PLACE: 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Black Business Loan Program Certification Committee of the Florida Black Business Investment Board will meet to review and evaluate each complete application submitted for certification to participate in the Black Business Loan Program being administered by the Office of Tourism, Trade and Economic Development.

A copy of the agenda may be obtained by contacting: Paula Duncan, 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308, (850)878-0275.

Pursuant to the provisions of 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: Paula Duncan, 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308, (850)878-0275. If you are 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: Kevin Williams, 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308, (850)878-4566.

The **Florida Black Business Investment Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 27, 2008, 10:00 a.m.

PLACE: 1(866)476-8702, PIN: 588114#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To recommend applicants for participation in the Black Business Loan Program administered by the Office of Tourism, Trade and Economic Development and to discuss the Board's operations, identify areas for future board priorities, receive reports from its committees/task force, review/approve related issues and other business as needed, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: Paula Duncan, 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308, (850)878-0275.

Pursuant to the provisions of 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: Paula Duncan, 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308, (850)878-0275. If you are 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: Kevin Williams, 2019 Centre Pointe Blvd., Ste. 101, Tallahassee, FL 32308, (850)878-4566.

The **Department of Management Services** announces a public meeting to which all persons are invited.

DATE AND TIME: March 28, 2008, 9:00 a.m. – 12:00 Noon

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Accepting comments from the public on the proposed rule, Chapter 60L-35, F.A.C., in its entirety, which was noticed in Vol. 34, No. 2, January 11, 2008 issue of the F.A.W.

Pursuant to the provisions of 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: Anna Gray, Workforce Development & Benefits Manager at (850)487-1508. If you are 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 **State Retirement Commission** announces a hearing to which all persons are invited.

DATE AND TIME: March 17, 2008, 8:30 a.m.

PLACE: Department of Management Services, Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by contacting: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 15 days before the workshop/meeting by contacting Brandi Tanton, Clerk for the Commission at (850)922-2137. If you are 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 Brandi Tanton, Clerk for the Commission at (850)922-2137.

The Florida **Commission on Human Relations** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, April 10, 2008, 9:00 a.m.

PLACE: Florida Commission on Human Relations, The phone number to contact is 1(888)808-6959, when prompted enter the VCS Conference Code 1021548, followed by the # key.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE OF CANCELLATION – Notice is hereby given that the rule development workshop for Rule 61-35.016, F.A.C., Landscape Architecture Forms, scheduled to take place at <http://www.myfloridalicense.com/dbpr/sto/rules/pro/rules1.asp> from 8:00 a.m., March 15, 2008, through 8:00 a.m., March 28, 2008, as noticed in Vol. 34, No. 9, February 29, 2008 issue of the F.A.W. has been canceled.

The **Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering** announces a workshop to which all persons are invited.

DATE AND TIME: April 11, 2008, 10:00 a.m. – 1:00 p.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop will follow up on development of proposed rule amendment to Rule 61D-14.074, F.A.C., Security Requirements, System Access, and Firewalls, regarding remote computer access to facility monitoring system and player tracking data.

A copy of the agenda may be obtained by contacting: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035 or by calling Mary Polombo at (850)413-0750.

Pursuant to the provisions of 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 calling Mary Polombo at (850)413-0750. If you are 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 **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: March 25, 2008, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Construction Industry Licensing Board** announces a telephone conference call to which all persons are invited.

DATES AND TIME: Wednesday, March 26, 2008; Thursday, March 27, 2008, 11:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To connect, dial 1(888)808-6959, Conference Code: 4879516

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, MS N-14, Tallahassee, FL 32399-1039, (850)922-2701.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, MS N-14, Tallahassee, FL 32399-1039, (850)922-2701. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Andy Janecek, Construction Industry Licensing Board, 1940 North Monroe Street, MS N-14, Tallahassee, FL 32399-1039, (850)922-2701.

The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 28, 2008, 10:00 a.m.

PLACE: 1(888)808-6959, Conference Code 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee meeting.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N Monroe St., Tallahassee, FL 32399-2211.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 11, 2008, 9:00 a.m.

PLACE: 1(888)808-6959, Conference Code 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee meeting.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N Monroe St., Tallahassee, FL 32399-2211.

Pursuant to the provisions of 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. If you are 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 **Building Code Administrators and Inspectors Board** announces a public meeting to which all persons are invited.

DATES AND TIME: April 22-25, 2008, 9:00 a.m.

PLACE: Hyatt Regency Miami, Miami Convention Center, 400 S. E. Second Avenue, Miami, FL 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meeting and general board business.

A copy of the agenda may be obtained by contacting: Building Code Administrators and Inspectors Board, 1940 N. Monroe Street, 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 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.

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 **Board of Directors of Babcock Ranch, Inc.** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 17, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: DIAL:1(888)272-7337, When prompted, enter the following ID number: 5447045. After entering the ID number, you will join the call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board members will be conducting further discussion regarding the Babcock Ranch Conceptual Management Plan, and the Babcock Ranch Business Management Plan.

The Board will not be taking public testimony or comments during this call.

For more information, you may contact: Ann Rowe-McMullen, Meeting Coordinator, Babcock Ranch, Inc., Post Office Box 10095, Tallahassee, FL 32301, (850)681-3200 office, Fax (850)681-7200, www.babcockcmp.org.

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2008, 1:00 p.m.

PLACE: Lake Sylvan Park, 845 Lake Markham Road, Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lake Jesup Technical Working Group was formed to provide a forum for stakeholders to discuss issues related to the MSJ TMDLs, including development, allocation, and implementation of the TMDLs. Topics for this meeting include continuing discussion of the Lake Jesup Basin Management Action Plan (BMAP).

A copy of the agenda may be obtained by contacting: Ms. Jennifer Gihring, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8418.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Jennifer Gihring at (850)245-8418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 26, 2008, 1:00 p.m.

PLACE: Northeast District Office, Conference Rooms A & B, 7825 Baymeadows Way, Suite B200, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Lower St. Johns River (LSJR) TMDL Technical Working Group, which is working on development of a draft Basin Management Action Plan (BMAP) for presentation to the LSJR TMDL Executive Committee. The primary topic for this meeting will be review of the BMAP document content to date, focusing on recently completed text. A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment Section, MS 3555, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting Ms. Waters. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 27, 2008, 9:00 a.m.

PLACE: Northeast District Office, Conference Rooms A & B, 7825 Baymeadows Way, Suite B200, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Lower St. Johns River (LSJR) TMDL Executive Committee and Stakeholders Group, which was formed to provide a forum for stakeholders to discuss issues related to the LSJR Total Maximum Daily Load (TMDL) for nutrients, including development, allocation, and implementation of the TMDL. The primary topic for this meeting will be review of the BMAP document content to date. A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment Section, MS 3555, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Ms. Waters. If you are 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 **Environmental Regulation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2008, 10:00 a.m.

PLACE: Department of Environmental Protection, 3900 Commonwealth Blvd., Conference Room A, Tallahassee FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A regularly scheduled meeting of the Environmental Regulation Commission will be held for the purpose of rule adoptions and briefings.

A copy of the agenda may be obtained by contacting: Nancy Mould at (850)245-2211, or by going to the DEP website at the following address: <http://www.dep.state.fl.us/legal/ERC>. The agenda will be available ten days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Nancy Mould at (850)245-2211. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a public meeting to which all persons are invited.

DATES AND TIME: April 1-2, 2008, 8:30 a.m. – close of business

PLACE: Florida Department of Environmental Protection, Conference Room A, 1st Floor, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: System Design Reconciliation Workshop. Define the requirements for a system that will store, manage, and maintain data from environmental monitoring and research investigations in Florida. This is one of a series of workshops carried out by the Florida Water Resources Monitoring Council in support of the Florida Oceans and Coastal Council's Integrated Data Management (IDM) program.

A copy of the agenda may be obtained by contacting: Becky Panebianco, (850)245-2094, Becky.Panebianco@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Becky Panebianco, (850)245-2094, Becky.Panebianco@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a public meeting to which all persons are invited.

DATES AND TIMES: April 3, 2008, 1:00 p.m. – 5:00 p.m. or until business is completed; April 4, 2008, 8:00 a.m. – 3:00 p.m. or until business is completed.

PLACE: Laboratory Building, Room A204-208, Florida Department of Environmental Protection, 2600 Blairstone Road, Tallahassee, Florida 32399-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Water Resources Monitoring Council is meeting to pursue their charges to coordinate and standardize monitoring in Florida waters and establish metadata standards for research and monitoring data.

A copy of the agenda may be obtained by contacting: Steve Wolfe at (850)245-2102 or Steven.Wolfe@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: Steve Wolfe at (850)245-2102 or Steven.Wolfe@dep.state.fl.us.

@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 Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 18, 2008, 9:00 a.m.

PLACE: 5300 Colonial Oaks Boulevard, Sarasota, Florida 34232

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Myakka River Management Coordinating Council Business for administering the Myakka River as a Wild and Scenic River.

A copy of the agenda may be obtained by contacting: Stacia Hetrick at (941)486-2052 or email Stacia.Hetrick@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: Stacia Hetrick at (941)486-2052 or email Stacia.Hetrick@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).

For more information, you may contact: Stacia Hetrick at (941)486-2052 or email Stacia.Hetrick@dep.state.fl.us.

The **Department of Environmental Protection, Siting Coordination Office** announces a hearing to which all persons are invited.

DATES AND TIME: May 5-9, 2008; May 12-16, 2008, 9 a.m.

PLACE: Sarasota Cay Club Resort and Marina, 7150 North Tamiami Trail, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Environmental Protection, Siting Coordination Office announces the continuation of the certification hearing for which Administrative Law Judge Bram D.E. Canter will take testimony and evidence concerning the environmental effects and any other appropriate matters regarding the site certification of the proposed Florida Power and Light Company, Bobwhite-Manatee 230 Kilovolt Transmission Line Project, Transmission Line Siting Application No. TA07-14, DOAH Case No. 07-0105TL, DEP-OGC Case No. 07-0026, pursuant to the Transmission Line Siting Act, Sections 403.52-5365, Florida Statutes. This notice replaces the notice filed in the November 16, 2007 issue of the F.A.W., scheduling the hearing for April 7 and subsequent days. The hearing was rescheduled for the dates listed above in May.

A copy of the agenda may be obtained by contacting: Mr. Michael P. Halpin, P.E., Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Landa Korokous at (850)245-8002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: March 28, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call Number 1(888)808-6959, Code 1454444

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Health announces a meeting of the Florida Nursing Workforce Ad Hoc Advisory Committee. To identify objectives and obligations of the Florida Nursing Workforce Ad Hoc Advisory Committee.

This is a public meeting. If you would like to participate, have questions, or require further information, please contact Katie Hammond at (850)245-4259 or katie_hammond@doh.state.fl.us.

The Florida **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, April 7, 2008, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call Number 1(888)808-6959, Code 8502452

GENERAL SUBJECT MATTER TO BE CONSIDERED: To identify objectives and obligations of the Florida Oral Healthcare Workforce Ad Hoc Advisory Committee.

A copy of the agenda may be obtained by contacting: Katie Hammond at (850)245-4259, email: katie_hammond@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Katie Hammond at (850)245-4259, email katie_hammond@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.

For more information, you may contact: Katie Hammond at (850)245-4259, email: katie_hammond@doh.state.fl.us.

The Florida **Board of Medicine, Physician Assistant Council Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 3, 2008, 1:00 p.m.

PLACE: Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, FL 33401, Hotel: (561)833-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at www.Floridashealth.com for cancellations or changes to meeting dates or call the Board of Medicine at (850)245-4131 for information.

DATE AND TIME: Thursday, April 3, 2008, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Physician Assistant Council meeting, followed by the Rules and Legislative Committee meeting at 4:00 p.m. and the Surgical Care Committee meeting. Each committee meeting will begin approximately 15 minutes following the completion of the previous meeting.

A copy of the agenda may be obtained by contacting: Vera_Johnson@doh.state.fl.us or call (850)245-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Vera_Johnson@doh.state.fl.us or (850)245-4131. If you are 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 Florida **Board of Medicine, Finance and Statistics Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 3, 2008, 3:00 p.m.

PLACE: Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, FL 33401. Hotel: (561)833-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site at www.Floridashealth.com for cancellations or changes to meeting dates or call the Board of Medicine at (850)45-4131 for information.

A copy of the agenda may be obtained by contacting: CherylGraham@doh.state.fl.us or (850)245-4137.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: CherylGraham@doh.state.fl.us or (850)245-4137. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Nursing** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 17, 2008, 2:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code 4443754

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider three applications for licensure and review one settlement agreement previously heard by the Board.

A copy of the agenda may be obtained by contacting: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are 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 Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIMES: April 8, 2008, 1:00 p.m.; April 9, 2008, 8:00 a.m.

PLACE: Orlando Crowne Plaza-Universal, 7800 Universal Drive, Orlando, FL 32819, (407)355-0550

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business. A Request for Declaratory Statement by Akin Gump Strauss Hauer & Feld, LLP, will be presented via conference call.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, BIN C04, Tallahassee, Florida 32399-3254. The agenda will also be available one week prior to the meeting date at www.doh.state.fl.us/mqa/pharmacy.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting the Board of Pharmacy at (850)245-4292. If you are 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** announces a public meeting to which all persons are invited.

DATE AND TIME: March 19, 2008, 9:00 a.m. – 10:00 a.m.

PLACE: 4042 Bald Cypress Way, Room 225Q, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tanning Facilities program industry trends, policies, procedures and protocols.

A copy of the agenda may be obtained by contacting: VaKesha Brown, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710, (850)245-4277.

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

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATES AND TIMES: April 16, 2008, 8:00 a.m. – 6:00 p.m.; April 17, 2008, 8:00 a.m. – 6:00 p.m.; April 18, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: Hilton Cocoa Beach Oceanfront, 1550 North Atlantic Avenue, Cocoa Beach, FL 32931-3268

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council.

A copy of the agenda may be obtained by contacting Desi Lassiter at (850)245-4055.

For more information, you may contact Desi Lassiter at (850)245-4055.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of conference call meetings of its committees to which all interested parties are invited to participate. The committees are the Executive, Continuum of Care Capacity, Supportive Housing, Education, Application and Rule, and Discharge Planning.

Committee: Executive

DATE AND TIME: Monday, April 7, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

Committee: Continuum of Care Capacity

DATE AND TIME: Tuesday, April 8, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

Committee: Supportive Housing

DATE AND TIME: Wednesday, April 16, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

Committee: Education

DATES AND TIMES: Thursday, March 20, 2008; Thursday, April 17, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

Committee: Discharge Planning

DATES AND TIMES: Friday, March 21, 2008, Friday, April 18, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

Committee: Application and Rule

DATES AND TIMES: Friday, March 28, 2008; Friday, April 25, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call 1(888)808-6959, Code 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Strategic Plan to reduce homelessness in Florida.

A copy of the agenda for any of the conference calls may be obtained by contacting: Tom Pierce, Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-4691, or email Tom_Pierce @ dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 25, 2008, 10:00 a.m. – 12:00 Noon

PLACE: 401 N. W. 2 Ave., Suite N-425, Miami, FL 33128

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the designation of the following facility as a Baker Act Receiving Facility: UNIVERSITY OF MIAMI HOSPITAL.

A copy of the agenda may be obtained by contacting: Joanna Cardwell, Quality Improvement Supervisor by phone (305)377-5454.

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

For more information, you may contact: Joanna Cardwell, Quality Improvement Supervisor by phone (305)377-5454.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement** announces the following public workshops regarding possible amendments to the Boating Safety Rule in Martin County (Rule 68D-24.143, F.A.C).

FWC is holding a third workshop on March 25, 2008. While the public is welcome and encouraged to attend, there will not be an opportunity for public comment.

DATE AND TIME: Tuesday, March 25, 2008, 5:00 p.m. – 8:00 p.m.

PLACE: Blake Library, 2351 S. E. Monterey Road, Stuart, Florida (Martin Co., Rule 68D-24.143, F.A.C.)

Directions to Blake Library: Take SR 707 south to A-1-A, head east on A-1-A to Monterey Road, turn right onto Monterey Road (SR 704) library is on left. Telephone: (772)288-5702.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed changes to rules within this chapter are to: (1) correct and update locations of boating safety zones along the Florida Intracoastal Waterway (ICW) in Martin County, based upon

our findings of the Martin County Vessel Traffic Study; (2) improve clarity and consistency of language and definitions; (3) remove or revise obsolete locations of zones; and (4) respond to requests for revisions received from stakeholders and governmental entities.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the respective location at least five (5) calendar days before the meeting by contacting the ADA Coordinator, see numbers listed above. If you are hearing or speech impaired, please contact the agency by calling the numbers listed above.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services** announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, April 9, 2008, 10:00 a.m. – 1:00 p.m.

PLACE: Florida Department of Financial Services, 200 East Gaines Street, Room 116, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Public Hearing is being held to afford interested persons the opportunity to express their views concerning a petition for declaratory statement from the Leon County Sheriff's Office. The Petition seeks the agency's opinion as to whether the fulfillment of a contract between the Leon County Sheriff's Office and Government Payment Services, Inc. (GPS), that provides for a credit card payment to accomplish a pretrial release of criminal defendants, is in violation of the laws of Florida and provides for business activities which may only be conducted by a licensed bail bond agent or other person required to be licensed pursuant to Chapter 648, Florida Statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting Mr. Bill Tharpe at (850)413-4110.

Pursuant to the provisions of 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 Mr. Bill Tharpe at (850)413-4110. If you are 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 **Board of Funeral, Cemetery and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: April 2, 2008, 10:00 a.m. – 5:00 p.m.

PLACE: Betty Easley Conference Center, Department of Management Services, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above date relates to the next meeting of the Board of Funeral, Cemetery and Consumer Services. The public is advised to check with Department of Financial Services, Ms. LaTonya Bryant at (850)413-3039, before traveling to a scheduled meeting on the date above, to ascertain whether the meeting has been cancelled. Notice of such cancellations will be posted on the home page of the Division of Funeral, Cemetery and Consumer Services, www.myfloridacfo.com/FuneralCemetery, as soon as known.

A copy of the agenda may be obtained by contacting: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee, FL 32399-0361, or by calling Ms. Bryant at (850)413-3039. At least 7 days before each meeting, a copy of the agenda of the meeting may also be available. Agendas will be available on the home page of the Division of Funeral, Cemetery and Consumer Services, www.myfloridacfo.com/FuneralCemetery.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. LaTonya Bryant at (850)413-3039. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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** announces a public hearing to which all persons are invited:

DATE AND TIME: March 25, 2008, 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-204.101, F.A.C.; Disclosures to Viator of Disbursement, Florida Administrative Code, published on November 30, 2007 in Vol. 33, No. 48, issue of the F.A.W. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Bernie Stoffel at e-mail Bernie.stoffel@fldfs.com. If you are hearing

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

THE FULL TEXT OF THE PROPOSED RULE IS:

690-204.101 Disclosures to Viator of Disbursement.

(1) Prior to or concurrently with a viator's execution of a viatical settlement contract, the viatical settlement provider shall provide to the viator, in duplicate, a disclosure statement in legible written form disclosing:

(a) The name of each viatical settlement broker who receives or is to receive compensation and the amount of each broker's compensation related to that transaction. For the purpose of this rule, compensation includes anything of value paid or given by or at the direction of a viatical settlement provider or person acquiring an interest in one or more life insurance policies to a viatical settlement broker in connection with the viatical settlement contract; and

(b) A complete reconciliation of the gross offer or bid by the viatical settlement provider to the net amount of proceeds or value to be received by the viator related to that transaction. For the purpose of this rule, gross offer or bid shall mean the total amount or value offered by the viatical settlement provider for the purchase of an interest in one or more life insurance policies, inclusive of commissions, compensation, or other proceeds or value being deducted from the gross offer or bid.

(2) The disclosure statement shall be signed and dated by the viator prior to or concurrently with the viator's execution of a viatical settlement contract with the duplicate copy of the disclosure statement to be retained by the viator.

(3) If a viatical settlement contract has been entered into and the contract is subsequently amended or if there is any change in the viatical settlement provider's gross offer or bid amount or change in the net amount of proceeds or value to be received by the viator or change in the information provided in the disclosure statement to the viator the viatical settlement provider shall provide, in duplicate, an amended disclosure statement to the viator, containing the information in paragraphs (1)(a) and (b). The amended disclosure statement shall be signed and dated by the viator with the duplicate copy of the amended disclosure statement to be retained by the viator. The viatical settlement provider shall obtain the signed and dated amended disclosure statement.

(4) Prior to a viatical settlement provider's execution of a viatical settlement contract, the viatical settlement provider must have obtained the signed and dated disclosure statement and any amended disclosure statement required by this rule. In transactions where no broker is used the viatical settlement provider must have obtained the signed and dated disclosure statement from the viator.

(5) The documentation required in this rule shall be maintained by the viatical settlement provider pursuant to the provisions set forth in subsection 626.9922(2), Florida Statutes, and shall be available to the office at any time for copying and inspection upon reasonable notice to the viatical settlement provider.

Specific Authority 624.308(1), 626.9925 FS. Law Implemented 626.9923, 626.9924, 626.9925 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.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The State of Florida, **Agency for Enterprise Information Technology**, Chief Information Officers (CIO) Council announces a public meeting to which all persons are invited.

DATES AND TIME: Third Monday of every month for 2008, January 28, 2008; February 18, 2008; March 17, 2008; April 21, 2008; May 19, 2008; June 16, 2008; July 21, 2008; August 18, 2008; September 15, 2008; October 20, 2008; November 17, 2008; December 15, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Gail Kent, Department of Financial Services, email: kentg@dfs.state.fl.us or call at (850) 413-1557.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Gail Kent, Department of Financial Services, email: kentg@dfs.state.fl.us or call at (850)413-1557. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PASCO-PINELLAS AREA AGENCY ON AGING

The **Area Agency on Aging of Pasco-Pinellas** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday March 17, 2008, 9:30 a.m.

PLACE: Area Agency on Aging of Pasco-Pinellas, 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 over site.

A copy of the agenda may be obtained by contacting Elizabeth Laubach.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Elizabeth Laubach. If you are 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 **Area Agency on Aging of Pasco-Pinellas** announces a public meeting to which all persons are invited.

DATES AND TIME: April 9, 16, 21, 2008, 1:00 p.m.

PLACE: AAAPP Office, 9887 4th Street, North, Suite 100, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review proposals and make recommendation for the selection of the Case Management/Lead Agency Designation for Pasco County.

A copy of the agenda may be obtained by contacting Rachel Bryan at (727)570-9696, ext. 246.

Pursuant to the provisions of 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 Rachel Bryan at (727)570-9696, ext. 246. If you are 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 Rachel Bryan at (727)570-9696, ext. 246.

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 11, 2008, 8:00 a.m. – 4:00 p.m.

PLACE: Ft. Lauderdale Grande Hotel, 1881 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)463-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board of Directors meeting to review and discuss budgets, programs and projects; including any legislative actions that may affect operation of the FL Sports Foundation. A copy of the agenda may be obtained by contacting: Brenda W. Johnson, Florida Sports Foundation, 2930-101 Kerry Forest Parkway, Tallahassee, FL 32301, (850)488-8347. 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.

ENTERPRISE FLORIDA, INC.

The **Enterprise Florida, Inc.**, Legislative Policy Committee announces a telephone conference call to which all persons are invited. DATE AND TIME: March 17, 2008, 10:00 a.m. PLACE: 1(866)861-4345, Conference code 8502986636 GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss business climate issues that may be improved by the proactive support of the legislature. A copy of the agenda may be obtained by contacting April Money at (850)294-5864.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting April Money at (850)294-5864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The **Florida Atlantic Research and Development Authority** announces a public meeting to which all persons are invited. DATE AND TIME: March 19, 2008, 8:00 a.m. PLACE: Conference Room, 3701 FAU Blvd., Suite 210, Boca Raton, Florida 33431 GENERAL SUBJECT MATTER TO BE CONSIDERED: Agreements and approvals of modifications to previous agreements. A copy of the agenda may be obtained by contacting: Scott Ellington at Scott@research-park.org or (561)416-6092.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a public meeting to which all persons are invited.

DATE AND TIME: March 19, 2008, 2:00 p.m. PLACE: TRDA Business Innovation Center, 1050 West NASA Boulevard, Melbourne, FL 32901 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting of the Board of Directors. A copy of the agenda may be obtained by contacting: Dave Kershaw, Deputy Director, dkershaw@trda.org OR (321)872-1050, ext. 102.

The Florida **Technological Research and Development Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: March 19, 2008, 3:00 p.m. PLACE: TRDA Business Innovation Center, 1050 West NASA Boulevard, Melbourne, FL 32901 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting of the Foundation Board of Directors. A copy of the agenda may be obtained by contacting: Dave Kershaw, Deputy Director, TRDA at dkershaw@trda.org or (321)872-1050, ext. 102.

FLORIDA ALLIANCE FOR ASSISTIVE SERVICES AND TECHNOLOGY, INC.

The **Florida Alliance for Assistive Services and Technology, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday March 19, 2008, 9:00 a.m. – 2:00 p.m. PLACE: Park Plaza Hotel, 415 North Monroe Street, Tallahassee, FL 32301 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to conduct such business as specified on the agenda.

If you have any questions, please contact: FFAST, Inc., 325 John Knox Road, Bldg. 400, Ste. 402, Tallahassee, FL 32303, or by calling (850)487-3278.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 days before the workshop/meeting by contacting Tim McCann at (850)487-3278, ext. 100. If you are 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 Tim McCann at (850)487-3278, ext. 100.

SOIL AND WATER CONSERVATION DISTRICTS

The **South Dade Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2008, 9:30 a.m.
PLACE: Conference Room, USDA Florida City Service Center, 1450 N. Krome Ave., Ste. 102, Florida City, FL 33034
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly business of the Board of Supervisors, Mobile Irrigation and Nursery BMP labs.
A copy of the agenda may be obtained by contacting Linda. For more information, you may call: (305)242-1288.

The **Palm Beach Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: March 25, 2008, 8:00 a.m.
PLACE: USDA Service Center, 750 S. Military Trail, Suite H, West Palm Beach, FL 33415
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting Laura at (561)683-2285, ext. 3.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Omelio or Laura at (561)683-2285, ext. 3. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

TREASURE COAST EDUCATION AND RESEARCH DEVELOPMENT AUTHORITY

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 20, 2008, 2:00 p.m.
PLACE: Room 219 West, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of February 12, 2008 meeting, Treasurer's report, Preliminary Master Plan, committee reports, Executive Director's report, and such other business as the Authority may deem appropriate.

A copy of the agenda may be obtained by contacting the Authority at (772)467-3107.

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

VOLUNTEER FLORIDA FOUNDATION

The **Florida Faith-based and Community-based Advisory Council Subcommittee on Families** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 20, 2008, 3:00 p.m.
PLACE: 401 South Monroe Street, Tallahassee, FL 32301, 1(888)808-6959, Passcode: 4130909

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to how the faith-based and community-based organizations in Florida can assist initiatives to increase adoptions, reunifications of families and provide better foster care.

A copy of the agenda may be obtained by contacting: Suzanne Yack, Director, Florida Faith-based and Community-based Initiative.

Pursuant to the provisions of 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 Suzanne Yack at (904)755-7740. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Suzanne Yack, Director, Florida Faith-based and Community-based Initiative at (904)755-7740.

The **Florida Faith-based and Community-based Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 25, 2008, 1:00 p.m.
PLACE: Turlington Education Building, 325 W. Gaines Street, Room 603, Sixth Floor, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to how the faith-based and community-based organizations in Florida can better serve their communities and work cooperatively with governments to better the human condition.

A copy of the agenda may be obtained by contacting Suzanne Yack at (904)755-7740.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting Suzanne Yack at (904)755-7740. If you are hearing

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Suzanne Yack, Director, Florida Faith-based and Community-based Initiative at (904)755-7740.

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION, INC.

The **Florida Self-Insurers Guaranty Association, Inc.** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, March 24, 2008, 10:00 a.m.

PLACE: Florida Self-Insurers Guaranty Association, Inc., 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to discuss general business of the Association.

A copy of the agenda may be obtained by contacting: Brian Gee, Executive Director, Florida Self-Insurers Guaranty Association, 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, FL 32308, (850)222-1882.

HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY

The **Hardee County Economic Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: March 25, 2008, 8:30 a.m.

PLACE: 412 W. Orange Street, Room 102, Wauchula, FL 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: sandy.meeks@hardeecounty.net.

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

For more information, you may contact: sandy.meeks@hardeecounty.net.

FLORIDA ASSOCIATION OF COMMUNITY COLLEGES

The **Florida Council of Community College Presidents** announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2008, 8:00 a.m.

PLACE: TCC Capitol Center, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to Florida's community colleges.

A copy of the agenda may be obtained by contacting: Tina Ingramm at (850)222-3222.

For more information, you may contact: Michael Comins, 113 East College Ave., Tallahassee, FL 32301.

GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities' Employment Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: March 28, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, FL 32399. Teleconference number 1(888)808-6959, Conference Code 9214170#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is meeting to fulfill the mandate of Executive Order 07-148.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners.

FLORIDA INDEPENDENT LIVING COUNCIL, INC.

The **Florida Independent Living Council, Inc.** announces a telephone conference call to which all persons are invited.

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, April 3, 2008, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

DATE AND TIME: Thursday, April 10, 2008, 1:30 p.m.

FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Evaluation Committee Meeting
 DATE AND TIME: Thursday, April 10, 2008, 2:30 p.m. (EST)
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Finance Committee Meeting
 DATE AND TIME: Thursday, April 17, 2008, 1:30 p.m. (EST)
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303
 MEETING: Executive Committee Meeting
 DATE AND TIME: Thursday, April 24, 2008, 2:30 p.m. (EST)
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303
 MEETING: Advocacy Committee Meeting
 DATE AND TIME: Thursday, May 1, 2008, 1:30 p.m. (EST)
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Planning Committee Meeting
 DATE AND TIME: Thursday, May 8, 2008, 1:30 p.m. (EST)
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Evaluation Committee Meeting
 DATE AND TIME: Thursday, May 8, 2008, 2:30 p.m. (EST)
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Finance Committee Meeting
 DATE AND TIME: Thursday, May 15, 2008, 1:30 p.m. (EST)
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Executive Committee Meeting
 DATE AND TIME: Thursday, May 22, 2008, 2:30 p.m. (EST)
 PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.
 COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.
 A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or Toll Free 1(877)822-1993. Please call the numbers listed to obtain conference call in number and code.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)
 Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

The Florida Clerks of Court Operations Corporation announces a public meeting to which all persons are invited.
 DATE AND TIME: April 8, 2008, 1:00 p.m. (ET)
 PLACE: Duval A Room, Crowne Plaza, Jacksonville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: CCOC Committee Updates, budget forms, instructions, and training, and other budget-related issues.
 A copy of the agenda may be obtained by visiting our website at www.flccoc.org.

**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 BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Marilyn Boyer, Unit Owner, In RE: Prentiss Pointe

Condominium Association, Inc., Docket No. 2008001248 on January 7, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the petitioner withdrew her petition.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Gustavo E. Frances, In RE: North Lake Condominium Association, Docket No. 2008010968. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes as it applies to the petitioner.

Whether North Lake Condominium Association has complied with Section 718.303(3), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Thomas Green and Brian Salnek, Petitioners, and Sydney Long, Co-Petitioner, In RE: Hidden Lake Villas Condominium Association, Inc., Docket No. 2008010992. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, as it applies to the petitioner.

Whether an amendment to the declaration for Hidden Lake Villas Condominium, which was recorded in 2002 in the public records and which decreased the vote required to amend and changed leasing and other restrictions, is valid under Section 718.110(1), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Verda Justice, Petitioner, In RE: Live Oak Village Condominium, Inc., Docket No. 2008011712. The petition seeks the agency's opinion as to the applicability of as it applies to the petitioner.

Whether Live Oak Village Condominium, Inc. may enforce a business use restriction in the declaration to prohibit an owner from making business calls from her residential unit.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Frederic G. Schaub, Petitioner/Buyer, In Re: Salida Del Sol, LLC; Docket Number 2007067913 on December 18, 2007. The following is a summary of the agency's declination of the petition: The Division declined to issue an order because a declaration may not decide a contract dispute and because it would affect the substantial interests of persons who are not parties.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

NOTICE IS HEREBY GIVEN THAT on February 19, 2008, the Board of Psychology has received the petition for declaratory statement from Robert H. Woody, Ph.D. The petition seeks the agency’s opinion as to the applicability of Sections 456.054, 490.009(1)(j), and 490.012(6), F.S., as it applies to the petitioner.

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

The petition seeks the Board’s interpretation of Sections 456.054, 490.009(1)(j), and 490.012(6), F.S., concerning the propriety of a payment arrangement that is based on a percentage of collections from services provided by a licensed or unlicensed associate, who may be either an employee or an independent contractor.

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

A copy of the Petition for Declaratory Statement may be obtained by contacting: Allen Hall, Acting Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253.

The University of Florida Board of Trustees announces that Professional Services in the disciplines of engineering and architecture for Total Building Commissioning will be required for the project listed below:

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.”

Project: UF-273, Harn Museum Asian Art Wing (Gainesville, FL)

The facility will include a roughly 22,000 GSF addition to the west side of the existing Harn Museum. The addition will be three stories with storage and loading dock functions on the lower level, gallery space on the main level and offices, conference and donor spaces on the upper level. In addition, there will be an exterior Asian Garden accessed from the Galleries. Being a museum, there are stringent restrictions on temperature and humidity controls, as well as natural daylight levels. The scope of services shall include design phase peer review, completion and maintenance of the Owner’s Project Requirements (OPR) document, development of the Commissioning Plan and Commissioning Specifications, and construction phase pre-functional, functional, and performance testing for mechanical, electrical, building automation, and building envelope systems. The consultant shall also support project efforts to achieve higher-than-normal energy efficiency and attain minimum Silver LEED certification.

Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.

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

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet for Commissioning Consultants, and other background information. The proposal shall be limited to 20 single-sided pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services.
2. A completed Commissioning Services Proposal Form using the project-specific version available at the UF Facilities Planning and Construction website. Applications on any other form will not be considered.
3. Resumes and copies of the applicant's current Professional Registration Certificate(s) from the appropriate governing board, corporate charter(s) if applicable, LEED accreditation, and other pertinent credentials.

At the time of application, the applicant must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession 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. 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 applicant 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 Commissioning Services Proposal Form, Project Fact Sheet, UF Design Services Guide, UF Design and Construction Standards, FP&C non-technical specifications, standard University of Florida Owner-Commissioning Consultant agreement, and other project and process information can be found on the Facilities Planning and Construction website. Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. (Local Time), on Thursday, April 3, 2008. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction

232 Stadium / P. O. Box 115050

Gainesville, FL 32611-5050

Telephone: (352)392-1256

FAX: (352)392-6378

Internet: www.facilities.ufl.edu

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Florida Board of Trustees, announces that continuing Campus Professional Services in the following numbers and disciplines: eight (8) Architects, eight (8) Mechanical/Electrical/Plumbing/Fire Protection Engineers, four (4) Environmental Engineers, two (2) Structural Engineers, four (4) Civil Engineers, two (2) Commissioning Engineers, four (4) Surveyors, and two (2) Landscape Architects, are required for the project listed below:

UFMP-08, Annual Campus Service Continuing Renovation/Construction Minor Projects

Typical projects assigned under this contract may include new construction, renovation, remodeling, reroofing and other building maintenance, equipment installation, pre-engineered metal buildings, greenhouses, pole barns, asbestos abatement, and fire code corrections. Areas requiring renovation or remodeling may include animal research or holding areas, research laboratories, classrooms, library and media centers, offices and related functions, outpatient clinics, reception and waiting areas, lobbies and corridors, atriums, courtyards and plazas, modular and pre-engineered buildings, apartments, dormitories, and associated roadways, sitework, sidewalks, and landscaping. Projects could be located on the University of Florida main campus or at UF and IFAS facilities throughout the State of Florida. The maximum per-project construction cost is \$1,000,000.

These are open-ended contracts, each for a period of one year with an option to renew for two additional one-year periods at the agreement of both parties. Contract discipline numbers will be as described above. In the "Architect" and "M/E/P/FP Engineer" disciplines, one (1) of the eight (8) contracts will be awarded to a "Small Business", as defined on the UF Small Business and Vendor Diversity web site <http://sbvdr.admin.ufl.edu>, one (1) of the eight (8) contracts will be awarded to an "Emerging Business", defined as having performed less than \$15,000 in design fees at the University of Florida cumulatively over the past three fiscal years, and one (1) of the eight (8) contracts will be awarded to a "Small Emerging Business", defined as one meeting both of the above criteria. In the "Environmental Engineer", "Civil Engineer", and "Surveyor" disciplines, one (1) of the four (4) in each discipline will be awarded to a "Small Business" as defined in the above web site.

The selected firms will provide design, construction documents and construction administration services for any Minor projects assigned under the referenced project. Blanket

professional liability insurance will be required for each assigned project in the amount of \$1,000,000. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the Project Fact Sheet, Professional Qualifications Statement and PQS Instructions, and other background information. Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. At the time of application, the applicant must possess current design licenses from the appropriate licensing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida at the time of application. The proposal shall be limited to 26 single-sided, or 13 double-sided, consecutively-numbered pages (including the PQS, but not including the cover sheet, table of contents, and blank divider pages) and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, and other goals and considerations as outlined in the Project Fact Sheet.
2. A completed, project-specific "Professional Qualifications Statement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation (if available), and other pertinent credentials for all proposed staff.
4. Proof of the applicant's corporate status in Florida and copies of current licenses for applicant from the appropriate licensing board.
5. Proof of the applicant's ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The project-specific PQS form, instructions, Project Fact Sheet, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information can be found on the Facilities Planning and Construction website. Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The Selection Committee may reject all proposals and stop the selection process at any time.

Five (5) bound copies of the required proposal must be received at the University of Florida Purchasing and Disbursement Services, to the attention of Sarah Vidal, Building 365, Elmore Hall, Radio Rd., P. O. Box 115250, Gainesville, FL 32611 no later than the deadline of 3:00 p.m. local time on Friday, April 11, 2008. If an applicant is applying for multiple categories within one discipline (i.e. Small, Emerging, or Small Emerging Architecture Businesses), only one 5-copy submittal is required, but the Application cover letter must indicate which categories are applicable. If an applicant is applying for multiple disciplines (i.e. Civil Engineer and Surveyor), one 5-copy submittal is required for each applicable discipline. Facsimile (FAX) or e-mailed submittals are not acceptable and will not be considered.

The schedule of the selection process is as follows:

Pre-proposal conference (non-mandatory): April 2, 2008, 1:30 p.m., Hilton Conference Center, 1714 S. W. 34 St., Gainesville

Applications due: April 11, 2008, 3:00 p.m. (EST), address listed above

Shortlist meeting: April 25, 2008, 1:00 p.m. (EST), 226 Stadium

Final Interviews: May 15 – May 22, 2008, 8:00 a.m. – 5:00 p.m. (EST), 101 Elmore Hall

Selection Deliberations/Scoring: May 23, 2008, 8:00 a.m. (EST), 101 Elmore Hall

Further information may be obtained from the UF FP&C website, www.facilities.ufl.edu, or by contacting: Selection Committee Chairman Miles Albertson, Associate Director, UF Facilities Planning and Construction, Health Science Center Office, Box 100003, Room DG-23, Gainesville, FL 32610, Fax (352)273-7909, Phone (352)273-7902, e-mail ama@ufl.edu.

NOTICE TO CONSTRUCTION MANAGERS

The University of Florida Board of Trustees announces that continuing CM-At-Risk services will be required for the project listed below:

UFMP-08, Annual Campus Service Continuing Renovation/Construction Minor Projects

Typical projects assigned under this contract may include new construction, renovation, remodeling, reroofing and other building maintenance, equipment installation, pre-engineered metal buildings, greenhouses, pole barns, asbestos abatement, and fire code corrections. Areas requiring renovation or remodeling may include animal research or holding areas, research laboratories, classrooms, library and media centers, offices and related functions, outpatient clinics, reception and waiting areas, lobbies and corridors, atriums, courtyards and plazas, modular and pre-engineered buildings, apartments, dormitories, and associated roadways, sitework, sidewalks, and landscaping. Projects could be located on the University of

Florida main campus or at UF and IFAS facilities throughout the State of Florida. The maximum per-project construction cost is \$1,000,000.

This is an open-ended contract for a period of one year with an option to renew for two additional one-year periods. Eight (8) contracts will be awarded. Two (2) of the eight (8) contracts will be awarded to "Small Businesses", as defined on the UF Small business & Vendor Diversity web site <http://sbvdr.admin.ufl.edu>. One (1) of the eight (8) will be awarded to an "Emerging Business", defined as one having performed less than \$500,000 in construction at the University of Florida cumulatively over the past three fiscal years. One (1) of the eight (8) will be awarded to a "Small Emerging Business", defined as one meeting the Small Business criteria referenced above and having performed less than \$500,000 in construction at the University of Florida cumulatively over the past three fiscal years.

Typically, the contract for an assigned project's construction management services will begin at the 60% Construction Document stage but may include limited production of budget 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 a Guaranteed Maximum Price (GMP) proposal based on 60 or 100% Construction Documents. If the GMP proposal is accepted and executed, 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 management fee for an assigned project, or failure to arrive at an acceptable GMP as provided in the agreement, may result in non-execution of the project Purchase Order.

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. 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 at the time of application.

The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the Project Fact Sheet, Construction Manager Qualifications Statement and CMQS Instructions, and other background information. The proposal shall be limited to 26 single-sided or 13 double-sided,

consecutively-numbered pages (including the CMQS, but not including the cover sheet, table of contents, or blank divider pages) 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.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Statement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation (if available), and other pertinent credentials for all proposed staff.
5. Proof of the applicant's corporate status in Florida and a copy of the applicant's current contracting license from the appropriate licensing 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.

The project-specific CMQS form, instructions, Project Fact Sheet, UF Design and Construction Standards, standard University of Florida Owner-CM agreement, and other project and process information can be found on the Facilities Planning and Construction website. Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

Five (5) bound copies of the required proposal must be received at the University of Florida Purchasing and Disbursement Services, to the attention of: Sarah Vidal, Building 365, Elmore Hall, Radio Rd., P. O. Box 115250, Gainesville, FL 32611 no later than the deadline of 3:00 p.m. (Local Time), Friday, April 11, 2008. If an applicant is applying for multiple categories (i.e. Small, Emerging, or Small Emerging Businesses), only one 5-copy submittal is required, but the Application cover letter must indicate which categories are applicable. Facsimile (FAX) or e-mailed submittals are not acceptable and will not be considered.

The schedule of the selection process is as follows:

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Selection Deliberations/Scoring: May 23, 2008, 8:00 a.m. (EST), 101 Elmore Hall

Further information may be obtained from the UF FP&C website, www.facilities.ufl.edu, or by contacting: Selection Committee Chairman Miles Albertson, Associate Director, UF Facilities Planning and Construction, Health Science Center Office, Box 100003, Room DG-23, Gainesville, FL 32610, Fax (352)273-7909, Phone (352)273-7902, e-mail ama@ufl.edu.

NOTICE TO CONSTRUCTION MANAGERS

Florida State University, State of Florida, announces that construction management services will be required for the project listed below.

Project No. FS-206

Project and Location: Florida State University School Additions
Florida State University School, Tallahassee, Florida

The project consists of the design and construction of three new classroom buildings, containing four classrooms in each building and totaling approximately 20,058 gsf. The buildings will be strategically located on the existing FSU School campus, which is located at 3000 School House Road, Tallahassee, FL 32311. Funding for this project will be phased, with an initial project amount for Phase I of \$5,000,000, of which approximately \$3,989,000 will be used for construction. Funding for Phase II of the project is estimated to be approximately \$8,000,000. The construction management team will be selected to perform professional services on Phase I of the project, and upon the satisfactory performance of services for Phase I, and at the discretion of the owner, their agreement may be amended to include the performance of services for subsequent phases of the project. The selected firm will be required to have bonding capacity for Phases I and II of the project. The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be

made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; recordkeeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualifications of the firm's personnel, staff and consultants.

Finalists will be provided with the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and, if requested, a copy of the standard Florida State University's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Instructions:

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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.

The Florida State University Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained through the website at www.fpc.fsu.edu or by contacting:

Lynetta Mills, Facilities Design and Construction
109 Mendenhall Maintenance Building A, Florida
State University, Tallahassee, Florida 32306-4152
(850)644-2843 telephone, (850)644-8351 facsimile

For further information on the project, contact Marvin Beard, Assistant Director, at the address and phone listed above.

Six bound copies of the required proposal data shall be submitted. Submittals must be received at the address listed above by 2:00 p.m. (Local Time), on Tuesday, April, 15, 2008.

Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. All applicants will be notified of the results of the short listing via the Facilities Design and Construction web site at www.fpc.fsu.edu.

NOTICE OF CANCELLATION
PARKVIEW HOUSING – BT-889
PARKING GARAGE SIX – BT-868

Notice is hereby given that the Florida International University Board of Trustees Request for Qualifications in the discipline of Design-Build Construction Services for Parkview Housing – BT-889/Parking Garage Six – BT-868, as published in the February 15, 2008 issue of the F.A.W., Vol. 34, No. 7, is hereby cancelled.

NOTICE TO PROFESSIONAL CONSULTANTS

The Florida International University Board of Trustees, announces that professional services in the discipline of Roofing consultant services will be required for the project listed below:

Project and Location: Continuing Services Roofing Consultant, Florida International University, all sites, Miami, Florida.

Continuing Services Contracts are specific projects for roofing related services for both Capital and Minor Construction Projects and include roof repair and replacement design documents, construction management, inspection of work for compliance with Chapter 15, Florida Building Code, and quality control. These projects may be either renovation or new construction that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. This will be a multiple award contract for an initial period of one year with an Owner's option to renew an additional year. Two contracts will be awarded. Continuing Services Contracts provide that the consultant will be available on an as-needed basis for the Fiscal Year, July 1 - June 30.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed (former Board of Regents) "Professional Qualifications Supplement (SUSPQS)," dated September 1999 with FIU revisions dated 2/22/2008. Applications on any other form will not be considered. It is the intent of FIU to encourage participation by qualified Minority Business Enterprises however, State of Florida MBE Certification is not a factor in the selection process. Disregard paragraph 4 on page 2 of the instructions.
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 properly 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 that do not comply with the above instructions will not be considered. Application material will not be returned. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of qualifications without obligation to the respondent.

The plans and specifications for A/E 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 \$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.

Professional Qualifications Supplement forms and the Project Fact Sheet may be obtained from the web-site <http://facilities.fiu.edu> (Applicant firms may find project under Selection Process Information). Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Facilities Planning at (305)348-4090 or via email to cecilia@fm.fiu.edu. Submit qualifications to: Selection Committee, Florida International University, Facilities Planning, Campus Support Complex, Room #236, University Park, Miami, Florida 33199, by 2:00 p.m. (Local Time), on April 11, 2008. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

AMENDED ADVERTISEMENT – Request for Qualifications
(RFQ) for Construction Management Services

The Office of Facilities Design and Construction announces that Construction Management services are required for the following project: Project Name and Number: Egress Improvements at Robert E. Lee High School No. 33/DCSB Project No. C-91260 and Egress Improvements at Nathan B. Forrest High School No. 241/DCSB Project No. C-91270. Project Location: Robert E. Lee High School, 1200 McDuff Avenue, S., Jacksonville, FL 32205 and Nathan B. Forrest High School, 5530 Firestone Road, Jacksonville, FL 32244. RFQ's ARE DUE ON OR BEFORE APRIL 8, 2008 AND WILL BE ACCEPTED UNTIL 4:30 p.m.

The selected Construction Manager will provide preconstruction services including value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase.

Scope of Work: The project scope at Lee High School No. 33 shall consist of a Fire Sprinkler System for Building 1 and associated egress improvements. The building was originally constructed in 1926 and has undergone various revisions since that time. The project scope at Nathan B. Forrest High School No. 241 shall consist of a Fire Sprinkler System and associated egress improvements including, but not limited to, smoke partitions, doors and hardware. The estimated construction cost is "Budgeted Not to Exceed" amount of \$2,950,000.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including but not limited to experience and ability, financial capability, record keeping/administrative ability, critical path scheduling expertise, cost estimating, cost control ability, quality control ability, qualifications of firm's personnel, staff and consultants, and distance from the construction site. The selected firm shall be required to execute the Duval County School Board standard form of agreement.

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids and proposals for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. All firms submitting proposals shall be required to be Pre-qualified prior to April 8, 2008 (due date).

Firms who are not approved as a pre-qualified bidder will not be considered for award of this contract.

Prequalification forms and information may be obtained at <http://www.duvalschools.org/static/aboutdcps/departments/facilities/downloads/Prequal.Procedures.doc> and <http://www.duvalschools.org/static/aboutdcps/departments/facilities/downloads/PREQUAL%20%20APP.doc>.

Proposal information for Award Selection may be obtained at <http://www.duvalschools.org/static/aboutdcps/departments/facilities/downloads/SelectionoftheConstructionManagementFirm.doc>.

Applications are to be sent to: Facilities Design and Construction, 1701 Prudential Drive, 5th Floor, Jacksonville, FL 32207-8182.

PROJECT MANAGER: Kris Eskelin

PHONE NO.: (904)390-2279

MBE GOALS: 15% overall based on available MBE's

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS

**REQUEST FOR PROPOSALS FOR
COMMUNITY TRANSPORTATION COORDINATOR
FOR THE TRANSPORTATION DISADVANTAGED
IN GLADES COUNTY AND THE
HENDRY COUNTY JOINT SERVICE AREA**

The Southwest Florida Regional Planning Council will accept proposals from qualified agencies or firms to coordinate a transportation disadvantaged program in the joint service area of Glades County and Hendry County, Florida. Proposals will be received until the deadline of 4:00 p.m., Thursday, April 10, 2008, at the offices of the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901.

The selection firm will serve as the designated Community Transportation Coordinator for the Transportation Disadvantaged, as authorized by Chapter 427, Florida Statutes, and more fully described in Chapter 41-2, Florida Administrative Code. In this Request for Proposals, the designated Community Transportation Coordinator shall be responsible for the coordination of transportation services. The firm shall be responsible for arranging trips. Trips may be provided directly by the firm, or subcontracted out to other qualified transportation providers. Under this proposal, the designated community transportation coordinator shall commence coordination on July 1, 2008.

PRE-PROPOSAL MEETING: In order to review requirements of this Request for Proposals and provide answers to questions from interested agencies/firms, a non-mandatory pre-proposal meeting will be held on Friday, March 21, 2008, 10:00 a.m., at the offices of the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901. Firms and agencies represented will have an opportunity to clarify any information contained in the request for proposals. Questions can be submitted in writing prior to the pre-proposal meeting. No statements made during the pre-proposal meeting will be considered binding changes to this solicitation unless they are subsequently issued as a written addendum to this proposal package.

Copies of this document may be obtained on or after March 17, 2008, by appearing in person or contacting: Deborah Kooi, Administrative Service Manager, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901, (239)338-2550, ext. 210, Fax (239)338-2560. There may be a cost to obtain a copy of the complete document.

**REQUEST FOR PROPOSALS FOR
COMMUNITY TRANSPORTATION COORDINATOR
FOR THE TRANSPORTATION DISADVANTAGED
IN LEE COUNTY**

The Southwest Florida Regional Planning Council will accept proposals from qualified agencies or firms to coordinate a transportation disadvantaged program in Lee County, Florida.

Proposals will be received until the deadline of 4:00 p.m., Thursday, April 10, 2008, at the offices of the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901.

The selection firm will serve as the designated Community Transportation Coordinator for the Transportation Disadvantaged, as authorized by Chapter 427, Florida Statutes, and more fully described in Chapter 41-2, Florida Administrative Code. In this Request for Proposals, the designated Community Transportation Coordinator shall be responsible for the coordination of transportation services. The firm shall be responsible for arranging trips. Trips may be provided directly by the firm, or subcontracted out to other qualified transportation providers. Under this proposal, the designated community transportation coordinator shall commence coordination on July 1, 2008.

PRE-PROPOSAL MEETING: In order to review requirements of this Request for Proposals and provide answers to questions from interested agencies/firms, a non-mandatory pre-proposal meeting will be held on Friday, March 21, 2008, 10:00 a.m., Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901. Firms and agencies represented will have an opportunity to clarify any information contained in the request for proposals. Questions can be submitted in writing prior to the pre-proposal meeting. No statements made during the pre-proposal meeting will be considered binding changes to this solicitation unless they are subsequently issued as a written addendum to this proposal package.

Copies of this document may be obtained on or after March 17, 2008, by appearing in person or contacting: Deborah Kooi, Administrative Service Manager, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901, (239)338-2550, ext. 210, Fax (239)338-2560. There may be a cost to obtain a copy of the complete document.

The Apalachee Regional Planning Council is seeking qualifications from firms interested in coordinating transportation services for the transportation disadvantaged in Jefferson County, Florida. The selected firm will be the designated Community Transportation Coordinator (CTC) for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Rule 41-2, Florida Administrative Code (F.A.C.).

The CTC is defined by Chapter 427, F.S., as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The CTC has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

Interested providers are required to provide the following as proof of qualifications: description of organization, an organizational chart, capabilities and background information, prior work accomplishments, explanation of coordination experience, scheduling and routing software used by your organization, a list of vehicles to be used (if applicable); proof of insurability, credit references, a current financial statement and a current Medicaid provider number.

Interested providers should submit four (4) copies of their expression of interest and qualifications in a sealed envelope to: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, Florida 32424 by 12:00 Noon (Central Time), April 4, 2008. The envelope must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR JEFFERSON COUNTY CTC." Faxed and emailed responses WILL NOT be accepted. Letters received after the deadline will be returned unopened. Only responses to the request for letters of interest will be considered if a request for proposals is issued for the CTC.

Questions should be addressed to Ms. Vanita Anderson, TD Program Coordinator, at the address listed above. The Apalachee Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

Request for Letters of Interest and Qualifications

The Apalachee Regional Planning Council is seeking qualifications from firms interested in coordinating transportation services for the transportation disadvantaged in Franklin County, Florida. The selected firm will be the designated Community Transportation Coordinator (CTC) for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Chapter 41-2, Florida Administrative Code (F.A.C.).

The CTC is defined by Chapter 427, F.S., as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The CTC has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

Interested providers are required to provide the following as proof of qualifications: description of organization, an organizational chart, capabilities and background information, prior work accomplishments, explanation of coordination experience, scheduling and routing software used by your organization, a list of vehicles to be used (if applicable); proof of insurability, credit references, a current financial statement and a current Medicaid provider number.

Interested providers should submit four (4) copies of their expression of interest and qualifications in a sealed envelope to: Apalachee Regional Planning Council, 20776 Central

Avenue, East, Suite 1, Blountstown, Florida 32424 by 12:00 Noon (Central Time), April 4, 2008. The envelope must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR FRANKLIN COUNTY CTC." Faxed and emailed responses WILL NOT be accepted. Letters received after the deadline will be returned unopened. Only responses to the request for letters of interest will be considered if a request for proposals is issued for the CTC.

Questions should be addressed to Ms. Vanita Anderson, TD Program Coordinator, at the address listed above. The Apalachee Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

Request for Letters of Interest and Qualifications

The Apalachee Regional Planning Council is seeking qualifications from firms interested in coordinating transportation services for the transportation disadvantaged in Jackson County, Florida. The selected firm will be the designated Community Transportation Coordinator (CTC) for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Chapter 41-2, Florida Administrative Code (F.A.C.).

The CTC is defined by Chapter 427, F.S., as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The CTC has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

Interested providers are required to provide the following as proof of qualifications: description of organization, an organizational chart, capabilities and background information, prior work accomplishments, explanation of coordination experience, scheduling and routing software used by your organization, a list of vehicles to be used (if applicable); proof of insurability, credit references, a current financial statement and a current Medicaid provider number.

Interested providers should submit four (4) copies of their expression of interest and qualifications in a sealed envelope to: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, Florida 32424 by 12:00 Noon (Central Time), April 4, 2008. The envelope must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR JACKSON COUNTY CTC." Faxed and emailed responses WILL NOT be accepted. Letters received after the deadline will be returned unopened. Only responses to the request for letters of interest will be considered if a request for proposals is issued for the CTC.

Questions should be addressed to Ms. Vanita Anderson, TD Program Coordinator, at the address listed above. The Apalachee Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

REGIONAL TRANSPORTATION AUTHORITIES

REQUEST FOR PROPOSAL NO. 08-003 MARKETING, PUBLIC RELATIONS, AND ADVERTISING SERVICES

The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, operates Tri-Rail, a seventy-two (72) mile commuter rail service with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach counties.

THE PURPOSE of this Request for Proposal (RFP) is to enter into an agreement with a qualified firm to provide public relations, public information, marketing services, and advertising, including but not limited to: copywriting, editing, proofing, event planning and coordination, media and community relations (including spokesperson activities), graphic design and print coordination. The term of the agreement will be for a period of five (5) years. Proposers must possess a minimum of five (5) years of recent and relevant experience in managing campaigns to assist public transit/transportation clients.

A REQUEST FOR DOCUMENTS should be directed to Mr. Robert Becker at SFRTA, 800 N. W. 33 Street, Pompano Beach, Florida 33064, (954)788-7909. The cost of the solicitation document is Fifty Dollars (\$50.00) non-refundable. Checks or money orders made payable to SFRTA should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about March 17, 2008.

A PRE-PROPOSAL CONFERENCE will be held in the SFRTA Board Room at the address above on March 24, 2008 at 2:00 p.m. The purpose of the meeting will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED PROPOSALS: All proposals must be received as per the RFP instructions no later than 5:00 p.m. Eastern Time on April 17, 2008, at the SFRTA office in Pompano Beach.

SFRTA reserves the right to postpone, accept, or reject any and all proposals in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All proposals shall remain in effect for One Hundred Eighty (180) days from the RFP submission due date.

DBE PARTICIPATION: SFRTA solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination.

CONE OF SILENCE: Any verbal or written communications between any Proposer (potential or actual), or its representatives and any SFRTA Board Member, staff member, committee member, or consultant regarding this procurement are strictly prohibited from the date of the RFP advertisement through the date of execution of the contract. The only exceptions to this are: (1) written requests regarding information or clarification made to SFRTA's designated contract specialist during the allowable time period under the solicitation; (2) any communications at a publicly noticed meeting of SFRTA; and (3) any communications with the SFRTA Director of Procurement. Any violation of the requirements set forth in this section shall constitute grounds for immediate and permanent disqualification of the Proposer/violator from participation in this procurement.

DEPARTMENT OF CORRECTIONS

NOTICE TO PROFESSIONAL CONSULTANTS FOR PROFESSIONAL ENGINEERING SERVICES

RFQ AE037

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from engineering firms to provide Structural Engineering Services for Statewide projects. Applications from qualified firms are to be sent to the attention of: Sandra L. Rogers, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)922-8855. The selected firm may be required to perform its services on an accelerated schedule.

INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application/interest, indicating within the body of the letter your firm's specific abilities, respective to the particular project's requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at the following website address: http://vbs.dms.state.fl.us/vbs/search.criteria_form.
2. A reproduction of the firm's current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.
3. Attach a current copy of the SF330 for the office(s) that will be performing the work. This form may be found at the following website address: <http://www.gsa.gov>.

4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe scope of work to be assigned to any sub-consultant and include a SF330 for each sub-consultant.
6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).
7. Names, addresses and phone numbers of at least five (5) other agencies for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm's project manager and specific services provided in each case.
8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references (none from current or former Department of Corrections personnel) and any other supporting information.

Submit one original letter of application/interest and five (5) copies of the required data. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, ("Consultants' Competitive Negotiation Act").

The awarded firm shall not knowingly engage in this project, on a full time, part time or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, Florida Statutes.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request for Qualifications (RFQ). Under the authority delegated to the Secretary of the Department of Corrections by Section 287.055, Florida Statutes, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting, after approval by the Secretary, through the following website address: http://vbs.dms.state.fl.us/vbs/search.criteria_form. It is the firm's responsibility to check the website for updated information.

Response Date: April 14, 2008 by 4:00 p.m. (EDT). Late submittals will not be opened or considered.

PROJECT: Provide Continuing Statewide Structural Engineering services for projects in which basic construction cost, for each project, does not exceed \$1,000,000, or for a study activity when the fee for professional services does not exceed \$50,000.

CONTRACT TERM: Services are for projects authorized within a two (2) year period with an option to renew for one (1) additional two (2) year period.

EXPERIENCE: Candidate firms need to provide information regarding their experience and expertise in the following areas: structural design of correctional institutional buildings, small buildings, additions to buildings and renovation projects.

LOCATION: Most of the work will be related to working on prototype designs for projects statewide, thus, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, is designated as the project site for purposes of the selection process.

Architect: Ned Terry, Architect Supervisor, (850)410-4217.

**BUREAU OF PROCUREMENT AND SUPPLY
PUBLIC ANNOUNCEMENT FOR CONSTRUCTION
MANAGEMENT SERVICES**

Project Name: Construction Management Services
Project Description: Lowell Reception Center
Lowell, Florida and
Sumter Reception Center
Bushnell, Florida

The Department of Corrections, Bureau of Procurement and Supply, requests qualifications from CONSTRUCTION MANAGEMENT firms to provide services for the construction of a prototype Reception Center adjacent to the Marion Correctional Institution in Lowell, Florida and a Reception Center adjacent to the Sumter Correctional Institution, in Bushnell, Florida. The project will include the construction of a Secure Housing Unit at the Sumter Main Unit; Expansion of the existing water and wastewater treatment plants and sitework and utilities related to the staff housing and training areas at both the Marion Correctional Institution and the Sumter correctional Institution. The construction budget for the Lowell project is estimated to be \$77,660,000 and the Sumter project is estimated at \$87,300,000. Planning monies are currently available for limited pre-construction services with the remaining funding, over several years, pending Legislative appropriation of funds in July 2008. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Chapter 60D-5, Florida Administrative Code, and the Request for Qualification procedures and criteria which may be obtained from Julyn Hussey at the address and phone number below. Firms interested in being considered for this project are encouraged to attend an information meeting at: Department of Corrections, Central Office, Second Floor, Classroom B, 2601 Blair Stone Road, Tallahassee, Florida on March 26, 2008 at 10:00 a.m. (EDT). To be considered, interested firms must submit an application in accordance with the Request for

Qualifications by April 14, 2008, 4:00 p.m. Eastern Daylight Time (EDT), faxed submissions are not acceptable. Submit copies of your Statement of Qualification to the Department of Corrections' Attn.: Julyn Hussey, Bureau of Procurement and Supply, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)410-4049.

The State of Florida's performance and obligation to contract for these services are contingent upon annual appropriations by the Legislature.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

Request for Qualifications 2008-001 for Environmental
Engineering/Consulting Services

The Florida Housing Finance Corporation invites all qualified firms to provide environmental consultant and professional services for and on behalf of Florida Housing Finance Corporation to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, April 18, 2008, to the attention of: Robin L. Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin L. Grantham at (850)488-4197 or robin.grantham@floridahousing.org. To obtain a copy of the Request for Qualifications, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin L. Grantham, or you can download the Request for Qualifications from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForQualifications.htm>.

Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

Request for Proposals 2008-02 for Printing Services

The Florida Housing Finance Corporation invites all qualified firms to provide services for the printing, binding, shipping, and electronic transmission of preliminary and final official statements and related materials to be issued by Florida Housing to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, April 11, 2008, to the attention of: Robin L. Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact: Robin L. Grantham at (850)488-4197 or robin.grantham@floridahousing.org.

grantham@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin L. Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForProposals.htm>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

EARLY LEARNING COALITION OF PALM BEACH COUNTY, INC.

REQUEST FOR PROPOSALS

COMPETITIVE SEALED PROPOSALS will be accepted by the Early Learning Coalition of Palm Beach County, Inc., for Child Care Resource and Referral, Eligibility and Enrollment, and Fiscal Administration services for the School Readiness Program and Voluntary Prekindergarten Program in Palm Beach County. The Request for Proposals will be released at 2:00 p.m., March 17, 2008. Beginning on the release date, the Request for Proposals can be obtained from the Coalition's website or by contacting Vivian Blackmon-Taylor, Director of Early Care and Education at the address and/or phone number listed below. Notices of Intent to Submit Proposals must be received by the Coalition no later than 5:00 p.m., April 3, 2008. Thereafter, sealed proposals will be received until 2:00 p.m. (EDT), Friday, May 30, 2008, at 2300 High Ridge Road, Boynton Beach, Florida 33426. RFP specifications are available on the Coalitions' website: www.elcpalmbeach.org or by contacting Vivian Blackmon-Taylor, Director of Early Care and Education at the address indicated above, (561)214-7423, e-mail vivian.blackmon-taylor@elcpalmbeach.org. Reference Solicitation Number: ELCPCB 2008-1.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

Request for Proposal for Third Party Administrative Services to Florida Comprehensive Health Association
 Pursuant to Section 627.6488, Florida Statutes, Florida Comprehensive Health Association (FCHA) is seeking a provider of Third Party Administrative Services to provide such services to FCHA and its 320 insured members. Required services include, but are not limited to, the collection of member premiums, payment of claims submitted by providers of medical, and prescription drug services, as well as the provision of pre-certification and case management services. A firm may bid to provide all or some of the requisite services, however, preference will be given to firms able to efficiently integrate the full scope of required services. The successful firm shall be selected through a competitive selection process approved by the FCHA Board of Directors. Interested firms

may express their interest or get additional information by contacting: Jerome Ashford, Executive Director, Florida Comprehensive Health Association, 820 E. Park Ave., Tallahassee, FL 32301, (850)309-1200. RFP's will be available for distribution on March 26, 2008, and will be provided only to organizations deemed to be fully qualified to provide the requisite services and willing to accept the inherent limitations of the engagement. The contract will be awarded on or before June 30, 2008 and will be effective for a three year period beginning January 1, 2009.

FLORIDA ASSOCIATION OF COURT CLERKS

INVITATION TO NEGOTIATE

Sealed responses to the following project shall be received by the FACC Services Group, LLC prior to 4:00 p.m., April 25, 2008, 3544 Maclay Blvd., Tallahassee, FL 32312. At said time, date and place, responses will be accepted for consideration for the project listed below:

PROJECT TITLE:
 INVITATION TO NEGOTIATE
 EFILING/ERECODRING PORTAL
 FOR THE
 FACC SERVICES GROUP, LLC

This Invitation to Negotiate (ITN) for the FACC Services Group, LLC (FACCSG) is soliciting responses to our need for the capability for the FACCSG to host a statewide eFiling/eRecording portal for the Florida Clerks of the Circuit Court in accordance with the guidelines and requirements set forth by the Supreme Court.

Firms desiring to respond to the above noted project are required to submit a completed "Notification of Intent to Bid Form" by March 21, 2008. This form, along with technical details and proposal requirements, are contained in documents that may be obtained from the FACC Services Group, LLC website at www.flclerks.com. If you have further questions or need further assistance, please call Melvin Cox at (850)921-0808, between the hours of 8:30 a.m. and 5:00 p.m.

PETER R. BROWN CONSTRUCTION, INC.

Notice of Request for Proposals #3 – Revised
 St. Petersburg College
 Annex 2 Epicenter
 Project #186-J-07-1
 Pinellas County

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the St. Petersburg College Annex 2 Epicenter Project #186-J-07-1 hereby solicits sealed proposals for the referenced project in accordance with the proposal documents to include but not limited to the following:

A Build out of a 41,055 sqft building shell for a new office, storage facility and related site work is included. The building has been gutted out. The interior of the building includes casework, new doors, frames and hardware. The scope will include painting of new partitions and soffits, acoustical ceilings, VCT, carpet, porcelain tile, projector screens, projector mounts, window treatment and accessories. New plumbing and fixtures are included. A fire sprinkler system will be added throughout the building. The site will require sitework, landscaping and irrigation.

Peter R. Brown strongly requests your attendance to a Non mandatory pre-proposal meeting for the trades referenced above which will be held at 10:00 a.m. (Local Time), April 2, 2008. and will be held at the following location:

Project Site
14155 – 58th Street, North
Largo, Florida 33733

Deadline for receipt of Proposal Packages has been set for 2:00 p.m., April 15, 2008

Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All interested subcontractors must be pre-qualified or have completed the pre-qualification process within the last year. Deadline for Prequalification is March 21, 2008. Please contact the following person to obtain information or documents about the pre-qualification requirements for this project:

Joe Ostrowski, Senior Estimator
Phone: (727)535-6407 – Fax: (727)539-8485

St. Petersburg College and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

One set of plans and specifications will be supplied to all pre-qualified trade contractors at no cost. Proposal packages will be available March 17, 2008. Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

St. Petersburg College and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Construction Manager, in writing by April 4, 2008. The Owner and Architect will not accept calls regarding this project.

TRI-COUNTY AIRPORT AUTHORITY

The Tri-County Airport Authority is soliciting letters of interest from qualified firms for the purpose of providing Engineering Services for Tri-County Airport. These services will include, but not limited to, airfield and airspace planning, aircraft and airport operational analysis, airport master planning, Airport Layout Plan (ALP) development and support, Joint Automated Capital Improvement Program (JACIP) development and support, general planning support to Airport Authority, individual planning project studies, project management, engineering and technical management services and other engineering services normally associated with general aviation airports.

Qualified consultants are encouraged to submit a letter of interest by 4:00 p.m. (Central Time), on March 28, 2008. Letters of Interest will be submitted as attached files to E-Mail to the Airport Authority at jharris@wfeca.net and will be composed of a single file, not to exceed 1 MB in size, in Adobe PDF format (unzipped), and will not exceed two (2) pages in length. The Letter of Interest may also be submitted by regular mail or hand delivered to: Jonathan Harris, Tri-County Airport Authority, C/O Associated Land Title Group, 1414 Main Street, Suite 9, Chipley, Florida 32428. Three firms will be short listed and contacted for scheduling of a presentation to the Authority.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF INTENT TO FIND – PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTION 163.3177(2) AND (3), FLORIDA STATUTES
DCA DOCKET NO. 53-15**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Polk County and the City of Lakeland and the Polk County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the 330 West Church St., Bartow, FL 33831.

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) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described

in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Polk County and City of Lakeland and the Polk County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
Office of Comprehensive Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Florida Statutes (2007), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On February 4, 2008, the Department received for review Monroe County Ordinance No. 003-2008 ("Ord. 003-2008"), adopted by Monroe County on January 16, 2008.

3. The purpose of the Ordinance is to amend Section 9.5-120.5 of the Monroe County Code to extend the moratorium on New Transient Units such as Hotel Rooms, Motel Rooms, and Campground, Recreational Vehicle, and Travel Trailer Spaces until December 31, 2008 or until new land development regulations are adopted to permit new transient units.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Florida Statutes and § 380.0552(9), Florida Statutes (2007).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2007) and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2007). The regulations adopted by Ord. 003-2008 are land development regulations.
7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Florida Statutes. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 003-2008 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (b) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
 - (c) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
 - (d) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
9. Ord. 003-2008 is consistent with the Principles for Guiding Development as a whole.
10. Ord. 003-2008 is consistent with the Monroe County Comprehensive Plan Policy 101.2.6, relating to the prohibition of new transient residential units; Goal 203, to protect and where possible enhance the health and integrity of living marine resources and marine habitat; Policy 301.2.2, to not permit new development that in

combination with all other development would significantly degrade the Level of Service below the adopted Level of Service Standards; Goal 601, to adopt programs and policies to facilitate access by all current and future residents to adequate and affordable housing; Objective 701.1, to ensure that adequate potable water and waste water treatment and distribution facilities are available to support the development at the adopted Level of Service Standards; and Policy 901.1.2, requiring the adoption of a Concurrency Management System to ensure that no permits will be issued for new development unless adequate sanitary wastewater treatment and disposal facilities necessary to support the development are available concurrent with the impacts of development.

WHEREFORE, IT IS ORDERED that Ord. 003-2008 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A

WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, “PETITION FOR ADMINISTRATIVE PROCEEDINGS” WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 5th day of March, 2008.

/s/ _____
 Paula Ford, Agency Clerk

By U.S. Mail:
 Honorable Charles “Sonny” McCoy
 Mayor of Monroe County
 Florida Keys Marathon Airport
 9400 Overseas Highway, Suite 210
 Key West, Florida 33050

Danny L. Kolhage
 Clerk to the Board of County Commissioners
 500 Whitehead Street
 Key West, Florida 33040

Andrew Trivette
 Growth Management Director
 2798 Overseas Highway, Suite 400
 Marathon, Florida 33050

By Hand Delivery or Interagency Mail:
 Craig Diamond, Bureau of State Planning, DCA Tallahassee, FL
 Rebecca Jetton, ACSC Administrator, DCA Tallahassee, FL
 Richard E. Shine, Assistant General Counsel, DCA Tallahassee, FL

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 Hidria USA, Inc., intends to allow the establishment of Action Mopeds, Inc. d/b/a Action Wheel Sport, as a dealership for the sale of Tomos motorcycles (TOMO) at 5310 66th Street, St. Petersburg (Pinellas County), Florida 33709, on or after February 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Action Mopeds, Inc. d/b/a Action Wheel Sport are dealer operator(s): William A. Lynch, 344 33rd Avenue Northeast, St. Petersburg, Florida 33704 and Daniel J. Lynch, 8901 Oak Street Northeast, St. Petersburg, Florida 33702; principal investor(s): William A. Lynch, 344

33rd Avenue Northeast, St. Petersburg, Florida 33704 and Daniel J. Lynch, 8901 Oak Street Northeast, St. Petersburg, Florida 33702.

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: Douglas V. Joseph, Tomos, USA, a Division of Hidria USA, Inc., 202 Beechtree Boulevard, Greenville, South Carolina 29605.

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 All About Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 2312 Apalachee Parkway #10, Tallahassee (Leon County), Florida 32301, on or after February 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of All About Scooters, LLC are dealer operator(s): Susan D. Smith, 2312 Apalachee Parkway #10, Tallahassee, Florida 32301; principal investor(s): Susan D. Smith, 2312 Apalachee Parkway #10, Tallahassee, Florida 32301.

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 Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Red Streak Motors, Inc., intends to allow the establishment of Austin Global Enterprises d/b/a New Scooters 4 Less, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR (JMST) at 118 Northwest 14th Avenue, Suite D, Gainesville (Alachua County), Florida 32601, on or after February 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Austin Global Enterprises d/b/a New Scooters 4 Less are dealer operator(s): Collin Austin, 118 Northwest 14th Avenue, Suite D, Gainesville, Florida 32601; principal investor(s): Collin Austin, 118 Northwest 14th Avenue, Suite D, Gainesville, Florida 32601.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Beverly Fox, Red Streak Motors, Inc., 418 Maple Street, Marlborough, Massachusetts, Florida 01752.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Red Streak Motors, Inc., intends to allow the establishment of Austin Global Enterprises d/b/a New Scooters 4 Less, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. (SHEN) at 118 Northwest 14th Avenue, Suite D, Gainesville (Alachua County), Florida 32601, on or after February 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Austin Global Enterprises d/b/a New Scooters 4 Less are dealer operator(s): Collin Austin, 118 Northwest 14th Avenue, Suite D, Gainesville, Florida 32601; principal investor(s): Collin Austin, 118 Northwest 14th Avenue, Suite D, Gainesville, Florida 32601.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Beverly Fox, Red Streak Motors, Inc., 418 Maple Street, Marlborough, Massachusetts, Florida 01752.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for an Additional Franchised Motor
Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to the requirements of Section 320.642, Florida Statutes, this is to notify you that Mitsubishi Motors North America ("MMNA") intends to permit the establishment of an

additional dealership for the sale and service of Mitsubishi cars and trucks at 1864 East Irlo Bronson Memorial Highway (also known as U. S. Highway 192), Kissimmee, Osceola County, Florida 34744.

The dealership to be established is King Motor Co. of Kissimmee, LLC, a Florida limited liability company. The proposed dealership will open on or after July 1, 2008. The name and address of the dealer operator and principal investor of the proposed dealership is: Clay King, 8701 South Orange Blossom Trail, Orlando, FL 32809.

The notice indicates an intent to establish the dealership at a 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, 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 mail to: Andrew Stewart, Mitsubishi Motors North America, Inc., 6488 Currin Drive, Orlando, FL 32835.

If no petition or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Power Sports Factory, intends to allow the establishment of Power and Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycles Group Corp. (QINJ) at 120 South Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after February 25, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power and Play Warehouse, Inc. are dealer operator(s): Thomas McMahan, 120 South Federal Highway, Pompano Beach, Florida 33062; principal investor(s): Thomas McMahan, 120 South Federal Highway, Pompano Beach, Florida 33062.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Brett Moorner, Power Sports Factory, 6950 Central Highway, Pennsauken, New Jersey 08109.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Power Sports Factory, intends to allow the establishment of Power and Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycles Group Corp. (QINJ) at 550 North Flagler Avenue, Pompano Beach (Broward County), Florida 33060, on or after February 25, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power and Play Warehouse, Inc. are dealer operator(s): Thomas McMahan, 550 North Flagler Avenue, Pompano Beach, Florida 33060; principal investor(s): Thomas McMahan, 550 North Flagler Avenue, Pompano Beach, Florida 33060.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License

Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Brett Moorer, Power Sports Factory, 6950 Central Highway, Pennsauken, New Jersey 08109.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Red Streak Motors, Inc., intends to allow the establishment of Power and Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. (SHEN) at 120 South Federal Highway, Pompano (Broward County), Florida 33062, on or after February 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power and Play Warehouse, Inc. are dealer operator(s): Thomas McMahon, 120 South Federal Highway, Pompano, Florida 33062; principal investor(s): Thomas McMahon, 120 South Federal Highway, Pompano, Florida 33062.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Beverly Fox, Red Streak Motors, Inc., 418 Maple Street, Marlborough, Massachusetts 01752.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Red Streak Motors, Inc., intends to allow the establishment of Power and Play Warehouse, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. (SHEN) at 550 North Flagler Avenue, Pompano (Broward County), Florida 33060, on or after February 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Power and Play Warehouse, Inc. are dealer operator(s): Thomas McMahon, 550 North Flagler Avenue, Pompano, Florida 33060; principal investor(s): Thomas McMahon, 550 North Flagler Avenue, Pompano, Florida 33060.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Beverly Fox, Red Streak Motors, Inc., 418 Maple Street, Marlborough, Massachusetts 01752.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Italica Motors, Inc., intends to allow the establishment of Pro Cycle II Enterprises, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou

Zhongneng Motorcycle Co. Ltd. (ZHNG) at 110 South Federal Highway, Pompano Beach (Broward County), Florida 33062, on or after March 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Pro Cycle II Enterprises, Inc. are dealer operator(s): Durval Hernandez, 110 South Federal Highway, Pompano Beach, Florida 33062; principal investor(s): Durval Hernandez, 110 South Federal Highway, Pompano Beach, Florida 33062.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Adriana De Lima, President, Italica Motors, Inc., 5001 Southwest 135 Avenue, Miramar, Florida 33027.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Sanders Brothers Electric, Inc., as a dealership for the sale of Aprilia motorcycles (APRI) at 8945 Pensacola Boulevard, Pensacola (Escambia County), Florida 32534, on or after February 28, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Sanders Brothers Electric, Inc. are dealer operator(s): John Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534; principal investor(s): John Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534 and Mikki Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534.

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: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Sanders Brothers Electric, Inc., as a dealership for the sale of Moto Guzzi motorcycles (MOGU) at 8945 Pensacola Boulevard, Pensacola (Escambia County), Florida 32534, on or after February 28, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Sanders Brothers Electric, Inc. are dealer operator(s): John Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534; principal investor(s): John Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534 and Mikki Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534.

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: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Sanders Brothers Electric, Inc., as a dealership for the sale of Piaggio motorcycles (PIAG) at 8945 Pensacola Boulevard, Pensacola (Escambia County), Florida 32534, on or after February 28, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Sanders Brothers Electric, Inc. are dealer operator(s): John Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534; principal investor(s): John Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534 and Mikki Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534.

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: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Sanders Brothers Electric, Inc., as a dealership for the sale of Vespa motorcycles (VESP) at 8945 Pensacola Boulevard, Pensacola (Escambia County), Florida 32534, on or after February 28, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Sanders Brothers Electric, Inc. are dealer operator(s): John Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534; principal investor(s): John Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534 and Mikki Sanders, 8945 Pensacola Boulevard, Pensacola, Florida 32534.

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: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Pacific Cycle, Inc., intends to allow the establishment of Scooter Escapes, LLC, as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan Motors Group Co. Ltd. (GUNG) at 1450 1st Avenue North, St. Petersburg (Pinellas County), Florida 33705, on or after February 27, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Escapes, LLC are dealer operator(s): Chris Densmore, 1450 1st Avenue North, St. Petersburg, Florida 33705; principal investor(s): Chris Densmore, 1450 1st Avenue North, St. Petersburg, Florida 33705.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mike Wolfgram, 4902 Hammersley Road, Madison, Wisconsin 53711.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Red Streak Motors, Inc., intends to allow the establishment of Trance Energy, LLC d/b/a Hot Ride, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. (SHEN) at 5227 East Colonial Drive, Orlando (Orange County), Florida 32807, on or after February 28, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Trance Energy, LLC d/b/a Hot Ride are dealer operator(s): Eugeni Karlov, 5227 East Colonial Drive, Orlando, Florida 32807; principal investor(s): Eugeni Karlov, 5227 East Colonial Drive, Orlando, Florida 32807.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Beverly Fox, Red Streak Motors, Inc., 418 Maple Street, Marlborough, Massachusetts 01752.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to the requirements of Section 320.642, Florida Statutes, this is to indicate that Porsche Cars North America, Inc., intends to permit the establishment of an additional dealership for the sale and service of Porsche vehicles at a location in Lee County, Florida, described as follows: Tract 8 of D75 Commerce Center, according to Plat Book 82, pages 76-78 of the Public Records of Lee County, Florida, which is a location on the southeast corner of the intersection of Daniels Interstate Court and Intercom Drive, Fort Myers, Lee County, Florida 33913.

The dealership to be established is TT of Daniels, Inc. d/b/a Porsche of Fort Myers, a Florida corporation. The proposed dealership will open on or after July 1, 2008. The name and address of the dealer operator is Terry Taylor, 515 North Flagler Drive, Suite P-400, West Palm Beach, FL 33401. The principal investors are: Terry Taylor, 515 North Flagler Drive, Suite P-400, West Palm Beach, FL 33401, and John Harris, 800 North Tamiami Trail, Naples, FL 34102.

The notice indicates an intent to establish the dealership at a 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, 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 mail to: Glenn Garde, Porsche Cars North America, Inc., 980 Hammond Drive, Suite 1000, Atlanta, GA 30328. If no petition 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 Chuanl Motorcycle USA Co. Ltd., intends to allow the establishment of USA Wholesale Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle USA Co. Ltd. (CHUA) at 2902 East Sunrise Boulevard, Fort Lauderdale (Broward County), Florida 33304, on or after November 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of USA Wholesale Scooters, Inc. are dealer operator(s): Noel Farbman, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304; principal investor(s): Noel Farbman, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Lingbin Chen, President, Chuanl Motorcycle USA Co. Ltd., 9886 Chartwell Drive, Dallas, Texas 75243.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Sarasota	District: 8
ID # E0700008	Decision: A Issue Date: 2/29/2008
Facility/Project: HealthSouth Rehab Hospital of Sarasota	
Applicant: HealthSouth of Sarasota LTD Partnership	
Project Description: Add 10 Comprehensive Medical Rehabilitation Beds	
Proposed Project Cost: \$4,330,424.00	
County: Duval	District: 4
ID # E0700009	Decision: A Issue Date: 2/29/2008
Facility/Project: Baptist Medical Center – South	
Applicant: Southern Baptist Hospital of Florida, Inc.	
Project Description: Establish a 10-bed Level II Neonatal Intensive Care Unit	
Proposed Project Cost: \$5,043,318.00	

The Agency for Health Care Administration received and accepted the following letters of intent for the March 12, 2008 application filing date for Hospital Beds and Facilities batching cycle:

County: Pasco	District: 5
Date Filed: 2/27/2008	LOI #: H0802008
Facility/Project: Morton Plant Hospital Association, Inc	
Applicant: Morton Plant Hospital Association, Inc.	

Project Description: Establish an adult psychiatric hospital of up to 80 beds

County: Pasco District: 5
 Date Filed: 2/27/2008 LOI #: H0802009
 Facility/Project: Morton Plant Hospital Association, Inc.
 Applicant: Morton Plant Hospital Association, Inc.

Project Description: Establish an adult psychiatric hospital of up to 40 beds

County: Pasco District: 5
 Date Filed: 2/27/2008 LOI #: H0802010
 Facility/Project: Morton Plant Hospital Association, Inc.
 Applicant: Morton Plant Hospital Association, Inc.

Project Description: Establish a child/adolescent psychaitric hospital of up to 80 beds

County: Pasco District: 5
 Date Filed: 2/27/2008 LOI #: H0802011
 Facility/Project: Morton Plant Hospital Association, Inc.
 Applicant: Morton Plant Hospital Association, Inc.

Project Description: Establish a child/adolescent psychiatric hospital of up to 40 beds

County: Pasco District: 5
 Date Filed: 2/27/2008 LOI #: H0802012
 Facility/Project: Morton Plant Hospital Association, Inc.
 Applicant: Morton Plant Hospital Association, Inc.

Project Description: Establish an adult substance abuse hospital of up to 80 beds

County: Pasco District: 5
 Date Filed: 2/27/2008 LOI #: H0802013
 Facility/Project: Morton Plant Hospital Association, Inc.
 Applicant: Morton Plant Hospital Association, Inc.

Project Description: Establish an adult substance abuse hospital of up to 40 beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after April 16, 2008, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on March 28, 2008.

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on February 22, 2008, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
 9997 Denial, transfer of CON 9909 for 60 skilled nursing facility beds at Brookwood Gardens Rehabilitation and Nursing Center from HRNC, LLC, Miami-Dade County, LP Homestead, LLC, (PRH) same as applicant

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for hospitals providing outpatient services participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for hospital outpatient services, the

Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency has amended its Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to incorporate changes effective July 1, 2007.

1. Effective July 1, 2007, the outpatient reimbursement ceilings were eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.
2. Effective July 1, 2007, the outpatient reimbursement ceilings were eliminated for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2007, or become a designated or provisional trauma center during State Fiscal Year 2007-2008. The Agency shall use the average of the 2001, 2002, and 2003 audited DSH data available as of March 1, 2007. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2001, 2002, and 2003 that are available.
3. Effective July 1, 2007, the Medicaid outpatient rate reductions were reinstated for all hospitals whose Medicaid charity care days as a percentage to total adjusted days equals or exceeds 30 percent and have more than 10,000 Medicaid days or hospital system that established a Provider Service Network during the prior state fiscal year. The Agency shall use the average of the 2001, 2002, and 2003 audited DSH data available as of March 1, 2007.
4. Addition of the phrase "available to AHCA as of each April 15 and October 15" to Section V.B 1. of the Title XIX Outpatient Hospital Reimbursement Plan.

FINAL RATES: Effective July 1, 2007, the final rates for Medicaid hospital outpatient services are rates resulting from the current methodology used to calculate per diems including appropriations from the 2007-08 General Appropriations Act, Senate Bill 2800, Specific Appropriation 216.

METHODOLOGIES: The methodology underlying the establishment of the final rates for Medicaid hospital outpatient services are rates resulting from the current methodology used

to calculate per diems including the 2007-08 General Appropriations Act, Senate Bill 2800, Specific Appropriation 216.

JUSTIFICATION: The justification for the final rate change is based on the legislative direction provided in the 2007-08 General Appropriations Act, Senate Bill 2800, Specific Appropriation 216.

The Agency has implemented the above rates and changes in methodology, effective July 1, 2007. Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308 or stephene@ahca.myflorida.com. Please contact the person listed above for a copy of the Plan.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**NOTICE OF AVAILABILITY
JEA, JACKSONVILLE, FLORIDA**

The Department of Environmental Protection has determined that JEA's proposed project to upgrade existing wastewater treatment and reuse facilities will not have a significant adverse impact on the environment. The total estimated construction cost is \$39,700,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Thomas Montgomery, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8358.

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://appprod.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On February 27, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Jamal Raheed Coleman, L.P.N. license number PN 5164487. 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 March 3, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Brandyce Kotara Rodriguez. license number RN 9234746. 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 March 3, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Pierre Harris Theodore, R.N. license number RN 3320352. 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 March 3, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of

Roger Tomlinson, R.R.T. license number RT 6667. 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.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF CONSIDERATION OF CEMETERY BYLAWS
The State of Florida, Board of Funeral, Cemetery and Consumer Services, will address approval of the amended bylaws of the following cemetery(s) at the regular meeting to be held on April 2, 2008:

Trinity Memorial Cemetery, Inc. d/b/a Trinity Memorial Gardens (New Port Richey)

A file pertaining to the above is available for public inspection and copying by any person at the Alexander Building, 2020 Capital Circle, S. E., Suite 270, Tallahassee, Florida 32301. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petitions for hearing should comply with Rule 69K-6.003, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral, Cemetery and Consumer Services to be held as outlined above. All written comments and requests to address the Board must be received by the Department at least fourteen (14) days prior to the meeting.

FINANCIAL SERVICES COMMISSION**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following applications. Comments may be submitted to the Director, 200

East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., April 4, 2008):

APPLICATION TO MERGE

Constituent Institutions: Synovus Bank of Tampa Bay, St. Petersburg, Florida and First Florida Bank, Naples, Florida
Resulting Institution: Synovus Bank of Tampa Bay
With Title: Synovus Bank
Received: February 29, 2008

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: TIB Trust Company, 599 9th Street North, Suite 101, Naples, Collier County, Florida 34102-5624

Correspondent: Michael H. Morris, 599 9th Street North, Suite 100, Naples, Florida 34102

Received: February 29, 2008

FLORIDA POLICE CHIEFS ASSOCIATION, INC.

The Florida Police Chiefs Association invites you to “Chiefs Day” at the Capitol and a Legislative Luncheon that is open to the public.

Date: March 27, 2008

Time: 11:30 a.m. – 1:00 p.m.

Where: Courtyard of the Capitol, Tallahassee, Florida

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN February 25, 2008
 and February 29, 2008

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF ELDER AFFAIRS
Statewide Public Guardianship Office

58M-2.001	2/26/08	3/17/08	33/40	33/52
58M-2.003	2/26/08	3/17/08	33/40	33/52
58M-2.007	2/26/08	3/17/08	33/40	33/52

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-4.090	2/25/08	3/16/08	33/50	34/5
62-210.200	2/25/08	3/16/08	33/50	
62-210.300	2/25/08	3/16/08	33/50	
62-210.360	2/25/08	3/16/08	33/50	
62-210.900	2/25/08	3/16/08	33/50	34/5
62-213.205	2/25/08	3/16/08	33/50	
62-213.400	2/25/08	3/16/08	33/50	
62-213.420	2/25/08	3/16/08	33/50	
62-213.430	2/25/08	3/16/08	33/50	
62-213.440	2/25/08	3/16/08	33/50	
62-213.460	2/25/08	3/16/08	33/50	
62-214.100	2/25/08	3/16/08	33/50	
62-214.300	2/25/08	3/16/08	33/50	
62-214.320	2/25/08	3/16/08	33/50	
62-214.330	2/25/08	3/16/08	33/50	
62-214.340	2/25/08	3/16/08	33/50	
62-214.360	2/25/08	3/16/08	33/50	
62-214.420	2/25/08	3/16/08	33/50	
62-214.430	2/25/08	3/16/08	33/50	

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

64B3-5.007	2/26/08	3/17/08	33/51	34/6
64B3-12.001	2/29/08	3/20/08	34/3	

Board of Nursing Home Administrators

64B10-12.002	2/26/08	3/17/08	34/2	
64B10-15.0021	2/26/08	3/17/08	34/2	

Board of Pharmacy

64B16-26.1031	2/29/08	3/20/08	34/3	
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Division of Environmental Health

64E-5.101	2/28/08	2/28/08	34/3	
64E-5.11072	2/28/08	2/28/08	34/3	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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64E-5.1501	2/28/08	2/28/08	34/3	
64E-5.1502	2/28/08	2/28/08	34/3	
64E-5.206	2/28/08	2/28/08	34/3	
64E-5.210	2/28/08	2/28/08	34/3	
64E-5.216	2/28/08	2/28/08	34/3	
64E-5.350	2/28/08	2/28/08	34/3	
64E-5.351	2/28/08	2/28/08	34/3	
64E-5.430	2/28/08	2/28/08	34/3	
64E-5.440	2/28/08	2/28/08	34/3	
64E-5.441	2/28/08	2/28/08	34/3	

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-4.007	2/28/08	7/1/08	34/1	
68A-9.007	2/28/08	7/1/08	34/1	
68A-11.003	2/28/08	7/1/08	34/1	
68A-14.0011	2/28/08	7/1/08	34/1	
68A-15.004	2/28/08	7/1/08	34/1	
68A-15.064	2/28/08	7/1/08	34/1	
68A-17.004	2/28/08	7/1/08	34/1	
68A-17.005	2/28/08	7/1/08	34/1	
68A-18.004	2/28/08	7/1/08	34/1	
68A-21.002	2/28/08	7/1/08	34/1	
68A-21.004	2/28/08	7/1/08	34/1	
68A-24.002	2/28/08	7/1/08	34/1	
68A-25.004	2/28/08	3/19/08	34/1	
68A-25.031	2/28/08	3/19/08	34/1	
68A-25.032	2/28/08	3/19/08	34/1	
68A-25.042	2/28/08	3/19/08	34/1	
68A-27.002	2/28/08	7/1/08	34/1	
68A-31.001	2/28/08	5/1/08	34/1	

Marine Fisheries

68B-14.0035	2/28/08	4/1/08	34/1	
68B-14.00355	2/28/08	4/1/08	34/1	
68B-14.0036	2/28/08	4/1/08	34/1	34/8
68B-14.0045	2/28/08	4/1/08	34/1	
68B-14.005	2/28/08	4/1/08	34/1	

FINANCIAL SERVICES COMMISSION

OIR Insurance Regulation

69O-137.001	2/25/08	3/16/08	33/41	
69O-138.001	2/25/08	3/16/08	33/41	
69O-171.002	2/25/08	3/16/08	33/38	33/45
69O-171.008	2/25/08	3/16/08	33/38	33/45
69O-186.017	2/25/08	3/16/08	33/41	