

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:
5E-2.031 Pesticide Registration; Exemptions
 from Registration; Experimental
 Use Permits

PURPOSE AND EFFECT: To provide a reference for the Application For New Or Amended Pesticide Product Brand Registration (DACS-13342, Rev. 12/09) and the Application For Reregistration Pesticide Product Brand(s) (DACS-13501, Rev. 12/09), not previously referenced in rule language and to describe documents that must be submitted with new or amended pesticide product brand registration.

SUBJECT AREA TO BE ADDRESSED: Forms to be utilized and documents required for registration of new or amended pesticide product brands and the reregistration of existing registered pesticide product brands.

RULEMAKING AUTHORITY: 487.041 FS.

LAW IMPLEMENTED: 487.041 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Dennis F. Howard, Chief of Bureau of Pesticides, 3125 Conner Boulevard, Building 6, Tallahassee, Florida 32399; (850)487-0532

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.: RULE TITLES:
5E-14.110 Fumigation Requirements – Notices
5E-14.111 Fumigation Requirements –
 Application; Restrictions and
 Precautions

PURPOSE AND EFFECT: To provide an electronic web-based means of complying with the requirement to notify the Department of a structural fumigation 24 hours in advance and to clarify precautions requiring inspections and sealing between fumigated structures.

SUBJECT AREA TO BE ADDRESSED: Fumigation operations.

RULEMAKING AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.051(4), 482.152, 482.241 FS.

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

DATE AND TIME: February 19, 2010, 9:00 a.m.

PLACE: Fort Lauderdale Research and Education Center, 3205 College Avenue, Room 130, Davie, Florida 33314-7799; (954)577-6300

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Michael J. Page, Chief of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961, (850)921-4177

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

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|------------|---|
| RULE NOS.: | RULE TITLES: |
| 5F-8.0011 | Standards Adopted |
| 5F-8.0012 | Bureau of Fair Rides Inspection Forms |
| 5F-8.009 | Inspections by Owner or Manager |
| 5F-8.0125 | Fencing and Gate Standards |
| 5F-8.0126 | Minor Rule Violations; Notice of Non-Compliance |
| 5F-8.0127 | Enforcement Actions and Administrative Penalties |
| 5F-8.0128 | Resolution of Violations, Settlement, and Additional Enforcement Remedies |
| 5F-8.014 | Training of Managers, Attendants, and Maintenance Persons |
| 5F-8.015 | Regulation of Go-Karts and Similar Vehicles |
| 5F-8.016 | Regulation of Water Parks |
| 5F-8.025 | Regulation of Bungy Operations |
| 5F-8.050 | Games |

PURPOSE AND EFFECT: The purpose of these rule amendments is: (1) to update and adopt current standards for the inspection of amusement rides (2) to revise Fair Rides Inspection Forms for the purpose of correcting revision dates & adopting changes to those forms adopted by the Bureau; (3) to adopt fencing and gate standards for all amusement rides operating within the state. (4) to adopt guidelines for imposing administrative remedies when the Department determines there is a violation of the statute or rules; (5) to clarify guidelines for attendants in regards to go-kart track monitoring; (6) to clarify

attendant responsibilities on all water related rides; and (7) to add an authorized game to those already approved to operate within the State.

SUBJECT AREA TO BE ADDRESSED: Rule 5F-8.011, F.A.C. – Standards Adopted Update and Adopt current national standards for the inspection of amusement rides. Rule 5F-8.012, F.A.C. – Bureau of Fair Rides Inspection Forms Update And Adopt Inspection Forms used by the Bureau and Industry. 5F-8.009 – Inspections by Owner or Manager Update language on owner/manager ride inspections. Rule 5F-8.0125, F.A.C. – Fencing and Gate Standards Standardize fencing and gate standards for all amusement rides. Rule 5F-8.0126, F.A.C. – Minor Rule Violations; Notice of Non-Compliance Adopt and standardize guidelines for imposing administrative penalties for violations. Rule 5F-8.0127, F.A.C. – Enforcement Actions and Administrative Penalties Adopt and standardize guidelines for imposing administrative penalties for violations. Rule 5F-8.0128, F.A.C. – Resolution of Violations, Settlement and Additional Enforcement Remedies Adopt and standardize guidelines for imposing administrative penalties for violations. Rule 5F-8.014, F.A.C. – Training of Managers, Attendants and Maintenance Persons Updates reference and revises method of recording employee training. Rule 5F-8.015, F.A.C. – Regulation of Go-Karts and Similar Vehicles Clarifies monitoring requirements for go-kart tracks, updates fencing requirements for go-kart tracks. Rule 5F-8.016, F.A.C. – Regulation of Water Parks Updates operational and fencing requirements for water parks. Rule 5F-8.025, F.A.C. – Regulation of Bungy Operations Updates fencing requirements for bungy operations. Rule 5F-8.050, F.A.C. – Games Authorizes use of a new game in the State of Florida.

RULEMAKING AUTHORITY: 616.165, 616.242(4) FS.

LAW IMPLEMENTED: 616.242 FS.

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

DATE AND TIME: February 9, 2010, 10:00 a.m.

PLACE: Conner Building Eyster Auditorium, 3125 Conner Boulevard, 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 48 hours before the workshop/meeting by contacting: Robert Jacobs (850)488-9790. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robert Jacobs (850)488-9790

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 5F-8.0011 follows. See Florida Administrative Code for present text.)

5F-8.0011 Standards Adopted.

The following standards, materials and practices are hereby adopted and incorporated by reference and are available for public inspection during regular business hours at the Florida Department of Agriculture and Consumer Services, Division of Standards, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650.

(1) ASTM International Committee F-24 on Amusement Rides and Devices Designation:

(a) F 747-06 “Standard Terminology Relating to Amusement Rides and Devices.”

(b) F 770-06a “Standard Practice for Ownership and Operation of Amusement Rides and Devices.”

(c) F 846-92 (2009) “Standard Guide for Testing Performance of Amusement Rides and Devices.”

(d) F 853-05 “Standard Practice for Maintenance Procedures for Amusement Rides and Devices.”

(e) F 893-05a “Standard Guide for Inspection of Amusement Rides and Devices.”

(f) F 1159-03a “Standard Practice for Design and Manufacture of Patron Directed, Artificial Climbing Walls, Dry Slide, Coin Operated and Purposeful Water Immersion Amusement Rides and Devices and Air-Supported Structures.”

(g) F 1193-06 “Practice for Quality, Manufacture, and Construction of Amusement Rides and Devices.”

(h) F 1305-94 (2002) “Standard Guide for Classification of Amusement Ride and Device Related Injuries and Illnesses.”

(i) F 1957-99(2004) “Standard Test Method for Composite Foam Hardness-Durometer Hardness.”

(j) F 2007-07a “Standard Practice for Design, Manufacture, and Operation of Concession Go-Karts and Facilities.”

(k) F 2137-04 (2009) Practice for Measuring the Dynamic Characteristics of Amusement Rides and Devices.

(l) F 2291-09a “Standard Practice for Design of Amusement Rides and Devices.”

(m) F 2374-07a “Standard Practice for Design, Manufacture, Operation, and Maintenance of Inflatable Amusement Devices.”

(n) F 2375-09 “Practice for Design, Manufacture, Installation and Testing of Climbing Nets and Netting/Mesh Used in Amusement Rides, Devices, Play Areas, and Attractions.”

(o) F 2376-08 “Standard Practice for Classification, Design, Manufacture, Construction, and Operation of Water Slide Systems.”

(p) F 2460-07 “Standard Practice for Special Requirements for Bumper Boats.”

(q) F 2461-09 “Standard Practice for Manufacture, Construction, Operations, Maintenance and Water Quality of Interactive Aquatic Play Equipment.”

The above referenced F-24 Committee standards are compiled by ASTM International in the 2009 Annual Book of ASTM Standards, Volume 15.07. A copy of this publication or the individual standards can be obtained by contacting ASTM International, 100 Barr Harbor Drive, P. O. Box C700, West Conshohocken, Pennsylvania 19428-2959; Phone (610)832-9500; www.astm.org.

(2) National Electrical Code (NEC) Handbook, Article 525, “Carnivals, Circuses, Fairs, and Similar Events,” 2008 Edition. A copy of this publication can be obtained by contacting the National Fire Protection Association at 1 Batterymarch Park, Quincy, Massachusetts- 02169-7471; Phone 1(800)344-3555; www.nfpa.org.

(3) National Fire Protection Association (NFPA), Document 101, “Life Safety Code”, 2009 Edition, Chapters 3.3.32.10, 12.4.7, and 13.4.7, each entitled “Special Amusement Buildings.” The chapters listed in this section succeeded Chapters 8-4.6 and 9-4.6 of the “Life Safety Code.” A copy of this publication can be obtained by contacting the National Fire Protection Association at 1 Batterymarch Park, Quincy, Massachusetts: 02169-7471; Phone 1 (800)344-3555; www.nfpa.org.

(4) ASTM International Designation E 543-08a, “Standard Specification for Agencies Performing Nondestructive Testing.” A copy of this publication can be obtained by contacting ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, Pennsylvania 19428-2959; Phone (610)832-9500; www.astm.org.

(5) American Society for Nondestructive Testing (ASNT), Recommended Practice No. SNT-TC-1A, “Personnel Qualification and Certification in Nondestructive Testing,” 2006 Edition. A copy of this publication can be obtained by contacting the American Society For Nondestructive Testing, 1711 Arlingate Lane, Post Office Box 28518, Columbus, Ohio 43228-0518; Phone 1(800)222-2768; www.asnt.org.

Rulemaking Specific Authority 616.165, 616.242(4) FS. Law Implemented ~~616.001~~, 616.242(4) FS. History–New 2-14-99, Amended 10-2-07, _____.

(Substantial rewording of Rule 5F-8.0012 follows. See Florida Administrative Code for present text.)

5F-8.0012 Bureau of Fair Rides Inspection Forms.

The following forms are hereby incorporated by reference. Copies of these publications may be obtained from the Division of Standards, Bureau of Fair Rides Inspection at 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650 or online at www.doacs.state.fl.us/onestop/std/fairride.html.

| Form Number | Revised | Title |
|-------------------|---------------|--|
| <u>DACS 03401</u> | <u>01/09</u> | <u>Invoice</u> |
| <u>DACS 03419</u> | <u>12/09</u> | <u>Amusement Ride Inspection Report</u> |
| <u>DACS 03420</u> | <u>12/09</u> | <u>Water Park Amusement Ride Inspection Report</u> |
| <u>DACS 03421</u> | <u>12/09</u> | <u>Go-kart Amusement Ride Inspection Report (Track)</u> |
| <u>DACS 03422</u> | <u>01/09</u> | <u>Go-kart Amusement Ride Inspection Report (Vehicle)</u> |
| <u>DACS 03423</u> | <u>12/09</u> | <u>Bungy Jump Inspection Report</u> |
| <u>DACS 03424</u> | <u>012/09</u> | <u>Owner’s Daily Inspection Report (Carnival Type)</u> |
| <u>DACS 03425</u> | <u>012/09</u> | <u>Owner’s Daily Inspection Report (Water Park)</u> |
| <u>DACS 03426</u> | <u>012/09</u> | <u>Owner’s Daily Inspection Report (Go-kart Track/Vehicle)</u> |
| <u>DACS 03427</u> | <u>012/09</u> | <u>Owner’s Daily Inspection Report (Bungy)</u> |
| <u>DACS 03428</u> | <u>01/09</u> | <u>Written Accident Report</u> |
| <u>DACS 03429</u> | <u>01/09</u> | <u>Request for Inspection or Reinspection</u> |
| <u>DACS 03430</u> | <u>01/09</u> | <u>Mechanical, Structural or Electrical Defect Report</u> |
| <u>DACS 03431</u> | <u>012/09</u> | <u>Employee Training Record</u> |
| <u>DACS 03432</u> | <u>01/09</u> | <u>Amusement Ride Annual Permit Application</u> |
| <u>DACS 03433</u> | <u>04/09</u> | <u>Affidavit of Compliance and Nondestructive Testing</u> |
| <u>DACS 03434</u> | <u>01/09</u> | <u>Affidavit of Annual Inspection for Exempt Facilities</u> |
| <u>DACS 03545</u> | <u>12/09</u> | <u>Stop Operation Order</u> |
| <u>DACS 03546</u> | <u>12/09</u> | <u>Out of Service Tag</u> |
| <u>DACS 03550</u> | <u>01/09</u> | <u>Inspection Certificate</u> |
| <u>DACS 03557</u> | <u>02/09</u> | <u>Fair Rides Immediate Final Order</u> |
| <u>DACS 03558</u> | <u>02/09</u> | <u>Fair Rides Immediate Final Order Release</u> |

Rulemaking Specific Authority 616.165, 616.242(4), FS. Law Implemented 616.242(4), (5), (6), (7), (10), (11), (14), (15), (16), FS. History–New 2-14-99, Amended 5-30-05, 10-2-07, _____.

5F-8.009 Inspections by Owner or Manager.

Prior to opening on each day of operation and prior to any inspection by the Department, the owner or manager of each amusement ride shall inspect and test the amusement ride in accordance with the requirements of Section 616.242(15), F.S., and record the inspection on the applicable Department form,

DACS 03424, Rev. 12/09, Owner's Daily Inspection Report (Carnival Type); DACS 03425, Rev. 12/09, Owner's Daily Inspection Report (Water Park); DACS 03426, Rev. 12/09, Owner's Daily Inspection Report (Go-kart Track and Vehicle); DACS 03427, Rev. 12/09, Owner's Daily Inspection Report (Bungy).

Rulemaking Specific Authority 616.165, 616.242(15) FS. Law Implemented 616.242(15) FS. History—New 9-15-92, Amended 2-23-94, 2-14-99, 5-30-05,_____.

5F-8.0125 Fencing and Gate Standards.

ASTM International, F-24 Committee Designations F 1159-03a and F 2291-09a and the following shall be the fencing and gate standards for amusement rides:

(1) Amusement ride train crossing points may use railroad type protection devices.

(2) Natural barriers (ponds or streams, earthen mounds and shrubs or other vegetation) may be utilized when such barriers serve to prevent spectators or riders from gaining access or otherwise coming in contact or close proximity with amusement rides prior to, during or after operation.

Rulemaking Authority 616.165, 616.242(4)(c) FS. Law Implemented 616.242 FS. History—New _____.

5F-8.0127 Enforcement Actions and Administrative Penalties

(1) This rule sets forth the guidelines the Department will follow in imposing the penalties authorized under Chapter 616, Florida Statutes. The purpose of the guidelines is to give notice of the range of penalties which normally will be imposed for a single violation. These guidelines list aggravating and mitigating factors that, if present, will reduce or increase penalties to be imposed. No aggravating factors will be applied to increase a fine imposed for a single violation above the statutory maximum of \$2,500 per violation, per day. The guidelines in this rule chapter are based upon a single count violation of each provision listed. Multiple counts of the violated provision or a combination of the listed violations will be added together to determine an overall total penalty and will be grounds for enhancement of penalties.

(2) The Department will enforce compliance with Chapter 616, F.S., and this rule chapter by issuing an administrative complaint, a stop operation order, out of service tag, or an immediate final order for violations of Chapter 616, F.S., and this rule chapter.

(3) Stop Operation Orders. A stop operation order is necessary to effectuate the statutory duties of the Department in the interest of public health, safety, and welfare and is necessary to promote patron safety in the design, construction, assembly, disassembly, maintenance, and operation of amusement rides in Florida. A stop operation order will be

used to prohibit the operation of an amusement ride that fails to comply with the requirements of Chapter 616, F.S., or this rule chapter.

(4) Nothing in this chapter shall limit the ability of the Department to informally dispose of administrative actions by settlement agreement, consent order, or other lawful means.

(5) Rule Not All-Inclusive. This rule contains illustrative violations. It does not, and is not intended to encompass all possible violations of statute or Department rule that might be committed by any person. The absence of any violation from this rule chapter shall in no way be construed to indicate that the violation does not cause harm to the public or is not subject to a penalty. In any instance where the violation is not listed in this rule chapter, the penalty will be determined by consideration of:

(a) The closest analogous violation, if any, that is listed in this rule; and

(b) The mitigating or aggravating factors listed in this rule.

(6) Aggravating and Mitigating Factors. The Department will consider aggravating and mitigating factors in determining penalties for violations of Chapter 616, F.S., and this rule chapter. The factors shall be applied against each single count of the listed violation.

(a) Aggravating Factors:

1. The violation caused, or has the potential to cause, serious injury to a person.

2. The violation endangered the public safety or welfare.

3. Previous violations for the same or a similar offense that resulted in enforcement action.

4. The violation occurred for more than 24 hours.

5. The violation was repeated within three years.

6. The violator impeded, or otherwise failed to cooperate with, the Department's inspection or investigation.

7. Previous disciplinary action against the violator in this or any other jurisdiction and the deterrent effect of the penalty imposed.

8. Undue delay in initiating or completing, or failure to take, affirmative or corrective action after receipt of notice of the violation.

9. The violator's prior knowledge of Chapter 616, F.S. and Chapter 5F-8, F.A.C.

10. Whether the violation resulted from negligence or an intentional act.

11. The cost of the enforcement action.

12. The number of other violations proven in the same proceeding.

13. The benefit to the violator.

(b) Mitigating Factors:

1. Any documented efforts by the violator at rehabilitation.

2. Whether intentional actions of another party prevented the violator from complying with the applicable laws or rules.

3. Financial hardship.

4. Acts of God or nature that impairs the ability of the violator to comply with Chapter 616, F.S., or Chapter 5F-8, F.A.C.

5. The violation has a low risk of, or did not result in, harm to the public health, safety, or welfare.

6. The violator expeditiously took affirmative or corrective action after it received written notification of the violation.

7. The number and seriousness of the counts in the administrative complaint.

8. The disciplinary history of the person committing the violation.

9. If a repeat violation, whether three years has passed since the prior violation.

(7) The provisions of this rule chapter shall not be construed so as to prohibit or limit any other civil action or criminal prosecution that may be brought.

(8) In addition to the penalties established in this rule, the Department reserves the right to seek to recover any other costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages allowed by law. Additionally, the Department reserves the right to seek to recover any costs, penalties, attorney's fees, court costs, service fees, collection costs, and costs resulting from a payment that is returned for insufficient funds to the Department.

(9) Penalties.

(a) Notice of Noncompliance. Any Department investigation or inspection which reveals minor violations of this rule chapter in which the Department determines that the violator was unaware of the rule or unclear as to how to comply with it will result in the issuance of a notice of noncompliance as the Department's first response to the violation. For the purposes of this rule, the following violations shall result in the issuance of a notice of noncompliance for the first violation only:

1. Failure to maintain or make immediately available to the Department upon request the required Owner's Daily Inspection Reports.

2. Failure to maintain or make immediately available to the Department upon request employee training records (employee trained, but no records).

3. Failure to provide the Department a copy of the manufacturer's operating instructions, operating fact sheet, or written manufacturer's bulletins.

4. Failure to maintain the required operations manual written in the English language for each go-kart and go-kart track that includes a detailed scaled drawing of the go-kart type course, manufacturer's maintenance instructions and specification for each go-kart, and written emergency plans.

5. Failure to maintain the required operations manual written in the English language for water parks that contain general maintenance and cleanup procedures, equipment operation instructions and written emergency plans.

(b) Minor Violations. A violation of Chapter 616, F.S., or this rule chapter is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. Minor violations shall result in the imposition of an administrative fine against the owner of the amusement ride of \$250 per violation, per day. Aggravating factors as defined in paragraph (6)(a) of this rule shall warrant the adjustment of the fine upward and mitigating factors as defined in paragraph (6)(b) of this rule shall warrant the adjustment of the fine downward, but no fine shall exceed the statutory maximum as outlined in Section 616.242(19)(a), F.S. For the purposes of this rule, the following violations shall be considered minor violations:

1. Failure to maintain or make immediately available to the Department upon request the required Owner's Daily Inspection Reports.

2. Failure to maintain or make immediately available to the Department upon request employee training records (employee trained, but no records).

3. Failure to provide the Department a copy of the manufacturer's operating instructions, operating fact sheet, or written manufacturer's bulletins.

4. Failure to maintain the required operations manual written in the English language for each go-kart and go-kart track that includes a detailed scaled drawing of the go-kart type course, manufacturer's maintenance instructions and specification for each go-kart, and written emergency plans.

5. Failure to maintain the required operations manual written in the English language for water parks that contain general maintenance and cleanup procedures, equipment operation instructions and written emergency plans.

6. Failure to report an accident as required by Section 616.242, F.S.

(c) Major Violations. A violation of a Chapter 616, F.S., or this rule chapter is a major violation if it results in economic or physical harm to a person or adversely affects the public health, safety, or welfare or creates a significant threat of such harm. Major violations shall result in the imposition of an administrative fine against the owner of the amusement ride of \$1,000 per violation, per day or suspension of the owner's permit or inspection certificate for not more than one year or revocation the owner's permit or inspection certificate or any combination thereof. Aggravating factors as defined in paragraph (6)(a) of this rule shall warrant the adjustment of the fine upward and mitigating factors as defined in paragraph (6)(b) of this rule shall warrant the adjustment of the fine downward, but no fine shall exceed the statutory maximum as

outlined in Section 616.242(19)(a), F.S. For the purposes of this rule, the following violations shall be considered major violations due to their high potential for consumer harm:

1. Operation of an amusement ride by an employee(s) who is/are not trained to operate or maintain the ride.

2. Operating an amusement ride in a manner or circumstance that presents a risk of serious injury to patrons, which does not result in a reportable accident.

3. Operating an amusement ride with a structural, mechanical or electrical defect, that affects patron safety, of which the owner or manager has knowledge, or through the exercise of reasonable diligence, should have knowledge, which does not result in a reportable accident.

4. Operating an amusement ride in a manner or circumstance that presents a risk of serious injury to patrons, which results in a reportable accident.

5. Operating an amusement ride with a structural, mechanical or electrical defect, that affects patron safety, of which the owner or manager has knowledge, or through the exercise of reasonable diligence, should have knowledge, which results in a reportable accident.

6. Operating an amusement ride which has not been inspected and tested by the owner or manager in accordance with the requirements of Section 616.242(15), F.S.

7. Operating an amusement ride without a current permit, affidavit of compliance/non-destructive testing, inspection certificate, insurance or bond or any combination of each.

8. Operating an amusement ride by an employee who is under the influence of drugs or alcohol.

9. Operating an amusement ride that has undergone a major modification without certification from a professional engineer that the amusement ride is in compliance with Section 616.242, F.S. or Chapter 5F-8, F.A.C.

10. Operating an amusement ride in violation of any order of the Department, or any court, or an Immediate Final Order.

11. Failure to provide track safety barriers that are constructed to prevent a vehicle from overturning or running over or under the barrier, as required by paragraph 5F-8-015(6)(b), F.A.C.

12. Failure to describe and demonstrate to patrons emergency signals prior to operation of vehicles, as required by paragraph 5F-8.015(4)(n), F.A.C.

13. Failure to instruct patrons as to safe operation procedures, as required by paragraph 5F-8.015(4)(o), F.A.C.

14. Failure to enforce rules for safe operations, as required by paragraph 5F-8.015(4)(p), F.A.C.

15. Operation of an amusement ride at a speed in excess of its maximum safe operating speed.

Rulemaking Authority 616.165, 616.242(4) FS. Law Implemented 616.242(4)(b), (18), (19) FS. History—New _____.

5F-8.0128 Resolution of Violations, Settlement, and Additional Enforcement Remedies.

(1) The Department and person charged with a violation may agree to resolve violations prior to an administrative hearing, or may enter into settlement pursuant to Section 120.57(4), F.S. The penalties addressed in this rule chapter shall not be construed to limit the authority of the Department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The Department shall utilize all available remedies to ensure compliance including administrative action, civil actions, settlements, and referrals for criminal prosecution. The Department shall enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement and as authorized by Chapter 120 or Chapter 616, F.S.

(2) Failure to respond to an administrative complaint shall result in the entry of a Default Final Order against the violator or entity responsible for the violation. The Department shall impose administrative fines in a Default Final Order equal to the maximum amount allowable under Section 616.242(19), F.S.

(3) A failure to comply with either a Final Order or a Default Final Order of the Department shall result in revocation the owner's permit or inspection certificate and an administrative fine against the owner of the amusement ride of \$2,500 per violation, per day. Additional penalties shall be sought through the enforcement of the order in circuit court.

Rulemaking Authority 616.165, 616.242(4) FS. Law Implemented 616.242(4)(b), (18), (19) FS. History—New _____.

5F-8.014 Training of Managers, Attendants and Maintenance Persons.

The owner or manager shall maintain a record of employee training required by Section 616.242(16), F.S., on Department Form DACS 03431, Rev. 12/09, Employee Training Record.

Rulemaking Specific Authority 616.165, 616.242(4) FS. Law Implemented 616.242(16) FS. History—New 7-31-94, Amended 2-14-99, 5-30-05, _____.

5F-8.015 Regulation of Go-kart Tracks and Similar Vehicles.

(1) through (3) No change.

(4) Operations.

(a) through (d) No change.

(e) Go-kart attendants shall be positioned so that they can observe go-kart operations and reach any section of the go-kart track immediately. In addition, observation of go-kart facility operations may be supplemented. Every section of a track shall be monitored during its operation. This shall be done visually by attendants or by electronic visual and audio means.

Attendants shall not be engaged in the operation of other amusement rides although they may observe go-kart operations on an adjacent track.

- (f) through (p) No change.
- (5) No change.
- (6) Track and Course Requirements.
- (a) through (d) No change.
- (e) Every track shall be surrounded by a fence or barrier.

Fencing and gates shall be in accordance with Rule 5F-8.0125, F.A.C. Fences manufactured after January 1, 1993 shall be in accordance with ASTM F-24 Committee Standard F-1159-92 (4th Edition 1992).

- (f) through (g) No change.
- (7) through (9) No change.

Rulemaking Specific Authority 616.165, 616.242(15) FS. Law Implemented 616.242 FS. History—New 7-31-94, Amended 2-14-99, _____.

5F-8.016 Regulation of Water Parks.

- (1) through (5) No change.
- (6) Operations.

(a) The owner/manager shall operate each water related amusement ride in accordance with its operations manual and manufacturer requirements.

(b) Owners or attendants shall instruct all patrons as to safe operation procedures.

(c) Owners or attendants shall enforce all rules for safe operations.

- (7) Criteria.
- (a) No change.

(b) The water park shall be fenced. Fencing and gates shall be in accordance with Rule 5F-8.0125, F.A.C. or otherwise effectively guarded. Individual water related amusement rides need not be fenced when the water park is fenced ~~or provided with barriers.~~

- (c) through (d) No change.
- (8) No change.

Rulemaking Specific Authority 616.165, 616.242(4)(c) FS. Law Implemented 616.242(4) FS. History—New 12-6-93, Amended 2-14-99, _____.

5F-8.025 Regulation of Bungy Operations.

- (1) through (24) No change.
- (25) Fences.

(a) through (d) No change.

(e) Fencing and gates shall be in accordance with Rule 5F-8.0125, F.A.C.

- (26) through (44) No change.

Rulemaking Specific Authority 616.165, 616.242(4)(c), (6) FS. Law Implemented 616.242 FS. History—New 11-11-92, Amended 6-13-93, 9-21-93, 2-23-94, 4-15-94, 7-5-94, 5-7-96, 2-14-99, _____.

5F-8.050 Games.

(1) through (3) No change.

(4) Authorized Games. The following games when operated in accordance with the operating standards and procedures prescribed by this rule may be exhibited at public fairs and expositions:

(a) through (zz) No change.

(aaa) Sweeper Game. Turntables are made of 1/4" mirror measuring 16 1/4" in diameter. Sweeper arms are 9" in length and made of steel. Prize pucks are 1 1/2" lengths with a diameter of 3/4" to 1 1/2". Only the patron can activate the sweeper arm by pushing the start button located in a wooden box.

(aaa) through (fff) renumbered (bbb) through (ggg) No change.

Rulemaking Specific Authority 616.241(10), 616.242(4) FS. Law Implemented 616.241(10) FS. History—New 5-8-94, Amended 2-14-99, _____.

DEPARTMENT OF EDUCATION

State Board of Education

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| <p>RULE NOS.:</p> <p>6A-1.0451</p> <p>6A-1.045111</p> | <p>RULE TITLES:</p> <p>Florida Education Finance Program Student Membership Surveys</p> <p>Hourly Equivalent to 180-Day School Year</p> |
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PURPOSE AND EFFECT: The purpose and effect of this rule development is to develop an equivalent number of hours to the 180-day school year requirement, consistent with statutorily required instructional time for participation in the Florida Education Finance Program. The rule development will also amend existing Rule 6A-1.0451, F.A.C., to account for the hourly equivalent of the 180-day school year for purposes of reporting student membership for participation in the Florida Education Finance Program.

SUBJECT AREA TO BE ADDRESSED: Required instructional time for students.

RULEMAKING AUTHORITY: 1001.02(1), 1001.42(12)(a), 1001.51(11)(a), 1003.02(1)(g), 1011.60(2), 1011.61(1)(c)2. FS.
LAW IMPLEMENTED: 1001.42(12)(a), 1001.51(11)(a), 1003.02(1)(g), 1011.60(2), 1011.61(1)(a)1., 1011.61(1)(c)2. FS.

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

DATE AND TIME: February 5, 2010, 9:00 a.m. – 11:00 a.m.
PLACE: Via conference call: (888)808-6959, conference code 2450966. Anyone wishing to attend in person: Florida Department of Education, 325 W. Gaines St., Rm. 1727, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Large, Assistant General Counsel, 325 W. Gaines St., Room 1244, Tallahassee, FL 32399, (850)245-0442. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

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| RULE NO.: | RULE TITLE: |
| 6A-1.0955 | Education Records of Pupils and Adult Students |

PURPOSE AND EFFECT: The 2009 Legislature revised Florida’s student records law in order to ensure that it aligns with federal requirements. Section 1002.22, F.S., now directs the Department of Education to review the provisions of the Family Education Rights and Privacy Act (FERPA) to ensure that it complies with certain protections and notices and adopt rules to administer Florida’s student records laws provisions. The purpose of this rule development is to revise the rule on student records to reflect recent revisions to Section 1002.22, F.S., and 34 C.F.R. 99.1, et seq. in order to ensure that Florida’s student records law is complaint with FERPA. The revisions will update statutory references, delete obsolete references and provisions, amend definitions, revise record keeping and notice requirements, and make other revisions necessary to ensure compliance with FERPA and establish the obligations of public schools and agencies when managing these records.

The result will be a rule that reflects the current requirements of FERPA and provides public schools with a framework for complying with student records requirements.

SUBJECT AREA TO BE ADDRESSED: Requirements for the creation and maintenance of student records and the rights of access, challenge, waiver, privacy and notice related to student records.

RULEMAKING AUTHORITY: 1001.02, 1002.22(3), 1003.23(5) FS.

LAW IMPLEMENTED: 1001.51(12), 1001.52(2), 1002.22, 1003.25, 1008.386, 1008.405 FS.

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

DATE AND TIME: Monday, February 8, 2010, 2:00 p.m.
 PLACE: Via conference call at (888)808-6959, Conference Code 2450966; Anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 1706, Tallahassee Florida, at the time provided above

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Margaret O’Sullivan Parker, Office of the General Counsel, 325 West Gaines Street, Suite 1244, Tallahassee, FL 32399; (850)245-0443

TO REQUEST A RULE DEVELOPMENT WORKSHOP please contact Lynn Abbott, Agency Clerk at lynn.abbott@fldoe.org or (850)245-9661

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

DEPARTMENT OF EDUCATION

State Board of Education

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| RULE NO.: | RULE TITLE: |
| 6A-10.044 | Residency for Tuition Purposes |

PURPOSE AND EFFECT: Section 1009.21, F.S., governing the determination of resident status for tuition purposes, was revised during the 2009 legislative session. The rule must be amended to be consistent with the revised statute.

SUBJECT AREA TO BE ADDRESSED: Residency for Tuition Purposes.

RULEMAKING AUTHORITY: 1009.21(12) FS.

LAW IMPLEMENTED: 1009.21 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Alexander, Division of Florida Colleges, Department of Education, 325 West Gaines Street, Room 1532G, Tallahassee, Florida 32399-0400, (850)245-9523 or e-mail: julie.alexander@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

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| RULE NO.: | RULE TITLE: |
| 9J-5.006 | Future Land Use Element |

PURPOSE AND EFFECT: The purpose and effect are to amend the rule to provide greater detail and explanation relating to the statutory requirements that the future land use element be based upon the amount of land required to accommodate anticipated growth and the projected population of the area.

SUBJECT AREA TO BE ADDRESSED: The statutory requirements that the future land use element be based upon, inter alia, the amount of land required to accommodate anticipated growth and the projected population of the area.

RULEMAKING AUTHORITY: 163.3177(9), (10) FS.

LAW IMPLEMENTED: 163.3177(6)(a) FS.

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

DATE AND TIME: February 22, 2010, 1:00 p.m.

PLACE: Wyndham Orlando Resort – Jasmine Room, 8001 International Drive, Orlando, Florida 32819

Pursuant to the provisions of 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, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1681. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Pennock, Strategic Planning Coordinator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1735

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

DEPARTMENT OF TRANSPORTATION

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| RULE NOS.: | RULE TITLES: |
| 14-85.024 | Permit Renewal |
| 14-85.025 | Denial, Revocation, Suspension, or Cancellation of Permit |

PURPOSE AND EFFECT: The proposed amendments will establish payment options for years in which annual fees increase by more than 20%.

SUBJECT AREA TO BE ADDRESSED: The amendments address the payment of logo sign permit fees.

RULEMAKING AUTHORITY: 334.044(2), 479.261(1) FS.

LAW IMPLEMENTED: 479.261(3), 479.261(4) FS.

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

DATE AND TIME: February 17, 2010, 9:00 a.m. – 12:00 Noon

PLACE: Department of Transportation, Haydon Burns Building, Suwannee Room, 605 Suwannee Street, Tallahassee, Florida 32399-0458

Pursuant to the provisions of 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-85.024 Permit Renewal.

(1) Each year, a dated renewal billing shall be sent to current permittees specifying the permit fee amount, due date, Interstate and interchange location, number of panels, and name ~~on~~ of the business logo.

(2) Permit renewal payments must be received by the Program Administrator no later than 5:00 p.m. on December 1 of each year. In any year in which the average annual fee increases by more than 20% and upon request by the permittee, the Department shall extend the due date for (thirty) 30 days.

(3) In any year in which the average annual fee increases by more than 20% and upon request by the permittee, the Department shall accept payments on an installment basis. Installments shall be paid in accordance with the following provisions:

(a) No more than four (4) quarterly installments of equal amount shall be authorized.

(b) The first installment payment shall be paid no later than 5:00 p.m. on the due date established in accordance with subsection (2).

(c) Payment for each subsequent quarter shall be paid at least thirty (30) days prior to the beginning of that quarter.

(d) Failure to submit each quarterly payment by the required date will result in the revocation of the permit pursuant to subsection 14-85.025(2), F.A.C.

~~(4)(3)~~ It is the responsibility of the permit holder to keep the Program Administrator informed of all ~~any~~ address changes, ownership changes, contact changes, and billing address changes, as well as ~~and~~ any other changes occurring after impacting notification or participation eligibility that have occurred since the last renewal period, which may impact the permittee's notification of their participation eligibility.

~~(4) If the Program Administrator has not received the permit fee(s) by 5:00 p.m. Eastern Standard time on December 1, the Department shall revoke the logo permit.~~

Rulemaking Authority 334.044(2), 479.261(1) FS. Law Implemented 479.261(3), 479.261(4) FS. History—New 12-15-09, Amended _____.

14-85.025 Denial, Revocation, Suspension, or Cancellation of Permit.

(1) No change.

(2) Revocation. A business’s permit to participate in the logo sign program shall be revoked if:

(a) The business no longer meets the eligibility requirements as outlined in this rule chapter, ~~and~~ has not been granted a suspension pursuant to subsection (3) below, or the Program Administrator has not received the permit fees by 5:00 p.m. on December 1, unless the Department has extended the payment due date pursuant to subsections 14-85.024(2) and (3), F.A.C. if permit fees are not received by the Program Administrator by 5:00 p.m. Eastern Standard time on December 1.

(b) No change.

(3) through (5) No change.

Rulemaking Authority 334.044(2), 479.261(1) FS. Law Implemented 479.261(3), 479.261(4) FS. History—New 12-15-09, Amended _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

RULE NO.: 25-22.033
 RULE TITLE: Communications Between Commission Employees and Parties

PURPOSE AND EFFECT: To codify Commission policy on communication with parties and interested persons. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Communication with parties and interested persons.

RULEMAKING AUTHORITY: 350.01(7), 350.127(2) FS.

LAW IMPLEMENTED: 120.569, 120.57, 350.042 FS.

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

DATE AND TIME: Wednesday, February 10, 2010, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, 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: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samantha Cibula, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6202. The preliminary text of the proposed rule development will be available on the Commission's Web site, www.floridapsc.com, on January 27, 2010

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.504
 RULE TITLE: Criteria for Assignment to Staff Housing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to include in the list of priority positions staff members who are duty wardens and whose duty station is an institution.

SUBJECT AREA TO BE ADDRESSED: Staff Housing.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain priority staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority staff may be

allocated such housing at a nearby institution by the Regional Director. The following priority staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. The warden also has authority to recommend that these personnel live off the grounds. Only the Secretary may alter these priorities based upon proof of an employee’s significant personal hardship or in the best interests of the Department.

1. through 4. No change.

5. A staff member who is a Duty Warden and whose duty station is an institution.

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

(b) No change.

(2) Mobile Home Spaces.

(a) No change.

(b) Employees or occupants of personally owned mobile homes must provide proof of ownership by title or registration. Compliance with this requirement shall be noted on Form DC2-808A, Staff Housing Agreement ~~the staff housing agreement, Form DC2-808A.~~ Form DC2-808A is incorporated by reference in Rule 33-208.506, F.A.C.

(c) through (d) No change.

(3) Rooms in Officer Quarters.

(a) through (b) No change.

(c) The warden of a major institution shall designate one or more rooms in an officer quarters for use by department employees temporarily visiting the institution on official duty when so requested by the Secretary ~~secretary~~ to meet the housing needs of such employees.

(4) No change.

(5) Any occupant of staff housing, including officers quarters, state mobile homes and personally owned mobile homes, who is not on the priority or non-priority list shall be permitted to remain an occupant of staff housing provided that he or she abides by the provisions of this rule. This rule provision shall apply to all occupants who reside in any type of staff housing prior to and on the effective date of this amendment.

Rulemaking Specific Authority 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 944.10, 945.025(1) FS. History—New 9-1-88, Amended 9-5-89, Formerly 33-26.004, 33-602.504, Amended 8-16-00, 4-8-02, 1-19-03, 3-30-05, 9-5-06, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-501.301 Law Libraries

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify the grounds for suspension or revocation of an inmate law clerk certification; clarify the process for reinstating a law clerk certification that was suspended due to inactivity; specify that inmates identified as

members or possible members of a security threat group shall not be assigned to work in a law library; and generally amend for grammatical accuracy.

SUBJECT AREA TO BE ADDRESSED: Law Libraries.

RULEMAKING AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.301 Law Libraries.

(1) No change.

(2) Definitions.

(a) Central office library services: ~~the refers to~~ library services section in the bureau of institutional programs in the department’s central office headquarters.

(b) Deadline: ~~refers to~~ any requirement imposed by law, court rule, or court order that imposes a maximum time limit on the filing of legal documents with the court.

(c) Illiterate: ~~refers to inmates who demonstrate~~ academic competence below the 9th grade level, as measured by the Test of Adult Basic Education as provided in Rule 6A-6.014, F.A.C.

(d) Incompetence or incompetent: ~~refers to~~ oral or written statements or conduct that demonstrates to departmental staff that an inmate law clerk does not have ability or knowledge to research and use the law library collection, to provide inmates with accurate information on the law and civil or criminal procedure, or to assist inmates in the preparation of legal documents or legal mail.

(e) Inmate law clerk: ~~refers to~~ any inmate whom ~~that~~ an institution has assigned to work in a law library in departmental inmate work assignment code L04. Inmate law clerks have successfully completed the department’s law clerk training program, or have equivalent legal training, and have “LEGAL” or “LAW” certificate entries recorded in the department’s offender database.

(f) Inmate law clerk trainee: ~~refers to~~ any inmate whom ~~that~~ an institution has assigned to work in a law library in departmental inmate work assignment code L03. Inmates must meet all of the qualifications established in paragraph (7)(d) to be assigned as a law clerk trainee.

(g) Inmate library clerk: ~~refers to~~ any inmate whom ~~that~~ an institution has assigned to work in the law library in departmental work assignment code L01.

(h) Interstate Corrections Compact: ~~refers to~~ an interstate agreement that permits the ~~state~~ State of Florida to transfer custody of Florida inmates to other state correctional systems in accordance with Sections 941.55-.57, F.S.

(i) Law library collection: ~~refers to~~ print and digital/non-print publications that include the following information: the Florida Constitution and Florida Statutes; the U.S. Constitution and U.S. Code; Florida court decisions; U.S. Supreme Court, federal circuit court, and federal district court decisions; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner's rights. Law library collection shall also include current copies of departmental rules and regulations as provided in paragraph (5)(b).

(j) Law library supervisor: ~~refers to~~ a library program specialist, librarian specialist, library technical assistant, and, whenever these positions are vacant, any other employee ~~whom that~~ the warden or designee appoints to oversee operation of the institution's law library program.

(k) Legal assistance: ~~refers to~~ those services that the law library program or inmate law clerks provide to the inmate population. They include: providing inmates access to law library materials; assisting inmates in conducting legal research; assisting inmates with the preparation of legal documents and legal mail and administrative actions filed with the Florida Parole Commission or the Florida Bar; assisting inmates with the preparation of grievances filed with the Department of Corrections; providing inmates with access to grievance and court forms; providing indigent inmates with access to legal writing supplies pursuant to Rule 33-210.102, F.A.C.; and providing copying services to inmates pursuant to Rule 33-501.302, F.A.C.

(l) Library services administrator: ~~the~~ ~~refers to~~ departmental employee in the bureau of institutional programs who is responsible for statewide coordination of library and law library services.

(m) Official state holiday: ~~refers to~~ any day that the governor or the ~~state~~ legislature of the state of Florida designates a state holiday.

(n) Open population inmates: ~~refers to~~ inmates housed in general population at ~~an~~ a institution or unit with a law library and any inmates housed at satellite correctional facilities if law libraries are not located there.

(o) Personal legal papers: ~~refers to~~ legal documents, legal correspondence, research notes, and transcripts relating to ongoing civil or criminal litigation where the inmate is a named plaintiff or defendant.

(p) Primary source material: ~~refers to~~ legal research materials that constitute the law or have the force of law. These include constitutions, statutes, treaties, administrative rules, court rules, and court decisions.

(q) Priority access: ~~refers to~~ the act of providing an inmate with exceptional access to the law library collection, inmate law clerks, interlibrary loan services, or to copying services.

(r) Research items: ~~refers to~~ photocopies of cases, ~~and~~ statutes, ~~and~~ tables of contents, sections, or chapters from other reference titles in the institution's law library collection; ~~that~~ ~~which~~ are ~~lent~~ ~~loaned~~ to inmates for legal research purposes. These do not include the inmate's personal legal papers, pleadings, or transcripts.

(s) Satellite correctional facilities: ~~refers to~~ a medium or minimum custody correctional facility, such as an annex, work camp, road prison, forestry camp, or drug treatment center. Satellite correctional facilities do not include work release centers.

(t) Working day: ~~refers to~~ any weekday, i.e., Monday to Friday, except when the day is an official state holiday.

(3) Law Library Access – General.

(a) Hours of Operation. Law libraries shall be open for inmate use a minimum of 25 hours per week, except weeks ~~that~~ ~~which~~ include official state holidays. Only times that inmates have access to the law library collection and inmate law clerks, or when inmate law clerks are providing research assistance to close management, death row, other special status populations, shall be counted. The law library's operating schedule shall be designed to permit inmates access to legal materials consistent with:

1. Inmates' ~~The inmate's~~ security classification and housing assignments ~~assignment~~;

2. through 4. No change.

(b) Inmates at satellite correctional facilities without law libraries shall be provided access to the law library and inmate law clerks by means of correspondence, except as otherwise provided in paragraphs (3)(d), (e), and (f).

(c) Inmates who are temporarily transferred to correctional or medical facilities outside the department may secure legal assistance and ~~and/or~~ access to legal research materials by submitting a written request to the library services administrator in the central office; or the law library supervisor at the institution from which they were transferred. Inmates who are serving sentences imposed by the Florida courts by virtue of the Interstate Corrections Compact may secure legal assistance and access to legal research materials by writing the library services administrator in the central office. Correspondence should be directed to the Florida Department of Corrections, Attention: Library Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(d) Law libraries shall provide interpreters for any language, other than English; ~~that is~~ native to 5 percent or more of the statewide inmate population. Inmates ~~Such inmates~~ at satellite correctional facilities who require an interpreter shall be provided an opportunity to visit the law library within 1 week of submitting an oral request or Form DC6-236, Inmate

Request, for legal assistance to the law library supervisor or other facility staff. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(e) No change.

(f) Inmates who must meet deadlines imposed by law, court rule, or court order shall be given priority in the use of the law library and related legal services. However, the inmate shall be responsible for notifying the department of the deadline in a timely manner. Department staff shall respond to a request for special access to meet a deadline within 3 working days of receipt of the request, not including the day of receipt. This period shall not be shortened due to the failure of the inmate to give timely notice of the deadline.

1. through 4. No change.

(g) No change.

(h) Inmates who mutilate, deface, or pilfer law library materials shall be subject to formal disciplinary action as provided in Rules 33-601.301-.314, F.A.C., and penalties for infraction may include a temporary suspension of the inmate's privilege of on-site use of the law library of up to 30 days. The disciplinary team ~~that~~ ~~which~~ presides over the disciplinary hearing shall determine the length of the suspension after considering the inmate's past record of rule infractions while in the law library, assessing the material damage to the legal research collection, and determining whether the damage to the collection was intentional or inadvertent. Inmates who have been suspended from the law library shall conduct business through correspondence or through inmate law clerks rather than through personal visits to the law library. However, steps shall be taken to ensure that the inmate is not denied access to legal material during this suspension.

(4) Law Library Access for Inmates in Administrative Confinement, Disciplinary Confinement, Close Management, Protective Management, on Death Row, and in Medical or Mental Health Units.

(a) Inmates in administrative confinement, disciplinary confinement, ~~and~~ close management, and maximum management shall be permitted to have access to their personal legal papers and law books, to correspond with the law library, to have the law library deliver legal materials to their cells, and, as provided in paragraphs (3)(e) and (f), to visit with inmate law clerks. Efforts shall be made to accommodate the research needs of inmates who have filing deadlines imposed by law, court rule, or court order.

1. through 2. No change.

(b) through (e) No change.

(f) Inmates shall be limited to possession of no more than 15 research items from the law library. Research items shall be lent ~~loaned~~ for a maximum of 21 days. Inmates who fail to return research items within 21 days shall be subject to disciplinary action as provided in Rules 33-601.301-.314,

F.A.C. Institutions shall also limit the accumulation of research materials when possession of same in an inmate's cell creates a safety, sanitation, or security hazard.

(5) Law Library Collections.

(a) through (e) No change.

(f) Requests for the addition or deletion of titles in law library collections shall be submitted in writing to the library services administrator in the central office. The library services administrator shall review all requests and make a recommendation to the chief of the bureau of institutional programs. Requests shall be reviewed according to the material's primary research value and whether it substantively provides additional information, or merely duplicates what is in the current collection. If the recommendation is approved, the materials shall be ordered and placed in law library collections.

(g) through (h) No change.

(6) Interlibrary Loan Services.

(a) Inmates at satellite correctional facilities without law libraries, who need access to legal materials in law library collections, shall submit Form DC5-152, Law Library Interlibrary Loan Request, or Form DC6-236, Inmate Request, to the law library supervisor at the main unit of the institution. Form DC5-152 is incorporated by reference in subsection (11) of this rule.

1. through 3. No change.

(b) through (c) No change.

1. Inmates needing such materials are to submit Form DC5-152, Law Library Interlibrary Loan Request, to the institution's law library supervisor. Form DC5-152, ~~Law Library Interlibrary Loan Request~~, is to include the full and complete citation of the material needed, and a written justification on why the material is needed. If any deadlines apply, the date of the deadline is to be noted on Form DC5-152, ~~Law Library Interlibrary Loan Request~~. The law library supervisor is then to forward the request to the library services administrator in the central office. The correct mailing address is: Department of Corrections, Attention: Library Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500.

2. The library services administrator or designee shall review the request and either approve it or disapprove it. If the request is disapproved, the reason for disapproval will be noted on the request and the request shall be returned to the requesting law library. The law library supervisor will provide a copy of Form DC5-152, Law Library Interlibrary Loan Request, to the inmate. If the request is approved, the request shall be forwarded to the Florida State University law library for completion. When the completed work is received from the Florida State University law library, it shall be mailed to the requesting law library. The law library supervisor will provide a copy of Form DC5-152, ~~Law Library Interlibrary Loan Request~~, and the requested material to the inmate.

(d) Inmates with deadlines imposed by law, court rule, or court order shall be given priority in the handling of interlibrary loan requests, and such requests shall be submitted separately from requests not involving deadlines.

(e) through (f) No change.

(7) Use of Inmates as Clerks in Law Libraries.

(a) No inmate whom the department has identified as a member or suspected member of a security threat group (STG) shall be assigned to work in a law library.

(b) Inmate library clerks: law libraries shall be assigned inmates as library clerks to perform work of a clerical nature. Duties of library clerks include circulating legal materials, maintaining law library files, keeping the law library clean and orderly, and assisting the law library supervisor in collecting statistics, preparing reports and correspondence, and other job tasks related to program operations. Library clerks who are assigned only such work shall not be required to complete the law clerk training program. Inmates assigned as library clerks shall not assist inmates in the preparation of legal documents and legal mail; and shall not be assigned to conduct confinement visits unless accompanied by an inmate law clerk.

(c)(b) Inmate law clerk trainees: inmates who have no formal training in legal research and who wish to work as inmate law clerks in law libraries shall be assigned as law clerk trainees; and shall be required to attend and successfully complete the law clerk training program. Inmates assigned as law clerk trainees shall not assist inmates in the preparation of legal documents and legal mail; and shall not be assigned to conduct confinement visits unless accompanied by an inmate law clerk.

(d)(e) Inmate law clerks: law libraries shall be assigned inmates as inmate law clerks to assist inmates in the research and use of print and digital or non-print resources in the law library collection; and in the drafting of legal documents, legal mail, administrative actions filed with the Florida Parole Commission, the Florida Bar, and other administrative bodies, and inmate grievances filed with the Department of Corrections. A minimum of 2 inmate law clerks shall be assigned to law libraries in adult institutions, and a minimum of 1 inmate law clerk shall be assigned to law libraries in youthful offender institutions. Institutions shall assign additional inmate law clerks to the law library as needed to ensure that illiterate and impaired inmates are provided research assistance.

(e)(d) Qualifications. Inmate law clerks shall:

1. Have a high school diploma, general educational development, or Test of Adult Basic Education (TABE) subtest total battery scores of grade 9.0 or higher in reading and language; or otherwise demonstrate that he or she possesses the reading and language skills necessary to read and understand the law, to conduct legal research, and to assist other inmates in legal research and the preparation of legal documents.

2. through 3. No change.

4. Display a willingness to work and cooperate with others and the ability to perform the general duties of an inmate law clerk, including good oral and written communication skills, good comprehension, and intelligence.

(f)(e) Law clerk training program. Central office library services shall develop a training program to provide inmates who work in law libraries with knowledge of legal research and writing, use of specific legal research materials to include digital or non-print resources in the law library collection, the law and rules of criminal law and post-conviction remedies, prisoners' civil rights, and other subject matter identified as necessary for an inmate law clerk to provide meaningful assistance to inmates. Inmates who successfully complete the law clerk training program shall be given a certificate by central office library services documenting successful completion of the program, and a notation shall be recorded in the department's offender database. Central office library services will document an inmate's successful completion of the law clerk training program in the department's offender database. Central office library services shall revoke or suspend certification for commission of acts prohibited by this section or for failure to satisfactorily perform the duties assigned to an inmate law clerk.

(g)(f) Inmates; who have prior educational or work experience in the law; or who possess current knowledge of the law, knowledge of legal research materials, and knowledge of how to use them; may be certified by the office of library services without having to complete the law clerk training program. Admissible educational achievements or work experiences include:

1. Receipt of an associate or bachelor's degree in paralegal research or pre-law;
2. Receipt of a juris doctorate degree; or
3. One or more years of verifiable work experience as a paralegal working under the direct supervision of an attorney; or
4. ~~Successful completion of a written examination developed by the office of library services that verifies that an inmate possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing.~~

(h)(g) At the time of an inmate's assignment to work in the law library, the law library supervisor shall advise the inmate that he or she is not to disclose any information about an inmate's legal case to other inmates.

(i)(h) Incompetence. The law library supervisor shall immediately remove an inmate law clerk from his or her work assignment in the law library upon demonstration that the inmate law clerk is incompetent. When a law library supervisor removes an inmate law clerk for incompetence, he or she will immediately inform the library services administrator, to include providing a report detailing the reason(s) for removal. The library services administrator will review the matter to

determine whether the removal should be temporary, as when a performance deficiency can be corrected through completion of additional training, or should be permanent. If the library services administrator determines that the performance deficiencies cannot be corrected through additional training, he or she will revoke the inmate's law clerk certification. Central office library services shall also have the authority to order the removal of an inmate law clerk from his or her work assignment in the law library for incompetence.

~~(j)(†)~~ Prohibited conduct: inmate law clerks. Violation of any of the provisions of this section shall result in the immediate removal of the inmate law clerk from his or her work assignment in the law library, and disciplinary action pursuant to Rules 33-601.301-.314, F.A.C. The library services administrator will be informed whenever an institution removes an inmate law clerk from the law library for any of the following reasons:

1. through 7. No change.

8. Inmate law clerks shall not display an unwillingness to work and cooperate with others or refuse or fail to perform the general duties of that work assignment. ~~Such conduct shall be defined as a failure to follow departmental rules and procedures relating to law library program operations, or violation of the rules of prohibited conduct, Rule 33-601.314, F.A.C., while in the law library or performing work-related tasks.~~

~~(k)(†)~~ Upon receipt of notice that an inmate law clerk has been found guilty of a disciplinary ~~report~~ infraction concerning violation of any of the provisions of subsection (7), the library services administrator will review the matter to determine whether the inmate's law clerk certificate should be revoked. The determination as to whether the inmate's certificate shall be revoked shall be based on a consideration of the following factors:

1. the findings of the disciplinary report;

2. discussions with institution staff about the infraction;

3. a record of prior counseling or disciplinary action ~~for violation of the provisions of subsection (7)~~;

4. a record of multiple violations of the provisions of subsection (7); and

5. a determination that the violations of subsection (7) were intentional rather than inadvertent.

If the library services administrator determines that revocation is warranted, the inmate's law clerk training certificate shall be revoked and his or her certificate entry will be deleted from the offender database.

(k) through (n) renumbered (l) through (o) No change.

~~(p)(†)~~ Central office library services shall suspend the law clerk certificate of an inmate when 4 years have passed since he or she worked in a law library as an inmate law clerk. Central office library services shall reinstate the law clerk certificate once an inmate recompletes training pursuant to paragraph (7)(f) or otherwise demonstrates, pursuant to

paragraph (7)(g), that he or she has the requisite educational experience to continue as a law clerk if the inmate demonstrates, through successful completion of a written examination, that he or she still possesses current knowledge of the law, knowledge of legal research materials and how to use them, and can communicate effectively in writing.

~~(q)(†)~~ Inmate law clerks must secure prior, written approval from the law library supervisor, on Form DC5-153, Personal Legal Papers Authorization, to retain their own or another inmate's personal legal papers in the law library. Form DC5-153 is incorporated by reference in subsection (11) of this rule. At a minimum, the following information shall be documented on Form DC5-153: the committed name and DC number of the inmate who owns the papers; a list of all documents and papers to be retained in the law library and the number of pages for each; and, the committed name and DC number of the inmate law clerk who is assisting the inmate. The inmate shall then sign and date the form and submit it to the law library supervisor for approval. If the law library supervisor approves the request, he or she shall sign the form and enter the date when the personal legal papers must be removed from the law library. Inmates who do not remove their personal legal papers from the law library by that date shall be subject to formal disciplinary action as provided in Rules 33-601.301-.314, F.A.C.

1. Only those personal legal papers that are specifically needed for research, or to prepare the necessary legal documents or mail, shall be stored in the law library. The personal legal papers may be retained in the law library for only as long as it takes to prepare the needed legal documents or legal mail or for 20 calendar days, whichever is shorter.

2. No change.

~~(r)(†)~~ Inmate law clerks shall not be permitted to conduct legal research or prepare legal documents and legal mail on personal legal matters during work hours unless:

1. through 2. No change.

(8) No change.

(9) Grievance and Court Forms.

(a) Law libraries shall provide inmates access to Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal. Form DC1-303 is incorporated by reference in Rule 33-103.019, F.A.C. Inmates shall not be required to submit a Form DC6-236, ~~Inmate Request~~, in order to secure grievance forms. Inmates who request more than 5 grievance forms at a time may be required to explain how the forms will be used.

(b) No change.

(10) No change.

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

(a) through (b) No change.

Rulemaking Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History—New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, 11-4-01, 12-23-03, 1-7-07, 1-6-09, 6-16-09, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.101
 RULE TITLE: Incentive Gain Time

PURPOSE AND EFFECT: Rule amended to clarify that only inmates who are found guilty of disciplinary reports on or after July 15, 2009 are eligible for the shortened ineligibility periods that were promulgated on that date. The change is necessary to clarify that the reduced periods of ineligibility are not, and were not intended to be, retroactive from the date of their promulgation. Language in the rule stating that “[a]ny inmate who is found guilty of a disciplinary report on or after April 21, 1996... shall be eligible to earn incentive gain time as follows” was placed in the rule only to ensure prospective application of a prior rule change in accordance with *Britt v. Chiles*, 704 So. 2d 1046 (Fla. 1997); this language is no longer necessary and will be amended to state that inmates found guilty of a disciplinary report on or after July 15, 2009 shall be eligible to earn incentive gain time pursuant to the provisions of the rule.

SUBJECT AREA TO BE ADDRESSED: Incentive Gain Time.

RULEMAKING AUTHORITY: 944.09, 944.275, 944.281 FS.
 LAW IMPLEMENTED: 944.09, 944.275, 944.281, 944.801(3)(i)5. FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.101 Incentive Gain Time.

(1) through (5) No change.

(6) Inmates in disciplinary confinement status are not eligible for a work/program rating even if assigned to work or programs while in disciplinary confinement. Inmates in disciplinary confinement are eligible for a security rating award which can be modified by the correctional probation officer in accordance with paragraph 33-601.101(3)(b), F.A.C.

(a) Disciplinary or court action. An inmate is not eligible to receive incentive gain time for the month in which there is an infraction of the rules of the Department or the laws of the State for which he is found guilty. Additionally, those inmates

on escape status and detained by other agencies may not be awarded incentive gain time for the period of time out of custody even though lodged in another confinement facility. Any inmate who is found guilty of a disciplinary report on or after July 15, 2009 ~~April 21, 1996~~ and who is serving a sentence imposed for an offense committed on or after October 1, 1995 shall be eligible to earn incentive gain time as follows:

1. through (8) No change.

Rulemaking Authority 944.09, 944.275, 944.281 FS. Law Implemented 944.09, 944.275, 944.281, 944.801(3)(i)5. FS. History—New 2-26-80, Amended 1-12-83, 1-31-85, 10-7-85, Formerly 33-11.065, Amended 4-28-87, 7-12-89, 7-17-90, 10-16-90, 10-14-91, 2-17-93, 4-17-94, 7-17-94, 4-21-96, 6-1-97, 10-7-97, 3-11-98, 5-12-98, 7-9-98, 9-17-98, Formerly 33-11.0065, Amended 7-15-09, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.230
 RULE TITLE: Physician Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.230, F.A.C., is to incorporate by reference the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2010. The effect of the update will provide for new Medicaid policy that allows coverage for intrathecal baclofen therapy (ITB) used to manage severe spasticity of spinal cord or cerebral origin. It will include limitations of coverage, prior authorization requirements for the ITB infusion pump, and conditions of payment for this device.

SUBJECT AREA TO BE ADDRESSED: Physician Services.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

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

DATE AND TIME: Friday, February 19, 2010, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Alyssa Anderson at the Bureau of Medicaid Services, (850)487-3056. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alyssa Anderson, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)487-3056

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2010 ~~January 2007, errata January 2007, updated January 2007 and May 2007~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at www.mymedicaid-florida.com ~~http://floridamedicaid.aes-inc.com~~. Click on Public Information for Providers, Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling Provider Enrollment at (800)377-8216.

(3) through (5) No change.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History--New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 8-3-04, 8-18-05, 8-31-05, 10-26-06, 2-11-07, 5-7-07, 7-2-07, 11-15-07,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-22.006
 RULE TITLE: Facials (Including Skin Care and Hair Removal)

PURPOSE AND EFFECT: The purpose for amendment to this rule is to separate the requirements for hair removal training and from that to facial training to make the requirements more easily distinguishable for prospective licensees and licensees.

SUBJECT AREA TO BE ADDRESSED: Requirements for Hair Removal and Facials.

RULEMAKING AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.0201, 477.023(2) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

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 Physical Therapy Practice

RULE NO.: 64B17-3.002
 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination

PURPOSE AND EFFECT: To change the name of the Jurisprudence Exam, place a time limit on valid scores, and change the application.

SUBJECT AREA TO BE ADDRESSED: Changing the name of the Jurisprudence Exam, placing a time limit on valid scores, and changing the application.

RULEMAKING AUTHORITY: 456.017, 486.025, 486.051 FS.

LAW IMPLEMENTED: 456.017, 486.051 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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.002
 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination

PURPOSE AND EFFECT: To change the name of the Jurisprudence Exam and to place a time limit on valid scores.

SUBJECT AREA TO BE ADDRESSED: Name of the Jurisprudence Exam and time limit on valid scores.

RULEMAKING AUTHORITY: 456.017(1)(b), 486.025, 486.104 FS.

LAW IMPLEMENTED: 456.017, 486.104 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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

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

PURPOSE AND EFFECT: To make all deadlines in citations consistent.

SUBJECT AREA TO BE ADDRESSED: Deadlines in citations.

RULEMAKING AUTHORITY: 456.077, 486.025 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-7.0027 RULE TITLE: Procedure for Compliance With Board Ordered Laws and Rules Exam

PURPOSE AND EFFECT: To move the special testing accommodations questions to another part of the application.

SUBJECT AREA TO BE ADDRESSED: Changes to the application.

RULEMAKING AUTHORITY: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-7.0027 Procedure for Compliance With Board Ordered Laws and Rules Exam.

Licenses ordered to take and pass the examination as a result of a disciplinary proceeding or reinstatement, must file DOH Form #DH-MQA 1144, PT Florida Laws and Rules Examination Application, Revised 0802/09, which is available through www.doh.state.fl.us/mqa.

Rulemaking Authority 456.036, 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History–New 5-21-09, Amended 8-10-09,_____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-9.001 RULE TITLE: Continuing Education

PURPOSE AND EFFECT: To establish the amount of continuing education credit that will be given for college courses.

SUBJECT AREA TO BE ADDRESSED: Determination of the amount of continuing education credit that will be given for college courses.

RULEMAKING AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Physical Therapy Practice Board, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255

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

DEPARTMENT OF HEALTH**Division of Emergency Medical Operations**

RULE NO.: RULE TITLE:
64J-2.010 Apportionment of Trauma Centers
Within a Trauma Service Area
(TSA)

PURPOSE AND EFFECT: To obtain public input on the apportionment of trauma centers within Trauma Service Area 1.

SUBJECT AREA TO BE ADDRESSED: Trauma Service Area.

RULEMAKING AUTHORITY: 395.405 FS.

LAW IMPLEMENTED: 395.4015, 395.402, 395.405 FS.

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

DATE AND TIME: Wednesday, February 10, 2010, 11:00 a.m. EST (10:00 a.m. CST)

Participation is also available via conference call. Dial 1(888)808-6959, enter code 2354440.

PLACE: Okaloosa County Health Department – Crestview Location – 810 East James Lee Blvd., Auditorium, Crestview, FL

DIRECTIONS: Contact Tammy Meadows at (850)833-9240, x2112.

Pursuant to the provisions of 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: Janet Collins at the following email address: Janet_Collins@doh.state.fl.us or by Fax (850)488-2512. If you are 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: Susan McDevitt at (850)245-4440, ext. 2760 or via email at susan_mcdevitt@doh.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES**Division of Accounting and Auditing**

RULE NO.: RULE TITLE:
69I-20.090 Orders or Settlements Requiring
Restitution

PURPOSE AND EFFECT: The registration forms codified in Rule 69I-20.001, F.A.C., are being amended, in part, to clarify that the applicant must provide the federal tax identification number of the applicant's employer rather than the applicant's social security number and to clarify that only the registrant may sign the claim form, power of attorney and the purchase

agreement. The existing notarized statement form codified in Rule 69I-20.0022, F.A.C., is being amended to expressly state that the claimant must produce the claimant's photographic identification to the notary. The proposed amendment to Rule 69I-20.0022, F.A.C., also creates affidavits attesting to the claimant's or seller's identity to be used only when the claimant or seller does not possess any form of government-issued photographic identification. The claimant affidavit codified in Rule 69I-20.0026, F.A.C., is being amended, in part, to provide a space for the claimant to put the description of the unclaimed property and to put the name of the holder that reported the property. The amended affidavit also requires the claimant to provide an explanation regarding why the claimant believes that he or she is the reported owner of the unclaimed property account. Proposed Rule 69I-20.0037, F.A.C., creates a form for the reporting of the precious metals in accordance with Section 538.32, Florida Statutes. Proposed Rule 69I-20.090, F.A.C., provides model language that may be used in orders or settlements requiring restitution. The recommended paragraphs require that uncashed restitution checks be reported as unclaimed property. The language may be modified to fit the facts of the particular case.

SUBJECT AREA TO BE ADDRESSED: The registration of claimant's representatives, the notarized statement form, affidavits attesting to the unclaimed property owner's identity, the claimant affidavit, orders or settlements requiring restitution, and reporting form for Section 538.32, Florida Statutes.

RULEMAKING AUTHORITY: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 92.525, 117.05, 538.31, 538.32, 717.117, 717.119, 717.124, 717.12403, 717.12404, 717.12405, 717.1242, 717.1243, 717.126, 717.1261, 717.1262, 717.135, 717.1351, 717.139, 717.1400, 732.102, 732.103 FS.

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

DATE AND TIME: Thursday, February 25, 2010, 9:30 a.m.

PLACE: Suite B 103, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Paul C. Stadler, Jr. If you are 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: Paul C.

Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-44.022
RULE TITLE: Report of Unclaimed Property under Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 or 744.534, Florida Statutes

PURPOSE AND EFFECT: Proposed Rule 69I-44.022, F.A.C., incorporates a form into the Department’s rules for the reporting of the unclaimed funds in accordance with Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 and 744.534, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Reporting forms for Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 and 744.534, Florida Statutes.

RULEMAKING AUTHORITY: 17.29, 624.308(1) FS.

LAW IMPLEMENTED: 17.05(1), 17.29, 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816, 744.534 FS.

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

DATE AND TIME: Thursday, February 25, 2010, 9:30 a.m.
PLACE: Suite B 103, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Paul C. Stadler, Jr., (850)413-3010. If you are 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: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.037
RULE TITLE: Provisional Ballots

PURPOSE AND EFFECT: The purpose of the proposed changes is to clarify the content of the notice of rights to provisional ballot voters as relates to their right to present evidence of eligibility in order to have their ballot counted and their right to find out if their provisional ballot was counted, and if not, why. The proposed changes will make the notice consistent with the procedures implemented in response to 2008 legislative changes to Section 97.053(6), Florida Statutes.

SUMMARY: Specifically, the proposed changes highlight what evidence must be presented by a specific class of voters who may vote provisionally, i.e., those who vote provisionally solely because their Florida driver’s license number, Florida identification card number, or social security number was unverified by the time they presented to vote. Such provisional ballot voter can either present identification in person or provide a copy of such identification by mail, fax or email to the Supervisor of Elections. The identification must still be presented to or received by Supervisor of Elections no later than 5 pm. of the second day following the election if the voter wants the evidence to be considered by the county canvassing board for purposes of counting the provisional ballot. The proposed changes also eliminate reference to the procedures that were applicable prior to January 1, 2008 and also make non-substantive organizational changes to the rule.

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.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 101.048 FS.

LAW IMPLEMENTED: 97.053(6), 101.048 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: February 15, 2010, 3:00 p.m.
PLACE: Room 307, R. A. Gray Building, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eddie L. Phillips, Executive Office Assistant,

Office of General Counsel, Florida Department of State at: ELPhillips@dos.state.fl.us or (850)245-6536. If you are 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: Donald Palmer, Director, Division of Elections, Florida Department of State at: DLPalmer@dos.state.fl.us or (850)245-6200 or Maria Matthews, Assistant General Counsel, Florida Department of State, (850)245-6536, mimatthews@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.037 Provisional Ballots.

(1) Notice of Rights to Provisional Ballot Voters. ~~A written notice, entitled "Notice of Rights for Provisional Ballot Voters" must be provided to each person who casts a provisional ballot, and shall be entitled "Notice of Rights to Provisional Ballot Voters."~~ The notice instructions shall contain the following statements.

~~(a) Information on how to access the respective county supervisor of election's free access system and the information the voter will need to provide to obtain information on whether his or her provisional ballot was counted, and if not, the reason it was not counted.~~

~~(a)(b) The statement "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."~~

~~(e)1. Applicable before January 1, 2008. The statement "You may provide written evidence supporting your eligibility to vote to the Supervisor of Elections at (provide address of the Supervisor) by no later than 5:00 p.m. of the third day following the election.~~

~~(b)2. Applicable on or after January 1, 2008. The statement "As a provisional ballot voter, you have the right to You may provide written evidence supporting your eligibility to vote to the Supervisor of Elections at (provide address of the Supervisor). However, in order for your provisional ballot to count for this election, you must provide the evidence by no later than 5:00 p.m. of the second day following the election. If you voted a provisional ballot because the State could not verify your Florida driver's license number, Florida state identification card number or the last four digits of your social security card number that you gave on your application, you can either bring in your Florida driver's license, Florida identification card, or social security card to the Supervisor of Elections at (provide address of the Supervisor) for verification or you can mail, fax or email a copy of your card to the Supervisor of Elections. However, this written evidence must be received by the deadline above in order for your provisional ballot to count."~~

~~(d) The statement "ATTENTION: If you voted a provisional ballot because you did not present an acceptable form of photo or signature have the proper identification at the polls your ballot will be counted if your signature on the, you do not have to provide further evidence of your eligibility. If the canvassing board determines that the signature on your provisional ballot Voter's Certificate and Affirmation matches the signature on your registration record and you voted in the proper precinct, your provisional ballot shall count."~~

~~(c) "You also have the right to find out through the Supervisor of Elections' office whether your provisional ballot was counted, and if not, the reason it was not counted. To find out if your ballot was counted, please take the following steps: (provide instructions on how to access the Supervisor of Elections' free access system for the voter to find out if his or her provisional ballot was, and if not, the reason it was not counted)."~~

~~(d) Contact information for the Supervisor of Elections' office is: (provide address, phone number, fax number, and e-mail address).~~

(2) Forms for Certificates and Affirmations. ~~The Department of State, Division of Elections, is required to establish forms for Provisional Ballot Certificates and Affirmations to be used statewide Except as provided. Subject to the exception in subsection (3), Provisional ballot certificates and affirmations shall be substantially in accordance with Form DS DE 49 OS (eff. 01/06), entitled "Optical Scan, Provisional Ballot Voter's Certificate and Affirmation"; Form DS DE 49 OS/TS (eff. 01/06), entitled "Touch Screen, Provisional Ballot Voter's Certificate and Affirmation"; or Form DS DE 49 OT (eff. 01/06), entitled "Optical Scan/Touchscreen, Provisional Ballot Voter's Certificate and Affirmation". All forms under this rule are hereby incorporated by reference. Copies of the forms may be obtained from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division of Elections website at: <http://election.dos.state.fl.us>, or by contacting the Division of Elections at (850)245-6200.~~

(3) Exception for Sequoia Touch Screen Voting System. In order to ensure the secrecy of the ballot of each provisional ballot voter, the following special forms and procedures must be used and followed in all counties using the Sequoia Touch Screen Voting System:

(a) Forms. Form DS DE 50 Sequoia and, entitled "Sequoia Touch Screen, Provisional Ballot Voter's Certificate and Affirmation," (eff. 06/06) shall be used as the provisional ballot envelope form, and form DS DE 50 Sequoia-A, entitled "Provisional Ballot Identification Number Form," (eff. 06/06) shall be used to write the provisional ballot voter's identification number, in reference to the procedures in paragraphs (b) and (c).

(b) Procedures at the polls:

1. Once a determination is made that a voter needs to vote a provisional ballot, the voter is provided with the provisional ballot envelope form DS DE 50 Sequoia.

2. The voter fills out the Provisional Ballot Voter’s Certificate and Affirmation using DS DE 50 Sequoia and provides it to the election official to witness.

3. The election official witnesses the voter’s signature and fills out the information on the back side of the envelope indicating the reason the voter is voting a provisional ballot.

4. The election official activates the voter card and writes the provisional ballot number from the card activator on a separate form using DS DE 50 Sequoia-A.

5. The voter verifies that the provisional ballot identification number on the form matches the ballot number from the card activator display.

6. The voter places the form with the ballot identification number in the Provisional Ballot envelope and seals the envelope.

7. The voter proceeds to the touch screen voting system and votes his or her provisional ballot.

8. At the close of the polls, all completed provisional ballot envelopes are returned to the supervisor of elections.

(c) Procedures during the canvassing process:

1. The canvassing board determines the eligibility of each provisional voter.

2. For each provisional voter that is determined to be eligible, the provisional ballot envelope shall be opened and the provisional ballot number shall be separated from the envelope containing the voter’s name to ensure that the voter’s name and provisional ballot number cannot be connected.

3. All ballots connected to the provisional ballot numbers for eligible voters shall be tabulated according to the procedures for tabulating ballots provided by the manufacturer.

4. For each provisional voter that is determined to be ineligible, the provisional ballot envelope shall not be opened and the Provisional Ballot Identification Number shall remain sealed in the envelope.

(d) All requirements of this rule otherwise apply to provisional ballots cast using the Sequoia Touchscreen Voting System. Provisional ballot procedures on election day and during the early voting period must otherwise meet all requirements of this rule.

Rulemaking Specific Authority 20.10(3), 97.012(1), (2), 101.048 FS. Law Implemented 97.053(6), 101.043, 101.048, 101.049, 101.111 FS. History—New 2-2-04, Amended 1-29-06, 6-1-06, 11-18-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donald Palmer, Director, Division of Elections, Florida Department of State at: DLPalmer@dos.state.fl.us or (850)245-6200

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary of State, Florida Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.101
RULE TITLE: Routine Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify the circumstances under which an inmate may receive more than 15 pages of additional written materials; eliminate the color restrictions on incoming mail; clarify that address labels may only be affixed to the outside of the mailing envelope; create an exception to the prohibition on sending mail to individuals who have requested that no mail be received from an inmate, as long as the outgoing mail pertains to civil pleadings or other legal documents pertaining to a civil case in which both the inmate and the intended recipient are parties; clarify that incoming mail that is unauthorized because it is not properly addressed to the inmate or because it is in unauthorized packaging shall be stamped with the reason for rejection and returned to the sender unopened; create a mechanism for inmates who allege that a pen-pal solicitation ad was placed without their knowledge or consent to request in writing that the ad be removed in order to avoid disciplinary action; amend Form DC2-521, Unauthorized Mail Return, to coincide with the rule changes.

SUMMARY: The proposed rule is amended to: clarify the circumstances under which an inmate may receive more than 15 pages of additional written materials; eliminate color restrictions on incoming paper and stationery; clarify that address labels may only be affixed to the outside of the mailing envelope; clarify that incoming mail that is unauthorized because it is not properly addressed to the inmate or because it is in unauthorized packaging shall be stamped with the reason for rejection and returned to the sender unopened; create an exception to the prohibition on sending mail to individuals who have requested that no mail be received from an inmate, as long as the outgoing mail pertains to civil pleadings or other legal documents pertaining to a civil case in which both the inmate and the intended recipient are parties; provide a more efficient procedure for handling unauthorized mass mailings;

provide a procedure for inmates who allege no responsibility for the posting a pen pal advertisement to attempt to have the advertisement removed in order to avoid disciplinary action; clarify that incoming mail packed in or including any unauthorized packaging shall be returned to the sender.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.101 Routine Mail.

(1) The provisions of this section shall apply to routine mail. Routine mail is all inmate mail, except legal mail (see Rule 33-210.102, F.A.C.), privileged mail (see Rule 33-210.103, F.A.C.), and publications (see Rule 33-501.401, F.A.C.).

(2) Inmates will be permitted to receive only the following types of materials through routine mail:

(a) Written correspondence (no limit as to number of pages). Correspondence shall be written in either English or Spanish. Inmates who cannot read and write in English or Spanish shall request approval from the warden to correspond and receive correspondence in the language which the inmate can read and write using Form DC6-236, Inmate Request. The warden shall approve such requests when there are department staff who can translate the correspondence or when it is otherwise possible to obtain translation services at de minimus cost to the Department. Correspondence may be written on greeting cards, but cards containing electronic or other non-paper parts, cards ~~that which~~ are constructed in such a way as to permit concealment of contraband, or cards that which are larger than 8"x10" will not be permitted. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) Up to 15 pages of additional written materials, unless the additional written materials pertain to an inmate's legal case, ~~or~~ health, ~~or other significant issues and~~ ~~or~~ prior approval is obtained from the warden to send in an enclosure of greater than 15 pages. Each page can be no larger than 8 1/2" x 14" in size; material can be on both sides of a page. This does not

include publications, which shall be handled pursuant to Rule 33-501.401, F.A.C. Individual articles or clippings from publications the content of which is otherwise admissible are permissible, up to the 15 page limit. No item can be glued, taped, stapled, or otherwise affixed to a page. Requests to send enclosures of greater than 15 pages shall be made to the warden or ~~his~~ designee prior to sending the material. Exceptions to the 15 page limitation are intended for enclosures concerning legal, medical, or other significant issues, and not for material for general reading or entertainment purposes. The warden shall advise the sender and the mail room of his approval or disapproval of the request.

(c) Photographs. Photographs will be counted toward the 15 page additional materials limitation. Nude photographs or photographs ~~that which~~ reveal genitalia, buttocks, or the female breast will not be permitted. Polaroid photographs will not be permitted. Photographs will not exceed 8" x 10".

(d) No change.

(e) ~~Unused Blank~~ greeting cards (no larger than 8" x 10"), stationery or other blank writing paper (lined or unlined), or envelopes. ~~Such items may only be white, off white, or yellow and may not include borders or graphics.~~ These items do not count toward the 15 page limitation for additional materials, but cannot exceed 10 each in number, ~~with a total possession limit of 15 of each item.~~ Card stock, sketch paper, and other types of craft paper may not be included.

(f) U.S. postage stamps. The value of the stamps cannot exceed the equivalent of 20 (1 oz.) first class stamps. These items do not count toward the 15 page limitation for additional materials. Inmates shall not possess more than the maximum number of stamps permitted by Rule 33-602.201, F.A.C. Due care shall be exercised in processing mail; however, the department shall not be responsible for any postage stamps sent through the mail.

(3) No other items may be received through incoming routine mail. If an impermissible item is found (other than items of an illegal nature) the entire correspondence will be returned to the sender pursuant to subsection (14) of this rule. For example, the following items are not permissible for inclusion in or attachment to routine mail:

(a) through (b) No change.

(c) Stickers or stamps (other than postage stamps, postal service attachments, and address labels affixed to the outside of the mailing envelope);

(d) Address labels (other than those affixed to the outside of the mailing envelope); or

(e) No change.

(4) No change.

(5) Any routine mail sent or received shall be opened, examined, and is subject to being read by a designated employee. If the warden has approved an inmate to receive correspondence written in a language other than English or

Spanish the correspondence may be translated to confirm that it complies with the applicable rules. If the language cannot be translated by an employee at the facility the correspondence may be photocopied and sent to another institution or the central office for translation. Outgoing mail shall not be sealed by the inmate sender. Incoming and outgoing mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 48 hours of receipt by the mail room, excluding weekends and holidays.

(6) through (7) No change.

(8) Correspondence with individuals under civil commitment as sexually violent predators shall be subject to the prior approval of the warden. The warden shall withhold approval if he finds that the intended correspondence would present a substantial threat of interference with the security, order, or rehabilitative objectives of his institution.

(9) Inmates shall not use correspondence privileges to solicit or otherwise commercially advertise for money, goods, or services. For the purposes of this rule this includes advertising for pen-pals; inmates are not prohibited from corresponding with pen pals, but shall not place ads soliciting pen pals. Inmates who post ads or have ads posted with the assistance of another person shall be subject to disciplinary action. If an inmate alleges that an ad was posted without his assistance or permission or that the ad was placed before the restriction on soliciting pen-pals became effective, it is the responsibility of the inmate to request that the ad be removed by submitting a written request to the owner, operator, or administrator of the forum in which the ad is located if it is reasonably possible for the Department to identify the physical address of such entity. No inmate shall be subject to discipline if the ad is not removed subsequent to submission of the written request. If it is not reasonably possible for the Department to identify the physical address of the owner, operator, or administrator of the forum in which the ad is located, the inmate must submit Form DC6-236, Inmate Request, to the warden indicating that the ad was placed without the inmate's knowledge or consent or that it was placed prior to the restriction on solicitation of pen-pals. The inmate shall be subject to disciplinary action only if it is discovered that the inmate solicited the ad or that it was placed subsequent to the restriction on solicitation of pen-pals.

(10) Inmates may not send mail to any person who has advised the warden that he does not wish to receive mail from the inmate. The parents or legal guardians of a person under the age of 18 may advise that mail is not to be sent to such person. Upon receipt of such advisement, the warden will cause to be prepared an acknowledgment specifying that the inmate will not be permitted to send mail to the person requesting the correspondence restriction and that such person should return any further mail received from the inmate and notify the warden of the attempt to correspond. After the

inmate is notified of the correspondence restriction, any further attempt to correspond will be considered a violation of this rule and of section 9-14 of the Rules of Prohibited Conduct (Rule 33-601.314, F.A.C.), and will subject the inmate to disciplinary action. This restriction does not apply to civil pleadings or other legal documents pertaining to a civil case in which both the inmate and the receiver are parties, and no inmate shall be subject to discipline for mailing such items.

(11) Outgoing or incoming mail shall be disapproved for mailing or delivery to the inmate if any part of it:

(a) No change.

(b) Depicts, encourages, or describes methods of escape from correctional facilities or contains blueprints, drawings, or similar descriptions of Department of Corrections facilities or institutions, or includes road maps that can facilitate escape from correctional facilities;

(c) Depicts or describes procedures for the brewing of alcoholic beverages, or the manufacture of drugs or other intoxicants;

(d) No change.

(e) Depicts, describes, or encourages activities ~~that~~ which may lead to the use of physical violence or group disruption;

(f) No change.

(g) Is dangerously inflammatory in that it advocates or encourages riot, insurrection, disruption of the institution, or violation of department or institution rules;

(h) Threatens physical harm, blackmail, or extortion;

(i) Pictorially depicts sexual conduct as defined by Section 847.001, F.S., as follows:

1. through 5. No change.

~~6. Actual contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party;~~

6.7- Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

(j) No change.

(k) Contains criminal history, offender registration, or other personal information about another inmate or offender which, in the hands of an inmate, presents a threat to the security, order, or rehabilitative objectives of the correctional system or to the safety of any person;

(l) ~~Contains~~ ~~it contains~~ an advertisement promoting any of the following where the advertisement is the focus of, rather than ~~being~~ incidental to, the publication, or the advertising is prominent or prevalent throughout the publication.

1. through 4. No change.

(m) through (o) No change.

(12) through (13) No change.

(14)(a) When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the letter causing disapproval will be given to the

inmate. When an inmate is prohibited from receiving any item of mail, the inmate and the sender will be given notice in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. Form DC2-521, The Unauthorized Mail Return Receipt, Form DC2-521, will be placed in the original envelope with the correspondence and returned to the sender. However, if an incoming mailing is rejected because it does not comply with the requirements of paragraph (15)(a) or subsection (20) of this rule, Form DC2-521 shall not be prepared. Instead, staff shall write or stamp the reason for rejection on the mailing and it shall be returned to the sender unopened.

(b) If the incoming mail is disapproved for one of the reasons listed in subsection (7), (8), or (9), paragraph (11)(a) through (l) or (o), subsection (12) or (13) of this rule, the institution shall make a copy of the correspondence before returning it to the sender with Form DC2-521, the Unauthorized Mail Return Receipt, Form DC2-521, included. If an institution receives identical correspondence from the same individual or entity that is addressed to more than 10 inmates, and the correspondence is disapproved for one of these reasons, the institution shall make only one copy of the correspondence and shall mail the sender only one Form DC2-521. The mailings shall be returned to the sender and may be returned together in a single package. The institution is not required to copy incoming correspondence disapproved pursuant to subsection (7) if the return address on the envelope was the reason for determining that the mail was sent from an inmate at another penal institution.

(c) No change.

(d) If unauthorized items are discovered in the mail (other than items of an illegal nature), the unauthorized item and the correspondence will be returned to the sender with Form DC2-521, the Unauthorized Mail Return Receipt, Form DC2-521 included. Form DC2-521 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-2-09.

(15) Incoming and outgoing routine mail shall be delivered to and picked up from the institution or facility by the U.S. Postal Service only.

(a) Addresses of incoming mail: The address of all incoming mail must contain the inmate's committed name, identification number, and institutional address. The inmate's dorm and bunk locations are not required. All incoming mail shall contain the return address of the sender. The return address of incoming mail is subject to verification, and incoming mail shall be rejected if the sender or recipient cannot be verified.

(b) Addresses of outgoing mail: The return address of all outgoing mail shall contain the inmate's committed name, identification number, and institutional name and institutional address. The inmate's dorm and bunk locations are not

required. No prefix other than inmate, Mr., Ms., Miss, or Mrs. nor any suffix other than Jr., Sr. or Roman numeral such as II or III may be included as part of the committed name in the return address. The institutional name in the return address must be spelled out completely with no abbreviations. All outgoing routine mail will be stamped "mailed from a state correctional institution" by mail room staff.

(c) Third party mailing services.

1. Inmates shall not utilize any third party mailing services or engage in any activities that which would enable them to engage in correspondence without revealing their status as inmates. Examples of prohibited activities include the following:

a. through b. No change.

c. Use of any mailing service that which allows the inmate to utilize a non-institutional address and engage in correspondence without revealing his ~~or her~~ status as an inmate;

d. Any activity or service that which does not reveal to potential correspondents the inmate's status as an inmate.

2. Senders shall not utilize any third party mailing services or engage in any activities that which would enable them to engage in correspondence without revealing their identity or return address.

3. No change.

(16) through (19) No change.

(20) No packaging other than standard envelopes shall be given to inmates. Incoming mail that includes This includes removing the following types of packaging shall be rejected and returned to the sender unopened: boxes, padded envelopes, plastic bags, any envelopes that include metal parts, multi-layer packaging, bubble wrap, packing peanuts, etc.

(21) through (22) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, 3-23-08, 7-2-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Hancock, Deputy Assistant Secretary of Institutions

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.603
 RULE TITLE: Furloughs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates on community custody status are eligible to be considered for furlough, to update form names and numbers, and to amend for grammatical accuracy.

SUMMARY: The proposed rule specifies that community custody inmates are eligible to be considered for furlough, updates form names and numbers, and generally edits language for grammatical accuracy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.603 Furloughs.

- (1) No change.
- (2) Definitions.

(a) Furlough – The program ~~that which~~ allows inmates to visit in the community for specified purposes and under certain conditions.

(b) through (d) No change.

(e) Non-relative sponsor – A person approved through the furlough sponsor process ~~who that~~ is not ~~a relative an immediate family member~~ of the inmate.

(f) No change.

(g) Non-Advanceable Release Date – A release date ~~that which~~ cannot be reduced by the application of discretionary gain time.

(3) Policy Statement.

(a) Except as limited in this rule, the limits of confinement for inmates participating in the furlough program will be relaxed extended in area and in time to the degree necessary to allow the inmate to travel to the furlough destination, accomplish the purpose for which the furlough was authorized, and return to the facility. The limits will be specified in writing and the inmate will be advised of the limits prior to the issuance of a furlough.

(b) The department will allow inmates to leave the principal places of their confinement unaccompanied by a custodial agent for a prescribed period of time ~~not accompanied by a custodial agent~~.

(c) No change.

(d) The decision as to which inmates shall be allowed to leave the principal places of their confinement shall be based upon criteria set forth in subsection (6) of this rule 33-601.603(6), F.A.C.

(e) through (f) No change.

(4) Requirements and General Considerations.

(a) Participation in the furlough program is not a right, but a privilege ~~that which~~ must be earned by the inmate.

(b) No change.

(c) The objectives of the furlough program ~~is are~~ to contribute to the total rehabilitation of the inmate by any of the following means:

1. Easing Ease the transition from prison back to the community.
2. Seeking Seek employment ~~that which~~ may be retained after the inmate is released from the facility.
3. Helping Help determine the inmate’s readiness for release.
4. Preserving Preserve family and community ties.
5. Permitting Permit the inmate to develop or maintain occupational skills.

(d) General conditions applicable to participation in the furlough program are as follows:

1. No change.
2. No inmate participating in the on a furlough program shall be allowed to operate any type of motor vehicle. Transportation shall be provided by the furlough sponsor or the facility. Public transportation shall be authorized when a furlough sponsor does not possess private means of transportation or when such transportation is required due to time or distance limitations. If public transportation is used, the cost of such transportation shall be paid by the inmate or sponsor.
3. No change.
- (e) No change.
- (f) Upon request of the inmate, community and minimum custody inmates will be considered for furlough providing:

1. No change.
2. If a detainer exists from an outside agency, the detaining authority has, in writing, not objected ~~to for~~ the inmate’s participation inmate to participate in the furlough program;
3. No change.
5. Any additional requirements or conditions imposed for the particular type of furlough requested are met; and

6. There is cause to believe that the inmate will honor the trust bestowed upon him or her. All furloughs shall be verified by the approving authority for the legitimacy and authenticity of the furlough requested ~~by the approving authority~~.

(5) Furlough Sponsors.

(a) No change.

(b) Factors used in assessing the appropriateness of an applicant to serve as a furlough sponsor are:

1. through 3. No change.

4. Any other factor that ~~which~~ impacts the safety and security of the public, institution, or inmate;

5. Whether the potential sponsor is Must be a relative of the inmate, unless no such relative is available. In that event, a non-relative furlough sponsor shall be utilized.

(c) A furlough sponsor will not be approved if:

1. The applicant Applicant is under any active felony supervision;

2. The applicant Applicant has introduced or attempted to introduce contraband into any correctional facility within the last 10 years as documented by an incident report, or evidenced by a finding of guilt by a court or administrative body;

3. The applicant Applicant has assisted or attempted to assist an escape or escape attempt from any correctional facility;

4. The applicant Applicant or inmate has committed a violation of department regulations during furlough activities in which the applicant has served as a sponsor, within the last five years;

5. The applicant Applicant or inmate has given false information at any point during the application process, unless it is reasonably determinable that the incorrect information was provided as a result of an inadvertent or good faith mistake, omission, or clerical error.

(d) Approval to serve as furlough sponsor is subject to termination at any time for the reasons stated below:

1. through 4. No change.

5. Information acquired by the department that supports reasonable belief that the sponsor's conduct or behavior does not promote the goals and objectives of the furlough;

6. Any other Sponsor is deemed to present a threat to the security, order, or rehabilitative objectives of the correctional system, or to the safety of any person posed by continued participation by the sponsor.

(6) Type A Furloughs.

(a) No change.

(b) Other conditions that ~~which~~ apply to type A furloughs are:

1. Inmates must be community or minimum custody;

2. through 4. No change.

5. An inmate shall abide by all conditions in Form DC6-178 DC6-152, the Type A Furlough Agreement;

6. There are no limitations on the number of Type A furloughs that ~~which~~ may be granted;

7. No change.

(c) No change.

(7) Community Supervision Type A Furloughs.

(a) Pregnancy Furloughs.

1. Female inmates in the last trimester of pregnancy shall be considered for a Type A furlough if:

a. The inmate Inmate meets all criteria outlined in this rule;

b. The inmate is within 36 months of release unless serving a sentence with a non-advanceable release date or a current commitment of 1st, 2nd, or 3rd degree murder or attempt, in which case the inmate shall be within 15 months of her release date;

c. The chief health officer verifies that the level of medical care that ~~which~~ will be rendered to the inmate outside the institution is comparable to or greater than that which could be rendered to the inmate within the institution.

2. A plan of community supervision shall be developed by the classification specialist and approved by the approving authority of the inmate's facility, and arrangements shall be made for monitoring the inmate's activities while on furlough.

a. The plan of community supervision shall include supervision contact by probation and parole services while the inmate is on furlough status. The furloughing facility shall contact probation and parole services in the city where the inmate will be residing during the furlough period, and develop community control supervision contact standards. The developed plan will be attached to the furlough request.

b. through d. No change.

3. No change.

4. An inmate Inmates shall be considered for placement at the a community correctional center nearest to her their residence upon satisfactory completion of the pregnancy furlough.

(b) Medical Furloughs.

1. No change.

2. In order to be eligible for a medical furlough, the inmate must be recommended by the Chief Health Officer, Regional Health Services Director, and classification team, and the recommendation must be endorsed by the Assistant Secretary for Health Services. After the assistant secretary has endorsed the medical furlough based on all pertinent medical information and the above criteria, he shall forward the recommendation to the approving authority for review of security issues and for final determination. If approved, a plan of community supervision shall be developed by the classification specialist and approved by the approving authority of the inmate's facility, and arrangements shall be made for monitoring the inmate's progress.

(c) The plan of community supervision shall include supervision contact by probation and parole services while the inmate is on furlough status. The furloughing facility shall contact probation and parole services in the city where the inmate will be residing during the furlough period; and develop community control supervision contact standards. The developed plan will be attached to the furlough request.

(d) through (e) No change.

(f) The approving authority is authorized to terminate a medical furlough at any time during the furlough period for noncompliance with the conditions of the furlough; or changes in the inmate's medical condition.

(g) Upon the death of the inmate on furlough, staff performing community supervision shall contact the institution from which the inmate was released on furlough. The institution shall be responsible for providing notice of the death, the custody and disposition of the body, the distribution of the certificate of death, and the coroner's report pursuant to Rule 33-602.112, F.A.C., Inmate Deaths.

(8) Type B Furlough Sponsors. In addition to the criteria outlined in subsection (5) of this rule ~~33-601.603(5), F.A.C., Furlough Sponsors~~, the following criteria ~~apply~~ applies to Type B furlough sponsors:

(a) A Type B furlough sponsor shall be a relative; unless a relative is not available to serve as a sponsor or no relative meets ~~fails to meet~~ the criteria to serve as a sponsor, ~~then a non relative furlough sponsor may be utilized.~~

(b) The inmate who requests an applicant to become a type B furlough sponsor shall submit the appropriate request to his assigned center officer. The assigned center officer shall obtain an FCIC/NCIC criminal history background inquiry on the prospective furlough sponsor. The Correctional Officer Major ~~correctional officer major~~ of the community correctional center shall review the request and approve or disapprove the request based on criteria provided in subsection (5) of this rule ~~33-601.603(5), F.A.C.~~ If disapproved, the correctional officer major shall provide the furlough sponsor applicant written notification of the decision and reasons why, a copy of which shall be included in the inmate's record.

(c) through (d) No change.

(9) Type B Furloughs.

(a) through (b) No change.

(c) Type B furloughs aid in the rehabilitation of the inmate; and are granted for family visitation, routine medical or dental appointments, community volunteer projects, employment interviews, mental health counseling, haircut appointments, church services, or substance abuse treatment meetings.

(d) Restrictions on ~~the number of~~ type B furloughs, ~~and time and distance limitations are as follows:~~

1. through 3. No change.

4. Except as noted in subparagraph (9)(d)3. of this rule ~~33-601.603(9)(d)3., F.A.C.~~, a type B furlough for purposes other than family visitation shall not exceed three hours. For family visitation an inmate shall not be granted more than a maximum of eight daylight hours. Factors that ~~which~~ will be considered in determining the maximum number of hours granted an inmate for a family visitation furlough shall include the inmate's need for furlough, degree of participation in programs, adjustment to the facility, and willingness to abide by the furlough conditions.

(e) Inmates who demonstrate satisfactory facility adjustment and program participation, meet all eligibility criteria, and have either served 5 calendar years or have completed one third of the sentence to be served, which ever is less, shall be eligible for consideration for a furlough for family visitation purposes. "Sentence to be served" is interpreted as being from the imposed date of sentence to the earliest release date. The following special conditions apply to family visitation furloughs:

1. The furlough must occur in a residential type facility that ~~which~~ has telephone access. Hotel or motel rooms will suffice if a residential type facility is not available given the particular circumstances of the visitation;

2. through 3. No change.

(f) The approving authority for community correctional centers shall have the authority to approve participation in the type B furlough family visitation program for all inmates assigned to community correctional centers, contract work release, and contract community substance abuse treatment facilities. Once approval has been granted, the Correctional Officer Major or the program director at contract facilities shall have the authority to approve ~~the taking of~~ type B family furlough privileges on a case by case basis; while ensuring that the criteria requirements and considerations outlined in this rule are met.

(g) An inmate granted type B furlough privileges must:

1. Agree to the conditions as outlined in Form DC6-179, Type B Furlough Request Agreement. Form DC6-179 is incorporated by reference in subsection (11) of this rule;

2. Be accompanied throughout the furlough period by the approved furlough sponsor; and

3. Adhere to the following procedures:

a. Inmates who reside in community correctional centers, contract work release facilities, or a community contract substance abuse treatment facility, upon approval by the Correctional Officer Major or program director, shall be permitted to leave the center on a sign-out basis not requiring a type B family visitation furlough approval for the following activities: routine medical, mental health, or dental appointments; community volunteer projects; employment interviews; haircuts; church services; substance abuse counseling; or seeking suitable residence.

b. All inmates to whom a type B furlough privilege has been granted must be signed out of and into the facility by an officer prior to departure from and upon their return from the furlough activity utilizing Form DC6-180, Sign-Out Sheet for Community Activity or Furlough.

c. No change.

(h) An inmate who is on a type B furlough for any activity except family visitation or church services shall call the community correctional center, contract work release facility, or community Tier IV drug treatment center in which the inmate resides at least once per hour during the furlough period. In the event more than one inmate is attending a function with a particular sponsor, that sponsor, rather than the inmate, is authorized to make the required call at least once per hour during the furlough period.

(i) No change.

(10) Removal From the Type B Furlough Program.

(a) The approving authority of a community correctional centers shall remove an inmate from the furlough program if:

1. The approving authority, following placement of the inmate in the type B furlough program, receives any information concerning the inmate ~~that which~~ would adversely impact the safety and security of the community;

2. The inmate engages in any conduct ~~that which~~ causes the approving authority to believe that the inmate will not honor the trust bestowed upon ~~him them~~;

3. The approving authority determines that it is not in the best interest of the safety and security of the community, the department, or the inmate to continue the inmate in the type B furlough program.

(b) No change.

(11) Forms. The following forms are hereby incorporated by reference.

(a) No change.

(b) DC6-179, "Type B Furlough Request Agreement", effective _____ ~~12-8-97~~.

(c) No change.

(d) DC6-180, "Sign-Out Sheet for Community Activity or Furlough" ~~"Community Correctional Sign-Out Sheet for Community Activities"~~, effective _____ ~~12-8-97~~.

Rulemaking Specific Authority 945.091 FS. Law Implemented 945.091 FS. History--New 12-8-97, Amended 4-13-98, 10-20-98, Formerly 33-9.024, Amended 10-9-07, 12-25-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Hancock, Deputy Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-2.001
RULE TITLE: Standards of Professional Conduct

PURPOSE AND EFFECT: The proposed rule is necessary to modify the standards of professional conduct.

SUMMARY: The proposed rule modifies the standards of professional conduct.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:

- 2,768 Management Firms in addition to the already regulated 11,000 Community Association Manager will be required to comply with the rule; furthermore, all licensed Community Association Management Firms and Community Association Managers will be required to comply.

- The only costs to be incurred are rulemaking costs. No effect on state or local revenue is expected.

- The proposed change will impact 1,000 – 4,999 small businesses. No small county or city will be impacted by the rule.

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

RULEMAKING AUTHORITY: 468.4315(2), 468.436(3) FS.

LAW IMPLEMENTED: 468.433, 468.436 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: Anthony Spivey, Executive Director, Regulatory Council of Community Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

THE FULL TEXT OF THE PROPOSED RULE IS:

61E14-2.001 Standards of Professional Conduct.

~~All~~ Licensees ~~and registrants~~ shall adhere to the following provisions, ~~and~~ standards of professional conduct, and such provisions and standards shall be deemed automatically incorporated, as duties of all licensees ~~and registrants~~, into any written or oral agreement for the rendition of community association management services, the violation of which shall constitute gross misconduct, ~~culpable negligence~~ or gross negligence:

(1) Definitions. As used in this rule, the following definitions apply:

(a) The word "control" means the authority to direct or prevent the actions of another person or entity pursuant to law, contract, subcontract or employment relationship, but shall

specifically exclude a licensee's ~~or registrant's~~ relationship with a community association, its board of directors, any committee thereof or any member of any board or committee.

(b) "Licensee" means a person licensed pursuant to Sections 468.432(1) and (2), F.S.

(e) ~~"Registrant" means an entity registered pursuant to Section 468.432(2), F.S.~~

(c)(4) The word "funds" as used in this rule includes money and negotiable instruments including checks, notes and securities.

(2) Honesty. During the performance of management services, a licensee ~~or registrant~~ shall not knowingly make an untrue statement of a material fact or knowingly fail to state a material fact.

(3) Professional Competence. A licensee ~~or registrant~~ shall undertake to perform only those community association management services which he or it can reasonably expect to complete with professional competence.

(4) Due Professional Care.

(a) A licensee ~~or registrant~~ shall exercise due professional care in the performance of community association management services.

(b) A licensee ~~or registrant~~ shall not knowingly fail to comply with the requirements of the documents by which the association is created or operated so long as such documents comply with the requirements of law.

(5) Control of Others. A licensee ~~or registrant~~ shall not permit others under his or the management firm's ~~its~~ control to commit on his or the firm's ~~its~~ behalf, acts or omissions which, if made by either the licensee or registrant, would place that licensee him or it in violation of Chapter 455, 468, Part VIII, F.S., or Chapter 61-20, F.A.C., or other applicable statutes or rules. A licensee ~~or registrant~~ shall be deemed responsible by the department for the actions of all persons who perform community association management related functions under his or its supervision or control.

(6) Records.

(a) A licensee ~~or registrant~~ shall not withhold possession of any original books, records, accounts, funds, or other property of a community association when requested by the community association to deliver the same to the association upon reasonable notice. Reasonable notice shall extend no later than 10 20 business days after termination of any management or employment agreement and receipt of a written request from the association. The manager may retain those records necessary for up to 20 days to complete an ending financial statement or report. Failure of the association to provide access or retention of accounting records to prepare the statement or report shall relieve the manager of any further responsibility or liability for preparation of the statement or report. The provisions of this rule apply regardless of any contractual or other dispute between the licensee and the community association, ~~or between the registrant and the community~~

~~association~~. It shall be considered gross misconduct, as provided by Section 468.436(2), F.S., for a licensee ~~or registrant~~ to violate the provisions of this subsection.

(b) A licensee ~~or registrant~~ shall not deny access to association records, for the purpose of inspecting or photocopying the same, to a person entitled to such by law, to the extent and under the procedures set forth in the applicable law.

(c) A licensee ~~or registrant~~ shall not create false records or alter records of a community association or of the licensee ~~or registrant~~ except in such cases where an alteration is permitted by law (e.g., the correction of minutes per direction given at a meeting at which the minutes are submitted for approval).

(d) A licensee ~~or registrant~~ shall not, to the extent charged with the responsibility of maintaining records, fail to maintain his or its records, and the records of any applicable community association, in accordance with the laws and documents requiring or governing the records.

(7) Financial Matters. A licensee ~~or registrant~~ shall use funds received by him or it on the account of any community association or its members only for the specific purpose or purposes for which the funds were remitted.

(8) Other Licenses.

(a) A licensee ~~or registrant~~ shall not commit acts of gross negligence, ~~culpable negligence~~ or gross misconduct in the pursuit of community association management or any other profession for which a state or federal license is required or permitted. It shall be presumed that gross negligence or gross misconduct has been committed where a licensee's ~~or registrant's~~ other professional license has been suspended or revoked for reasons other than non-payment of fees dues or noncompliance with applicable continuing education requirements.

(b) A licensee ~~or registrant~~ shall not perform, agree to perform or hold himself or itself out as being qualified to perform any services which, under the laws of the State of Florida or of the United States, are to be performed only by a person or entity holding the requisite license or registration for same, unless the licensee ~~or registrant~~ also holds such license or registration; provided, however, that no violation hereof shall be deemed to have occurred unless and until the authority administering the license or registration in question makes a final determination that the licensee or registrant has failed to obtain a license or registration in violation of the law requiring same.

(c) A licensee ~~or registrant~~ shall reveal all other licenses or registrations held by him or it under the laws of the State of Florida or the United States, if, as a result of such license or registration, a licensee ~~or registrant~~ receives any payment for services or goods from the community association or its board.

(d) Violation of any provision of Section 455.227(1), F.S., or of any part of this rule shall subject the licensee ~~or registrant~~ to disciplinary measures as set out in Section 468.436, F.S.

www.doh.state.fl.us/mqa. To complete the application attach the appropriate fees and supporting documents and submit it to the Board Office.

(2) through (3) No change.

Rulemaking Authority 457.104 FS. Law Implemented 457.105 FS. History—New 2-18-98, Amended 10-11-04, 5-25-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-16.003
RULE TITLE: Guidelines for the Disposition of Disciplinary Cases

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the guidelines for the disposition of disciplinary cases.

SUMMARY: The guidelines for the disposition of disciplinary case will be clarified.

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

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

RULEMAKING AUTHORITY: 456.039(3), 456.072, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.039(3), 456.072, 456.079, 460.413(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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

- (1) No change.
- (a) No change.

(b) Section 460.411(1)(a), F.S.: fraud – permanent revocation or denial of license (minimum and maximum same); other – from a minimum of an administrative fine of \$200 for each month of practice without an active license, up to a maximum of permanent revocation of license;

(c) Section 460.411(1)(b), 460.411(2)(a), 460.411(2)(b), F.S.: permanent revocation or denial of license (minimum and maximum same);

~~(d) Section 460.411(2)(a), F.S.: revocation or denial of license (minimum and maximum same);~~

~~(e) Section 460.411(2)(b), F.S.: revocation or denial of license (minimum and maximum same);~~

~~(d)(f)~~ No change.

~~(e)(g)~~ No change.

~~(f)(h)~~ Section 460.412 or 456.072(1)(v), F.S.: from a minimum of one (1) year suspension followed by two (2) years probation under terms and conditions set by the board to include supervision and a fine of not less than \$1,000 per violation, to permanent revocation; from a minimum of letter of concern and/or a PRN referral for evaluation up to a maximum fine of \$10,000 and/or permanent revocation.

~~(g)(i)~~ Section 460.413(1)(a) or 456.072(1)(h), F.S.: Obtain license by bribery – from a minimum fine of \$500 and/or up to two years of probation to a maximum of permanent revocation. For a second offense, from a minimum fine of \$5,000 to permanent revocation. After the second offense, permanent revocation;

Obtain license by fraudulent misrepresentations – from six months probation and a fine of \$10,000 to a maximum of permanent revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and permanent revocation;

Obtain license by Department or Board error – from a minimum letter of concern and/or a fine of \$500, up to a maximum of suspension of license for one year, followed by two years of probation, and a fine of \$5,000. For a second offense, from a minimum fine of \$5,000 to permanent revocation of license, and after the second offense, permanent revocation of license;

~~(h)(j)~~ No change.

~~(i)(k)~~ Section 460.413(1)(c) or 456.072(1)(c), F.S.: guilt of a crime that relates to the practice or the ability to practice – misdemeanor: from a minimum fine of \$1,500 and six months probation, up to a fine of \$5,000 and a year’s suspension with conditions; felony: from a minimum of a fine of \$7,500 and two years probation, up to a fine of \$10,000 and permanent revocation. After the first offense, from a minimum of six months of probation, up to a maximum fine of \$10,000 and/or permanent revocation of license;

~~(j)(l)~~ Section 460.413(1)(d), F.S.: false/misleading advertising – from a minimum fine of \$1,000, and a letter of concern, up to a maximum fine of \$7,500 and one year of

probation. For a second offense, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$10,000 and/or three months suspension of license. After the second offense, a fine of up to \$10,000 and/or one year suspension to the maximum fine of \$10,000 and/or permanent revocation;

~~(k)(m)~~ Section 460.413(1)(e); or 456.072(1)(t), F.S.: non-identifying advertisement – from a minimum fine of \$500, up to a maximum of one year of probation. After the first offense, from a minimum fine of \$2,000 and one year of probation to a maximum fine of \$5,000 and/or three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or one year of suspension up to permanent revocation;

~~(l)(n)~~ Section 460.413(1)(f), F.S.: phony name – from a minimum fine of \$3,500 and one year probation, up to a maximum fine of \$10,000 and/or suspension of license for six months, followed by one year of probation. After the first offense, a minimum fine of \$5,000 and six months suspension up to a maximum fine of \$10,000 and/or permanent revocation;

~~(m)(o)~~ Section 460.413(1)(g) or 456.072(1)(i), F.S.: failure to report another – from a minimum letter of concern and/or a fine of \$500, up to a maximum fine of \$2,000 and/or six months of probation. After the first offense, a minimum of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or permanent revocation;

~~(n)(p)~~ Section 460.413(1)(h) or 456.072(1)(j), F.S.: assisting unlicensed person to practice – from a \$5,000 fine and/or one year of suspension to permanent revocation of license. After the first offense, from a fine of \$7,500 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(o)(q)~~ Section 460.413(1)(i) or 456.072(1)(k), F.S.: failure to perform statutory or legal obligation – from a minimum fine of \$1,000 and a letter of concern, up to a maximum fine of \$7,500 and/or two years of suspension followed by two years of probation. For a second offense, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$10,000 and/or permanent revocation. After the second offense, up to a fine of \$10,000 and/or permanent revocation;

~~(p)(r)~~ Section 460.413(1)(j) or 456.072(1)(l), F.S.: negligent filing of false report – from a minimum fine of \$1,000, up to a maximum of one year probation and a fine of \$5,000. For a second offense, a minimum fine of \$2,500 and a reprimand to a maximum fine of \$10,000 and two years suspension. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

Willful filing of false report, impeding, or inducing another to file false report – from a minimum fine of \$5,000 and/or suspension of license for three months, followed by six months of probation, up to a maximum of permanent revocation of license. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation.

~~(q)(s)~~ Section 460.413(1)(k) or 456.072(1)(m), F.S.: misrepresentations/trick or scheme – from six months of probation, up to a maximum of suspension of license for one year, followed by two years of probation and a \$10,000 fine per count or offense. After the first offense, from a minimum of two years of probation up to a maximum of permanent revocation and a \$10,000 fine per count or offense;

~~(r)(t)~~ Section 460.413(1)(l) or 456.072(1)(y)(~~s~~), F.S.: soliciting patients or commercial solicitation from accident report information – from a minimum fine of \$1,000 and/or one year probation, up to a maximum fine of \$10,000 and/or permanent revocation. After the first offense, from a minimum fine of \$5,000 and/or six months suspension up to a maximum of \$10,000 and/or permanent revocation;

~~(s)(u)~~ Section 460.413(1)(m), F.S.: medical record-keeping – from a minimum fine of \$500 and/or one year of probation, up to a maximum fine of \$7,500, suspension of license for three months, followed by six months of probation. After the first offense, a minimum fine of \$1,500 and two years of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(t)(v)~~ Section 460.413(1)(n) or 456.072(1)(n), F.S.: exploit patient for financial gain – from a minimum fine of \$1,000 and/or one year of probation, up to a maximum fine of \$10,000 and/or permanent revocation of license. After the first offense, from a minimum of two years of probation and a fine of \$2,500 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(u)(w)~~ Section 460.413(1)(o), F.S.: unauthorized services – from a minimum fine of \$1,000 and/or one year of probation, up to a maximum fine of \$5,000 and/or two years of probation. After the first offense, from a minimum fine of \$2,500 and two years of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(v)(x)~~ Section 460.413(1)(p), F.S.: dispensing drugs/performing surgery – from a minimum fine of \$5,000 and/or one year of probation, up to a maximum fine of \$10,000 and/or permanent revocation. After the first offense, a fine of \$10,000 and/or permanent revocation;

~~(w)(y)~~ Section 460.413(1)(q) or 456.072(1)(z)(~~y~~), F.S.: unable to practice with skill and safety – from a minimum fine of \$1,000, three years of probation and referral for a PRN evaluation, up to a maximum of suspension of license for one year, followed by up to five years of probation. After the first offense from a \$3,500 fine, referral for a PRN evaluation, and two years of probation to a maximum fine of \$10,000 and/or permanent revocation;

~~(x)(z)~~ Section 460.413(1)(r), F.S.: gross malpractice – from a minimum fine of \$1,000, up to a maximum fine of \$10,000 and/or permanent revocation;

Repeated malpractice – from a minimum fine of \$1,000 up to a maximum fine of \$10,000 and/or permanent revocation.

Unacceptable level of care, skill, and treatment – from a minimum fine of \$1,000 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(y)(aa)~~ Section 460.413(1)(s), F.S.: experimentation on human subjects without consent – from a fine of \$1,000 and/or five years of probation, up to a maximum of permanent revocation. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(z)(bb)~~ Section 460.413(1)(t) or 456.072(1)(o), F.S.: practicing beyond the scope permitted or competent to perform – from a minimum fine of \$2,500 and/or one year of probation, up to a maximum of suspension of license for two years followed by probation and a fine of \$10,000. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(aa)(ee)~~ Section 460.413(1)(u) or 456.072(1)(p), F.S.: delegating responsibilities to unqualified person – from a minimum fine of \$1,000 and/or six months of probation, up to a maximum fine of \$5,000 and suspension of license for three years, followed by up to three years of probation. After the first offense, from a minimum fine of \$5,000 and/or suspension of license for one year followed by probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(bb)(dd)~~ Section 460.413(1)(v) or 456.072(1)(q), F.S.: violating any lawfully issued order or subpoena – from a minimum fine of \$1,000 and a letter of concern, up to a maximum fine of \$10,000 and/or permanent revocation. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or permanent revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or permanent revocation of license;

~~(cc)(ee)~~ Section 460.413(1)(w), F.S.: conspiring or committing an act to prevent a licensee from advertising – from a minimum of fine \$1,000 and/or one year of probation, up to a maximum of suspension of license for six months, followed by one year of probation and a fine of \$5,000. After the first offense, from a minimum fine of \$5,000 and/or two years suspension of license followed by probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(dd)(ff)~~ Section 460.413(1)(x); or 456.072(1)(ee), F.S.: submitting claims for treatment not provided – from a minimum fine of \$1,000 and/or one year of probation, up to a maximum fine of \$10,000 and/or permanent revocation of license. For a second offense, from a minimum fine of \$5,000 and/or six months suspension followed by two years of probation to a maximum fine of \$10,000 and/or permanent revocation. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(ee)(gg)~~ Section 460.413(1)(y), F.S.: commingling or conversion of patient funds and financial recordkeeping – from a minimum fine of \$2,000 and/or one year of probation, up to a

maximum fine of \$10,000 and/or permanent revocation. After the first offense, from a minimum fine of \$5,000 and/or three months suspension followed by two years of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(ff)(hh)~~ Section 460.413(1)(z), F.S.: offering or accepting payment by assignment if it appears to eliminate requirement for insured to pay deductible – from minimum fine of \$1,000, and/or a letter of concern up to a maximum fine of \$3,000 and/or two years of probation. For a second offense, from a minimum fine of \$3,000 and/or a year of probation to a maximum fine of \$7,500 and one year of suspension followed by probation. After the second offense, up to a fine of \$10,000 and/or permanent revocation;

~~(gg)(ii)~~ Section 460.413(1)(aa), F.S.: failure to provide insured with copy of claim – (citation offense) from a minimum fine of \$500 and one year of probation, up to a maximum fine of \$5,000 and/or two years of probation. For a second offense, from a minimum fine of \$3,500 and/or two years of probation to a maximum fine of \$7,500 and one year of suspension followed by probation. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(hh)(jj)~~ Section 460.413(1)(bb), F.S.: advertised fee different from that submitted to payors – from a minimum fine of \$1,000 and up to one year of probation, to a maximum fine of \$5,000 and two years of probation. For a second offense, from a minimum fine of \$3,500 and/or six months of suspension up to a maximum fine of \$7,500 and two years of suspension. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(ii)(kk)~~ Section 460.413(1)(cc), 456.062, F.S.: failure of advertisement to state usual fee when offers free or discount services – (citation offense) from a minimum fine of \$500 and one year of probation, up to a maximum fine of \$5,000 and two years of probation. For a second offense, from a minimum fine of \$3,500 and/or six months of suspension up to a maximum fine of \$7,500 and two years of suspension. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(jj)(ll)~~ Section 460.413(1)(dd), F.S.: using acupuncture without certification – from a minimum fine of \$2,500, and/or one year of probation, up to a maximum of suspension of license for two years followed by probation and a fine of \$10,000. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(kk)(mm)~~ Section 460.413(1)(ee), F.S.: failure to report violation in the facility – from a minimum letter of concern and/or a fine of \$500 up to a maximum fine of \$2,000 and/or six months of probation. After the first offense, a minimum of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or permanent revocation;

~~(ll)(nn)~~ Section 460.413(1)(ff), 456.072(1)(b), or 456.072(1)(dd)(ee), F.S.: violating this chapter, Chapter 456, F.S., or any Board rules – from a minimum fine of \$1,000 and/or a letter of concern up to a maximum fine of \$10,000 and/or permanent revocation ~~suspension of license for two years followed by two years of probation~~. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or permanent revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(mm)(oo)~~ Section 456.082, F.S.: disclosure of confidential information – from a minimum fine of \$2,000 and/or six months of probation, up to a maximum fine of \$5,000 and suspension of license for six months, followed by two years of probation. After the first offense, a minimum fine of \$5,000 and two years of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(nn)(pp)~~ Section 456.057(4), F.S.: timely and appropriate release of medical records – from a minimum fine of \$1,000, and/or a letter of concern up to a maximum fine of \$5,000 and one year of probation. For a second offense, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$5,000 and three months of suspension followed by two years of probation. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(oo)(qq)~~ Section 456.072(1)(a), F.S.: misleading, deceptive, or fraudulent representations – from a minimum of six months of probation and a fine of \$10,000 per count or offense up to a maximum of permanent revocation and a fine of \$10,000 per count or offense. After the first violation, a fine of \$10,000 per count or offense and/or a minimum of one year of suspension up to a maximum of permanent revocation;

~~(pp)(rr)~~ Section 456.072(1)(d), F.S.: improper usage of laser device – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and three years of suspension followed by probation. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(qq)(ss)~~ Section 456.072(1)(e), F.S.: failure to comply with HIV/AIDS course requirements – from a minimum fine of \$1,000 and a letter of concern up to a maximum fine of \$7,500 and/or two years of suspension followed by two years of probation. For a second offense, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$10,000 and/or permanent revocation. After the second offense, up to a fine of \$10,000 and/or permanent revocation;

~~(rr)(tt)~~ Section 456.072(1)(r), F.S.: improper interference with investigation, inspection, or discipline – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and/or permanent revocation. After the first offense, a minimum fine of \$2,500 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(uu)~~ Section 456.072(1)(u), F.S.: sexual misconduct – from a minimum letter of concern and/or a PRN referral for evaluation, up to a maximum fine of \$10,000 and/or permanent revocation;

~~(ss)(vv)~~ Section 456.072(1)(v), F.S.: profiling and credentialing violations – from a minimum letter of concern and/or a fine of \$1,000, up to a maximum fine of \$10,000 and/or one year of suspension followed by two years of probation. After the first offense, from a minimum fine of \$2,000 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(tt)(ww)~~ Section 456.072(1)(x)(w), F.S.: failure to comply with 30-day notification of convictions and nolo pleas – from a minimum fine of \$1,000 and/or a letter of concern, up to a maximum fine of \$9,000 and/or one month suspension of license followed by probation. After the first offense, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and/or permanent revocation;

~~(uu)(xx)~~ Section 456.072(1)(aa)(z), F.S.: testing positive on drug screening – from a minimum fine of \$500 and/or two years of probation and referral for a PRN evaluation, up to a maximum of suspension of license for one year, followed by up to five years of probation, and a fine of up to \$10,000. After the first offense, from a \$2,500 fine, and/or referral for a PRN evaluation and two years of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(vv)(yy)~~ Section 456.072(1)(bb)(aa), F.S.: wrong patient, wrong-site, or wrong or unnecessary procedure – from a minimum fine of \$1,000 and/or a reprimand, up to a maximum fine of \$10,000 and/or six months suspension of license followed by probation. After the first offense, from a minimum fine of \$5,000 and/or a year of probation up to a maximum fine of \$10,000 and/or permanent revocation;

~~(ww)(zz)~~ Section 456.039(3), F.S.: failing to update information pursuant to Section 456.039(1), F.S., in writing within 45 days after the occurrence of an event or attainment of a status required to be reported – from a minimum \$2,500 fine to a maximum of suspension to be followed by probation and \$5,000 fine for a first offense. After the first offense, from a minimum of probation and \$5,000 fine, to maximum of permanent revocation and \$10,000 fine.

~~(xx)(aaa)~~ Section 456.072(1)(hh)(gg), F.S., for being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program – from a minimum of suspension until compliant with contract to \$1000 fine and/or permanent revocation. For subsequent offenses, suspension until compliant with contract to \$10,000 and/or permanent revocation.

(yy) Section 456.072(1)(ii), F.S. for being convicted of or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to Medicaid program- from a minimum of permanent revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

(zz) Section 456.072(1)(jj), F.S., for failing to remit the sum owed to state for an overpayment from Medicaid program pursuant to a final order, judgment, or stipulation or settlement – from a minimum of a letter of concern to probation and a fine of \$500 to a maximum of a reprimand to permanent revocation and fine of \$2,500 for a first offense. After the first offense, from a minimum of suspension and \$5,000 fine to maximum of permanent revocation and \$10,000 fine.

(aaa) Section 456.072(1)(kk), F.S., for being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored – from a minimum of letter of concern and \$1,000 fine to maximum of reprimand to permanent revocation and \$5,000 fine. After the first offense, from a minimum of suspension and \$5,000 fine to maximum of permanent revocation and \$10,000 fine.

(bbb) Section 456.072(1)(ll), F.S., for being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud – permanent revocation or denial of license (minimum and maximum same).

(2) The Board may take into consideration the following factors in determining the appropriate disciplinary action to be imposed and in going outside of the disciplinary guidelines:

- (a) through (m) No change.
- (3) Any or all of the following conditions may be imposed as terms of probation:
 - (a) through (l) No change.
 - (m) Successful completion of the Special Purposes Examination (SPEC~~S~~) examination of the National Board of Chiropractic Examiners;
 - (n) No change.

Rulemaking Specific Authority 456.039(3), 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.039(3), 456.072, 456.079, 460.413(4) FS. History–New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02, 5-23-04, 4-13-05, 9-15-05, 2-6-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 2009

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-16.011
RULE TITLE: Notice of Noncompliance
PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the deadline for notifying a change of address.

SUMMARY: The deadline for notifying the Board of a change of address will be clarified.

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

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

RULEMAKING AUTHORITY: 120.695, 456.073(3), 460.405 FS.

LAW IMPLEMENTED: 120.695, 456.073(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 RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.011 Notice of Noncompliance.

In accordance with Sections 456.073 and 120.695, F.S., the Board shall issue a notice of noncompliance as a first response to a minor violation of a rule. Failure of a licensee to take action to correct the violation within 15 days shall result in either the issuance of a citation when appropriate or the initiation of regular disciplinary proceedings. The minor violations which shall result in a notice of noncompliance are:

- (1) Failure to notify of a change of address within ~~45~~ 60 days as required by Rule 64B2-10.0055, F.A.C.
- (2) No change.

Rulemaking Specific Authority 120.695, 456.073(3), 460.405 FS. Law Implemented 120.695, 456.073(3) FS. History–New 11-1-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 2009

DEPARTMENT OF HEALTH

Board of Medicine

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

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the five most mis-diagnosed conditions for purposes of the medical errors course required for initial licensure.

SUMMARY: The proposed rule amendment sets forth the five most mis-diagnosed conditions for the purpose of the medical errors course required for initial licensure.

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

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

RULEMAKING AUTHORITY: 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

IF REQUESTED 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:

64B8-4.009 Applications.

(1) through (7) No change.

(8) The applicant must submit a statement attesting to the following: Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may

be used to partially meet this requirement. The course must include information relating to the five most misdiagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most misdiagnosed conditions: wrong-site/patient surgery; cancer; cardiac; acute abdomen; timely diagnosis of surgical complications; and failing to identify pregnancy or stage of pregnancy before beginning treatment or surgery and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.

(9) No change.

Rulemaking Authority 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06, 1-18-09, 3-17-09, 10-7-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.029
 RULE TITLE: Registration as a Dispensing Practitioner

PURPOSE AND EFFECT: The proposed rule is intended to incorporate the application form and set forth the requirements for dispensing practitioners.

SUMMARY: The proposed rule sets forth the requirements for those physicians who dispense drugs in his or her medical practice. The rule incorporates the required form by reference and sets forth the website address for obtaining the form.

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

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

RULEMAKING AUTHORITY: 458.309, 465.0276 FS.

LAW IMPLEMENTED: 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/QA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.029 Registration as a Dispensing Practitioner.

A physician may dispense drugs to his or her patient in the regular course of his or her practice provided that the physician is registered as a dispensing practitioner with the Board of Medicine. In order to register as a dispensing practitioner, the physician must:

(1) Submit application to the Board on form DH-MQA 1070, entitled "Dispensing Practitioner Registration," (10/09), which is hereby incorporated by reference and available from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html;

(2) Comply with the provisions of Section 465.0276, Florida Statutes, regarding dispensing practitioners; and

(3) Pay the registration fee as set forth in Rule 64B8-3.006, Florida Administrative Code.

Rulemaking Authority 458.309, 465.0276 FS. Law Implemented 465.0276 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-13.001
 RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the language including clarifying the definition of prevention of medical errors course.

SUMMARY: The rule amendment will modify the language including clarifying the definition of prevention of medical errors course.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 495.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5),(6),(7), 459.008, 459.008(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/QA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-13.001 Continuing Education for Biennial Renewal

(1) through (2) No change.

(3)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing, or eliminating identifiable risks ~~and domestic violence~~ as defined in Section 741.30, F.S.

(b) through (e) No change.

(f) For purposes of this rule, a two hour Prevention of Medical Errors course shall include a study of root cause analysis, error reduction and prevention, and patient safety. The course shall address medication errors, surgical errors, diagnostic inaccuracies, and system failures, and shall provide recommendations for creating safety systems in health care organizations. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions: cancer, wrong-site/patient surgery, acute abdomen, heart conditions, and surgical complications/errors ~~ear, ear, ear, ear, ear; timely diagnosis of surgical complications and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.~~

(4) through (6) No change.

Rulemaking Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5), (6), (7), 459.008, ~~459.008(4)~~ FS. History--New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, 5-26-02, 5-10-04, 7-27-04, 2-9-05, 2-14-06, 1-29-07, 5-10-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-19.002
RULE TITLE: Violations and Penalties

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify violations and penalties.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify violations and penalties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

(1) Attempting to obtain, obtaining or renewing a license or certificate by bribery, fraud or through an error of the Department or board.
(456.072(1)(h) & 459.015(1)(a), F.S.)

FIRST OFFENSE:

SECOND OFFENSE:

(2) Action taken against license by another jurisdiction.
(456.072(1)(f) & 459.015(1)(b), F.S.)

FIRST OFFENSE:

SECOND OFFENSE:

RULEMAKING AUTHORITY: 456.079, 459.015(5) FS.
LAW IMPLEMENTED: 456.072, 456.079, 456.52 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

MINIMUM

denial with ability to reapply immediately upon payment of \$5,000 fine or probation and \$5,000 fine
denial with ability to reapply in not less than 3 years and \$10,000 fine or suspension to be followed by probation and \$10,000 fine

MAXIMUM

denial with ability to reapply in not less than 3 years or revocation and \$7,500 fine
denial of license with no ability to reapply or revocation and \$10,000 fine

imposition of discipline comparable to discipline that would have been imposed in Florida if the substantive violation occurred in Florida and \$1000 fine
imposition of discipline comparable to discipline that would have been

imposition of discipline comparable to discipline that would have been imposed in Florida if the substantive violation occurred in Florida and \$5000 fine
revocation and \$10,000 fine or denial of license until the

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| | imposed in Florida if the substantive violation occurred in Florida and \$5,000 fine | licensee's license is unencumbered in the jurisdiction where disciplinary action was originally taken |
| (3) Guilty of crime directly relating to practice or ability to practice. (456.072(1)(c) & 459.015(1)(c), F.S.) FIRST OFFENSE: | probation and \$2,000 fine | revocation and \$5,000 fine or denial of license with ability to reapply for licensure in not less than 3 years |
| SECOND OFFENSE: | suspension to be followed by probation and \$5,000 fine | revocation and \$10,000 fine or permanent denial of license |
| (4) False, deceptive, or misleading advertising. (459.015(1)(d), F.S.) FIRST OFFENSE: | letter of concern | reprimand and \$1,000 fine |
| SECOND OFFENSE: | probation and \$2,000 fine | probation and \$5,000 fine |
| THIRD OFFENSE: | 3 month suspension to be followed by probation and \$5,000 fine | 1 year suspension to be followed by probation and \$5,000 fine |
| (5) Failure to report another licensee in violation. (456.072(1)(i) & 459.015(1)(e), F.S.) FIRST OFFENSE: | letter of concern | reprimand and \$1,000 fine |
| SECOND OFFENSE: | reprimand and \$2,500 fine | probation and \$2,500 fine |
| THIRD OFFENSE: | probation and \$5,000 fine | suspension to be followed by probation and \$5,000 fine |
| (6) Aiding unlicensed practice. (456.072(1)(j) & 459.015(1)(f), F.S.) FIRST OFFENSE: | probation and \$2,500 fine | denial or revocation and \$5,000 fine |
| SECOND OFFENSE: | suspension to be followed by probation and \$5,000 fine | denial or revocation and \$10,000 fine |
| (7) Failure to perform legal duty or obligation. (456.072(1)(k) & 459.015(1)(g), F.S.) FIRST OFFENSE: | reprimand and \$1,000 fine | denial with ability to reapply after no less than 2 years or revocation and \$5,000 fine |
| SECOND OFFENSE: | probation and \$5,000 fine | denial or revocation and \$10,000 fine |
| (8) Giving false testimony regarding the practice of medicine. (459.015(1)(h), F.S.) FIRST OFFENSE: | reprimand and \$2,500 fine | probation and \$5,000 fine |
| SECOND OFFENSE: | suspension to be followed by probation and \$5,000 fine | revocation and \$10,000 fine or denial of license |
| (9) Filing a false report or failing to file a report as required. | | |

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| (456.072(1)(l) & 459.015(1)(i), F.S.) | | |
| FIRST OFFENSE: | reprimand and \$5,000 fine | suspension to be followed by probation and \$10,000 fine or denial with ability to reapply in not less than 1 year |
| SECOND OFFENSE: | denial with ability to reapply in not less than 3 years or suspension to be followed by probation and \$10,000 fine | denial with no ability to reapply or revocation and \$10,000 fine |
| (10) Kickbacks and unauthorized fee arrangements. (459.015(1)(j), F.S.) | | |
| FIRST OFFENSE: | probation and \$2,500 fine | denial or suspension to be followed by probation and \$5,000 fine |
| SECOND OFFENSE: | denial or suspension to be followed by probation and \$10,000 fine | denial or revocation and a \$10,000 fine |
| (11) Failure to provide financial disclosure form to a patient being referred to an entity in which the referring physician is an investor. (456.053, F.S.) | | |
| FIRST OFFENSE: | reprimand | reprimand and \$2,500 fine |
| SECOND OFFENSE: | reprimand and \$5,000 fine | probation and \$5,000 fine |
| THIRD OFFENSE: | probation and \$7,500 fine | suspension to be followed by probation and \$10,000 fine |
| (12) Improper refusal to provide health care. (459.015(1)(k), F.S.) | | |
| FIRST OFFENSE: | reprimand and \$5,000 fine | probation and \$5,000 fine |
| SECOND OFFENSE: | suspension to be followed by probation and \$7,500 fine | revocation and \$10,000 fine |
| (13) Sexual misconduct within the patient physician relationship. (456.072(1)(v)(tt) & 459.015(1)(l), F.S.) | | |
| FIRST OFFENSE: | probation and \$10,000 fine | denial of licensure or revocation and \$10,000 fine |
| SECOND OFFENSE: | suspension to be followed by probation and \$10,000 fine | denial of licensure or revocation and \$10,000 fine |
| (14) Deceptive, untrue, or fraudulent misrepresentations in the practice of medicine. (456.072(1)(a) & (m) & 459.015(1)(m), F.S.) | | |
| FIRST OFFENSE: | reprimand and \$10,000 fine | denial of licensure or suspension to be followed by probation and \$10,000 fine |
| SECOND OFFENSE: | denial of licensure or suspension to be followed by probation and \$10,000 fine | denial of licensure or revocation and \$10,000 fine |
| (15) Improper solicitation of patients. | | |

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| (459.015(1)(n), F.S.) FIRST OFFENSE: SECOND OFFENSE: | reprimand and \$5,000 fine suspension to be followed by probation and \$7,500 fine | probation and \$5,000 fine revocation and \$10,000 fine |
| (16) Failure to keep written medical records. (459.015(1)(o), F.S.) FIRST OFFENSE: SECOND OFFENSE: | reprimand and \$5,000 fine suspension to be followed by probation and \$7,500 fine | probation and \$5,000 fine revocation and \$10,000 fine |
| (17) Fraudulent, alteration or destruction of patient records. (459.015(1)(p), F.S.) FIRST OFFENSE: SECOND OFFENSE: | probation and \$5,000 fine suspension to be followed by probation and \$7,500 fine | suspension to be followed by probation and \$7,500 fine revocation and \$10,000 fine |
| (18) Exercising improper influence on patient. (456.072(1)(n) & 459.015(1)(q), F.S.) FIRST OFFENSE: SECOND OFFENSE: | probation and \$5,000 fine suspension to be followed by probation and \$7,500 fine | suspension to be followed by probation and \$7,500 fine revocation and \$10,000 fine |
| (19) Improper advertising of pharmacy. (459.015(1)(r), F.S.) FIRST OFFENSE: SECOND OFFENSE: THIRD OFFENSE: | letter of concern probation and \$2,000 fine probation and \$7,500 fine | reprimand and \$1,000 fine probation and \$5,000 fine suspension to be followed by probation and \$10,000 fine |
| (20) Performing, professional services not authorized by patient. (459.015(1)(s), F.S.) FIRST OFFENSE: SECOND OFFENSE: | reprimand and \$5,000 fine probation and \$7,500 fine | probation and \$5,000 fine revocation and \$10,000 fine |
| (21) Controlled substance violations. (459.015(1)(t), F.S.) FIRST OFFENSE: SECOND OFFENSE: | probation and \$5,000 fine suspension to be followed by probation and \$7,500 fine | suspension to be followed by probation and \$7,500 fine revocation and \$10,000 fine |
| (22) Prescribing or dispensing of a scheduled drug by the physician to himself. (459.015(1)(u), F.S.) FIRST OFFENSE: SECOND OFFENSE: | probation and \$5,000 fine suspension to be followed by probation and \$7,500 fine | suspension to be followed by probation and \$7,500 fine revocation and \$10,000 fine |
| (23) Use of amygdalin (Laetrile). | | |

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| <p>(459.015(1)(v), F.S.) FIRST OFFENSE: SECOND OFFENSE:</p> | <p>reprimand and \$5,000 fine suspension to be followed by probation and \$7,500 fine</p> | <p>probation and \$5,000 fine revocation and \$10,000 fine</p> |
| <p>(24) Inability to practice medicine with skill and safety. (456.072(1)(z) & 459.015(1)(w), F.S.) FIRST OFFENSE:</p> | <p>denial or probation and \$2,500 fine</p> | <p>denial or suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$5,000 fine denial or revocation and \$10,000 fine</p> |
| <p>SECOND OFFENSE:</p> | <p>denial or suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$7,500 fine</p> | |
| <p>(25) Gross Malpractice. (459.015(1)(x), F.S.) FIRST OFFENSE: SECOND OFFENSE:</p> | <p>denial or probation and \$7,500 fine denial or suspension to be followed by probation and \$7,500 fine</p> | <p>denial or revocation and \$10,000 fine denial or revocation and \$10,000 fine</p> |
| <p>(26) Repeated Malpractice as defined in Section 456.50, F.S. FIRST OFFENSE:</p> | <p>revocation or denial of license and fine of \$1,000</p> | <p>revocation or denial of license and fine of \$10,000</p> |
| <p>(27) Failure to practice medicine in accordance with appropriate level of care, skill and treatment recognized in general law related to the practice of medicine. (456.50(1)(g), F.S.), (459.015(1)(x), F.S.) FIRST OFFENSE:</p> | <p>letter of concern, up to one (1) year probation and \$1,000 fine two (2) year probation and \$7,500 fine</p> | <p>denial or revocation and \$10,000 fine denial or revocation and \$10,000 fine</p> |
| <p>SECOND OFFENSE:</p> | | |
| <p>(28) Improper performing of experimental treatment. (459.015(1)(y), F.S.) FIRST OFFENSE:</p> | <p>denial or reprimand and \$5,000 fine</p> | <p>denial or suspension to be followed by probation and \$5,000 fine</p> |
| <p>SECOND OFFENSE:</p> | <p>denial or suspension to be followed by probation and \$7,500 fine</p> | <p>denial or revocation and \$10,000 fine</p> |
| <p>(29) Practicing beyond one's scope. (456.072(1)(o) & 459.015(1)(z), F.S.) FIRST OFFENSE:</p> | <p>denial or reprimand and</p> | <p>denial or suspension to</p> |

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| | \$5,000 fine | be followed by probation and \$5,000 fine |
| SECOND OFFENSE: | denial or suspension to be followed by probation and \$7,500 fine | denial or revocation and \$10,000 fine |
| (30) Delegation of professional responsibilities to unqualified person. (456.072(1)(p) & 459.015(1)(aa), F.S.) | | |
| FIRST OFFENSE: | reprimand and \$2,500 fine | denial or suspension to be followed by probation and \$5,000 fine |
| SECOND OFFENSE: | denial or suspension to be followed by probation and \$7,500 fine | denial or revocation and \$10,000 fine |
| (31) Violation of law, rule, order, or failure to comply with subpoena. (456.072(1)(q),(dd) & 459.015(1)(bb), F.S.) | | |
| FIRST OFFENSE: | denial or reprimand and \$5,000 fine | denial or suspension to be followed by probation and \$5,000 fine |
| SECOND OFFENSE: | denial or suspension to be followed by probation and \$7,500 fine | denial or revocation and \$10,000 fine |
| (32) Restricting another from lawfully advertising services. (459.015(1)(cc), F.S.) | | |
| FIRST OFFENSE: | letter of concern | reprimand and \$1,000 fine |
| SECOND OFFENSE: | probation and \$2,000 fine | probation and \$5,000 fine |
| THIRD OFFENSE: | 3 month suspension to be followed by probation and a \$5,000 fine | 1 year suspension to be followed by probation and \$5,000 fine |
| (33) Procuring, aiding or abetting an unlawful abortion. (459.015(1)(dd), F.S.) | | |
| FIRST OFFENSE: | probation and \$5,000 fine | suspension to be followed by probation and \$7,500 fine |
| SECOND OFFENSE: | suspension to be followed by probation and \$7,500 fine | revocation and \$10,000 fine |
| (34) Presigning blank prescription forms. (459.015(1)(ee), F.S.) | | |
| FIRST OFFENSE: | reprimand and \$5,000 fine | suspension to be followed by probation and \$5,000 fine |
| SECOND OFFENSE: | probation and \$5,000 fine | revocation and \$10,000 fine |
| (35) Prescribing a Schedule II substance for office use. (459.015(1)(ff), F.S.) | | |
| FIRST OFFENSE: | reprimand and \$5,000 fine | suspension to be followed by probation and \$5,000 fine |
| SECOND OFFENSE: | probation and \$5,000 fine | revocation and \$10,000 fine |
| (36) Improper use of Schedule II amphetamine or sympathomimetic amine drug. (459.015(1)(gg), F.S.) | | |
| FIRST OFFENSE: | reprimand and \$5,000 fine | suspension to be followed by probation and \$5,000 fine |
| SECOND OFFENSE: | probation and \$5,000 fine | revocation and \$10,000 fine |

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| FIRST OFFENSE: | reprimand and \$5,000 fine | suspension to be followed by probation and \$5,000 fine |
| SECOND OFFENSE: (37) Failure to adequately supervise assisting personnel. (459.015(1)(hh), F.S.) | probation and \$5,000 fine | revocation and \$10,000 fine |
| FIRST OFFENSE: | reprimand and \$5,000 fine | suspension to be followed by probation and \$5,000 fine |
| SECOND OFFENSE: (38) Improper use of substances for muscle building or enhancement of athletic performance. (459.015(1)(ii), F.S.) | probation and \$5,000 fine | revocation and \$10,000 fine |
| FIRST OFFENSE: | reprimand and \$5,000 fine | suspension to be followed by probation and \$5,000 fine |
| SECOND OFFENSE: (39) Misrepresenting, concealing a material fact during licensing, or disciplinary procedure. (459.015(1)(jj), F.S.) | probation and \$5,000 fine | revocation and \$10,000 fine |
| FIRST OFFENSE: | denial with ability to reapply immediately upon payment of \$5,000 fine or probation and \$5,000 fine | denial with ability to reapply in not less than 3 years or revocation and \$7,500 fine |
| SECOND OFFENSE: | denial with ability to reapply in not less than 3 years and \$10,000 fine or suspension to be followed by probation and \$10,000 fine | denial of license with no ability to reapply or revocation and \$10,000 fine |
| (40) Improperly interfering with an investigation or disciplinary proceeding. (456.072(1)(r) & 459.015(1)(kk), F.S.) | | |
| FIRST OFFENSE: | probation and \$10,000 fine | revocation and \$10,000 fine |
| SECOND OFFENSE: | suspension to be followed by probation and \$10,000 fine | revocation and \$10,000 fine |
| (41) Failing to report any licensee who has violated the disciplinary act who provides services at the same office. (459.015(1)(ll), F.S.) | | |
| FIRST OFFENSE: | letter of concern | reprimand and \$1,000 fine |
| SECOND OFFENSE: | probation and \$2,000 fine | probation and \$5,000 fine |
| THIRD OFFENSE: | probation and \$7,500 fine | suspension to be followed by probation and \$10,000 fine |
| (42) Giving corroborating written medical expert opinion without reasonable investigation. (459.015(1)(mm), F.S.) | | |
| FIRST OFFENSE: | reprimand and \$5,000 fine | suspension to be |

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| SECOND OFFENSE: | probation and \$5,000 fine | followed by probation and \$5,000 fine revocation and \$10,000 fine |
| (43) Failure to comply with guidelines for use of obesity drugs. (459.0135, F.S. & Rule 64B15-14.004, F.A.C.) | | |
| FIRST OFFENSE: | reprimand and \$5,000 fine | suspension to be followed by probation and \$5,000 fine |
| SECOND OFFENSE: (44) Falsely advertising or holding oneself out as a board-certified specialist. (459.015(1)(nn), F.S.) | probation and \$5,000 fine | revocation and \$10,000 fine |
| FIRST OFFENSE: | reprimand and \$5,000 fine | probation and \$5,000 fine |
| SECOND OFFENSE: | suspension to be followed by probation and \$7,500 fine | revocation and \$10,000 fine |
| (45) Failing to provide patients with information about their patient rights and how to file a complaint. (456.072(1)(u) (t) & 459.015(1)(oo), F.S.) | | |
| FIRST OFFENSE: | letter of concern | reprimand and \$1,000 fine |
| SECOND OFFENSE: | probation and \$2,000 fine | probation and \$5,000 fine |
| THIRD OFFENSE: | probation and \$7,500 fine | suspension to be followed by probation and \$10,000 fine |
| (46) Violating any rule adopted by the board or department. (456.072(1)(b), 459.015(1)(pp), F.S.) | | |
| FIRST OFFENSE: | denial or letter of concern and \$1,000 fine, demonstration of compliance with the rule | denial or suspension to be followed by probation and \$5,000 fine, a reprimand, completion of a laws and rules course, and demonstration of compliance with the rule |
| SECOND OFFENSE: | denial or reprimand, completion of laws and rules course, demonstration of compliance with the rule, probation and \$7,500 fine | denial with no ability to reapply or revocation and \$10,000 fine |
| (47) Using a Class III or a Class IV laser device without having complied with the rules adopted pursuant to Section 501.122(2), F.S. (456.072(1)(d), F.S.) | | |
| FIRST OFFENSE: | reprimand and \$1,000 fine | probation and \$5,000 fine |
| SECOND OFFENSE: | suspension to be followed by probation and \$7,500 fine | revocation and \$10,000 fine |
| (48) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (456.072(1)(e), F.S.) | | |
| FIRST OFFENSE: | reprimand and \$2,500 fine | probation and \$5,000 fine |

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| <p>SECOND OFFENSE:</p> <p>(49) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (456.072(1)(g), F.S.)</p> | <p>suspension to be followed by probation and \$7,500 fine</p> | <p>revocation and \$10,000 fine</p> |
| <p>FIRST OFFENSE:</p> <p>SECOND OFFENSE:</p> <p>(50) Failing to comply with the educational course requirements for domestic violence. (456.072(1)(s), F.S.)</p> | <p>reprimand and \$5,000 fine suspension to be followed by probation and \$7,500 fine</p> | <p>probation and \$10,000 fine revocation and \$10,000 fine</p> |
| <p>FIRST OFFENSE:</p> <p>SECOND OFFENSE:</p> <p>(51) Failing to comply with the requirements for profiling and credentialing. (456.072(1)(w)(+), F.S.)</p> | <p>reprimand and \$2,500 fine suspension to be followed by probation and \$7,500 fine</p> | <p>probation and \$5,000 fine revocation and \$10,000 fine</p> |
| <p>FIRST OFFENSE:</p> <p>SECOND OFFENSE:</p> <p>(52) Failing to report to the board in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to a crime in any jurisdiction. (456.072(1)(x)(+), F.S.)</p> | <p>\$2,500 fine probation and \$5,000 fine</p> | <p>suspension to be followed by probation and \$5,000 fine revocation and \$10,000 fine</p> |
| <p>FIRST OFFENSE:</p> <p>SECOND OFFENSE:</p> <p>(53) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents pursuant to Section 316.066, F.S., or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports, for the purposes of commercial or any other solicitation whatsoever of the people involved in such accidents. (456.072(1)(y)(+), F.S.)</p> | <p>\$5,000 fine probation and \$5,000 fine</p> | <p>denial of licensure or suspension to be followed by probation and \$5,000 fine denial of licensure with no ability to reapply or revocation and \$10,000 fine</p> |
| <p>FIRST OFFENSE:</p> <p>SECOND OFFENSE:</p> <p>THIRD OFFENSE:</p> <p>(54) Action taken against any license by another jurisdiction. (456.072(1)(f), F.S.)</p> | <p>letter of concern probation and \$2,000 fine probation and \$7,500 fine</p> | <p>reprimand and \$1,000 fine probation and \$5,000 fine suspension to be followed by probation and \$10,000 fine</p> |

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| FIRST OFFENSE: | probation and \$2,000 fine | revocation and \$5,000 fine or denial of license with ability to reapply for licensure in not less than 3 years revocation and |
| SECOND OFFENSE: | suspension to be followed by probation and \$5,000 fine | \$10,000 fine or permanent denial of license |
| (55) Testing positive for any drug on any confirmed preemployment or employer-ordered drug screening. | | |
| (456.072(1)(aa)(z), F.S.) | | |
| FIRST OFFENSE: | probation and \$5,000 fine | suspension to be followed by probation and \$7,500 fine |
| SECOND OFFENSE: | suspension to be followed by probation and \$7,500 fine | revocation and \$10,000 fine |
| (56) Performing or attempting to perform health care services on the wrong patient, a wrong procedure, an unauthorized, unnecessary or unrelated procedure. | | |
| (456.072(1)(bb)(aa), F.S.) | | |
| FIRST OFFENSE: | denial or probation and \$5,000 fine | denial or revocation and \$10,000 fine |
| SECOND OFFENSE: | denial or suspension and \$10,000 fine | denial or revocation and \$10,000 fine |
| (57) Leaving a foreign body in a patient such as a sponge, clamp, forceps, surgical needle or other paraphernalia. | | |
| (456.072(1)(cc)(bb), F.S.) | | |
| FIRST OFFENSE: | denial or probation and \$5,000 fine | denial or revocation and \$10,000 fine |
| SECOND OFFENSE: | denial or suspension and \$10,000 fine | denial or revocation and \$10,000 fine |
| (58) Being terminated from a treatment program for impaired practitioners, as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol-treatment program. | | |
| (456.072(1)(hh)(gg) F.S.) | | |
| FIRST OFFENSE: | stayed suspension and probation and \$2,500 fine | suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$5,000 fine |
| SECOND OFFENSE: | suspension until licensee is able to demonstrate to the Board ability to practice with | revocation and \$10,000 fine |

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| | reasonable skill and safety to be followed by probation and \$7,500 fine. | |
| <u>(59) Engaging in a pattern of practice when prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients, a violation of any provision of this chapter, a violation of the applicable practice act, or a violation of any rules adopted under this chapter or the applicable practice act of the prescribing practitioner.</u> <u>(456.072(1)(gg) F.S.)</u> | | |
| <u>FIRST OFFENSE:</u> | <u>probation and \$5,000 fine</u> | <u>suspension to be followed by probation and \$7,500 fine</u> |
| <u>SECOND OFFENSE:</u> | <u>suspension to be followed by probation and \$7,500 fine</u> | <u>revocation and \$10,000 fine</u> |
| <u>(60) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 USC s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s.1343, s. 1347, s. 1349, or s. 1518, or 42 USC ss. 1320a-7b, relating to the Medicaid program.</u> <u>(456.072(1)(ii), F.S.)</u> | | |
| <u>FIRST OFFENSE:</u> | <u>revocation and a fine of \$10,000 or denial of application for licensure</u> | |
| <u>(61) Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement.</u> <u>(456.072(1)(jj), F.S.)</u> | | |
| <u>FIRST OFFENSE:</u> | <u>letter of concern and a fine of \$500</u> | <u>probation, and a fine of \$1,000.</u> |
| <u>SECOND OFFENSE:</u> | <u>reprimand and a fine of \$500</u> | <u>revocation and a fine of \$1,000.</u> |
| <u>(62) Being terminated from the State Medicaid program or any other state Medicaid program, or the federal Medicare program.</u> <u>(456.072(1)(kk), F.S.)</u> | | |
| <u>FIRST OFFENSE:</u> | <u>letter of concern and a fine of \$500</u> | <u>suspension and a fine of \$1,000</u> |
| <u>SECOND OFFENSE:</u> | <u>reprimand and a fine of \$500</u> | <u>revocation and a fine of \$1,000</u> |

(63) Being convicted of, or entering into a plea of guilty or Nola contendere to, any misdemeanor or felony, regardless of adjudication, which relates to health care fraud.

(456.072(1)(II), F.S.)

FIRST OFFENSE:

revocation and fine of \$10,000 or denial of application for licensure

Rulemaking Specific Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079, 456.50 FS. History–New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, 12-7-05, 11-14-06, 11-27-06,_____.

64B15-19.007 Citations.
(1) through (2) No change.
(3) The following violations with accompanying fines may be disposed of by citation.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

(a) through (c) No change.
(d) First time failure of the licensee to satisfy continuing education hours. The fine shall be \$150 for each hour not completed or completed late. In addition, the licensee shall make up all hours not completed, and shall be required to take 1 additional hour of continuing education for each hour not completed or completed late. ~~Respondent must submit certified documentation of completion of all CEU requirements for the period for which the citation was issued prior to renewing the license for the next biennium. Respondent must document compliance with the CEU requirements for the relevant period.~~

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-19.007
RULE TITLE: Citations

(e) through (o) No change.

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify rule language to clarify citations fines and penalties.

(4) If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail, the citation shall become a final order of the Board of Osteopathic Medical Examiners. For violations of paragraphs (3)(a) through (c) and (3)(e) through (o) above, the ~~The~~ subject has 30 days from the date the citation becomes a final order to pay the fine and costs. For violations of paragraph (3)(d) above, the subject has one year from the date the citation becomes a final order to pay the fine and costs and to submit certified documentation of completion of all CEU requirements for the period for which the citation was issued. Respondent must document compliance with the CEU requirements for the relevant period.

SUMMARY: The rule amendment will modify rule language to clarify citations fines and penalties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

Failure to pay the fine and costs within the prescribed time period constitutes a violation of Section 459.015(1)(cc), F.S., which will result in further disciplinary action. All fines and costs are to be made payable to “Department of Health – Citation.”

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.

RULEMAKING AUTHORITY: 456.073, 456.077 FS.

LAW IMPLEMENTED: 456.073, 456.077 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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

(5) through (7) No change.

Rulemaking Specific Authority 456.073, 456.077 FS. Law Implemented 456.073, 456.077 FS. History–New 10-28-91, Amended 8-24-92, 11-17-92, Formerly 21R-19.007, 61F9-19.007, 59W-19.007, Amended 11-27-97, 11-12-00, 1-29-03, 7-13-03, 5-12-05,_____.

THE FULL TEXT OF THE PROPOSED RULE IS:

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-22.004
 RULE TITLE: Mandatory Registration of Unlicensed Physicians

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate by reference the updated application for registration as an Osteopathic Physician in training, DH-MQA 1172 (Revised 11/09).

SUMMARY: The rule amendment to incorporate by reference the updated application for registration as an Osteopathic Physician in training, DH-MQA 1172 (Revised 11/09).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 459.005, 459.021 FS.

LAW IMPLEMENTED: 459.021 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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-22.004 Mandatory Registration of Unlicensed Physicians.

Registration as a resident, intern, or fellow shall be accomplished by completing the board approved application form, DH-MQA 1172 (~~Revised 11/09 2/09~~), Application for Registration as an Osteopathic Physician in Training, which is hereby incorporated by reference, and may be obtained from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256. Said application shall include the following information:

- (1) through (5) No change.

Rulemaking Authority 459.005, 459.021 FS. Law Implemented 459.021 FS. History—New 10-28-91, Amended 1-3-93, Formerly 21R-22.004, 61F9-22.004, 59W-22.004, Amended 1-19-98, 6-28-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.003
 RULE TITLE: Licensure by Endorsement

PURPOSE AND EFFECT: To update the form to add questions to implement Section 456.0635, F.S., and to rearrange sections of the form.

SUMMARY: The amendment updates the application to comply with Section 456.0635, F.S., and to protect confidential information.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: (a) It is unknown how many applicants would be affected by the new law. (b) The only costs to be incurred are rulemaking costs. (c) through (d) None. (e) through (f) N/A.

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.

RULEMAKING AUTHORITY: 486.025, 486.08 FS.

LAW IMPLEMENTED: 486.081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.003 Licensure by Endorsement.

An applicant filing DOH Form #DH-MQA 1142 Application for Licensure, Revised ~~08/02/09~~, which is available through www.doh.state.fl.us/mqa, and demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination before a similar, lawful, authorized examining

board in physical therapy in such other jurisdiction if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another jurisdiction are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was through the national physical therapy examination provider certified by the Department. An applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Rulemaking Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History--New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended 4-21-02, 11-11-02, 11-1-04, 4-9-06, 5-21-09, 8-10-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.001
RULE TITLE: Licensure as a Physical Therapist Assistant by Examination

PURPOSE AND EFFECT: To update the form to add questions to implement Section 456.0635, F.S., and to rearrange sections of the form.

SUMMARY: The amendment updates the application to comply with Section 456.0635, F.S., and to protect confidential information.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: (a) It is unknown how many applicants would be affected by the new law. (b) The only costs to be incurred are rulemaking costs. (c) through (d) None. (e) through (f) N/A.

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.

RULEMAKING AUTHORITY: 486.025, 486.102 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.001 Licensure as a Physical Therapist Assistant by Examination.

Every physical therapist assistant who applies for licensure by examination shall file DOH Form #DH-MQA 1142 Application for Licensure, Revised 082/09, which is available through www.doh.state.fl.us/mqa, and demonstrate to the Board that the applicant:

- (1) through (3) No change.

Rulemaking Authority 486.025, 486.102 FS. Law Implemented 456.017, 486.102(3), 486.104 FS. History--New 8-6-84, Amended 6-2-85, Formerly 21M-10.20, Amended 5-18-86, Formerly 21M-10.020, 21MM-4.001, Amended 3-1-94, Formerly 61F11-4.001, Amended 12-22-94, 4-10-96, Formerly 59Y-4.001, Amended 1-23-03, 4-9-06, 9-19-06, 5-21-09, 9-22-09, 9-28-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-7.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: To update the guidelines to accommodate new violations created in Section 456.072, F.S.

SUMMARY: The amendment adds a penalty range for new disciplinary grounds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: (a) It is unknown how many licensees or applicants may be affected by the new law. (b) The cost of rulemaking, costs associated with enforcing the proposed changes, cost of compliance monitoring, and potential costs of defending legal challenges. (c) Violators will experience the cost of associated penalties. (d) Small business owners/licensees who violate the new sections will be unable to continue practicing if their licenses are revoked. Applicants found in violation of these new sections will have their applications denied, thus losing the opportunity to acquire income. (e) through (f) N/A.

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.

RULEMAKING AUTHORITY: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.001 Disciplinary Guidelines.

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

(dd) Section 456.072(1)(ii), F.S.: Being convicted of, or entering a plea of guilty or nolo contendere to a crime under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program from a minimum of a reprimand, six months probation and a fine of \$5,000 to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation;

(ee) Section 456.072(1)(jj), F.S.: Failing to return an overpayment from the Medicaid program from a minimum of a reprimand, a fine of \$1000 and/or suspension until the Medicaid program is reimbursed in full to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation;

(ff) Section 456.072(1)(kk), F.S.: Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., if not terminated for cause, from a minimum of a reprimand, a fine of \$1000 and/or six months probation to revocation and a \$10,000 fine. If terminated for cause or if it is the second offense, a \$10,000 fine and revocation.

(gg) Section 456.072(1)(ll), F.S., Being convicted of, or entering a plea of guilty or nolo contendere to a crime related to health care fraud. If the crime is a felony under chapter 409, chapter 817, 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396 the penalty shall be a minimum fine of \$1000 and revocation. Otherwise the penalty range is from a from a minimum of a reprimand, six months probation and a fine of \$5,000 to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation.

(2) No change.

Rulemaking Specific Authority 456.036, 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History—New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, 1-2-03, 4-9-06, 2-5-07, 4-5-07, 6-27-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-9.001
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: To rearrange the application so that confidential information can be protected.

SUMMARY: Updating Form 1144 to move the social security number and special testing accommodation question.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: (a) In FY 2007-2008, 17, 236 renewed their licenses and none applied to take the laws and rules exam for continuing education. It is unknown how many applicants would be impacted in future years. (b) The only costs to be incurred are rulemaking costs. (c) through (d) none. (e) through (f) N/A.

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.

RULEMAKING AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Physical Therapy Practice Board, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) Every person licensed pursuant to Chapter 486, F.S., shall be required to complete twenty-four contact hours of continuing education courses approved by the Board in the twenty-four months preceding each biennial renewal period as established by the Department. However, applicants who

become licensed in the second half of the biennium are exempt from this continuing education requirement for their first renewal.

(2) A contact hour shall consist of fifty clock minutes. One half contact hour shall consist of twenty-five clock minutes. One continuing educational unit (CEU) shall be considered equivalent to ten (10) contact hours.

(3) Acceptable subject areas for physical therapy continuing education include professional ethics, clinical education, clinical practice, clinical research, clinical management, clinical science, Florida law relating to physical therapy, basic sciences, risk management, and HIV/AIDS. No more than five contact hours of courses in risk management shall be accepted within a biennium. Up to three contact hours in HIV/AIDS education pursuant to Rule Chapter 64B17-8, F.A.C., may be included in the 24 contact hours. Up to three contact hours in prevention of medical errors education pursuant to Rule Chapter 64B17-8, F.A.C., may be included in the 24 contact hours.

(4) The Board will accept up to twelve contact hours for home study during a biennium.

(5) Course instructors providing continuing education to licensees under this chapter shall receive up to six contact hours credit per biennium. This shall be awarded on a contact hour for each contact hour presented. However, instructors teaching their normal course of instruction shall not be granted contact hours toward their continuing education.

(6) The Board approves for continuing education credit:

(a) Courses sponsored by a program in physical therapy at a college or university which provides a curriculum for training physical therapists or physical therapist assistants, when approved by the physical therapy or physical therapy assistants program, which is accredited by, or has status with an accrediting agency approved by the United States Department of Education; or

(b) Courses sponsored or approved by the American Physical Therapy Association or any of its components; or

(c) Courses sponsored or approved by the Florida Physical Therapy Association, so long as they meet the criteria set forth in subsection 64B17-9.001(3), F.A.C.

(d) Attendance at Florida Board meetings where disciplinary cases are being heard if the licensee is not on the agenda or appearing for another purpose. The number of risk management contact hours for such attendance is based on the definition of contact hour as set forth in subsection (2).

(e) Members of the Board's Probable Cause Panel shall receive five hours of continuing education risk management credit per biennium for their service on the Panel.

(f) Licensees who file DOH form #DH-MQA 1144, PT Florida Laws and Rules Examination Application, Revised 0802/09, incorporated by reference, which is available through www.doh.state.fl.us/mqa, and take and pass the Florida laws and rules examination shall receive two (2) hours of continuing

education per biennium. The continuing education credit shall be awarded only for the biennium in which the examination was taken and passed. Continuing education credit shall not be awarded to licensees that take and pass the examination as a result of a disciplinary proceeding or as a board ordered condition of initial licensure, re-activation or reinstatement.

(7) The Board shall make exceptions for licensees from the continuing education requirements including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements upon a finding of good cause by majority vote of the Board at a public meeting following receipt of a written request for exception based upon emergency or hardship. Emergency or hardship cases are those: 1) involving long term personal illness or illness involving a close relative or person for whom the licensee has care-giving responsibilities; 2) where the licensee can demonstrate that the required course(s) are not reasonably available; and 3) other demonstrated economic, technological or legal hardships that substantially relate to the ability to perform or complete the continuing education requirements.

(8) The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings listed on the renewal form for a period of not less than four years from the date the offering was taken.

Rulemaking Authority 486.025 FS. Law Implemented 456.013(6), 486.109(2) FS. History--New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03, 6-28-04, 4-9-06, 5-28-06, 2-17-08, 5-21-09, 8-10-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 2009

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-17.002
RULE TITLE: Board Approval of Continuing Education Programs

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to replace the term "American Podiatry Medical Association" to "American Podiatric Medical Association" and the term "Council on Podiatry Education" with "Council on Podiatric Medical Education".

SUMMARY: The rule amendment will replace the term "American Podiatry Medical Association" to "American Podiatric Medical Association" and "Council on Podiatry Education" with "Council on Podiatric Medical Education".

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.

RULEMAKING AUTHORITY: 456.025(3), 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013, 456.025(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 RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-17.002 Board Approval of Continuing Education Programs.

(1) Automatic Approval.

(a) Continuing education programs, as can be reasonably related to the practice of podiatric medicine, sponsored or approved by the American Podiatric Medical Association, formerly known as the American Podiatry Medical Association (APMA), the Council on Podiatric Medical Education, formerly known as the Council on Podiatry Education (CPE), the American Medical Association (AMA), the American Osteopathic Association (AOA), the American Hospital Association (AHA) or any of their component or affiliate organizations are hereby approved by the Board. Neither those providers nor the programs they provide need be submitted to the Board for approval.

(b) through (c) No change.

(2) through (6) No change.

Rulemaking Specific Authority 456.013, 456.025(3), 461.005, 461.007(3) FS. Law Implemented 456.013, 456.025(3), 461.007(3) FS. History—New 4-29-86, Amended 6-20-88, 6-19-90, Formerly 21T-17.0015, Amended 9-29-93, Formerly 61F12-17.0015, Amended 1-1-96, 6-12-96, Formerly 59Z-17.002, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-17.003
RULE TITLE: Continuing Education Programs Not Requiring Pre-Approval from the Board

PURPOSE AND EFFECT: The Board proposes to clarify the existing rule language as to the continuing education requirement.

SUMMARY: The rule amendment will clarify requirements for continuing education as related to podiatric medicine.

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.

RULEMAKING AUTHORITY: 456.013, 456.033(7), 461.005, 461.007 FS.

LAW IMPLEMENTED: 456.013, 456.033(1), 461.007 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-17.003 Continuing Education Programs Not Requiring Pre-Approval from the Board.

(1) Hospital Scientific Programs. When a podiatric physician is a member of a hospital staff and attends scientific programs sponsored by the hospital and reasonably related to the practice of podiatric medicine, then attendance at such programs may be credited toward satisfaction of the Board's continuing education requirement, except that the podiatric physician may only count four (4) hours so obtained each year of the biennium toward the forty (40) hours of continuing education required for the biennium. A podiatric physician who takes advantage of this provision and whose continuing education is audited must provide certification from the hospital authorities in charge of the hospital-sponsored scientific program which demonstrates that the podiatric physician has attended the requisite number of hours at a hospital-sponsored scientific program.

(2) through (4) No change.

Rulemaking Specific Authority 456.013, 456.033(7), 461.005, 461.007 FS. Law Implemented 456.013, 456.033(1), 461.007 FS. History—New 11-24-80, Formerly 21T-17.03, Amended 10-14-86, 2-22-87, 5-16-89, 6-19-90, Formerly 21T-17.003, Amended 7-6-94, Formerly 61F12-17.003, Amended 12-19-94, 1-1-96, 6-12-96, Formerly 59Z-17.003, Amended 8-8-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF HEALTH

Division of Environmental Health

| RULE NOS.: | RULE TITLES: |
|------------|--------------------------------------|
| 64E-26.001 | General |
| 64E-26.002 | Definitions |
| 64E-26.003 | Water Supply |
| 64E-26.004 | Food Service |
| 64E-26.005 | Sanitary Standards |
| 64E-26.006 | Garbage and Rubbish |
| 64E-26.007 | Housing |
| 64E-26.008 | Laundry and Dry Cleaning |
| 64E-26.009 | Bedding, Clothing and Personal Items |
| 64E-26.010 | Housekeeping |
| 64E-26.011 | Insect and Rodent Control |
| 64E-26.012 | Outdoor Areas |
| 64E-26.013 | Industries |

PURPOSE AND EFFECT: In 1996, the Department of Health and Rehabilitative Services (HRS), repealed Chapter 10D-7, of the Florida Administrative Code. In June, 2006, the First District Court of Appeal, affirmed the decision of a lower court, which held that HRS’ repeal of the chapter was an invalid exercise of delegated legislative authority. Chapter 10D-7, was thus revived by judicial determination.

Having been repealed before the 1996 and 1999 amendments to the Administrative Procedures Act (APA), this chapter had not previously undergone the review required of state agencies by then subsection (2) of Section 120.536, F.S., (1996-2004), to determine whether there was sufficient legislative authority for existing agency rules. While the specific review requirements of former subsection (2) were repealed during the 2005 legislative session, Section 120.536(1), F.S., continues to mandate that agencies “. . . may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute,” and that: “[N]o agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation.”

Section 381.006(6), F.S., authorizes the Department of Health to maintain as part of its environmental health program: “[A] public facilities function, including sanitary practices relating to . . . all places used for the incarceration of prisoners and inmates of state institutions for the mentally ill.” Since the decision reversing the repeal of Chapter 10D-7, in order to comply with the legislative mandate contained in Section 120.536(1), F.S., the Department of Health as the successor agency to HRS, has been reviewing what is now Chapter 64E-26, F.A.C., to determine if changes to these rules may be necessary due to the limited authority granted the Department in Section 381.006(6), F.S. In the course of its initial review, the department identified and subsequently repealed on May 10, 2007, rules that were clearly without statutory authority to implement. Presently, the department has continued its review of Chapter 64E-26, F.A.C., to see if there are other rules within the chapter that are not supported by statutory authority provided in Section 381.006(6), F.S.

In the course of this review, the department has also found that some health and safety requirements included in Chapter 64E-26, F.A.C., are addressed by other rules administered by the department or other state and local agencies, under more substantive grants of legislative authority. For example, food service requirements are addressed by the department in Chapter 64E-11, F.A.C., based on statutory authority in Section 381.0072, F.S., which specifically includes prisons as a food service establishment under the department’s jurisdiction. Drinking water requirements are addressed by the Department of Environmental Protection (DEP) in Chapters 62-550, 62-555, and 62-560, F.A.C., which implement the provisions of, and DEP’s responsibilities under, Chapter 403, F.S. Fire Safety requirements, including occupant load, are addressed in Chapter 69A-54, F.A.C., which are within the jurisdiction of the State Fire Marshal pursuant to Chapter 633, F.S. Finally, building construction, occupant load, plumbing fixtures and fixture ratios, lighting, ventilation, and equipment requirements are addressed by the Department of Community Affairs and the Florida Building Commission in the Florida Building Code pursuant to authority granted under Chapter 553, F.S.

Thus, the purpose of this proposed rulemaking is to identify and retain requirements from this chapter that are supported by the department’s statutory authority in Section 381.006(6), F.S., and to repeal rules that are not supported by that authority. The effect will be to ensure that the department’s rules comply with the APA’s requirement that each rule of a state agency reflect a specific law the agency is required to implement, interpret, or make specific.

SUMMARY: Rules 64E-26.002, 64E-26.003 and 64E-26.004, F.A.C., are being repealed as there is insufficient authority in Section 381.006(6), F.S., to define terms and adopt requirements related to water supplies and food service, and because the requirements in these sections duplicate rules of

the department and other state agencies. Additionally, references to building construction, occupant space, plumbing fixture design and ratios, lighting, equipment, and maintenance requirements found in Rules 64E-26.005 through 64E-26.0013, F.A.C., are also repealed as the department has no authority to adopt rules in these areas for detention facilities. Requirements currently listed in the above referenced rules that are supported by statutory authority, but which are not currently addressed in other agency rules, will be retained and consolidated into one rule section.

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.

RULEMAKING AUTHORITY: 381.006, 381.0011(13) FS.

LAW IMPLEMENTED: 381.006(6), 381.0011(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 RULES IS: Leslie Harris, Environmental Administrator, Bureau of Community Environmental Health, Bin #A08, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1710. Email address is Leslie_Harris@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-26.001 General.

This Rule Chapter 64E-26, F.A.C., addresses sanitary practices relating to the construction, operation and maintenance of State and local detention facilities. Upon receipt of a complaint of violation of this chapter, the Department of Health shall refer the complaint to the appropriate agency having inspection authority over the particular facility referenced in the complaint. The department shall work with agencies having inspection authority over detention facilities to ensure that such complaints are referred and processed, and that the department's rules and sanitary standards are met.

Rulemaking Specific Authority 381.006, 381.0011(13) FS. Law Implemented 381.006(6), 381.0011(4) FS. History--New 11-18-76, Formerly 10D-7.01, Amended _____.

64E-26.002 Definitions.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History--New 11-18-76, Formerly 10D-7.02, Repealed _____.

64E-26.003 Water Supply.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History--New 11-18-76, Formerly 10D-7.03, Repealed _____.

64E-26.004 Food Service.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History--New 11-18-76, Formerly 10D-7.04, Repealed _____.

(Substantial rewording of Rule 64E-26.005 follows. See Florida Administrative Code for present text.)

64E-26.005 Sanitary Standards.

(1) Drinking utensils and showers.

(a) Inmates in areas where no approved drinking fountains are available shall be provided with single service cups which shall be stored and dispensed in a manner to prevent contamination, or reusable cups that can be and are cleaned and sanitized in accordance with Rule 64E-11.006, F.A.C. Common drinking cups are prohibited.

(b) Showers. Inmates shall be allowed to take showers at least twice weekly.

(2) Housekeeping.

(a) Inmate residential areas shall be kept clean and sanitary at all times. Floors, walls, ceilings, doors, windows, bars, and all appurtenances of the structures shall be kept clean. Plumbing fixtures, such as urinals, showers, toilets and lavatories shall be cleaned daily, and sanitized on a schedule established by the detention facility that is consistent with this rule. Such fixtures and areas shall be sanitized at least daily if used daily. Sanitizers shall be used in accordance with the label directions to achieve the intended effect. EPA registered disinfectants can be used instead of sanitizers as long as they are used in accordance with the directions on the product label.

(b) Mops, brooms and other cleaning equipment shall be stored in ventilated areas. Mop sinks and other janitorial facilities shall be kept clean.

(c) Inmates shall not store perishable foods in their lockers or living areas. Perishable foods are foods that are defined in subsection 64E-11.002(31), F.A.C.

(d) All floor drains shall be kept clean. All floor drain traps shall be kept wet to prevent sewer gas from entering the building.

(e) All housing facilities shall be kept free of offensive odors.

(3) Laundry and Dry Cleaning. Where laundry facilities are provided, they shall be kept clean. If laundry facilities are not available, sheets and blankets shall be sent to commercial laundries.

(4) Garbage and Rubbish.

(a) All garbage, trash and rubbish from inmate residential areas shall be collected daily and taken to storage facilities. Garbage shall be removed from storage facilities at least twice per week. Pending disposal, wet garbage shall be collected and stored in a manner that does not create a sanitary nuisance, such as in impervious, leak proof, fly tight containers. All containers, storage areas and surrounding premises shall be kept clean and free of vermin.

(b) If public or contract garbage collection service is available, the detention facility shall subscribe to these services unless the volume makes on-site disposal feasible. If garbage and trash are disposed of on premises, the method of disposal shall not create sanitary nuisance conditions and shall comply with Chapter 62-701, F.A.C.

(5) Bedding, Clothing and Personal Items.

Beds and bedding shall be cleaned and sanitized on a schedule established by the correctional facility that is consistent with this rule. Used mattress and pillow covers shall be laundered or washed and sanitized before issued. Sanitization procedures shall follow current industry practices, such as by the use of commercial laundry laundering procedures or chemical sanitizers registered with the United States Environmental Protection Agency. Sanitizers shall be used in accordance with the label directions to achieve the intended effect. EPA registered disinfectants can be used instead of sanitizers as long as they are used in accordance with the directions on the product label. Sheets and personal clothing shall be washed at least weekly and blankets washed or dry cleaned at least quarterly. Sheets and blankets shall be stored in a clean, dry place between laundering and issue.

(6) Insect and Rodent Control. Detention facilities shall be kept free of insects and rodents. All pesticides used to control insects or rodents shall be applied in accordance with instructions and cautions on the registered product label.

(7) Outdoor Areas. If a facility has an outdoor exercise area, it shall be kept free of litter and trash and be well drained. If toilet and lavatory facilities are provided, they shall be kept clean.

Rulemaking Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History–New 11-18-76, Formerly 10D-7.05, Amended _____.

64E-26.006 Garbage and Rubbish.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History–New 11-18-76, Formerly 10D-7.06, Repealed _____.

64E-26.007 Housing.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History–New 11-18-76, Formerly 10D-7.07, Repealed _____.

64E-26.008 Laundry and Dry Cleaning.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History–New 11-18-76, Formerly 10D-7.08, Amended 5-10-07, Repealed _____.

64E-26.009 Bedding, Clothing and Personal Items.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History–New 11-18-76, Formerly 10D-7.09, Repealed _____.

64E-26.010 Housekeeping.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History–New 11-18-76, Formerly 10D-7.10, Repealed _____.

64E-26.011 Insect and Rodent Control.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History–New 11-18-76, Formerly 10D-7.012, Repealed _____.

64E-26.012 Outdoor Areas.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History–New 11-18-76, Formerly 10D-7.012, Repealed _____.

64E-26.013 Industries.

Specific Authority 381.006 FS. Law Implemented 381.006(6) FS. History–New 11-18-76, Formerly 10D-7.013, Amended 5-10-07, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Leslie L. Harris

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D, M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.:

RULE TITLES:

64I-1.001

Definitions

64I-1.002

Ineligibility, Eligibility and Closure Services

64I-1.003

Scope of Services

64I-1.004

Transitional Living Facility (TLF)

64I-1.005

Services

PURPOSE AND EFFECT: The Department of Health, Brain and Spinal Cord Injury Program is proposing revisions to its current rules and proposing three additional rules under Chapter 64I, F.A.C. The purpose of the proposed revisions and new rules is to the clarify and add statute and rule definitions; address eligibility for and closure from the program; define services of the program; develop an order of selection; and to define services provided by a transitional living facility and requirements they must meet prior to providing services.

SUMMARY: Proposed changes to Rule 64I-1.001, F.A.C., will provide clear and understandable definitions of terms used in Sections 381.73-.79, F.S., and Rules 64I-1.001-1.004, F.A.C. In addition, technical revisions to the rule are proposed to capitalize defined terms, use established statutory abbreviations, and to correct the name of the program. Proposed changes to Rule 64I-1.002, F.A.C., will eliminate language relating to services and will focus on eligibility for and closure from the Brain and Spinal Cord Injury Program. The proposed changes will assist the program in closing individuals' cases that should be served by the state vocational rehabilitation program and will assist the program in determining eligibility for individuals who have previously

received services from the program. Proposed Rule 64I-1.003, F.A.C., will define to whom services can be provided by the Department. In addition, the proposed rule will clearly define what services the Department will not provide. Department staff will have specific guidelines on determining what services can be purchased and who is eligible to receive them. Services will only be provided to individuals who have been determined eligible for the program and to applicants only to the extent necessary to determine eligibility. In addition, the Department will not purchase specific services for individuals being served by the Department. Proposed Rule 64I-1.004, F.A.C., will develop an order of selection in the event the Department is unable to purchase services for all eligible individuals due to budget shortfall. The proposed rule also ensures that all eligible individuals will continue to receive case management services in the event the Department is unable to purchase services. Proposed Rule 64I-1.005, F.A.C., requires that transitional living facilities will serve only those individuals who have sustained a brain or spinal cord injury as defined by Section 381.745, F.S., and sets forth requirements a transitional living facility must meet prior to providing services. Transitional living facilities must satisfactorily receive designation from the Brain and Spinal Cord Injury Program after undergoing a survey. In addition, transitional living facilities must obtain accreditation from the Commission on Accreditation of Rehabilitation Facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: These rules do not impact small businesses (less than 200 employees), therefore a statement of estimated regulatory cost is not applicable.

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.

RULEMAKING AUTHORITY: 381.011 FS.

LAW IMPLEMENTED: 381.75, 381.76, 381.79, 400.805 FS.

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

DATE AND TIME: Tuesday, February 16, 2010, 1:30 p.m.

PLACE: Department of Health, 4025 Esplanade Way, Room 301, Tallahassee, FL 32311

Pursuant to the provisions of 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 Kelly, Department of Health, Brain and Spinal Cord Injury Program, 4052 Bald Cypress Way, Tallahassee, Florida 32399; telephone: (850)245-4110; Email address: Suzanne_Kelly@doh.state.fl.us. If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael Greif, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Tallahassee, Florida 32399; telephone: (850)245-4444, extension 2027; Email address: Michael_Greif@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64I-1.001 Definitions.

(1) Definitions for terms used in Sections 381.739-.79, F.S., and Rules 64I-1.001-1.004, F.A.C., ~~this rule~~, consistent with Section 381.745, F.S.

(a) Appropriate Level of Functioning in the Community: Maintaining oneself in a Community of one's informed choosing by performing ~~all~~ activities of daily living, independently, or with support, but without the need for Services. A particular level of functioning in the Community is not an Appropriate Level of Functioning in the Community if the underlying activities of daily living:

1. Cannot be safely performed in a manner that is consistent with the Eligible Individual's limitations; or

2. Are not financially supportable for the foreseeable future.

(b) No change.

(c) Legal Resident: An individual person who currently lives in Florida, has the present intent to remain in Florida indefinitely, and has lawful permanent presence in the United States of America.

(d) Medically Stable: The Applicant's mental and physical health are sufficiently stable so that BSCIP can make a determination as to whether the Applicant is otherwise eligible for the General Program.

(e) No change.

(f) Reintegration into the Community: Maintaining oneself in a Community by performing ~~all~~ activities of daily living, independently, or with support, but without the need for Services.

(g) Unable to Provide Services for all Eligible Individuals: The General Program is unable to purchase Services within three months of the scheduled time for each such Service for each Eligible Individual due to budget shortfall.

(2) Additional definitions for terms used in Rules 64I-1.001-1.004, F.A.C. ~~this rule~~, consistent with Section 381.745, F.S.

(a) Applicant: An individual person requesting determination of eligibility for the General Program.

(b) Community: A location no more restrictive than an assisted living facility licensed under Ch. Chapter 400, Pt. Part III, F.S.

~~(c) Eligible Individual Person: An individual person determined eligible for the General Program.~~

~~(d) Equipment: For purposes of Section 381.79(1)(b), F.S., means personal property not required to be titled under state law and does not include fixtures to real property except as modifications to a residence.~~

~~(e)(4) General Program: The program for which eligibility is determined under Section 381.76, F.S.~~

~~(f)(e) Glasgow Coma Scale Score (Glasgow): The neurological assessment developed by G. Teasdale and B. Jennett Jennitte in "Assessment of Coma and Impaired Consciousness: A Practical Scale," Lancet 1974; 22: 81-84. A copy of the Glasgow may be obtained from the Department of Health, Brain and Spinal Cord Injury Prevention Program, 4052 Bald Cypress Way, Bin C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.~~

~~(g)(f) Rancho Los Amigos Scale, revised (Rancho): A cognitive functioning scale to determine the level or severity of a brain injury based on observations of the patient's response to external stimuli. Original Scale co-authored by Chris Hagen, Ph.D., Danese Malkmus, M.A., Patricia Durham, M.A., Communication Disorders Service, Rancho Los Amigos Hospital, 1972. Revised 11/15/74 by Danese Malkmus, M.A., and Kathryn Stenderup, O.T.R. Revised scale 1997 by Chris Hagen. A copy of the Rancho may be obtained from the Department of Health, Brain and Spinal Cord Injury Prevention Program, 4052 Bald Cypress Way, Bin #C25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.~~

~~(h)(g) Services: Services provided by the General Program.~~

~~Rulemaking Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History--New 5-9-05, Amended 10-31-05, _____.~~

64I-1.002 Ineligibility, Eligibility and Closure Services.

~~(1) An Applicant shall be determined ineligible for the General Program if the Applicant: All Services must be directed specifically to an individual applicant or eligible person by prior authorization of BSCIP.~~

~~(a) Is determined eligible for the state vocational rehabilitational program funded under the Rehabilitation Act of 1973, as amended;~~

~~(b) Does not require Services to achieve Reintegration into the Community;~~

~~(c) Is below Rancho 4 or otherwise is not reasonably expected to achieve Reintegration into the Community through Services; or~~

~~(d) Is otherwise categorically ineligible under the statutory criteria.~~

~~(2) An Eligible Individual's case shall be closed if the Eligible Individual is: Services can be delivered to an applicant only to the extent necessary to determine eligibility for the General Program; and does not include:~~

~~(a) Determined eligible for the state vocational rehabilitational program funded under the Rehabilitation Act of 1973, as amended; Upgrading, replacement or maintenance of a durable medical device;~~

~~(b) At an Appropriate Level of Functioning in the Community; or Funding for consumables (those items for which the very act of using destroys their further use), except in support of services, and then only during a twenty four (24) month period beginning with the first time such funding is authorized;~~

~~(c) Not reasonably expected to return to an Appropriate Level of Functioning in the Community through Services. Change in circumstances not directly related to the applicant or eligible person's brain or spinal cord injury and capable of repetition throughout the life of the applicant or eligible person. Examples of changes in circumstances capable of repetition include moving to another location, obtaining a vehicle or, except in the case of a person below the age of eighteen, the loss of a caregiver; or~~

~~(d) Any that require approval under federal law, such as human subject research.~~

~~(3) Prior closure does not prevent an individual from becoming an Applicant. The applicant shall be determined ineligible for the General Program if the applicant:~~

~~(a) Is determined eligible for and has an approved individual plan for employment from the state vocational rehabilitation program funded under the Rehabilitation Act of 1973, as amended;~~

~~(b) Does not require services to achieve reintegration into the community;~~

~~(c) Is below Rancho 4 or otherwise is not reasonably expected to achieve reintegration into the community through services; or~~

~~(d) Is otherwise categorically ineligible under the statutory criteria.~~

~~(4) Applicants previously closed under paragraph (2)(b) for not more than twelve months prior to again becoming an Applicant shall be: The eligible person's case shall be closed if the eligible person is:~~

~~(a) Presumed to satisfy Section 381.76(1)(a)-(d), F.S.; and Determined eligible for and has an approved individual plan for employment from the state vocational rehabilitation program funded under the Rehabilitation Act of 1973, as amended, except that such case shall remain open solely for case management if such is required;~~

~~(b) Presumed to satisfy Section 381.76(1)(e), F.S., if the specific required Services: Is at an appropriate level of functioning in the community; or~~

~~1. Are needed to achieve an Appropriate Level of Functioning in the Community;~~

~~2. Were not provided previously; and~~

~~3. Are not available or in sufficient supply from any other resource.~~

~~(e) Is not reasonably expected to return to an appropriate level of functioning in the community through services.~~

~~(5) Previous closure under paragraph (3)(b) or (4)(b) above does not prevent an individual from becoming an applicant.~~

Rulemaking Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History–New 10-31-05, Amended _____.

64I-1.003 Services.

(1) All Services must be directed specifically to an individual Applicant or Eligible Individual by prior authorization of the General Program.

(2) Services can be delivered for an Applicant only to the extent necessary to determine eligibility for the General Program and for an Eligible Individual only to the extent necessary to achieve 1.002(2) closure.

(3) Services do not include:

(a) Upgrading, replacement or maintenance of a durable medical device;

(b) Funding for consumables (those items for which the very act of using destroys their further use), except in support of Services, and then for no more than twenty four (24) months beginning with the first time such funding is authorized;

(c) Any required by a change in circumstances not directly related to the Applicant or Eligible Individual's brain or spinal cord injury and capable of repetition throughout their life. Examples of changes in circumstances capable of repetition include moving to another location, obtaining a vehicle or, except in the case of an individual below the age of eighteen, the loss of a caregiver; or

(d) Any requiring approval under federal law, such as human subject research.

Rulemaking Authority 381.0011 FS. Law Implemented 381.79 FS. History–New _____.

64I-1.004 Order of Selection.

(1) Should the General Program be Unable to Provide Services for all Eligible Individuals, all Eligible Individuals shall continue to receive case coordination regarding Services not requiring authorization under Section 381.79(1)(a), F.S.

(2) Eligible Individuals shall receive Services requiring authorization under Section 381.79(1)(a), F.S., in the following order. Should the General Program be Unable to Provide Services requiring authorization under Section 381.79(1)(a), F.S., to all Eligible Individuals within any of categories (a)-(d), individuals within that category and all remaining Eligible Individuals shall be served under paragraph (e):

(a) Within 1 week of expected completion of the last scheduled Service before 1.002(a) or 1.002(b) closure.

(b) Within 2 weeks of expected completion of the last scheduled Service before 1.002(a) or 1.002(b) closure.

(c) Within 3 weeks of expected completion of the last scheduled Service before 1.002(a) or 1.002(b) closure.

(d) Within 4 weeks of expected completion of the last scheduled Service before 1.002(a) or 1.002(b) closure.

(e) The remainder, in order from greatest to least risk of institutionalization, as determined by the General Program using the Home and Community-Based Medicaid Waiver Prioritization Screening Instrument, April 2006, as referenced in Rule 59G-13.130, F.A.C.

Rulemaking Authority 381.0011 FS. Law Implemented 381.76 FS. History–New _____.

64I-1.005 Transitional Living Facility (TLF) Services.

(1) Services:

(a) No entity can deliver TLF services without complying with this rule and before receiving a TLF license from the Agency for Health Care Administration under Section 400.805, Ch. 59A-17, F.A.C.:

(b) TLF services are solely for persons who have sustained brain or spinal cord injury as defined in Section 381.745, F.S.:

(c) TLF services do not include services as an appropriate discharge site;

(d) No entity can deliver services as a TLF before requesting and satisfactorily undergoing a Brain and Spinal Cord Injury Program survey using the Transitional Living Facility Survey Report – Brain Injury Plan and Transitional Living Facility Survey Report – Spinal Cord Injury Plan Standards and Criteria for Transitional Living Facilities, respectively, DH Forms DH-BSC 1008, 7/09 and 1009, 7/09. These forms are incorporated by reference and copies are available from the Department. Copies of these forms and requests for Brain and Spinal Cord Injury Program survey may be made by contacting the Brain and Spinal Cord Injury Program via: mail at 4052 Bald Cypress Way, Bin C-25, Tallahassee, FL 32399-1744 or telephone (850)245-4045 or toll-free (866)875-5660. Copies of the form may also be obtained at <http://www.doh.state.fl.us/demo/BrainSC/Facilities/ReviewInstruments.htm>.

(e) No entity can deliver services as a TLF except upon obtaining and maintaining Commission on Accreditation of Rehabilitation Facilities (CARF) accreditation for actions taken or intended to be taken under a TLF license. CARF may be reached via: the internet www.carf.org; telephone, (202)587-5001 or toll-free (866)888-1122 voice; fax, (202)587-5009; and by mail CARF-CCAC, 1730 Rhode Island Avenue N.W., Suite 209, Washington, DC 20036, USA.

Rulemaking Authority 381.0011 FS. Law Implemented 381.75, 400.805 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thom DeLilla, Bureau Chief, Brain and Spinal Cord Injury Program

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2010
 DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2008, September 26, 2008 and June 26, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-20.041
 RULE TITLE: Unclaimed Property Reporting Instructions

PURPOSE AND EFFECT: Proposed Rule 69I-20.041, F.A.C., creates an unclaimed property reporting manual for use by holders of unclaimed property. The manual contains information that holders will need to properly report and remit unclaimed property to the Department.

SUMMARY: The reporting manual created by proposed Rule 69I-20.041, F.A.C., discusses what is unclaimed property and how, when and where to report unclaimed property. The manual also discusses the due diligence requirement, whether a holder of unclaimed property may obtain an extension of the report due date, unclaimed property reporting forms, electronic reporting, record retention requirements and safe deposit box shipping requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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.

RULEMAKING AUTHORITY: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 717.101, 717.102, 717.103, 717.1035, 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, 717.109, 717.1101, 717.111, 717.112, 717.113, 717.115, 717.116, 717.117, 717.119, 717.129, 717.1311, 717.134 FS.

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

DATE AND TIME: Thursday, February 18, 2010, 9:30 a.m.
 PLACE: Suite B 103, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Paul Stadler, Jr., (850)413-3010. If you are 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: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-20.041 Unclaimed Property Reporting Instructions.
The Department's mission is to collect and return unclaimed property to its rightful owners in accordance with the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S. To achieve these results, the Department is encouraging businesses ("Holders") inside and outside the State of Florida that are in possession of unclaimed property to comply with Florida's Unclaimed Property Law. When reporting and remitting unclaimed property to the Department, Holders must follow the procedures in Form DFS-A4-1992, Florida Unclaimed Property Reporting Instructions Manual, effective _____, incorporated by reference and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358.

Rulemaking Authority 717.117(1), 717.138 FS. Law Implemented 717.101, 717.102, 717.103, 717.1035, 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, 717.109, 717.1101, 717.111, 717.112, 717.113, 717.115, 717.116, 717.117, 717.119, 717.129, 717.1311, 717.134 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Walter Graham, Chief, Bureau of Unclaimed Property

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-1.001
 RULE TITLE: List of Approved Forms; Incorporation by Reference

PURPOSE AND EFFECT: The purpose of the proposed amendment is to adopt three new forms that can be used by funeral establishments, direct disposal establishments and cinerator facilities to report a change of location and request an inspection of the new location by the Department.

SUMMARY: The rule adopts three new forms that can be used by funeral establishments, direct disposal establishments and cinerator facilities to report a change of location and request an inspection of the new location are being adopted. A duplicate

license fee of \$25 pursuant to Sections 497.140(4) and 497.161(1)(d), F.S., is required since licenses are not transferable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A duplicate license fee of \$25 will be required since licenses are not transferable pursuant to Sections 497.141(10) and (12)(h), F.S.

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.

RULEMAKING AUTHORITY: 497.101(8), 497.103(5)(b), 497.141(2), (12)(f), 497.142(10)(g), (12), 497.146, 497.147(4)(a), (d), (5), 497.263(2)(a), 497.264(2)(a), 497.266(2), 497.269, 497.270(2), 497.272(7), 497.283(2)(c), 497.287(2), 497.367(2), 497.370(1), 497.375(1), 497.380(4), (12), 497.382(1), (2), 497.385(1)(a), (g)1., (2)(f), (g), 497.453(1)(a), (4)(b), (5)(a), (b), (7)(a), (8), 497.454(1), 497.456(13)(f), 497.461(4), (8), (12), (16), 497.462(2), (10), 497.464(3), 497.466(5)(c), (8)(a), 497.550(2), 497.551(3), 497.553(2), (6)(a), 497.554(2), 497.602(2)(a), 497.603(2), 497.604(2)(a), (6), 497.606(2)(a), (6), (9)(a), 497.608(2) FS.

LAW IMPLEMENTED: 497.101(8), 497.103(2)(c), 497.149, 497.141, 497.142, 497.143, 497.146, 497.147, 497.263, 497.264, 497.266, 497.269, 497.270, 497.272, 497.281, 497.283, 497.287, 497.365, 497.367, 497.368, 497.369, 497.370, 497.373, 497.374, 497.375, 497.378, 497.379, 497.380, 497.382, 497.385, 497.453, 497.454, 497.456, 497.461, 497.462, 497.464, 497.466, 497.550, 497.551, 497.553, 497.554, 497.602, 497.603, 497.604, 497.606, 497.608 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: February 15, 2010, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle S.E., Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker at (850)413-3083 or LaTonya.Bryant-Parker@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: LaTonya Bryant-Parker, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S.E., Tallahassee, FL 32399-0361, (850)413-4083

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-1.001 List of Approved Forms; Incorporation by Reference.

The following forms are hereby adopted and incorporated by reference, and can be obtained from the Department by writing to the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, by logging on to the Department's website at <http://www.myfloridacfo.com/FuneralCemetery/>, or by telephoning (850)413-3039:

(1) through (99) No change.

(100) DFS-N1-2001, "Notice of Change in Location of Funeral Establishment." Eff. 10/09.

(101) DFS-N1-2002, "Notice of Change in Location of Cinerator Facility." Eff. 10/09.

(102) DFS-N1-2003, "Notice of Change in Location of Direct Disposal Establishment." Eff. 10/09.

Rulemaking Specific Authority 497.101(8), 497.103(5)(b), 497.141(2), (12)(f), 497.142(10)(g), (12), 497.146, 497.147(4)(a), (d), (5), 497.263(2)(a), 497.264(2)(a), 497.266(2), 497.269, 497.270(2), 497.272(7), 497.283(2)(c), 497.287(2), 497.367(2), 497.370(1), 497.375(1), 497.380(4), (12), 497.382(1), (2), 497.385(1)(a), (g)1., (2)(f), (g), 497.453(1)(a), (4)(b), (5)(a), (b), (7)(a), (8), 497.454(1), 497.456(13)(f), 497.461(4), (8), (12), (16), 497.462(2), (10), 497.464(3), 497.466(5)(c), (8)(a), 497.550(2), 497.551(3), 497.553(2), (6)(a), 497.554(2), 497.602(2)(a), 497.603(2), 497.604(2)(a), (6), 497.606(2)(a), (6), (9)(a), 497.608(2) FS. Law Implemented 497.101(8), 497.103(2)(c), 497.149, 497.141, 497.142, 497.143, 497.146, 497.147, 497.263, 497.264, 497.266, 497.269, 497.270, 497.272, 497.281, 497.283, 497.287, 497.365, 497.367, 497.368, 497.369, 497.370, 497.373, 497.374, 497.375, 497.378, 497.379, 497.380, 497.382, 497.385, 497.453, 497.454, 497.456, 497.461, 497.462, 497.464, 497.466, 497.550, 497.551, 497.553, 497.554, 497.602, 497.603, 497.604, 497.606, 497.608 FS. History—New 9-28-03, Formerly 3F-5.010, 69K-5.010, Amended 1-24-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 2009

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.0081 Charter Schools Financial Conditions

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 50, December 18, 2009 Florida Administrative Weekly has been continued from January 19, 2010 to March 16, 2010.

DEPARTMENT OF EDUCATION

State Board of Education

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| RULE NOS.: | RULE TITLES: |
| 6A-1.0421 | Temporary Inability of Superintendent of Schools to Perform the Duties of Office |
| 6A-1.0691 | Procedures for Appealing a District School Board Decision |
| 6A-1.099811 | Differentiated Accountability State System of School Improvement |

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 50, December 18, 2009 Florida Administrative Weekly has been continued from January 19, 2010 to March 16, 2010.

DEPARTMENT OF EDUCATION

State Board of Education

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| RULE NOS.: | RULE TITLES: |
| 6A-10.0312 | Minimum Standards of College-Level Communication and Computation Skills |
| 6A-10.0314 | Applications of College-Level Communication and Computation Skills in State Universities and Community Colleges |
| 6A-10.0317 | Participation in the College-Level Communication and Computation Skills Testing Program by Nonpublic Postsecondary Institutions |

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 50, December 18, 2009 Florida Administrative Weekly has been continued from January 19, 2010 to March 16, 2010.

DEPARTMENT OF EDUCATION

State Board of Education

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| RULE NO.: | RULE TITLE: |
| 6A-14.064 | Dual Enrollment/Early College Programs |

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 50, December 18, 2009 Florida Administrative Weekly has been continued from January 19, 2010 to March 16, 2010.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

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|------------|---|
| RULE NOS.: | RULE TITLES: |
| 12D-9.001 | Taxpayer Rights in Value Adjustment Board Proceedings |
| 12D-9.002 | Informal Conference Procedures |
| 12D-9.003 | Definitions |
| 12D-9.004 | Composition of the Value Adjustment Board |
| 12D-9.005 | Duties of the Board |
| 12D-9.006 | Clerk of the Value Adjustment Board |
| 12D-9.007 | Role of the Clerk of the Value Adjustment Board |
| 12D-9.008 | Appointment of Legal Counsel to the Value Adjustment Board |
| 12D-9.009 | Role of Legal Counsel to the Board |
| 12D-9.010 | Appointment of Special Magistrates to the Value Adjustment Board |
| 12D-9.011 | Role of Special Magistrates to the Value Adjustment Board |
| 12D-9.012 | Training of Special Magistrates, Value Adjustment Board Members and Legal Counsel |
| 12D-9.013 | Organizational Meeting of the Value Adjustment Board |
| 12D-9.014 | Prehearing Checklist |
| 12D-9.015 | Petition; Form and Filing Fee |
| 12D-9.016 | Filing and Service |
| 12D-9.017 | Ex Parte Communication Prohibition |
| 12D-9.018 | Representation of the Taxpayer |
| 12D-9.019 | Scheduling and Notice of a Hearing |

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|-----------|---|---|
| 12D-9.020 | Exchange of Evidence | A revised redline version of the proposed new rules in Rule Chapter 12D-9, F.A.C., will be available at http://dor.myflorida.com/dor/property/vab/rules . This redline version shows each addition and deletion to the text that was originally published in the Notice of Proposed Rule on September 4, 2009. |
| 12D-9.021 | Withdrawn or Settled Petitions; Petitions Acknowledged as Correct; Non Appearance; Summary Disposition of Petitions | |
| 12D-9.022 | Disqualification or Recusal of Special Magistrates or Board Members | 12D-9.001 Taxpayer Rights in Value Adjustment Board Proceedings. |
| 12D-9.023 | Hearings Before Board or Special Magistrates | (1) through (2)(h) No change. |
| 12D-9.024 | Procedures for Commencement of a Hearing | When adopted, subsections (2)(i), (j), and (k) of Rule 12D-9.001 will read as follows: |
| 12D-9.025 | Procedures for Conducting a Hearing; Presentation of Evidence; Testimony of Witnesses | <u>(i) The right to have evidence presented and considered at a public hearing or at a time when the petitioner has been given reasonable notice;</u> |
| 12D-9.026 | Procedures for Conducting a Hearing by Electronic Media | <u>(j) The right to have witnesses sworn and cross-examined;</u> |
| 12D-9.027 | Process of Administrative Review | <u>(k) The right to be issued a timely written decision within 20 calendar days of the last day the board is in session pursuant to Section 194.032, Florida Statutes by the value adjustment board containing findings of fact and conclusions of law and reasons for upholding or overturning the determination of the property appraiser or tax collector.</u> |
| 12D-9.028 | Petitions on Transfer of "Portability" Assessment Difference | (2)(l) through (2)(o) No change. |
| 12D-9.029 | Procedures for Remanding Value Assessments to the Property Appraiser | <u>Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 192.0105, 193.074, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.301, 195.002, 195.027, 195.084, 195.096, 196.011, 196.151, 196.193, 196.194, 197.122, 213.05 FS. History--New _____.</u> |
| 12D-9.030 | Recommended Decisions | 12D-9.002 Informal Conference Procedures. |
| 12D-9.031 | Consideration and Adoption of Recommended Decisions of Special Magistrates by Value Adjustment Boards in Administrative Reviews | (1) through (3) No change. |
| 12D-9.032 | Final Decisions | When adopted, subsection (4) of Rule 12D-9.002, will read as follows: |
| 12D-9.033 | Further Judicial Proceedings | <u>(4) The request for an informal conference is not a prerequisite to administrative or judicial review of property assessments. Requesting or participating in an informal conference does not extend the petition filing deadline. A taxpayer may file a petition while seeking an informal conference in order to preserve his or her right to an administrative hearing.</u> |
| 12D-9.034 | Record of the Proceeding | |
| 12D-9.035 | Duty of Clerk to Prepare and Transmit Record | 12D-9.003 Definitions. |
| 12D-9.036 | Procedures for Petitions on Denials of Tax Deferrals | (1) through (7) No change. |
| 12D-9.037 | Certification of Assessment Rolls | <u>Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 192.001, 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 194.171, 195.022, 213.05 FS., AGO 2002-058 History--New _____.</u> |
| 12D-9.038 | Public Notice of Findings and Results of Value Adjustment Board | 12D-9.004 Composition of the Value Adjustment Board. |

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. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly.

The Department has made two technical changes to phrases that are used throughout the proposed new rules in Rule Chapter 12D-9, F.A.C., as published in the Notice of Proposed Rule on September 4, 2009. One technical change is to change the phrase "clerk of the board" or the word "clerk", wherever this phrase or word appeared in the September 4 notice, to instead read "board clerk". The other technical change is to change the phrase "legal counsel to the board", wherever this phrase appeared in the September 4 notice, to instead read "board legal counsel".

When adopted, subsection (1)(a) of Rule 12D-9.004, will read as follows:

(1) Every county shall have a value adjustment board which consists of:

(a) Two members of the governing body of the county, elected by the governing body from among its members, one of whom shall be elected as the chairperson of the value adjustment board;

(1)(b) through (c)2. No change.

When adopted, paragraph (1)(c)3. of Rule 12D-9.004, will read as follows:

3. Citizen members must not be:

a. A member or employee of any taxing authority in this state; or,

b. A person who represents property owners, property appraisers, tax collectors, or taxing authorities in any administrative or judicial review of property taxes.

(1)(c)4. through (4)(b) No change.

When adopted, subsection (5) of Rule 12D-9.004, will read as follows:

(5) The value adjustment board cannot hold its organizational meeting until all members of the board are appointed even if the number and type of members appointed are sufficient to constitute a quorum. If board legal counsel has not been previously appointed for that year, such appointment must be the first order of business.

12D-9.005 Duties of the Board.

When adopted, subsection (1)(a) of Rule 12D-9.005, will read as follows:

(1)(a) The value adjustment board shall begin hearings on petitions not earlier than 30 days and not later than 60 days after the mailing of the notice provided in Section 194.011(1), Florida Statutes; however, no board hearing shall be held before approval of all or any part of the county's assessment rolls by the Department of Revenue. The board shall meet for the following purposes:

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

When adopted, subsection (1)(c) of Rule 12D-9.005, will read as follows:

(1)(c) The board shall remain in session until its duties are completed concerning all assessment rolls or parts of assessment rolls. The board may temporarily recess but shall reconvene when necessary to hear petitions, complaints, or appeals and disputes filed upon the roll or portion of the roll when approved. The board shall make its decisions timely so that the board clerk may observe the requirement that such decisions shall be issued within 20 calendar days of the last day the board is in session pursuant to Section 194.032, Florida Statutes.

(2)(a) and (2)(b) No change.

When adopted, subsection (2)(c) of Rule 12D-9.005, will read as follows:

(2)(c) The board shall not provide notices or establish a local procedure instructing petitioners to contact the property appraiser's or tax collector's office or any other agency with questions about board hearings or procedures. The board,

board legal counsel, board clerk, special magistrate or other board representative shall not otherwise enlist the property appraiser's or tax collector's office to perform administrative duties for the board. Personnel performing any of the board's duties shall be independent of the property appraiser's and tax collector's office. This section shall not prevent the board clerk or personnel performing board duties from referring petitioners to the property appraiser or tax collector for issues within the responsibility of the property appraiser or tax collector. This section shall not prevent the property appraiser from providing data to assist the board clerk with the notice of tax impact.

(3) and (4) No change.

When adopted, subsection (5) of Rule 12D-9.005, will read as follows:

(5) Failure on three occasions with respect to any single tax year for the board to convene at the scheduled time of meetings of the board shall constitute grounds for removal from office by the Governor for neglect of duties.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 192.0105, 194.011, 194.015, 194.032, 194.034, 194.035, 194.037, 213.05 FS. History—New _____.

12D-9.006 Clerk of the Value Adjustment Board.

No change.

12D-9.007 Role of the Clerk of the Value Adjustment Board.

(1) through (2) No change.

When adopted, subsection (3) of Rule 12D-9.007, will read as follows:

(3) The board clerk shall receive and acknowledge completed petitions and promptly furnish a copy of all completed and timely filed petitions to the property appraiser or tax collector. Alternatively, the property appraiser or the tax collector may obtain the relevant information from the board clerk electronically.

(4) through (5) No change.

When adopted, subsection (6) of Rule 12D-9.007, will read as follows:

(6) If an incomplete petition, which includes a petition not accompanied by the required filing fee, is received within the time required, the board clerk shall notify the petitioner and give the petitioner an opportunity to complete the petition within 10 calendar days from the date notification is mailed. Such petition shall be timely if completed and filed including payment of the fee if previously unpaid within the time frame provided in the board clerk's notice of incomplete petition.

(7) No change.

When adopted, subsection (8) of Rule 12D-9.007, will read as follows:

(8) The board clerk shall ensure public notice of and access to all hearings. Hearings must be conducted in facilities that are clearly identified for such purpose and are freely

accessible to the public while hearings are being conducted. The board clerk shall assure proper signage to identify such facilities.

(9) No change.

When adopted, subsection (10) of Rule 12D-9.007, will read as follows:

(10) The board clerk shall timely notify the petitioner by first class mail of the decisions of the board so that such decisions shall be issued within 20 calendar days of the last day the board is in session pursuant to Section 194.032, Florida Statutes, and shall otherwise notify the property appraiser or tax collector of such decision. In counties using special magistrates the board clerk shall also make available to both parties as soon as practicable a copy of the recommended decision of the special magistrate by mail or electronic means. No party shall have access to decisions prior to any other party.

(11) through (12) No change.

When adopted, subsections (13) through (14) of Rule 12D-9.007, will read as follows:

(13) The board clerk shall make available to the public copies of all additional internal operating procedures and forms of the board or special magistrates described in Rule 12D-9.005, F.A.C. and shall post any such procedures and forms on the board clerk's website, if any. Making materials available on a website is sufficient; however, provisions shall be made for persons that have hardship. Such materials shall be consistent with Department rules and forms.

(14) The board clerk shall provide notification of appeals or value adjustment board petitions taken with respect to property located within a municipality to the chief executive officer of each municipality as provided in Section 193.116, Florida Statutes. The board clerk shall also publish any notice required by Section 196.194, Florida Statutes.

(15) No change.

12D-9.008 Appointment of Legal Counsel to the Value Adjustment Board.

No change.

12D-9.009 Role of Legal Counsel to the Board.

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

When adopted, subsection (1)(f) of Rule 12D-9.009, will read as follows:

(f) Board legal counsel shall review and respond to written complaints alleging noncompliance with the law by the board, special magistrates, board clerk, and the parties. The legal counsel shall send a copy of the complaint along with the response to the department. This section does not refer to routine requests for reconsideration, requests for rescheduling, and pleadings and argument in petitions.

(2) No change.

12D-9.010 Appointment of Special Magistrates to the Value Adjustment Board.

(1) through (5)(a) No change.

When adopted, subsection (5)(b) of Rule 12D-9.010, will read as follows:

(5)(b) The selection of a special magistrate must be based solely on the experience and qualification of such magistrate, and must not be influenced by any party, or prospective party, to a board proceeding or by any such party with an interest in the outcome of such proceeding. Special magistrates must adhere to Rule 12D-9.022, F.A.C. relating to disqualification or recusal.

12D-9.011 Role of Special Magistrates to the Value Adjustment Board.

When adopted, the introductory sentence of subsection (1) of Rule 12D-9.011 will read as follows:

(1) The role of the special magistrate is to conduct hearings, take testimony and make recommendations to the board regarding petitions filed before the board. In carrying out these duties the special magistrate shall:

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

When adopted, subsections (1)(d) through (3) of Rule 12D-9.011, will read as follows:

(1)(d) Make recommendations to the board which shall include proposed findings of fact, proposed conclusions of law, and the reasons for upholding or overturning the determination of the property appraiser or tax collector, also see Rule 12D-9.030, F.A.C.

(2) The special magistrate shall perform other duties as set out in the rules of the department and other areas of Florida law, and shall abide by all limitations on the special magistrate's authority as provided by law.

(3) When the special magistrate determines that the property appraiser did not establish a presumption of correctness, or determines that the property appraiser established a presumption of correctness that is overcome, as provided in Rule 12D-9.027, F.A.C., and the record contains competent substantial evidence for establishing value, an appraiser special magistrate is required to establish a revised value for the petitioned property. In establishing the revised value when authorized by law, the board or special magistrate is not restricted to any specific value offered by the parties.

12D-9.012 Training of Special Magistrates, Value Adjustment Board Members and Legal Counsel.

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

When adopted, subsection (1)(d) of Rule 12D-9.012, will read as follows:

(1)(d) The roles of the board, board clerk, board legal counsel, special magistrates, and the property appraiser or tax collector and their staff;

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

When adopted, subsection (4)(a) of Rule 12D-9.012, will read as follows:

(4)(a) Each special magistrate that has five years of experience and, in those counties that do not use special magistrates, each board member or the board legal counsel must receive the training, including any updated modules, before conducting hearings, but need not complete the training examinations, and shall provide a statement acknowledging receipt of the training to the board clerk.

(4)(b) No change.

When adopted, subsection (5) of Rule 12D-9.012, will read as follows:

(5) The department's training is the official training for special magistrates regarding administrative reviews. The board clerk and board legal counsel may provide orientation to the special magistrates relating to local operating or ministerial procedures only. Such orientation meetings shall be open to the public for observation. This does not prevent board legal counsel from giving legal advice; however, to the fullest extent practicable, such legal advice should be in writing and public record. For requirements for decisions specifically based on legal advice see subsections 12D-9.030(6) and paragraph 12D-9.032(1)(b), F.A.C.

(6) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.032, 194.034, 194.035, 195.022, 195.084, 213.05, Chapter 475, Part II FS. History--New _____.

12D-9.013 Organizational Meeting of the Value Adjustment Board.

(1)(a) No change.

When adopted, subsections (1)(b) and (c) of Rule 12D-9.013, will read as follows:

(1)(b) Introduce the board clerk, or any designee of the board clerk and provide the board clerk's contact information;

(c) Appoint or ratify the private board legal counsel. At the meeting at which board counsel is appointed, this item shall be the first order of business.

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

When adopted, subsections (1)(j), (k), and (l) and subsection (2) of Rule 12D-9.013, will read as follows:

(j) Make available to the public, special magistrates and board members, Rules 12D-51.001, 51.002, 51.003, F.A.C., and Chapters 192 through 195, F.S., as reference information containing the guidelines and statutes applicable to assessments and assessment administration.

(k) Adopt or ratify by resolution any filing fee for petitions for that year, in an amount not to exceed \$15.

(l) For purposes of this rule, making available to the public means, in addition to having copies at the meeting, the board may refer to a website containing copies of such documents.

(2) The board shall announce the tentative schedule for the value adjustment board taking into consideration the number of petitions filed, the possibility of the need to reschedule and the requirement that the board stay in session until all petitions have been heard.

(3) No change.

12D-9.014 Prehearing Checklist.

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

When adopted, subsection (1)(d) of Rule 12D-9.014, will read as follows:

(d) No board members represent other government entities or taxpayers in any administrative or judicial review of property taxes, and citizen members are not members or employees of a taxing authority, during their membership on the board;

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

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035, 195.084, 213.05 FS. History--New _____.

12D-9.015 Petition; Form and Filing Fee.

When adopted, subsection (1)(a) of Rule 12D-9.015, will read as follows:

(1)(a) For the purpose of requesting a hearing before the value adjustment board, the department prescribes Form DR-486. The Form DR-486 series is adopted and incorporated by reference in Rule 12D-16.002, F.A.C.

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

When adopted, subsection (2)(c) of Rule 12D-9.015, will read as follows:

(c) State the approximate time anticipated by the petitioner for presenting and arguing his or her petition before the board or special magistrate to be considered by the board clerk as provided in subsection 12D-9.019(1), F.A.C., and may provide dates of nonavailability for scheduling purposes if applicable;

(2)(d) through (2)(f)1. No change.

When adopted, subsection (2)(f)2. of Rule 12D-9.015, will read as follows:

2. Contain a signature field to be signed by an authorized agent. If the authorized agent is subject to licensure as described in Rule 12D-9.018, F.A.C., a space to provide identification of the licensing body and license number. If the authorized agent is not subject to licensure, for example a family member, a space to indicate the petition is accompanied by a written authorization of the taxpayer if not otherwise signed by the taxpayer;

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

When adopted, subsection (3) of Rule 12D-9.015, will read as follows:

(3) The petition form shall provide notice to the petitioner that the person signing the petition becomes the agent of the taxpayer for the purpose of serving process to obtain personal

jurisdiction over the taxpayer for the entire value adjustment board proceeding, including any appeals to circuit court of a board decision by the property appraiser or tax collector.

(4) through the introductory sentence of subsection (7) No change.

When adopted, subsection (7)(a) of Rule 12D-9.015, will read as follows:

(7)(a) Other than fees required for late filed applications under Sections 193.155(8)(i) and 196.011(8), F.S., only a single filing fee shall be charged to any particular parcel of property despite the existence of multiple issues or hearings pertaining to such parcels.

(7)(b) No change.

When adopted, subsection (7)(c) of Rule 12D-9.015, will read as follows:

(7)(c) For joint petitions filed pursuant to Section 194.011(3)(e) or (f), F.S., a single filing fee shall be charged. Such fee shall be calculated as the cost of the time required for the special magistrate in hearing the joint petition and shall not exceed \$5 per parcel, for each additional parcel included in the petition, in addition to any filing fee for the petition. Said fee is to be proportionately paid by affected parcel owners.

(7)(d) through (7)(e) No change.

When adopted, subsection (8) of Rule 12D-9.015, will read as follows:

(8) An owner of contiguous, undeveloped parcels may file a single joint petition if the property appraiser determines such parcels are substantially similar in nature. A condominium association, cooperative association, or any homeowners' association as defined in Section 723.075, F.S., with approval of its board of administration or directors, may file with the value adjustment board a single joint petition on behalf of any association members who own parcels of property which the property appraiser determines are substantially similar with respect to location, proximity to amenities, number of rooms, living area, and condition. The property appraiser shall provide the petitioner with such determination upon request by the petitioner. The petitioner must obtain the determination from the property appraiser prior to filing the petition and must file the determination provided and completed by the property appraiser with the petition. An incorporated attached list of parcels by parcel number or account number, with an indication on the petition form showing a joint petition, shall be sufficient to signify a joint petition.

(9)(a) through (9)(b) No change.

When adopted, subsection (9)(c) of Rule 12D-9.015, will read as follows:

(9)(c) The board clerk shall rely on the licensure information provided by a licensed agent, or written authorization provided by an unlicensed agent, in accepting the petition.

(10) through (10)(e) No change.

When adopted, subsection (10)(f) of Rule 12D-9.015, will read as follows:

(10)(f) With respect to exemption or classification claims relating to an exemption or classification that is not reflected on the notice of property taxes, including late filed exemption claims, on or before the 25th day following the mailing of the notice of proposed property taxes, or on or before the 30th day following the mailing of the written notification of the denial of the exemption or classification, whichever date is later.

(10)(g) No change.

When adopted, subsections (11)(a) through (11)(b) of Rule 12D-9.015, will read as follows:

(11) Late Filed Petitions.

(a) The board may not extend the time for filing a petition. The board is not authorized to set and publish a deadline for late filed petitions. However, the failure to meet the statutory deadline for filing a petition to the board does not prevent consideration of such a petition by the board or special magistrate when the board or board designee determines that the petitioner has demonstrated good cause justifying consideration and that the delay will not, in fact, be harmful to the performance of board functions in the taxing process. "Good cause" means the verifiable showing of extraordinary circumstances, as follows:

1. Personal, family, or business crisis or emergency at a critical time or for an extended period of time that would cause a reasonable person's attention to be diverted from filing;

2. Physical or mental illness, infirmity, or disability that would reasonably affect the petitioner's ability to timely file;
or

3. Miscommunication with, or misinformation received from, the clerk, property appraiser, or their staff regarding the necessity or the proper procedure for filing that would cause a reasonable person's attention to be diverted from timely filing;
or

4. Any other cause beyond the control of the petitioner that would prevent a reasonably prudent petitioner from timely filing.

(b) The board clerk shall accept but not schedule for hearing a petition submitted to the board after the statutory deadline has expired, and shall submit the petition to the board or board designee for good cause consideration if the petition is accompanied by a written explanation for the delay in filing. Unless scheduled together or by the same notice, the decision regarding good cause for late filing of the petition must be made before a hearing is scheduled, and the parties shall be notified of such decision.

(11)(c) No change.

When adopted, subsections (11)(d) through (11)(f) of Rule 12D-9.015, will read as follows:

(d) The board is authorized to, but need not, require good cause hearings before good cause determinations are made. The board or a board designee, which includes the board legal

counsel or a special magistrate, shall determine whether the petitioner has demonstrated, in writing, good cause justifying consideration of the petition. If the board or a board designee determines that the petitioner has demonstrated good cause, the board clerk shall accept the petition for filing and so notify the petitioner and the property appraiser or the tax collector.

(e) If the board or a board designee determines that the petitioner has not demonstrated good cause, or if the petition is not accompanied by a written explanation for the delay in filing, the board clerk shall notify the petitioner and the property appraiser or tax collector.

(f) A person who files a petition may timely file an action in circuit court to preserve the right to proceed in circuit court. (Sections 193.155(8)(k), 194.036, 194.171(2), and 196.151, F.S.)

(12) through (13) No change.

When adopted, subsection (14) of Rule 12D-9.015, will read as follows:

(14) Copies of the forms incorporated in Rule 12D-16.002, F.A.C., may be obtained at the Department's Internet site: <http://dor.myflorida.com/dor/property/forms/>.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 193.155, 194.011, 194.013, 194.032, 194.034, 194.036, 194.171, 195.022, 195.084, 196.151, 197.253, 197.301, 197.3041, 197.3047, 197.3073, 197.3079, 200.069, 213.05 FS. History--New _____.

12D-9.016 Filing and Service.

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

When adopted, subsections (2)(c) through (3) of Rule 12D-9.016, will read as follows:

(2)(c) Any document that is required to be filed, served, provided or made available may be filed, served, provided or made available electronically, if the board and the board clerk make such resources available, and no party is prejudiced.

(d) Local procedure may supersede provisions regarding the number of copies that must be provided.

(3) When a party files a document with the board, other than the petition, that party shall serve copies of the document to all parties in the proceeding. When a document is filed that does not clearly indicate it has been provided to the other party, the board clerk, board legal counsel, board members and special magistrates shall inform the party of the requirement to provide to every party or shall exercise care to ensure that a copy is provided to every party, and that no ex parte communication occurs.

(4) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 195.022, 195.084, 213.05 FS. History--New _____.

12D-9.017 Ex Parte Communication Prohibition.

(1) through (3) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035, 213.05 FS. History--New _____.

12D-9.018 Representation of the Taxpayer.

(1) through (5) No change.

When adopted, subsections (6) and (7) of Rule 12D-9.018, will read as follows:

(6) When duplicate petitions are filed on the same property, the board clerk shall contact the owner and all petitioners to resolve the issue.

(7) The board clerk may require the use of an agent number to facilitate scheduling of hearings as long as such use is not inconsistent with this rule.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.013, 194.032, 194.034, 195.022, 195.084, 213.05, Chapter 475, Part I and II FS. History--New _____.

12D-9.019 Scheduling and Notice of a Hearing.

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

When adopted, subsection (1)(c) of Rule 12D-19.019, will read as follows:

(c) Upon request of a party, the board clerk shall consult with the petitioner and the property appraiser or tax collector to ensure that, within the board clerk's judgment, an adequate amount of time is provided for presenting and considering evidence.

(2) No change.

When adopted, subsection (3)(a) of Rule 12D-9.019, will read as follows:

(3)(a) The notice of hearing before the value adjustment board shall be in writing, and shall be delivered by regular or certified U.S. mail or personal delivery, or in the manner requested by the petitioner on Form DR-486, so that the notice shall be received by the petitioner no less than twenty-five (25) calendar days prior to the day of such scheduled appearance. The Form DR-486 series is adopted and incorporated by reference in Rule 12D-16.002, F.A.C. The notice of hearing form shall meet the requirements of this section and shall be subject to approval by the department. The department provides Form DR-481 as a format for the form of such notice. Form DR-481 is adopted and incorporated by reference in Rule 12D-16.002, F.A.C. The notice shall include these elements:

(3)(a)1. through (3)(a)11. No change.

When adopted, subsection (3)(b) of Rule 12D-9.019, will read as follows:

(3)(b) If the petitioner has requested a copy of the property record card, it shall be sent no later than the time at which the notice of hearing is sent.

(4) through (5)(b) No change.

When adopted, subsections (5)(c), and (d) of Rule 12D-9.019, will read as follows:

(5)(c) The board clerk shall give appropriate notice to the petitioner of the determination as to good cause. Form DR-485WCN is designated and may be used for this purpose. Form DR-485WCN is adopted and incorporated by reference in Rule 12D-16.002, F.A.C. The board clerk shall also appropriately notify the property appraiser or tax collector.

(d) When rescheduling hearings under this rule subsection or subsection (4) above, if the parties are unable to agree on an earlier date, the board clerk is authorized to schedule the hearing and send a notice of such hearing by regular or certified U.S. mail or personal delivery, or in the manner requested by the petitioner on the petition Form DR-486, so that the notice shall be received by the petitioner no less than twenty-five (25) calendar days prior to the day of such scheduled appearance. The board clerk is responsible for notifying the parties of any rescheduling.

(6) through (7)(c) No change.

When adopted, subsection (8) of Rule 12D-9.019, will read as follows:

(8) Copies of the forms incorporated in Rule 12D-16.002, F.A.C., may be obtained at the Department's Internet site: <http://dor.myflorida.com/dor/property/forms/>.

12D-9.020 Exchange of Evidence.

When adopted, subsection (1) of Rule 12D-9.020, will read as follows:

(1) The petitioner has the option of participating in an exchange of evidence with the property appraiser. If the petitioner chooses not to participate in the evidence exchange, the petitioner may still present evidence for consideration by the board or the special magistrate. However, as described in this section, if the property appraiser asks in writing for specific evidence before the hearing in connection with a filed petition, and the petitioner has this evidence and knowingly refuses to provide it to the property appraiser a reasonable time before the hearing, the evidence cannot be presented by the petitioner or accepted for consideration by the board or special magistrate. Reasonableness shall be determined by whether the material can be reviewed, investigated, and responded to or rebutted in the time frame remaining before the hearing. These requirements are more specifically described in subsection (8) and in paragraphs 12D-9.025(4)(a) and (f), F.A.C.

(2)(a) through (6) No change.

When adopted, subsections (7), (8), and (9) of Rule 12D-9.020, will read as follows:

(7) A property appraiser shall not use at a hearing evidence that was not supplied to the petitioner as required. The remedy for such non compliance shall be a rescheduling of the hearing to allow the petitioner an opportunity to review the information of the property appraiser.

(8) No petitioner may present for consideration, nor may a board or special magistrate accept for consideration, testimony or other evidentiary materials that were specifically requested of the petitioner in writing by the property appraiser in

connection with a filed petition, of which the petitioner had knowledge and denied to the property appraiser. Such evidentiary materials shall be considered timely if provided to the property appraiser no later than fifteen (15) days before the hearing in accordance with the exchange of evidence rules in this section. If provided to the property appraiser less than fifteen (15) days before the hearing, such materials shall be considered timely if the board or special magistrate determines they were provided a reasonable time before the hearing, as described in paragraph 12D-9.025(4)(f), F.A.C. A petitioner's ability to introduce the evidence, requested of the petitioner in writing by the property appraiser, is lost if not provided to the property appraiser as described in this paragraph. This provision does not preclude rebuttal evidence that was not specifically requested of the petitioner by the property appraiser.

(9) As the trier of fact, the board or special magistrate may independently rule on the admissibility and use of evidence. If the board or special magistrate has any questions relating to the admissibility and use of evidence, the board or special magistrate should consult with the board legal counsel. The basis for any ruling on admissibility of evidence must be reflected in the record.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 193.074, 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 195.084, 200.069, 213.05 FS. History—
New _____.

12D-9.021 Withdrawn or Settled Petitions; Petitions Acknowledged as Correct; Non Appearance; Summary Disposition of Petitions.

When adopted, the introductory paragraph of subsection (1) of Rule 12D-9.021, will read as follows:

(1) A petitioner may withdraw a petition prior to the scheduled hearing. Form DR-485WI is prescribed by the department for such purpose; however, other written or electronic means may be used. Form DR-485WI is adopted and incorporated by reference in Rule 12D-16.002, F.A.C. Form DR-485WI shall indicate the reason for the withdrawal as one of the following:

When adopted, subsections (3) through (9) of Rule 12D-9.021, will read as follows:

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

(3) If a property appraiser or tax collector agrees with a petition challenging a decision to deny an exemption, classification, portability assessment difference transfer, or deferral, the property appraiser or tax collector shall issue the petitioner a notice granting said exemption, classification, portability assessment difference transfer, or deferral and shall file with the board clerk a notice that the petition was acknowledged as correct. The board clerk shall cancel the hearing upon receiving the notice of acknowledgement and there shall be no further proceeding on the matter acknowledged as correct.

(4) If parties do not file a notice of withdrawal or notice of acknowledgement but indicate the same at the hearing, the board or special magistrate shall so state on the hearing record and shall not proceed with the hearing and shall not issue a decision. If a petition is withdrawn or acknowledged as correct under subsection (1), (2), or (3), or settlement is reached and filed by the parties, at any time before a recommended decision or final board decision is issued, the board, special magistrate or clerk need not issue such decision. The board clerk shall list and report all withdrawals, settlements, acknowledgements of correctness as withdrawn or settled petitions. Settled petitions shall include those acknowledged as correct by the property appraiser or tax collector.

(5) For all withdrawn or settled petitions, a special magistrate shall not produce a recommended decision and the board shall not produce a final decision.

(6) When a petitioner does not appear by the commencement of a scheduled hearing and the petitioner has not indicated a desire to have their petition heard without their attendance and a good cause request is not pending, the board or the special magistrate shall not commence or proceed with the hearing and shall produce a decision or recommended decision as described in this section. If the petitioner makes a good cause request before the decision, if no special magistrate is used, or recommended decision, if a special magistrate is used, is issued, the board or board designee shall rule on the good cause request before determining that the decision or recommended decision should be set aside and that the hearing should be rescheduled, or that the board or special magistrate should issue the decision or recommended decision.

(7) When a petitioner does not appear by the commencement of a scheduled hearing and a good cause request is pending, the board or board designee shall rule on the good cause request before determining that the hearing should be rescheduled or that the board or special magistrate should issue a decision or recommended decision.

(a) If the board or board designee finds good cause for the petitioner's failure to appear, the board clerk shall reschedule the hearing.

(b) If the board or board designee does not find good cause for the petitioner's failure to appear, the board or special magistrate shall issue a decision or recommended decision.

(8) Decisions issued under subsection (6) or subsection (7) shall not be treated as withdrawn or settled petitions and shall contain:

(a) A finding of fact that the petitioner did not appear at the hearing and did not state good cause; and

(b) A conclusion of law that the relief is denied and the decision is being issued in order that any right the petitioner may have to bring an action in circuit court is not impaired.

(9) Copies of the forms incorporated in Rule 12D-16.002, F.A.C. may be obtained at the Department's Internet site: <http://dor.myflorida.com/dor/property/forms/>.

12D-9.022 Disqualification or Recusal of Special Magistrates or Board Members.

When adopted, subsection (1) of Rule 12D-9.022, will read as follows:

(1) If either the petitioner or the property appraiser communicates a reasonable belief that a special magistrate does not possess the statutory qualifications in accordance with Sections 194.035 and 475.611(1)(h) and (i), F.S., to conduct a particular proceeding, the basis for that belief shall be included in the record of the proceeding or submitted prior to the hearing in writing to the board legal counsel.

(2)(a) through (3) No change.

When adopted, subsection (4)(a) of Rule 12D-9.022, will read as follows:

(4)(a) If either the petitioner or the property appraiser communicates a reasonable belief that a board member or special magistrate has a conflict of interest, the basis for that belief shall be stated in the record of the proceeding or submitted prior to the hearing in writing to the board legal counsel.

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

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.032, 194.034, 194.035, 213.05, 475.611 FS. History—New _____.

12D-9.023 Hearings Before Board or Special Magistrates.

(1) through (2) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.032, 194.034, 195.022, 195.084, 213.05 FS. History—New _____.

12D-9.024 Procedures for Commencement of a Hearing.

(1) through (6) No change.

When adopted, subsection (7) of Rule 12D-9.024, will read as follows:

(7) After the opening statement, and clarification of any questions with the parties, the board or special magistrate shall proceed with the hearing. The property appraiser shall indicate for the record his or her determination of just value, classified use value, tax exemption, property classification, or "portability" assessment difference, or deferral or penalties. Under Subsection 194.301(1), F.S., in a hearing on just, classified use, or assessed value, the first issue to be considered is whether the property appraiser establishes a presumption of correctness for the assessment. The property appraiser shall present evidence on this issue first.

(8) No change.

When adopted, subsection (9)(a) of Rule 12D-9.024, will read as follows:

(9)(a) If the petitioner does not appear by the commencement of a scheduled hearing, the board or special magistrate shall not commence the hearing and shall proceed under the requirements set forth in subsection 12D-9.021(6), F.A.C., unless:

(9)(a)1. through (9)(b)3. No change.

When adopted, subsection (10) of Rule 12D-9.024, will read as follows:

(10) If the property appraiser or tax collector does not appear by the commencement of a scheduled hearing, except a good cause hearing, the board or special magistrate shall state on the record that the property appraiser or tax collector did not appear at the hearing. Then, the board or special magistrate shall request the petitioner to state for the record whether he or she wants to have the hearing rescheduled or wants to proceed with the hearing without the property appraiser or tax collector. If the petitioner elects to have the hearing rescheduled, the board clerk shall reschedule the hearing. If the petitioner elects to proceed with the hearing without the property appraiser or tax collector, the board or special magistrate shall proceed with the hearing and shall produce a decision or recommended decision.

(11) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.032, 194.034, 195.022, 195.084, 213.05 FS. History—New _____.

12D-9.025 Procedures for Conducting a Hearing; Presentation of Evidence; Testimony of Witnesses.

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

When adopted, subsection (2)(d) of Rule 12D-9.025, will read as follows:

(2)(d) As the trier of fact, the board or special magistrate may independently rule on the admissibility and use of evidence. If the board or special magistrate has any questions relating to the admissibility and use of evidence, the board or special magistrate should consult with the board legal counsel. The basis for any ruling on admissibility of evidence must be reflected in the record. The special magistrate may delay ruling on the question during the hearing and consult with board legal counsel after the hearing.

(3)(a) No change.

When adopted, subsections (3)(b) through the introductory sentence of subsection (4)(c) of Rule 12D-9.025, will read as follows:

(3)(b) Under Section 194.301, F.S., “preponderance of the evidence” is the standard of proof that applies in assessment challenges. The “clear and convincing evidence” standard of proof no longer applies, starting with 2009 assessments. A taxpayer shall never have the burden of proving that the property appraiser’s assessment is not supported by any reasonable hypothesis of a legal assessment.

(4)(a) No evidence shall be considered by the board or special magistrate except when presented and admitted during the time scheduled for the petitioner’s hearing, or at a time when the petitioner has been given reasonable notice. The petitioner may still present evidence if he or she does not participate in the evidence exchange. However, if the property appraiser asks in writing for specific evidence before the hearing in connection with a filed petition, and the petitioner has this evidence and refuses to provide it to the property appraiser, the evidence cannot be presented by the petitioner or accepted for consideration by the board or special magistrate. These requirements are more specifically described in paragraph (f) below.

(b) If a party submits evidence to the board clerk prior to the hearing, the board or special magistrate shall not review or consider such evidence prior to the hearing.

(c) In order to be reviewed by the board or special magistrate, any evidence filed with the board clerk shall be brought to the hearing by the party. This requirement shall not apply where:

(4)(c)1. through (4)(e) No change.

When adopted, paragraph (4)(f) of Rule 12D-9.025, will read as follows:

(4)(f)1. No petitioner shall present for consideration, nor shall the board or special magistrate accept for consideration, testimony or other evidentiary materials that were specifically requested of the petitioner in writing by the property appraiser in connection with a filed petition, of which the petitioner had knowledge and denied to the property appraiser. Such evidentiary materials shall be considered timely if provided to the property appraiser no later than fifteen (15) days before the hearing in accordance with the exchange of evidence rules in Rule 12D-9.020, F.A.C., and, if provided to the property appraiser less than fifteen (15) days before the hearing, shall be considered timely if the board or special magistrate determines they were provided a reasonable time before the hearing. A petitioner’s ability to introduce the evidence, requested of the petitioner in writing by the property appraiser, is lost if not provided to the property appraiser as described in this paragraph. This provision does not preclude rebuttal evidence that was not specifically requested of the petitioner by the property appraiser. For purposes of this rule and Rule 12D-9.020, F.A.C., reasonableness shall be assumed if the property appraiser does not object. Otherwise, reasonableness shall be determined by whether the material can be reviewed, investigated, and responded to or rebutted in the time frame remaining before the hearing. If a petitioner has acted in good faith and not denied evidence to the property appraiser prior to the hearing, as provided by Section 194.034(1)(d), F.S., but wishes to submit evidence at the hearing which is of a nature that would require investigation or verification by the property

appraiser, then the special magistrate may allow the hearing to be recessed and, if necessary, rescheduled so that the property appraiser may review such evidence.

2. A property appraiser shall not present undisclosed evidence that was not supplied to the petitioner as required under the evidence exchange rule, Rule 12D-9.020, F.A.C. The remedy for such noncompliance shall be a rescheduling of the hearing to allow the petitioner an opportunity to review the information of the property appraiser.

(5) No change.

When adopted, subsection (6)(a) of Rule 12D-9.025, will read as follows:

(6)(a) By agreement of the parties entered in the record, the board or special magistrate may leave the record open and postpone completion of the hearing to a date certain to allow a party to collect and provide additional relevant and credible evidence. Such postponements shall be limited to instances where, after completing original presentations of evidence, the parties agree to the collection and submittal of additional, specific factual evidence for consideration by the board or special magistrate. In lieu of completing the hearing, upon agreement of the parties the board or special magistrate is authorized to consider such evidence without further hearing.

(6)(b) through (9) No change.

When adopted, subsection (10) of Rule 12D-9.025, will read as follows:

(10) For purposes of reporting board action on decisions and on the notice of tax impact, the value as reflected on the initial roll shall mean the property appraiser's determination as presented at the commencement of the hearing or as reduced by the property appraiser during the hearing, but before a decision by the board or a recommended decision by the special magistrate. See Rule 12D-9.038, F.A.C.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 193.092, 194.011, 194.032, 194.034, 195.022, 195.084, 213.05 FS. History—New _____.

12D-9.026 Procedures for Conducting a Hearing by Electronic Media.

(1) through (1)(b) No change.

When adopted, subsection (1)(c) of Rule 12D-9.026, will read as follows:

(c) The board must reasonably accommodate parties that have hardship or lack necessary equipment or ability to access equipment. The board must provide a physical location at which a party may appear, if requested.

(2) through (4) No change.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.032, 194.034, 195.035, 195.022, 195.084, 213.05 FS. History—New _____.

12D-9.027 Process of Administrative Review.

When adopted, Rule 12D-9.027, will read as follows:

(1) This section sets forth the sequence of general procedural steps for administrative reviews. This order of steps applies to: the consideration of evidence, the development of conclusions, and the production of written decisions. The board or special magistrate shall follow this general sequence in order to fulfill the procedural requirements of Section 194.301, Florida Statutes. The following subsections set forth the steps for administrative reviews of:

(a) Just valuations in subsection (2);

(b) Classified use valuations, and assessed valuations of limited increase property, in subsection (3); and

(c) Exemptions, classifications, and portability assessment transfers in subsection (4).

(2) In administrative reviews of the just valuation of property, the board or special magistrate shall follow this sequence of general procedural steps:

(a) Determine whether the property appraiser established a presumption of correctness for the assessment, and determine whether the property appraiser's just valuation methodology is appropriate. The presumption of correctness is not established unless the admitted evidence proves by a preponderance of the evidence that the property appraiser's just valuation methodology complies with Section 193.011, Florida Statutes, and professionally accepted appraisal practices, including mass appraisal standards, if appropriate.

(b)1. In administrative reviews of just valuations, if the property appraiser establishes a presumption of correctness, determine whether the admitted evidence proves by a preponderance of the evidence that:

a. The property appraiser's just valuation does not represent just value; or

b. The property appraiser's just valuation is arbitrarily based on appraisal practices that are different from the appraisal practices generally applied by the property appraiser to comparable property within the same county.

2. If one or both of the conditions in subparagraph (b)1. above are determined to exist, the property appraiser's presumption of correctness is overcome.

3. If the property appraiser does not establish a presumption of correctness, or if the presumption of correctness is overcome, the board or special magistrate shall determine whether the hearing record contains competent, substantial evidence of just value which cumulatively meets the criteria of Section 193.011, Florida Statutes, and professionally accepted appraisal practices.

a. If the hearing record contains competent, substantial evidence for establishing a revised just value, the board or an appraiser special magistrate shall establish a revised just value based only upon such evidence. In establishing a revised just value, the board or special magistrate is not restricted to any specific value offered by one of the parties.

b. If the hearing record lacks competent, substantial evidence for establishing a revised just value, the board or special magistrate shall remand the assessment to the property appraiser with appropriate directions for establishing just value.

4. If the property appraiser establishes a presumption of correctness and that presumption of correctness is not overcome as described in subparagraph (b)1. above, the assessment stands.

(3) In administrative reviews of the classified use valuation of property or administrative reviews of the assessed valuation of limited increase property, the board or special magistrate shall follow this sequence of general procedural steps:

(a) Identify the statutory criteria that apply to the classified use valuation of the property or to the assessed valuation of limited increase property, as applicable.

(b) Determine whether the property appraiser established a presumption of correctness for the assessment, and determine whether the property appraiser's classified use or assessed valuation methodology is appropriate. The presumption of correctness is not established unless the admitted evidence proves by a preponderance of the evidence that the property appraiser's valuation methodology complies with the statutory criteria that apply to the classified use valuation or assessed valuation, as applicable, of the petitioned property.

(c)1. In administrative reviews of classified use valuations, if the property appraiser establishes a presumption of correctness, determine whether the admitted evidence proves by a preponderance of the evidence that:

a. The property appraiser's classified use valuation does not represent classified use value; or

b. The property appraiser's classified use valuation is arbitrarily based on classified use valuation practices that are different from the classified use valuation practices generally applied by the property appraiser to comparable property of the same property classification within the same county.

2. If one or both of the conditions in subparagraph (c)1. above are determined to exist, the property appraiser's presumption of correctness is overcome.

3. If the property appraiser does not establish a presumption of correctness, or if the presumption of correctness is overcome, the board or special magistrate shall determine whether the hearing record contains competent, substantial evidence of classified use value which cumulatively meets the statutory criteria that apply to the classified use valuation of the petitioned property.

a. If the hearing record contains competent, substantial evidence for establishing a revised classified use value, the board or an appraiser special magistrate shall establish a revised classified use value based only upon such evidence. In

establishing a revised classified use value, the board or special magistrate is not restricted to any specific value offered by one of the parties.

4. If the property appraiser establishes a presumption of correctness and that presumption of correctness is not overcome as described in subparagraph (c)1. above, the assessment stands.
b. If the hearing record lacks competent, substantial evidence for establishing a revised classified use value, the board or special magistrate shall remand the assessment to the property appraiser with appropriate directions for establishing classified use value.

(d)1. In administrative reviews of assessed valuations of limited increase property, if the property appraiser establishes a presumption of correctness, determine whether the admitted evidence proves by a preponderance of the evidence that:

a. The property appraiser's assessed valuation does not represent assessed value; or

b. The property appraiser's assessed valuation is arbitrarily based on assessed valuation practices that are different from the assessed valuation practices generally applied by the property appraiser to comparable property within the same county.

2. If one or both of the conditions in subparagraph (d)1. above are determined to exist, the property appraiser's presumption of correctness is overcome.

3. If the property appraiser does not establish a presumption of correctness, or if the presumption of correctness is overcome, the board or special magistrate shall determine whether the hearing record contains competent, substantial evidence of assessed value which cumulatively meets the statutory criteria that apply to the assessed valuation of the petitioned property.

a. If the hearing record contains competent, substantial evidence for establishing a revised assessed value, the board or an appraiser special magistrate shall establish a revised assessed value based only upon such evidence. In establishing a revised assessed value, the board or special magistrate is not restricted to any specific value offered by one of the parties.

b. If the hearing record lacks competent, substantial evidence for establishing a revised assessed value, the board or special magistrate shall remand the assessment to the property appraiser with appropriate directions for establishing assessed value.

4. If the property appraiser establishes a presumption of correctness and that presumption of correctness is not overcome as described in subparagraph (d)1. above, the assessment stands.

(4) In administrative reviews of exemptions, classifications, and portability assessment transfers, the board or special magistrate shall follow this sequence of general procedural steps:

(a) In the case of an exemption, the board or special magistrate shall consider whether the denial was valid or invalid and shall:

1. Review the exemption denial, and compare it to the applicable statutory criteria in Section 196.193(5), F.S.;

2. Determine whether the denial was valid under Section 196.193, F.S.; and

3. If the denial is found to be invalid, not give weight to the exemption denial or to any evidence supporting the basis for such denial, but shall instead proceed to dispose of the matter without further consideration in compliance with Section 194.301, F.S.

4. If the denial is found to be valid, proceed with steps paragraphs (b) through (g) below.

(b) Consider the admitted evidence presented by the parties.

(c) Identify the particular exemption, property classification, or portability assessment transfer issue that is the subject of the petition.

(d) Identify the statutory criteria that apply to the particular exemption, property classification, or portability assessment difference transfer that was identified as the issue under administrative review.

(e) Identify and consider the essential characteristics of the petitioned property or the property owner, as applicable, based on the statutory criteria that apply to the issue under administrative review.

(f) Identify and consider the basis used by the property appraiser in issuing the denial for the petitioned property.

(g) Determine whether the admitted evidence proves by a preponderance of the evidence that the property appraiser's denial is incorrect and the exemption, classification, or portability assessment transfer should be granted because all of the applicable statutory criteria are satisfied. Where necessary and where the context will permit in these rules, the term "statutory criteria" includes any constitutional criteria that do not require implementation by legislation.

(5) "Standard of proof" means the level of proof needed by the board or special magistrate to reach a particular conclusion. The standard of proof that applies in administrative reviews is called "preponderance of the evidence," which means "greater weight of the evidence."

(6) When applied to evidence, the term "sufficient" is a test of adequacy. Sufficient evidence is admitted evidence that has enough overall weight, in terms of relevance and credibility, to legally justify a particular conclusion. A particular conclusion is justified when the overall weight of the admitted evidence meets the standard of proof that applies to the issue under consideration. The board or special magistrate must determine whether the admitted evidence is sufficiently relevant and credible to reach the standard of proof that applies

to the issue under consideration. In determining whether the admitted evidence is sufficient for a particular issue under consideration, the board or special magistrate shall:

(a) Consider the relevance and credibility of the admitted evidence as a whole, regardless of which party presented the evidence;

(b) Determine the relevance and credibility, or overall weight, of the evidence;

(c) Compare the overall weight of the evidence to the standard of proof;

(d) Determine whether the overall weight of the evidence is sufficient to reach the standard of proof; and

(e) Produce a conclusion of law based on the determination of whether the overall weight of the evidence has reached the standard of proof.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 193.122, 194.011, 194.015, 194.032, 194.034, 194.036, 194.037, 194.301, 195.002, 195.084, 195.096, 196.011, 196.151, 196.193, 197.122, 213.05 FS. History—New _____.

12D-9.028 Petitions on Transfer of "Portability" Assessment Difference.

(1) No change.

When adopted, subsection (2) of Rule 12D-9.028, will read as follows:

(2) A petitioner may file a petition with the value adjustment board, in the county where the new homestead is located, to petition either a denial of a transfer or the amount of the transfer, on Form DR-486PORT. Form DR-486PORT is adopted and incorporated by reference in Rule 12D-16.002, F.A.C. Such petition must be filed at any time during the taxable year on or before the 25th day following the mailing of the notice of proposed property taxes as provided in Section 194.011, F.S. If only a part of a transfer of assessment increase differential is granted, the notice of proposed property taxes shall function as notice of the taxpayer's right to appeal to the board.

(3) through (4) No change.

When adopted, subsection (5) of Rule 12D-9.028, will read as follows:

(5) If the petitioner does not agree with the amount of the assessment limitation difference for which the petitioner qualifies as stated by the property appraiser in the county where the previous homestead property was located, or if the property appraiser in that county has not stated that the petitioner qualifies to transfer any assessment limitation difference, upon the petitioner filing a petition to the value adjustment board in the county where the new homestead property is located, the board clerk in that county shall, upon receiving the petition, send a notice using Form DR-486XCO, to the board clerk in the county where the previous homestead

was located, which shall reconvene if it has already adjourned. Form DR-486XCO is adopted and incorporated by reference in Rule 12D-16.002, F.A.C.

(6)(a) through (7) No change.

When adopted, subsection (8) of Rule 12D-9.028, will read as follows:

(8) Copies of the forms incorporated in Rule 12D-16.002, F.A.C. may be obtained at the Department's Internet site: <http://dor.myflorida.com/dor/property/forms/>.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1) FS. Law Implemented 193.155, 194.011, 195.084, 213.05 FS. History—New

12D-9.029 Procedures for Remanding Value Assessments to the Property Appraiser.

When adopted, subsection (1) of Rule 12D-9.029, will read as follows:

(1) The board or appraiser special magistrate shall remand a value assessment to the property appraiser when the board or special magistrate has concluded that:

(a) The property appraiser did not establish a presumption of correctness, or has concluded that the property appraiser established a presumption of correctness that is overcome, as provided in Rule 12D-9.027, F.A.C.; and

(b) The record does not contain the competent substantial evidence necessary for the board or special magistrate to establish a revised just value, classified use value, or assessed value, as applicable.

(2) through (3) No change.

When adopted, subsection (4) of Rule 12D-9.029, will read as follows:

(4) The board or special magistrate shall, on the appropriate decision form from the Form DR-485 series, produce written findings of fact and conclusions of law necessary to determine that a remand is required, but shall not render a recommended or final decision unless a continuation hearing is held as provided in subsection (9). The Form DR-485 series is adopted and incorporated by reference in Rule 12D-16.002, F.A.C.

(5) through (9)(a) No change.

When adopted, subsection (9)(b) of Rule 12D-9.029, will read as follows:

(9)(b) The board clerk shall schedule a continuation hearing if the petitioner notifies the board clerk, within 25 days of the date the board clerk sends the written remand review, that the results of the property appraiser's written remand review are unacceptable to the petitioner and that the petitioner requests a further hearing on the petition. The board clerk shall send the notice of hearing so that it will be received by the petitioner no less than twenty-five (25) calendar days prior to the day of such scheduled appearance, as described in subsection 12D-9.019(3), F.A.C. When a petitioner does not notify the board clerk that the results of the property

appraiser's written remand review are unacceptable to the petitioner and does not request a continuation hearing, or if the petitioner waives a continuation hearing, the board or special magistrate shall issue a decision or recommended decision. Such decision shall contain:

1. A finding of fact that the petitioner did not request a continuation hearing or waived such hearing; and

2. A conclusion of law that the decision is being issued in order that any right the petitioner may have to bring an action in circuit court is not impaired.

The petition shall be treated and listed as board action for purposes of the notice required by Rule 12D-9.038, F.A.C.

(9)(c) through (13) No change.

When adopted, subsection (14) of Rule 12D-9.029, will read as follows:

(14) Copies of the forms incorporated in Rule 12D-16.002, F.A.C. may be obtained at the Department's Internet site: <http://dor.myflorida.com/dor/property/forms/>.

12D-9.030 Recommended Decisions.

(1) through (5) No change.

When adopted, subsections (6) and (7) of Rule 12D-9.030, will read as follows:

(6) Legal advice from the board legal counsel relating to the facts of a petition or to the specific outcome of a decision, if in writing, shall be included in the record and referenced within the findings of fact and conclusions of law. If not in writing, such advice shall be documented within the findings of fact and conclusions of law.

(7) Copies of the forms incorporated in Rule 12D-16.002, F.A.C., may be obtained at the Department's Internet site: <http://dor.myflorida.com/dor/property/forms/>.

12D-9.031 Consideration and Adoption of Recommended Decisions of Special Magistrates by Value Adjustment Boards in Administrative Reviews.

(1) No change.

When adopted, subsection (2) of Rule 12D-9.031, will read as follows:

(2) As provided in Sections 194.034(2) and 194.035(1), F.S., the board shall consider the recommended decisions of special magistrates and may act upon the recommended decisions without further hearing. If the board holds further hearing for such consideration, the board clerk shall send notice of the hearing to the parties. Any notice of hearing shall be in the same form as specified in paragraph 12D-9.019(3)(a), F.A.C., but need not include items specified in subparagraphs 6. through 9. of that subsection. The board shall consider whether the recommended decisions meet the requirements of subsection (1), and may rely on board legal counsel for such determination. Adoption of recommended decisions need not include a review of the underlying record.

(3) through (4)(c) No change.

12D-9.032 Final Decisions.

When adopted, subsections (1) and (2) of Rule 12D-9.032, will read as follows:

(1)(a) For each petition not withdrawn or settled, the board shall produce a written final decision that contains findings of fact, conclusions of law, and reasons for upholding or overturning the property appraiser’s determination. Each final decision shall contain sufficient factual and legal information and reasoning to enable the parties to understand the basis for the decision, and shall otherwise meet the requirements of law. The board may fulfill the requirement to produce a written final decision by adopting by reference a recommended decision of the special magistrate containing the required elements and providing notice that it has done so. The board may adopt the special magistrate’s recommended decision as the decision of the board incorporating the recommended decision by reference, using a postcard or similar notice. The board shall ensure regular and timely approval of recommended decisions.

(b) Legal advice from the board legal counsel relating to the facts of a petition or to the specific outcome of a decision, if in writing, shall be included in the record and referenced within the findings of fact and conclusions of law. If not in writing, such advice shall be documented within the findings of fact and conclusions of law.

(2) A final decision of the board shall state the just, assessed, taxable, and exempt value, for the county both before and after board action. Board action shall not include changes made as a result of action by the property appraiser. If the property appraiser has reduced his or her value or granted an exemption, property classification, or “portability” assessment difference transfer, whether before or during the hearing but before board action, the values in the “before” column shall reflect the adjusted figure before board action.

(3) No change.

When adopted, subsections (4) through (6)(a) of Rule 12D-9.032, will read as follows:

(4) Upon issuance of a final decision by the board, the board shall provide it to the board clerk and the board clerk shall promptly provide notice of the final decision to the parties. Notice of the final decision may be made by providing a copy of the decision. The board shall issue all final decisions within 20 calendar days of the last day the board is in session pursuant to Section 194.032, F.S.

(5) For the purpose of producing the final decisions of the board, the department prescribes the Form DR-485 series, and any electronic equivalent forms approved by the department under Section 195.022, F.S. The Form DR-485 series is adopted and incorporated by reference in Rule 12D-16.002, F.A.C. The Form DR-485 series, or approved electronic equivalent forms, are the only forms that shall be used for producing a final decision of the board. Before using any form to notify petitioners of the final decision, the board shall

submit the proposed form to the department for approval. The board shall not use a form to notify the petitioner unless the department has approved the form. All decisions of the board, and all forms used to produce final decisions on petitions heard by the board, must contain the following required elements:

- (a) Findings of fact;
- (b) Conclusions of law; and
- (c) Reasons for upholding or overturning the determination of the property appraiser.

(6)(a) If, prior to a final decision, any communication is received from a party concerning a board process on a petition or concerning a recommended decision, a copy of the communication shall promptly be furnished to all parties, the board clerk, and the board legal counsel. No such communication shall be furnished to the board or a special magistrate unless a copy is immediately furnished to all parties. A party may waive notification or furnishing of copies under this subsection.

(6)(b) through (6)(d) No change.

When adopted, subsection (7) of Rule 12D-9.032, will read as follows:

(7) Copies of the forms incorporated in Rule 12D-16.002, F.A.C. may be obtained at the Department’s Internet site: <http://dor.myflorida.com/dor/property/forms/>.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035, 194.036, 195.022, 213.05 FS. History—New _____.

12D-9.033 Further Judicial Proceedings.

After the board issues its final decision, further proceedings and the timing thereof are as provided in Sections 194.036 and 194.171, Florida Statutes.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.013, 194.015, 194.032, 194.034, 194.035, 194.036, 195.022, 213.05 FS. History—New _____.

12D-9.034 Record of the Proceeding.

No change.

12D-9.035 Duty of Clerk to Prepare and Transmit Record.

When adopted, subsection (1) of Rule 12D-9.035 will read as follows:

(1) When a change in the tax roll made by the board becomes subject to review by the Circuit Court pursuant to Section 194.036(1)(c), F.S., it shall be the duty of the board clerk, when requested, to prepare the record for review. The record shall consist of a copy of each paper, including the petition and each exhibit in the proceeding together with a copy of the board’s decision and written findings of fact and conclusions of law. The board clerk shall transmit to the Court this record, and the board clerk’s certification of the record which shall be in the following form:

Certification of Record

I hereby certify that the attached record, consisting of sequentially numbered pages one through _____, consists of true copies of all papers, exhibits, and the Board's findings of fact and conclusions of law, in the proceeding before the _____ County Value Adjustment Board upon petition numbered _____ filed by _____.

Clerk of Value Adjustment Board

By: _____

Deputy Clerk

Should the verbatim transcript be prepared other than by a court reporter, the board clerk shall also make the following certification:

CERTIFICATION OF VERBATIM TRANSCRIPT

I hereby certify that the attached verbatim transcript consisting of sequentially numbered pages _____ through _____ is an accurate and true transcript of the hearing held on _____ in the proceeding before the County Value Adjustment Board petition numbered _____ filed by: _____

Clerk of Value Adjustment Board

By: _____

Deputy Clerk

(2) No change.

12D-9.036 Procedures for Petitions on Denials of Tax Deferrals.
No change.

Part III

Uniform Certification of Assessment Rolls

12D-9.037 Certification of Assessment Rolls.

When adopted, subsection (1) and the introductory paragraph of subsection (2) of Rule 12D-9.037, will read as follows:

(1)(a) When the tax rolls have been extended pursuant to Section 197.323, F.S., the initial certification of the value adjustment board shall be made on Form DR-488P. Form DR-488P is adopted and incorporated by reference in Rule 12D-16.002, F.A.C.

(b) After all hearings have been held, the board shall certify an assessment roll or part of an assessment roll that has been finally approved pursuant to Section 193.1142, F.S. The certification shall be on the form prescribed by the department referenced in subsection (2) of this rule. A sufficient number of copies of the board's certification shall be delivered to the property appraiser who shall attach the same to each copy of each assessment roll prepared by the property appraiser.

(2) The form shall include a certification signed by the board chair, on behalf of the entire board, on Form DR-488, adopted and incorporated by reference in Rule 12D-16.002, F.A.C. designated for this purpose, that all requirements in Chapter 194, F.S., and department rules, were met as follows

(2)(a) through (3) No change.

When adopted, subsection (4) of Rule 12D-9.037, will read as follows:

(4) Copies of the forms incorporated in Rule 12D-16.002, F.A.C., may be obtained at the Department's Internet site: <http://dor.myflorida.com/dor/property/forms/>.

Rulemaking Authority 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 193.122, 194.011, 195.022, 195.084, 213.05 FS. History—New _____.

12D-9.038 Public Notice of Findings and Results of Value Adjustment Board.

When adopted, subsection (1) of Rule 12D-9.038, will read as follows:

(1) After all hearings have been completed, the board clerk shall publish a public notice advising all taxpayers of the findings and results of the board decisions, which shall include changes made by the board to the property appraiser's initial roll. Such notice shall be published to permit filing within the timeframe in subsections 12D-17.004(1) and (2), F.A.C., where provided. For petitioned parcels, the property appraiser's initial roll shall be the property appraiser's determinations as presented at the commencement of the hearing or as reduced by the property appraiser during the hearing but before a decision by the board or a recommended decision by a special magistrate. This section shall not prevent the property appraiser from providing data to assist the board clerk with the notice of tax impact. The public notice shall be in the form of a newspaper advertisement and shall be referred to as the "tax impact notice". The format of the tax impact notice shall be substantially as prescribed in Form DR-529, Notice Tax Impact of Value Adjustment Board, incorporated by reference in Rule 12D-16.002, F.A.C.

(2) through (5) No change.

When adopted, subsection (6) of Rule 12D-9.038, will read as follows:

(6) Copies of the forms incorporated in Rule 12D-16.002, F.A.C., may be obtained at the Department's Internet site: <http://dor.myflorida.com/dor/property/forms/>.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-16.002
RULE TITLE: Index to Forms
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. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly.

12D-16.002 Index to Forms.

When adopted, subsections (1) of Rule 12D-16.002 will read as follows:

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained from the Department's website at <http://dor.myflorida.com/dor/>, or by writing to: Director, Property Tax Oversight Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

| Form Number | Title | Effective Date |
|---|--|------------------------|
| (2) through (21)(d) | No change. | |
| <u>(22) DR-481</u> | <u>Value Adjustment Board- Notice of Hearing (n. 12/09)</u> | _____ |
| (23)(a) through (24) | No change. | |
| When adopted, subsections (25) through (27) of Rule 12D-16.002, will read as follows: | | |
| <u>(25) 485 series:</u> | | |
| <u>(a) DR-485M</u> | <u>Notice of Decision of the Value Adjustment Board (n. 12/09)</u> | _____ |
| <u>(b) DR-485R</u> | <u>Value Adjustment Board – Remand to Property Appraiser (n. 12/09)</u> | _____ |
| <u>(c) DR-485V</u> | <u>Decision of The Value Adjustment Board – Value Petition (n. 12/09)</u> | _____ |
| <u>(d) DR-485WCN</u> | <u>Value Adjustment Board-Clerk's Notice (n. 12/09)</u> | _____ |
| <u>(e) DR-485WI</u> | <u>Value Adjustment Board – Withdrawal of Petition (n. 12/09)</u> | _____ |
| <u>(f) DR-485XC</u> | <u>Decision of the Value Adjustment Board-Exemption, Classification, or Assessment Difference Transfer Petition (n. 12/09)</u> | _____ |
| <u>(26) 486 Series:</u> | | |
| <u>(a) DR-486</u> | <u>Petition to The Value Adjustment Board Request for Hearing (r. 12/09 12/96)</u> | _____ 12/96 |
| <u>(b) DR-486DP</u> | <u>Petition to the Value Adjustment Board-Tax Deferral or Penalties-Request for Hearing (n. 12/09)</u> | _____ |
| <u>(c) DR-486PORT</u> | <u>Petition to the Value Adjustment Board-Transfer of Homestead Assessment Difference-Request for Hearing (r. 12/09 8/09)</u> | _____ 12/09 |
| <u>(d) DR-486XCO</u> | <u>Cross-County Notice of Appeal and Petition-Transfer of Homestead Assessment Difference (r. 12/09 8/09)</u> | _____ 12/09 |
| <u>(e) DR-487</u> | <u>Certification of Compliance (r. 12/99)</u> | 12/96 |
| <u>(27)(a)DR-488</u> | <u>Certification Certificate of the Value Adjustment Board (r. 12/09 3/92)</u> | _____ 1/00 |
| <u>(b) DR-488P</u> | <u>Initial Certification of the Value Adjustment Board (n. 12/09)</u> | _____ |

(27) through (28)(d) renumbered (28) through (29)(d) No change.

When adopted, subsection (30) of Rule 12D-16.002, will read as follows:

| | | |
|--|---|------------------------|
| (30)(29) (a) DR-490 | Notice of Disapproval of Application for Property Tax Exemption or Classification by The County Property Appraiser (r. 12/09 12/03) | _____ 1/04 |
| (b) DR-490PORT | Notice of Denial of Transfer of Homestead Assessment Difference (r. 12/09 8/09) | _____ 12/09 |
| (30)(a) through (50)(b) renumbered (31)(a) through (51)(b) No change. | | |
| When adopted, subsection (51)(c) of Rule 12D-16.002, will read as follows: | | |
| (c) DR-529 | Notice of Tax Impact of Value Adjustment Board (r. 12/09 12/96) | _____ 12/96 |
| (51)(a) through (55) renumbered (52)(a) through (56) No change. | | |
| When adopted, subsection (57) of Rule 12D-16.002, will read as follows: | | |
| (57)(a) DR-571A | Disapproval of Application for Tax Deferral-Homestead, Affordable Rental Housing, or Working Waterfront (n. 12/09) | _____ 6/91 |
| <u>(b) DR-584</u> | Tax Collectors Budget Schedule (r. 2/94) | 12/94 |
| <u>(c) DR-585</u> | Minimum Standards Contract (n. 8/77) | 8/77 |
| (58) through (61)(b) No change. | | |

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
 RULE TITLE: Use of Force
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 35, No. 38 September 25, 2009, issue of the Florida Administrative Weekly.

33-602.210 Use of Force.

(1) through (14) No change.

(15) Batons, chemical agents, EIDs, and specialty impact munitions shall not be used on inmates who are assigned to inpatient mental health care in an infirmary, transitional care unit, crisis stabilization unit, corrections mental health institution, or other mental health treatment facility, except

when attempts by available mental health staff to otherwise deescalate and resolve the situation are unsuccessful and it appears reasonably necessary to:

(a) through (d) No change.

(e) Disarm an inmate in possession of a weapon capable of causing injury to staff when other possible means of disarming the inmate pose a risk of injury to the staff involved.

(15) through (16) No change.

(17) Use of Chemical Agents. Chemical agents shall not be used on anyone other than an inmate during an authorized use of force.

(a) through (q) No change.

(r) Upon request, appropriate health services staff shall provide the following completed forms to Department inspectors or legal staff: Form DC4-701C, Use of Force Exam; Form DC4-708, Diagram of Injury; and Form DC4-701, Chronological Record of Health Care. Form DC4-701 is incorporated by reference in subsection (25) of this rule.

(18) through (24) No change.

(25) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (n) No change.

(o) DC4-701, Chronological Record of Health Care, effective _____.

Rulemaking Authority 944.09 FS. Law Implemented 776.07, 944.09, 944.35 FS. History--New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07, 3-3-08, 8-4-08, 1-6-09, 5-26-09, _____.

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

| | |
|------------|--------------|
| RULE NOS.: | RULE TITLES: |
| 58L-2.001 | Definitions |
| 58L-2.003 | Purpose |
| 58L-2.005 | Prohibitions |
| 58L-2.007 | Procedures |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 41, October 16, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

| | |
|-------------|---|
| RULE NOS.: | RULE TITLES: |
| 60BB-3.0251 | Definitions Relating to Emergency Unemployment Compensation |
| 60BB-3.0252 | Emergency Unemployment Compensation |

| | |
|-------------|---|
| 60BB-3.0253 | Emergency Unemployment Compensation Individual Accounts |
| 60BB-3.0254 | How to Apply for Emergency Unemployment Compensation |

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. 35, No. 36, September 11, 2009 issue of the Florida Administrative Weekly.

60BB-3.0251 Definitions Relating to Emergency Unemployment Compensation

(1) Emergency Unemployment Compensation: A federally funded program created by Public Laws 110-252, 110-449, 111-5, 111-92, and 111-118, and ~~111-5~~ and implemented in Florida through an agreement between the Agency for Workforce Innovation and the United States Department of Labor which provides additional weeks of unemployment benefits to qualified individuals who have exhausted their rights to regular unemployment compensation on claims that were effective on or after May 2, 2006.

(2) Extended unemployment compensation: Benefits, including benefits payable to federal civilian employees and to ex-servicemembers under 5 U.S.C. ss. 8501-8525, that are payable to an individual under Sections 443.1115 or 443.1117, Florida Statutes.

(3) Qualifying benefit year: The benefit year established on a Florida claim for regular unemployment compensation which was effective on or after May 2, 2006, and is the basis of the individual's eligibility for emergency unemployment compensation.

(4) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, Florida Statutes, including benefits payable to federal civilian employees and to ex servicemembers under 5 U.S.C. ss. 8501-8525, other than extended unemployment compensation under Section 443.1115, Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.221(3) FS. History--New _____.

60BB-3.0252 Eligibility for Emergency Unemployment Compensation

(1) Eligibility Conditions. Emergency Unemployment Compensation is available to individuals who:

(a) Have exhausted all rights to regular unemployment compensation on a Florida claim with a benefit year that ended on or after May 1, 2007;

(b) Have no rights to unemployment compensation under any other state or federal law;

(c) Are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(d) Are legally authorized to work in the United States.

(2) Exhaustion of Benefits. For purposes of this rule, an individual has exhausted all rights to regular unemployment compensation when that individual:

(a) Has received all regular unemployment compensation available on the qualifying benefit year; or

(b) Had rights to regular unemployment compensation on the qualifying benefit year, but has insufficient wage credits to establish a new ~~those rights were terminated because the benefit year for regular unemployment compensation ended.~~

(3) Amount Payable.

(a) The amount of emergency unemployment compensation payable to an individual for any week of total unemployment will be equal to the amount of regular unemployment compensation payable during the individual's qualifying benefit year for a week of total unemployment.

(b) The maximum amount of emergency unemployment compensation payable to any individual will not exceed the amount established for such individual in the emergency unemployment compensation account described in Rule 60BB-3.0253, F.A.C.

(4) Applicable Law. The terms and conditions of the law under which the individual claimed and received regular unemployment compensation will apply to claims for and payment of emergency unemployment compensation.

(5) Overpayments. An individual who receives emergency unemployment compensation to which he is not entitled will repay any such overpayment to the Agency for Workforce Innovation. The requirement to repay the overpayment will not be waived.

(a) The Agency may recoup any such overpayments by deducting 50 percent of the weekly benefit amount from any future payments until the overpayment is repaid in full.

(b) Recoupment of overpayments from future benefits may occur at any time during the 3-year period after the date the individual received the payment of the emergency unemployment compensation to which he was not entitled.

(c) No waiver of such recoupment may occur except as permitted by Section 443.151(6)(c), Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, ~~443.101~~, 443.111, 443.151(6), 443.221(3) FS. History—New _____.

60BB-3.0253 Emergency Unemployment Compensation Individual Accounts.

(1) Establishment of Account. Persons deemed eligible under Rule 60BB-3.0252, F.A.C., will be paid from emergency unemployment compensation accounts established ~~set up~~ for each individual with respect to that individual's benefit year.

(2) Eligibility Established Prior to November 23, 2008. The emergency unemployment compensation accounts of individuals whose period of eligibility began between July 6, 2008 and November 22, 2008, will be augmented as provided in this subsection.

(a) The amount established in an account under this subsection will equal the lesser of:

1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 13 times the individual's average weekly benefit amount for the benefit year.

(b) Benefits under this subsection may be paid only for weeks of unemployment beginning on or after July 6, 2008.

(c) If the individual exhausts these benefits before November 23, 2008, no further benefits may be paid to the individual except as provided in subsections (3), ~~(4), (5), and (6)(4)~~ of this rule.

(3) Tier One.

(a) Tier One ~~one~~ benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.

(b) The emergency unemployment compensation account of each individual whose period of eligibility began after November 22, 2008, will be augmented with an amount equal to the lesser of:

1. 80 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 20 times the individual's average weekly benefit amount for the benefit year.

(c) The emergency unemployment compensation account of an individual whose period of eligibility began before November 23, 2008 will, if the individual remains otherwise eligible, receive an additional augmentation equal to the amount previously paid under paragraph (b) of this subsection minus the amount actually received under subsection (2).

(d) Tier One ~~one~~ benefits may be paid only in cases in which an individual's regular unemployment compensation benefits are exhausted by the week ending February 20, 2010 ~~December 19, 2009~~.

(4) Tier Two.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (3) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all Tier One ~~first tier~~ benefits by the week ending February 27, 2010 ~~December 26, 2009~~;

2. The individual remains otherwise eligible; ~~and~~

3. ~~During or after the week these benefits are exhausted, but no later than the week ending December 26, 2009, one of the following circumstances occur:~~

a. ~~An extended benefit period is in effect under the Federal State Extended Unemployment Compensation Act of 1970;~~

b. ~~The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 4 percent; or~~

~~e. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 6 percent.~~

~~(b) Amount Added to Account. The amount established in an account under this subsection will equal the lesser of:~~

~~1. 54 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or~~

~~2. 14 13 times the individual's average weekly benefit amount for the benefit year.~~

~~(c) Tier two benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.~~

~~(5) Tier Three.~~

~~(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (4) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:~~

~~1. The individual exhausts all Tier Two benefits by the week ending February 27, 2010;~~

~~2. The individual remains otherwise eligible; and~~

~~3. During or after the week these benefits are exhausted, but no later than the week ending February 27, 2010, one of the following circumstances occur:~~

~~a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 4 percent; or~~

~~b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 6 percent.~~

~~(b) The amount established in an account under this subsection will equal the lesser of:~~

~~1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or~~

~~2. 13 times the individual's average weekly benefit amount for the benefit year.~~

~~(c) Tier Three benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.~~

~~(6) Tier Four.~~

~~(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (5) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:~~

~~1. The individual exhausts all Tier Three benefits by the week ending February 27, 2010;~~

~~2. The individual remains otherwise eligible; and~~

~~3. During or after the week these benefits are exhausted, but no later than the week ending February 27, 2010, one of the following circumstances occur:~~

~~a. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 6 percent; or~~

b. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 8.5 percent.

(b) The amount established in an account under this subsection will equal the lesser of:

1. 24 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year; or

2. 6 times the individual's average weekly benefit amount for the benefit year.

(c) Tier Four benefits may be paid only for weeks of unemployment beginning on or after November 8, 2009.

(7)(5) Termination of Emergency Unemployment Compensation. An individual who has a balance remaining in his or her individual account as of February 28, 2010 ~~December 31, 2009~~, will continue to receive emergency unemployment compensation from such balance for any week beginning after that date for which he or she meets the eligibility requirements of this rule, except that no compensation will be payable for any week beginning after July ~~May~~ 31, 2010.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.111, 443.191, 443.221(3) FS. History—New_____.

60BB-3.0254 How to Apply for Emergency Unemployment Compensation.

(1) Method of Application. Individuals whose regular unemployment compensation benefits are exhausted, whose benefit year expires between July 6, 2008 and February 20, 2010 ~~December 31, 2009~~, or who are entitled to an augmentation of their emergency unemployment compensation accounts pursuant to Rule 60BB-3.0253, F.A.C., will receive notice regarding their eligibility or ineligibility for emergency unemployment compensation. Individuals who qualify for augmentation under any of the provisions set forth in subsections 60BB-3.0253(4)-(6), F.A.C., will be ~~are~~ deemed eligible to will receive these benefits without filing an application as long as they comply with the continued claims reporting requirements set forth in Rule 60BB-3.015, F.A.C. All other individuals who wish to receive emergency unemployment compensation must submit an application for benefits to the Agency for Workforce Innovation. ~~Applications must be filed by December 19, 2009.~~ An application may be submitted:

(a) Online by clicking on the "Internet Unemployment Compensation Claim Application (Initial Claim)" link to using the Online Internet Unemployment Compensation Claim Application (11/07), or by clicking on the "Solicitud de Reclamo de Compensacion por Desempleo en el Internet (Reclamo Inicial)" link to the Online Internet Unemployment Compensation Claim Application (Spanish version) (11/07),

which are incorporated by reference in paragraphs 60BB-3.029(1)(yy) and (zz), F.A.C., and which are available at www.fluidnow.com; or-

(b) In writing on one of the following forms listed in subsection (2) of this rule, which are hereby incorporated by reference into this rule and which are available at www.floridajobs.org/unemployment/uc_emp_claims.html:

- (i) Form AWI-UC310EUC (Rev. 12/08);
- (ii) Formulario AWI-UC310EUC(S) (Rev. 12/08), or
- (iii) Form AWI-UCB310EUC(C) (Rev. 12/08);

or

(e) By telephone at (800)204-2418.

(2) Submitting Written Applications.

(a) To submit a written application for emergency unemployment compensation under subsections (2), (3), or (4) of Rule 60BB-3.0253, F.A.C., the claimant must complete and submit one of the following forms:

1. Form AWI-UC310EUC (Rev. 10/09), Application for Emergency Unemployment Compensation;
2. Form AWI-UC310EUC (S) (Rev. 10/09), Solicitud de Compensacion de emergencia por desempleo, or
3. Form AWI-UC310EUC (C) (Rev. 10/09), Aplikasyon pou Aloksyon Chomaj sou Ka Dijan.

(b) To submit a written application for emergency unemployment compensation under subsections (5) or (6) of Rule 60BB-3.0253, F.A.C., the claimant must complete and submit one of the following forms:

1. Form AWI-UC310EUCIII (12-09), Application for Tier III;
2. Form AWI UC310EUCIII (Sp) (12-09), Agencia para la innovacion en la fuerza de trabajo de Florida Compensacion de emergencia por desempleo; or
3. Form AWI-UCB310EUCIII (Cr) (12-09), Ajans pou Inovasyon Fos Travay "Agency for Workforce Innovation" Konpansasyon Chomaj Dijans.

(c) The applications described in paragraph (2)(b) of this rule will be mailed to:

1. All out of state claimants whose application for extended benefits was denied because the law of their state of residence did not permit payment of extended benefits; and
2. All claimants who did not qualify for extended benefits because their Tier Two benefits expired before February 27, 2009.

(d) All applications mailed pursuant to paragraph (2)(c) of this rule will be accompanied by Form AWI UC310EUCIII LTR(N) (Rev. 12/09), Emergency Unemployment Compensation Instruction Sheet or a Form AWI UC310EUCIII LTR(S) (Rev. 12/09), Emergency Unemployment Compensation Instruction Sheet, which are hereby incorporated by reference into this rule.

(3) Submitting Written Applications. The claimant must submit his or her application by mailing the completed form to the address set forth on the form and/or accompanying instructions.

~~the Form AWI-UC310EUC, (Rev. 12/08), Formulario AWI-UC310EUC(S) (Rev. 12/08), or Form AWI-UCB310EUC(C) (Rev. 12/08), as appropriate, and either:~~

(a) Mail the completed form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5350, Tallahassee, Florida 32314-5350; or

(b) Fax the form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, (850)921-3938.

(4)~~(3)~~ Notice of Determination.

(a) ~~Notice of the Agency's determination of a claimant's eligibility or ineligibility for emergency unemployment compensation under subsection (2) or (3) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC (12/08), which is hereby incorporated by reference into this rule.~~

(b) ~~Notice of the Agency's determination of a claimant's eligibility or ineligibility for emergency unemployment compensation under subsection (4) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC-2 (03/09), which is hereby incorporated by reference into this rule.~~

(c) ~~Notice of ineligibility for cases in which the claimant does not meet the eligibility requirements of Rule 60BB-3.0252, F.A.C., will be mailed to the claimant on a Form AWI-UCB11-I EUC (10/09), Emergency Unemployment Compensation Monetary Determination (06/09), which is hereby incorporated by reference into this rule.~~

(b) Notice of the Agency's determination of a claimant's eligibility or ineligibility for emergency unemployment compensation under subsections (2) or (3) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC (11/09), Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule.

(c) Notice of the Agency's determination of a claimant's eligibility or ineligibility for emergency unemployment compensation under paragraph (4)(b) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant:

1. On a Form AWI-UCB11 EUC-2 (12/22/09) Emergency Unemployment Compensation Monetary Determination, which is hereby incorporated by reference into this rule, when the claimant exhausts his Tier One benefits; or
2. On a Form AWI-UCB11 EUC-2R (12/09), Emergency Unemployment Compensation Tier II Monetary Determination, which is hereby incorporated by reference into this rule, when the claimant:

a. Claimed weeks on a Florida claim for extended benefits in a state in which extended benefits are not payable;

Division of State Fire Marshal in Rule 69A-3.012, F.A.C., herein adopted by reference. Public lodging establishments as defined in paragraph 61C-1.002(4)(a), F.A.C., shall have at least one approved locking device which cannot be opened by a non-master guest room key on all outside and connecting doors. An approved locking device does not include a “sliding chain” or “hook and eye” type device.

(5) Balcony Inspection –

(a) through (b) No change.

(c) Certification of inspection shall be submitted on DBPR HR-7020, CERTIFICATE OF BALCONY INSPECTION, incorporated herein by reference and effective 2008 July 1. Copies of this form are available from the Division of Hotels and Restaurants Internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail to call.center@dbpr.state.fl.us; by phone request to the department at (850)487-1395; or upon written request to the Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1014.

(d) The division and the applicable local government agency or office shall receive the Certificate of Balcony Inspection from hotels and motels on or before January 1 of every third year and from other public lodging establishments on or before October 1 of every third year.

(e) No change.

(f) Upon change of ownership, the operator shall file a new Certificate of Balcony Inspection.

~~(6)(12)~~ Resort condominiums, nontransient apartments and resort dwellings are exempt from ~~subsection (1), (2), and (3)~~ subsection (1) ~~subsections (2) and (3)~~ of this rule. Establishments opting to provide any of the services listed in subsection (1) ~~subsections (2) and (3)~~ of this rule shall comply with the requirements described herein.

(12) No change.

~~Rulemaking Specific Authority 509.032, 509.2112 FS. Law Implemented 509.032, 509.211, 509.2112, 509.221 FS. History—Amended 1-20-63, Revised 2-4-71, Amended 9-19-84, Formerly 7C-3.01, Amended 12-31-90, Formerly 7C-3.001, Amended 3-31-94, 9-25-96, 1-18-98, 8-12-08, _____.~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NO.: 61E14-2.001
 RULE TITLE: Standards of Professional Conduct

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.0094
 RULE TITLE: Standards for Accountants Services on Prospective Financial Statements

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. 35, No. 43, October 30, 2009 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

61H1-20.0094 Standards for Accountants Services on Prospective Financial Statements.

The changes are as follows:

(1) The first sentence of the rule shall now read as follows: “Standards for Accountants Services on Prospective Financial Statements” shall be deemed and construed to mean Statements on Standards Accountants Services on Prospective Financial Statements published by the American Institute of Certified Public Accountants in effect as of June 30, 2008, hereby incorporated by reference and available from the AICPA’s Resource Online at www.cpa2biz.com or by telephonic request at 1(888)777-7077.

(2) This Notice of Change supersedes the Notice of Change for the rule that published on January 15, 2010, in Vol. 36, No. 2 of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-35.001
 RULE TITLE: Application for Foreign Licensure Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 40, October 9, 2009 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 Pharmacy

RULE NO.: 64B16-27.500
 RULE TITLE: Negative Drug Formulary

NOTICE OF PUBLIC HEARING

The Board of Pharmacy announces a hearing regarding the above rule, as noticed in Vol. 35, No. 50, December 18, 2009 Florida Administrative Weekly.

DATE AND TIME: Tuesday, February 9, 2010, 1:00 p.m., or as soon thereafter as can be heard.

PLACE: Embassy Suites, 9300 Baymeadows Rd., Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed text of Rule 64B16-27.500, F.A.C.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. If you are 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

Board of Psychology

RULE NO.: 64B19-11.005
 RULE TITLE: Supervised Experience Requirements

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. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly.

The change is in response to comments stated at the October 16, 2009 Board meeting. The Board determined that the Statement of Regulatory Costs previously prepared and approved was appropriate and no modifications were necessary with the changes.

The change is as follows:

64B19-11.005 Supervised Experience Requirements.

(1)(e) The psychology resident or post-doctoral fellow shall inform all service users of her or his supervised status and provide the name of the supervising psychologist. All written work, consultation, reports, and summaries shall be co-signed by the supervising psychologist. Progress notes may be co-signed at the discretion of the supervising psychologist.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.003
 RULE TITLE: Provisional License; Requirements

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. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

The correction is as follows:

(4) In addition to the application form, candidates for a provisional license shall also complete Form SPA-2A, Speech-Language Pathology and/or Audiology Verification of Employment for a Provisional Licensee, which is incorporated by reference herein, ~~revised December, 2009~~ August 2008, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, #C06, Tallahassee, Florida 32399-3256. Said form shall provide the following:

(a) through (b) No change.

THE PERSON TO BE CONTACTED REGARDING THIS CORRECTION IS: Kaye Howerton, Executive Director, Board of Speech Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 65C-35.001 | Definitions |
| 65C-35.002 | Behavioral Health Services |
| 65C-35.003 | Parent or Legal Guardian Involvement |
| 65C-35.004 | Caregiver Involvement |
| 65C-35.005 | Child Involvement in Treatment Planning. |
| 65C-35.006 | Taking a Child Into Custody Who is Taking Psychotropic Medication |
| 65C-35.007 | Authority to Provide Psychotropic Medications to Children in Out-of-Home Care Placements |
| 65C-35.008 | Parent or Legal Guardian Declines to Consent to or Withdraws Consent for the Provision of Psychotropic Medication |
| 65C-35.009 | Parent or Legal Guardian Rights Terminated; Parent or Legal Guardian Refuses to Participate; or Parent or Legal Guardian Location or Identify Unknown |

- 65C-35.010 Emergency Administration of Psychotropic Medication
- 65C-35.011 Medication Administration and Monitoring
- 65C-35.012 Requests for Second Opinions
- 65C-35.013 Medical Report

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. 35, No. 43, October 30, 2009 issue of the Florida Administrative Weekly.

65C-35.001 Definitions.

(1) “Assent” when used in this chapter means a process by which a provider of medical services helps the patient achieve a developmentally appropriate awareness of the nature of his or her condition; informs the patient of what can be expected with tests and treatment; makes a clinical assessment of the patient’s understanding of the situation and the factors influencing how he or she is responding; and solicits an expression of the patient’s willingness to accept the proposed care.

(2) No change.

(3) “Caregiver” means, for purpose of this chapter, a person who is approved in writing by the Department as responsible for providing for the child’s daily needs, or any other person legally responsible for the child’s welfare in a residential setting ~~the person or persons with whom the child resides or who is responsible for providing the child’s daily needs.~~

(4) “Chemical Restraint” means the use of a medication ~~psychotropic drug~~ as a restraint to control behavior or restrict freedom of movement that is not an accepted standard ~~accepted standard~~ treatment for the person’s medical or psychiatric condition.

(5) “Children’s Legal Services” is a statewide law firm focusing on children’s issues within the Department of Children and Families.

(6) “Child Protective Investigator” means an authorized agent in a professional position within the Department or designated sheriff’s office with the authority and responsibility of investigating reports of child abuse, neglect, or abandonment received by the Florida Abuse Hotline, as defined in Section 39.01(62)(58), F.S.

(7) through (9) No change.

(10) “Express and Informed Consent” means, for the purposes of this chapter, voluntary written consent from a competent person who has received full, accurate, and sufficient information and explanation about a child’s medical condition, medication, and treatment to enable the person to make a knowledgeable decision without being subjected to any deceit or coercion. Express and informed consent for the administration of psychotropic medication may only be given by a parent whose rights have not been terminated, or a legal guardian of the child. Sufficient explanation includes but is not

limited to the following information, provided and explained in plain language by the prescribing physician to the consent giver: the medication, reason for prescribing it, and its purpose or intended results; side effects, risks, and contraindications, including effects of stopping the medication; method for administering the medication, and dosage range when applicable; potential drug interactions; alternative treatments; and the behavioral health or other services used to complement the use of medication, when applicable ~~consent from a child’s parent or legal guardian as defined in Section 394.455(9), F.S. and as described in Section 394.459(3)(a), F.S. See those sections for further details.~~

(11) No change.

(12) “Guardian ad Litem” is defined in Section 39.820(1), F.S.

~~(13)(12)~~ “Lead Agency” means the not-for-profit or governmental community-based care provider responsible for the provision of support and services for eligible children and their families who have been abused, abandoned, or neglected.

~~(14)(13)~~ “Legal Guardian” means a permanent guardian as described in Section 39.6221, F.S., or a “guardian” as defined in Section 744.102, F.S., or a relative with a court order of temporary custody under Chapter 751, F.S. Dependency case managers and Guardians ~~a~~Ad Litem do not meet the definition of legal guardian.

~~(15)(14)~~ “Medical Report” means a report prepared by the prescribing physician that includes information required by Section 39.407(3)(c), F.S. The form for the medical report is “Medical Report” (form CF-FSP 5339 dated October 2009), which is hereby incorporated by reference and is available by contacting the Family Safety Program Office at 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, or at <http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>.

~~(16)(15)~~ “Out-of-Home Care” means the placement of a child, arranged and supervised by the Department of Children and Families or its agent, outside the home of the child’s custodial parent or legal guardian. This includes placement in licensed shelter, foster home, group home, Residential Treatment Center (including Statewide Inpatient Psychiatric Programs), and non-licensed relative/non-relative settings.

~~(17)(16)~~ “Prescribing Physician” is a physician licensed under Chapter 458 or 459, Florida Statutes.

~~(18)(17)~~ “Psychotropic Medication” means, for the purpose of this rule, any chemical substance prescribed with the intent to treat: psychiatric disorders; disturbances of reality testing, cognitive impairment, mood disorders or emotional dysregulation; ~~psychiatric disorders; disturbances of reality testing, cognitive impairment, mood disorders or emotional dysregulation;~~ and those substances, which though prescribed with the intent to treat other medical conditions have the effect of altering brain chemistry or involve any of the medications in the categories listed below. The medications include, without limitation, the following major categories:

(a) through (i) No change.

~~(19)(18)~~ “Residential treatment center” means a 24-hour residential program which provides mental health services to emotionally disturbed children or adolescents as defined in Section 39.492(5) or (6), F.S. that is licensed by the Agency for Health Care Administration. For purposes of this rule, therapeutic group homes are not considered a residential treatment center.

~~(20)(19)~~ “Resource Record” means the child’s standardized record that contains copies of all available and accessible medical and psychological information (including behavioral health information) pertaining to the child as described in subsections 65C-30.001(24) and 65C-30.011~~(18)(17)~~, (4)-(6), F.A.C.

~~(21)(20)~~ “Statewide Inpatient Psychiatric Program” or “SIPP” means those residential mental health treatment programs selected and contracted by the Agency for Healthcare Administration to participate in the Institution for Mental Disease waiver.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(1), (2), (3) FS. History–New_____.

65C-35.002 Behavioral Health Services.

(1) Behavioral health services shall be provided to children in out-of-home care without delay once the need for such services is identified. Prior to prescribing a psychotropic medication, the physician must consider other treatment interventions that may include, but are not limited to, medical, mental health, behavioral, counseling, or other services. All decision making should be guided by the principle that it is important to comprehensively address all the concerns in a child’s life – family, legal, health, education, and social/emotional issues – as well as to provide behavioral supports and parent training, so that a child’s behavioral and mental health issues can be addressed in the least restrictive setting and in a comprehensive treatment plan.

(2) through (3) No change.

(4) The Medical Report must include recommendations for medical, behavioral health, or other services that will be used in conjunction with the psychotropic medication, will be used in adjunct to as required by Section 39.407(3)~~(c)(g)5~~, F.S.

(5) Prior to prescribing a psychotropic medication, the physician must consider the child’s history for conditions that may indicate the presence of brain injury (for example, blows to head, fetal alcohol syndrome, loss of consciousness, head scars, fever above 104°) and document any follow-up assessments or referrals on the Medical Report.

~~(6)(5)~~ The administration of psychotropic medication for the sole purpose of chemical restraint is strictly prohibited.

Rulemaking Authority 39.407(3)(g), ~~39.0121~~ FS. Law Implemented 39.407(1), (3), ~~39.6012(2), 409.1674~~ FS. History–New_____.

65C-35.003 Parent or Legal Guardian Involvement.

(1) The dependency case manager or child protective investigator shall facilitate ~~make reasonable efforts to ensure that the child’s parent (where parental rights are intact) or legal guardian attendings of~~ medical appointments, and obtains the parent or legal guardian obtaining of information about medications, possible side effects, and other details about treatment listed in (2) of this section etc.

(2) No change.

(a) through (e) No change.

(f) Possible side effects of stopping the medication; ~~and~~

(g) Alternative treatment options;

~~(h)(g)~~ How treatment will be monitored; ~~and~~

(i)(h) The physician’s plan to reduce and/or eliminate ongoing administration of the medication.

(3) No change.

(4) The dependency case manager or child protective investigator shall make the following minimum efforts to enable the prescribing physician to obtain express and informed consent from the child’s parent or legal guardian:-

(a) Attempt to invite the parent or legal guardian to the doctor’s appointment and to offer them transportation to the appointment, if necessary;-

(b) Attempt to contact the parent or legal guardian as soon as possible upon learning of the recommendation for psychotropic medication by the prescribing physician and provide specific information to them on how and when to contact the physician;- and

(c) No change.

(5) No change.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3); ~~409.1674~~ FS. History–New_____.

65C-35.004 Caregiver Involvement.

(1) The child’s caregiver must make every effort to attend medical appointments and obtain the information about medications, possible side effects, and other information as listed in (2) of this section etc. Caregivers do not have the authority to provide express and informed consent for psychotropic medication. However, nothing in this rule prohibits caregivers from expressing their concerns regarding prescribing psychotropic medication to children.

(2) No change.

(a) A copy of the Medical Report;

~~(b)(a)~~ The method of administering the medication;

~~(c)(b)~~ An explanation of the nature and purpose of the treatment;

~~(d)(c)~~ The recognized side effects, risks and contraindications of the medication;

~~(e)(d)~~ Drug-interaction precautions;

~~(f)(e)~~ Possible side effects of stopping the medication;

(g)(f) Alternative treatment options;

(h) How treatment will be monitored; and

~~(i)(g)~~ The physician’s plan to reduce and/or eliminate ongoing administration of the medication.

(3) The caregiver shall monitor the child, and report to the prescribing physician and the dependency case manager any behavior or other incident that could indicate an adverse side effect.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3) History–New_____.

65C-35.005 Child Involvement in Treatment Planning.

No change.

65C-35.006 Taking a Child Into Custody ~~Who Is~~ Taking Psychotropic Medication.

(1) No change.

(a) The child protective investigator must seek written authorization from the parent or legal guardian to continue administration of currently prescribed psychotropic medications. This authorization is good for the first 28 calendar days the child is in shelter.

(b) The child protective investigator must take the following actions:

1. If the medication is in its original container, and clearly marked as a current prescription for the child, the medication must continue to be provided to the child. The protective investigator must notify or cause to be notified the parent or legal guardian that the medication is being provided to the child.

2. through 5. No change.

(2), through (4) No change.

(5) Authorization in a shelter order to continue the medication shall be valid only until the arraignment hearing on the petition for dependency, or for 28 calendar days following the date of removal, whichever occurs first.

(6) Within 28 calendar days of removal, or no later than the arraignment hearing on the petition for dependency, whichever occurs first, the child must be evaluated by a physician to determine whether it is appropriate to continue the medication.

(7) All actions taken by the child protective investigator will be entered into FSFN within three (3) business days of receipt of the parent or legal guardian authorization or court order approving the medication.

(8) No change.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(1),(2), (3) FS. History–New_____.

65C-35.007 Authority to Provide Psychotropic Medications to Children in Out-of-Home Care Placements.

(1) No change.

(2) If the parents’ or guardians’ legal rights have been terminated; their identity or location is unknown; or they decline to approve administration of psychotropic medication, and any party believes that administration of the medication is in the best interest of the child and medically necessary, then authorization to treat with psychotropic medication must be pursued through a court order. Children’s Legal Services must file a motion in court that will allow the court to “hear” the request and upon consideration of the facts, circumstances, and law, authorize the provision of the medication. Court authorization must occur before the psychotropic medication is administered to the child except in the circumstances described in Rule 65C-352.010, F.A.C.

(3) In no case may the dependency case manager, child protective investigator, the child’s caregiver, representatives from the Department of Juvenile Justice, or staff from Residential Treatment Centers provide express and informed consent for a child in out-of-home care to be prescribed a psychotropic medication ~~unless permitted pursuant to a court order with specificity.~~

(4) No change.

(5) All details about prescribed psychotropic medications, updates, (including changes in dosage or physician prescribed cessation of the medication), and including all actions taken by the dependency case manager or child protective investigator, will be entered into FSFN by the dependency case manager or child protective investigator within three (3) business days of the action.

(6) No change.

(a) No change.

(b) The condition and purpose for which the medication is prescribed for the is child;

(c) through (k) No change.

(7) through (9) No change.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(2), (3), ~~409.1671~~ FS. History–New_____.

65C-35.008 Parent or Legal Guardian Declines to Consent to or Withdraws Consent for the Provision of Psychotropic Medication.

(1) If the parent or legal guardian declines to authorize the provision of psychotropic medication, or withdraws consent that was previously provided, the parent or legal guardian’s decision, and any reason provided therefore, must be recorded in the Medical Report. If the prescribing physician determines that the parent or legal guardian cannot provide express and informed consent, the basis for that determination must be recorded in the Medical Report. In either event, the following steps must be taken:

(a) The dependency case manager shall consult with the prescribing physician within one (1) business day of being notified that the parent will not authorize the provision of

psychotropic medication, withdraws consent, or is found by the prescribing physician to lack the ability to provide express and informed consent.

(b) If the prescribing physician determines that the medication is medically necessary for the child despite the lack of authorization, the prescribing physician must include the reasons for recommending the administration of the medication in the Medical Report.

~~(c) The dependency case manager shall provide Children's Legal Services with the information necessary to inform the court that psychotropic medication has been recommended but not authorized; the reasons the parent or legal guardian did not authorize the provision of the medication, and the prescribing physician's position regarding the need to administer the medication. Children's Legal Services shall file a motion to authorize medication within one business day of this consultation.~~

~~(2) If, after considering the parent or legal guardian's position, the prescribing physician chooses to revise the recommended treatment, the prescribing physician must document this revision in the Medical Report.~~

~~(3) When the parent declines to provide express and informed consent, the Department must seek court approval for the administration of psychotropic medication. The following steps must be taken:~~

~~(a) The dependency case manager must obtain a completed Medical Report from the prescribing physician.~~

~~(d)(b) Within three (3) business days of receiving the Medical Report from the prescribing physician, the dependency case manager must submit the Medical Report and any supporting documentation to Children's Legal Services, with a request for legal action to obtain a court order authorizing the administration of the prescribed medication.~~

~~(e)(e) Children's Legal Services must file a motion in court that will allow the court to "hear" the request and upon consideration of the facts, circumstances, and law, determine whether to authorize the provision of the medication. Children's Legal Services shall notify all parties. Court authorization must occur before the psychotropic medication is administered to the child.~~

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(1), (2), (3) FS. History—New_____.

65C-35.009 Parent or Legal Guardian Rights Terminated; Parent or Legal Guardian Refuses to Participate; or Parent or Legal Guardian Location or Identify Unknown.

(1) through (2) No change.

(3) Within three (3) one (1) business days of receiving the Medical Report from the prescribing physician, the dependency case manager or child protective investigator must

submit the Medical Report and other documentation to Children's Legal Services, with a request for court authorization to administer the prescribed medication.

(4) Children's Legal Services must file a motion in court that will allow the court to "hear" the request and upon consideration of the facts, circumstances, and law, authorize the provision of the medication. Children's Legal Services shall notify all parties. Court authorization must occur before the psychotropic medication is administered to the child.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3); 409.1671 FS. History—New_____.

65C-35.010 Emergency Administration of Psychotropic Medication.

(1) Psychotropic medications may be administered in advance of a court order or parental authorization under two circumstances, as described in Section 39.407(3)(e), F.S.: at the time the child is admitted to any hospital, Crisis Stabilization Unit (CSU) or Psychiatric Residential Treatment Center if the prescribing physician certifies that delay in providing the prescribed psychotropic medication would more likely than not cause significant harm to the child.

(a) If the prescribing physician certifies that delay in providing the prescribed psychotropic medication would more likely than not cause significant harm to the child. This certification shall be in writing on the Medical Report form.

(b) If the child is in a hospital, Crisis Stabilization Unit (CSU), or Psychiatric Residential Treatment Center.

(2) No change.

(3) If express and informed consent has not been obtained, If the prescribing physician did not obtain express and informed consent from the parent or legal guardian, the dependency case manager or child protective investigator must obtain a completed copy of the Medical Report that is signed by a treating physician and provide it to Children's Legal Services in time for a motion to be filed by Children's Legal Services within three (3) business days of beginning the medication, as required in Section 39.407(3)(e)1., F.S. within two (2) business days after the medication is initiated. This report shall also be provided to the child's Guardian Ad Litem, the child's lawyer and all other parties within two (2) business days of initiation of the medication to the child.

(a) Children's Legal Services shall submit a motion to the court within three (3) business days of the initiation of the medication, and shall schedule the motion to be heard at the next regularly scheduled court hearing, or within 30 calendar days after the date of the prescription, whichever occurs sooner. All parties shall be notified within three (3) business working days.

(b) If any party objects to the motion the court shall hold a hearing within seven (7) calendar days.

(c) Medication information will be entered into FSFN within three (3) business days of beginning the medication.

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(1), (2), (3) FS. History--New _____.

65C-35.011 Medication Administration and Monitoring.

(1) through (2) No change.

(3) The monitoring of the use of psychotropic medication provided to children will be a joint responsibility among ~~between~~ the prescribing physician, caregiver, dependency case manager or child protective investigator, and the supervisor.

(4) through (8) No change.

(9) ~~A statewide workgroup shall be appointed by the Secretary of The Department to give recommendations to the Department that will ensure the safety and efficacy of psychotropic medication through requirements in lead agency contracts, including but not limited to the utilization of pre-consent reviews or second opinions by child psychiatrists. These recommendations may be amended into the lead agency contracts at the discretion of the Secretary.~~

(10) Lead agencies shall develop and implement protocols which ensure collaboration among those responsible for a child's care, specifically addressing the use of psychotropic medication and the need to share all relevant information with all parties involved in the child's care.

Rulemaking Authority 39.407(3)(g), 39.0121 FS. Law Implemented 39.407(2), (3), ~~409.1674~~ FS. History--New _____.

65C-35.012 Requests for Second Opinions.

(1) through (2) No change.

(3) The child protective investigator or dependency case manager must obtain the second opinion within twenty-one (21) calendar days of ~~or~~ receipt of the court order. ~~If the second opinion is not obtained within the required timeframes, the reasons for the delay must be reported to the court and all parties.~~

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3)(d) FS. History--New _____.

65C-35.013 Medical Report.

(1) If a court order is required to obtain authorization to administer psychotropic medication, the prescribing physician must complete and sign the Medical Report form that is incorporated by reference into ~~this~~ Chapter 65C-35, F.A.C. ~~and includes all requirements set forth in Section 39.407(3)(e), (1)-(5), F.S.~~ The physician may submit a medical report on a form of their choice as long as the form includes all information required on ~~in~~ Section 39.407 (3)(e)(1)-(5), F.S. ~~and the Medical Report that is incorporated by reference in Chapter 65C-35, F.A.C. is included.~~

Rulemaking Authority 39.407(3)(g) FS. Law Implemented 39.407(3)(c) FS. History--New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

| | |
|------------|-------------------|
| RULE NOS.: | RULE TITLES: |
| 65G-4.0021 | Tier Waivers |
| 65G-4.0022 | Tier One Waiver |
| 65G-4.0023 | Tier Two Waiver |
| 65G-4.0024 | Tier Three Waiver |
| 65G-4.0025 | Tier Four Waiver |

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. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly.

65G-4.0021 Tier Waivers.

(1) The Agency for Persons with Disabilities will assign clients of home and community-based waiver services for persons with developmental disabilities to one of the four Tier Waivers created by Section 393.0661, F.S. The Agency will determine the Tier Waiver for which each client is eligible and assign the client to that waiver based on the developmental disabilities waiver criteria and limitations contained in the following provisions: Sections 409.906(13) and 393.0661, F.S.; and Rules 59G-13.080 and 59G-13.083, F.A.C. These criteria include:

(a) The client's needs in functional, medical, and behavioral areas, as reflected in the client's assessment using the assessment instrument known as the Questionnaire for Situational Information (QSI), the client's support plan, prior service authorizations and approved cost plan.

(b) The client's cost plan is developed through Agency evaluation of client characteristics, the Agency approved assessment process, support planning information, and the Agency's prior service authorization process.

(c) The services ~~listed below in paragraph (5)(b), when authorized in an approved cost plan,~~ shall be key indicators of a tier assignment because they directly reflect the level of medical, adaptive or behavioral needs of a client.

(d) The client needs considered in tier assignments include ~~are~~ only those services approved through the prior service authorization process to be medically necessary;

(e) The client's current living setting; and

(f) The availability of supports and services from other sources, including Medicaid state plan and other federal, state and local programs as well as natural and community supports.

(2) As part of the assessment process, the Individual Cost Guidelines (ICG) and the Questionnaire for Situational Information 4.0 (QSI) are hereby adopted by the Agency as valid and reliable assessment instruments. The ICG and the QSI are available at: <http://apd.myflorida.com/waiver/>

qsi-version-4.pdf, or <http://apd.myflorida.com/waiver/>. The ICG is only valid through December 31, 2009. The QSI is valid in all other instances.

(3) The services described by the Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007 (available at: [http://portal.flmmis.com/FLPublic/Portals/0/StaticContent/Public/HANDBOOKS/CL_08_070701_Waiver_DevSev_ver1%203%20\(2\).pdf](http://portal.flmmis.com/FLPublic/Portals/0/StaticContent/Public/HANDBOOKS/CL_08_070701_Waiver_DevSev_ver1%203%20(2).pdf) or <http://apd.myflorida.com/waiver/> (hereinafter referred to as the "DD Handbook"), adopted by Rule 59G-13.083, F.A.C. and incorporated herein by reference, are available to clients of the Developmental Disabilities Waiver (hereinafter called "the Tier One Waiver"), the Developmental Disabilities Tier Two Waiver (hereinafter called "the Tier Two Waiver"), and Developmental Disabilities Tier Three Waiver (hereinafter called "the Tier Three Waiver"). The following services described in the DD Handbook are available to clients assigned to the Tier Four Waiver (presently known as The Family and Supported Living Waiver):

- (a) Adult Day Training;
- (b) Behavior Analysis;
- (c) Behavior Assistance Services;
- (d) Consumable Medical Supplies;
- (e) Durable Medical Equipment;
- (f) Environmental Accessibility Adaptations;
- (g) In-Home Support Service;
- (h) Personal Emergency Response System;
- (i) Respite Care;
- (j) Support Coordination;
- (k) Supported Employment;
- (l) Supported Living Coaching; and
- (m) Transportation.

(4) For all Tiers the client must utilize all available State Plan Medicaid services including, but not limited to, personal care assistance, therapies, medical services, and nursing services, that duplicate the waiver services proposed for the client. A client shall not be provided waiver services that duplicate available State Plan Medicaid Services including, but not limited to, personal care assistance, therapies, medical services, and nursing services.

(5) The Agency will review a client's tier eligibility when a client has a significant change in circumstance or condition that impacts on the client's health, safety, or welfare or when a change in the client's plan of care is required to avoid institutionalization. The information identifying and documenting a significant change in circumstance or condition that necessitates additional or different services must be submitted by the client's Waiver Support Coordinator to the appropriate Agency Area office for determination. The agency shall determine whether revision of the tier assignment is necessary when the additional service has been approved through the prior service authorization process.

~~(6) The following services, if approved through the Agency's prior authorization process, will be used as the basis for making a tier assignment or determining whether a tier change is required:~~

- ~~(a) Personal Care Assistance;~~
- ~~(b) Behavior Analysis;~~
- ~~(c) Behavior Assistance;~~
- ~~(d) Supported Living Coaching;~~
- ~~(e) In-home Supports;~~
- ~~(f) Skilled, Residential or Private Duty Nursing Services;~~
- ~~(g) Intensive Behavioral Residential Habilitation Services;~~
- ~~(h) Behavior Focus Residential Habilitation Services at the moderate or above level of support;~~
- ~~(i) Behavior Focus Residential Habilitation Services at the minimal level of support;~~
- ~~(j) Standard Residential Habilitation at the extensive, or higher, level of support;~~
- ~~(k) Standard Residential Habilitation at the moderate level of support;~~
- ~~(l) Live-in Residential Habilitation;~~
- ~~(m) Special Medical Home Care;~~
- ~~(n) Occupational Therapy;~~
- ~~(o) Physical Therapy;~~
- ~~(p) Speech Therapy;~~
- ~~(q) Respiratory Therapy;~~
- ~~(r) Specialized Mental Health Services; or~~
- ~~(s) ADT at the 1:1 ratio.~~

~~(6)(7) In determining tier level assignment for clients with behavioral, medical and adaptive needs, the Agency may consider less costly services not listed in paragraph (5) for those clients who choose less costly services to address a documented behavioral need. Waiver Support Coordinators shall coordinate with their clients to ensure that services are selected to keep the cost plan within the assigned Tier budget cap while maintaining the client's health and safety.~~

~~(7) If the tier assignment results in a reduction of the client's cost plan of more than 5% the agency will review the client's support plan and consider the interaction of the various services that promote the health and safety of the client and the client's need for the services.~~

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS.

65G-4.0022 Tier One Waiver.

(1) The Tier One Waiver is limited to clients that the Agency has determined meet at least one of the following criteria:

- (a) The client's needs for medical or adaptive services are intense and cannot be met in Tiers Two, Three, and Four and are essential for avoiding institutionalization, or

(b) The client possesses behavioral problems that are exceptional in intensity, duration, or frequency with resulting service needs that cannot be met in Tiers Two, Three, and Four, and the client presents a substantial risk of harm to themselves or others.

(2) Tier One shall include, but is not limited to clients who are authorized by the Agency to receive the following services which are defined in the DD Handbook:

(a) 180 hours or more of intensive Personal Care Assistance per month;

(b) Supported Living Coaching and In-home Supports, in combination with any of the following additional services: Physical Therapy, Occupational Therapy, Respiratory Therapy or Behavior Analysis;

(c) Behavior analysis and Behavior Assistance services of sixty or more hours per month, if living in the family home; or

(d) Four or more hours per day of continuous Nursing Services.

(3) Clients living in a licensed residential facility receiving any of the following services, defined in Rule 59G-13.084, F.A.C., shall be assigned to the Tier One Waiver:

(a) Intensive Behavioral Residential Habilitation services;

(b) Behavior Focus Residential Habilitation services at the moderate or above level of support; or

(c) Standard Residential Habilitation at the extensive 1, or higher, level of support; or

(d) Special Medical Home Care, as defined in the DD Handbook.

(4) Clients who meet the criteria in subsection (1), and their needs cannot be met in Tier Two, Tier Three or Tier Four, shall be assigned to the Tier One Waiver. The following services as defined in the DD Handbook, if approved through the Agency's prior authorization process, will be used as the primary basis for making an assignment or determining whether a tier change to Tier One is required:

(a) Personal Care Assistance;

(b) Behavior Analysis;

(c) Behavior Assistant Services;

(d) Supported Living Coaching;

(e) In-home Supports;

(f) Skilled, Residential or Private Duty Nursing Services;

(g) Intensive Behavioral Residential Habilitation Services;

(h) Behavior Focus Residential Habilitation Services at the moderate or above level of support;

(i) Behavior Focus Residential Habilitation Services at the minimal level of support;

(j) Standard Residential Habilitation at the extensive 1, or higher, level of support;

(k) Standard Residential Habilitation at the moderate level of support;

(l) Special Medical Home Care;

(m) Occupational Therapy;

(n) Physical Therapy;

(o) Respiratory Therapy;

(p) Specialized Mental Health Services; or

(q) Adult Day Training at the 1:1 ratio.

(5)~~(4)~~ Needs for services described in subsections (2) ~~and~~, (3) ~~and~~ (4) that can be met through the Tier Two, Tier Three, or Tier Four Waivers are not "services" or "service needs" that support assignment to the Tier One Waiver.

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS.

65G-4.0023 Tier Two Waiver.

The total budget in a cost plan year for each Tier Two Waiver client shall not exceed \$55,000. The Tier Two Waiver is limited to clients who meet the following criteria:

(1) The client's service needs include placement in a licensed residential facility and authorization for a moderate level of support for standard residential habilitation services or a minimal level of support for behavior focus residential habilitation services as defined in the DD Handbook; or

(2) The client is in supported living and is authorized to receive more than six hours a day of in-home support services. Supported living and in-home support services are defined in the DD Handbook.

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS.

65G-4.0024 Tier Three Waiver.

The total budget in a cost plan year for each Tier Three Waiver client shall not exceed \$35,000. A client must meet at least one of the following criteria for assignment to the Tier Three Waiver:

(1) The client resides in a licensed residential facility and is not eligible for the Tier One Waiver or the Tier Two Waiver; or

(2) The client resides in their own home, is authorized by the Agency to receive in-home support services and is not eligible for the Tier One Waiver or the Tier Two Waiver and the need for these services cannot be met in Tier Four; or

(3) The client is authorized by the Agency to receive personal care assistance services at the standard or moderate level of support as defined in the DD Handbook.

(4) The client is authorized by the Agency to receive Skilled or Private Duty Nursing Services and is not eligible for the Tier One Waiver or the Tier Two Waiver; or

(5) The client is authorized by the Agency to receive services of a behavior analyst and/or a behavior assistant and the need for these services cannot be met in Tier Four.

~~(6) The client is authorized by the agency to receive the combined services of a behavior analyst and/or a behavior assistant for more than 60 hours per month and is not eligible for the Tier One Waiver or the Tier Two Waiver.~~

~~(6)~~(7) The client is authorized by the agency to receive at least one of the following services:

- (a) Occupational Therapy;
- (b) Physical Therapy;
- (c) Speech Therapy; or
- (d) Respiratory Therapy.

~~(7)~~(8) All services described in this rule are defined in the DD Handbook.

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS.

65G-4.0025 Tier Four Waiver.

(1) The total budget in a cost plan year for each Tier Four Waiver client shall not exceed \$14,792 per year.

(2) Clients who are not eligible for assignment to the Tier One Waiver, the Tier Two Waiver, or the Tier Three Waiver shall be assigned to the Tier Four Waiver:

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

| | |
|------------|------------------|
| RULE NOS.: | RULE TITLES: |
| 69A-47.013 | Regional Access |
| 69A-47.014 | Compliance Dates |

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. 35, No. 48, December 4, 2009 issue of the Florida Administrative Weekly.

69A-47.013 Regional Access.

(1) Each building which is six or more stories in height, including, but not limited to, hotels and condominiums, on which a building permit is issued after September 30, 2006.

69A-47.014 Compliance Dates.

No change.

**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: |
| 53ER10-1 | Payment of Prizes |

SUMMARY: This emergency rule replaces Emergency Rule 53ER08-89 and sets forth the procedures that the Florida Lottery shall apply to awarding prizes.

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:

53ER10-1 Payment of Prizes.

(1) Claiming Prizes. For purposes of this rule, the provisions for claiming a prize as set forth in paragraph 24.115(1)(f), Florida Statutes, will be deemed satisfied upon the claimant meeting the following requirements:

(a) On-line Game Prizes.

1. For on-line game prizes, the claimant must submit the winning on-line ticket for validation at a Lottery office or retailer on or before the 180th day after the winning drawing. Winning on-line tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 180th day after the winning drawing.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated on-line winning ticket, along with the documents specified in paragraph (14)(c) below, for prize payment at a Lottery office on or before the 210th day after the winning drawing. If the claimant chooses to submit the validated on-line winning ticket for prize payment by mail, the ticket and all required documents must be sent to the Lottery's prize payment address and received by the Lottery on or before the 210th day after the winning drawing. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 210th day after the winning drawing shall result in forfeiture of the prize.

(b) Instant Game Prizes.

1. For instant game prizes, the claimant must submit the winning instant ticket for validation at a Lottery office or retailer on or before the 60th day after the official end of the game. Winning instant tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 60th day after the official end of the game.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated instant winning ticket, along with the documents specified in paragraph (14)(c) below, for prize payment at a Lottery office on or before the 90th day after the official end of the game. If the claimant chooses to submit the validated instant winning ticket for prize payment by mail, the ticket and all required documents must be

sent to the Lottery's prize payment address and received by the Lottery on or before the 90th day after the official end of the game. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 90th day after the official end of the game shall result in forfeiture of the prize.

(2) Prize Payment Address. The Lottery's prize payment address is: Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(3) Risk of Mailing Tickets. A person who mails a winning ticket shall bear the risk that the U.S. Postal Service or other carrier may fail to timely postmark or deliver the ticket to the Lottery, or both.

(4) Winning Tickets Submitted to the Address for a Drawing. Winning tickets submitted to the address for a drawing for a game or promotion will not be paid or honored unless selected during the drawing. The time periods provided in subparagraphs (1)(a)1. and 2. and (1)(b)1. and 2. shall also apply to this subsection.

(5) Unclaimed Prizes. If a winning ticket is not submitted for validation within the applicable time period, or if a validated ticket is not submitted to the Lottery for prize payment within the applicable time period, the prize shall constitute an unclaimed prize and shall be distributed as required by law. Unclaimed prizes shall not be distributed to other winners within the same prize pool.

(6) Free Ticket Claims – Florida Claimants. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is inside the state of Florida will be mailed a prize of a ticket as follows:

(a) If the ticket submitted for payment is an instant lottery ticket, the claimant will receive an instant lottery ticket or combination of tickets having the same total retail sales price as the instant lottery ticket submitted for prize payment. The free ticket(s) may or may not be from the same instant game in which the prize was won.

(b) If the prize is a free on-line game quick pick ticket, the claimant will receive a free on-line game quick pick ticket, from the same on-line game in which the prize was won, for the next drawing after the ticket is validated; or if the free on-line game ticket is part of an on-line game multi-play ticket, the claimant will receive prize payment in accordance with the provisions of subsection (20) below.

(7) Free Ticket Claims – Claimants Outside Florida. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is outside the state of Florida will receive a check in the amount of the retail sales price of the ticket in lieu of an actual ticket.

(8) Advance Play Ticket Claims – Florida Claimants. A claimant who claims a prize through a retailer or the Lottery on a winning advance play lottery ticket before all the drawings

on the ticket have occurred will be issued a continuation ticket for the remaining drawings with the same play numbers as the original ticket. The original ticket will be recorded as "paid" in the gaming system and the continuation ticket automatically issued for the claimant shall be the instrument from which claims on remaining drawings are paid.

(9) Advance Play Ticket Claims – Claimants Outside of Florida. If a claimant whose mailing address is outside the state of Florida submits by mail an advance play lottery ticket that has drawings remaining that have not yet occurred, the Lottery will hold the claimant's advance play ticket until all the drawings have occurred. The Lottery will then validate the advance play ticket and mail the claimant one payment for the total amount of any prizes won. If an out-of-state claimant requests prize payment prior to the date of the last advance play drawing, the Lottery will validate the ticket, mail the claimant payment for the total amount of any prizes won as of the date of ticket validation, and issue and maintain possession of a continuation ticket for the remaining drawings.

(10) On-line Game Ticket Validation.

(a) In order to be a valid on-line winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible Transaction Serial Number ("TSN") or a readable bar code. To the extent that a ticket is not identifiable as a Florida Lottery ticket or does not have a TSN or bar code, the ticket will be invalid. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The TSN of an apparent winning ticket must validate on the Lottery's gaming system, and must not have been previously paid.

(d) The ticket must pass any additional validation tests determined necessary by the Florida Lottery. For security reasons, some validation tests may be confidential in nature.

(e) Any ticket not meeting the criteria set forth in paragraphs (10)(a) through (d) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund of the retail sales price.

(11) Instant Game Ticket Validation.

(a) In order to be a valid instant winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible validation number (sometimes referred to as "Void If Removed Number" or "VIRN"), or a readable bar code. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The validation elements must not be altered or tampered with in any manner.

(d) The ticket must not appear on any list of omitted ticket stock on file at the Florida Lottery.

(e) The ticket must not have been stolen.

(f) The ticket must have been issued to a retailer by the Florida Lottery in an authorized manner.

(g) The validation number of an apparent winning ticket must validate on the Lottery's gaming system and must not have been previously paid.

(h) The validation elements of a ticket must not be misprinted or illegible.

(i) The ticket must pass any additional validation tests determined necessary by the Florida Lottery. For security reasons, some validation tests may be confidential in nature.

(j) Any ticket not meeting the criteria set forth in paragraphs (11)(a) through (i) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund of the retail sales price.

(12) Disputes Regarding the Amount or Validity of Ticket.

(a) Players shall be instructed by a retailer or the Lottery to file a claim when any dispute arises between a player and a retailer regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal.

(b) In the event a dispute between the Florida Lottery and a ticket bearer occurs as to whether a ticket is a valid winning ticket, or as to the prize amount of a valid winning ticket, the decision of the Florida Lottery shall be final. If the prize is not paid on a disputed ticket and the basis for the dispute is attributable to the Florida Lottery or its ticket vendor, the Florida Lottery will replace the disputed ticket with an unplayed ticket from the same game or with a ticket from another game of equivalent sales price. This shall be the sole and exclusive remedy of the bearer of the ticket.

(13) Winning Tickets Valued at Less than \$600.

Payment of any winning ticket valued at less than \$600 that is submitted to a Lottery retailer, Lottery district office or Lottery Headquarters shall be made to the claimant upon successful ticket validation. Upon request by the Lottery, the claimant shall file a Winner Claim Form in accordance with the provisions set forth in paragraph (14)(c) below.

(a) Payment by Retailers.

1. Winning tickets of \$50 or less that are submitted to a retailer shall be paid in cash by the retailer unless:

a. It is impossible or impracticable to do so due to a company or store policy which, for safety or security reasons, limits the amount of cash available to the clerk; or

b. It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

2. Winning tickets with a value greater than \$50 but less than \$600 that are submitted to a retailer shall be paid by cash, check, or money order.

3. No charge or fee shall be imposed by a retailer on a player for paying a winning ticket. This prohibition includes charging a fee for a money order issued to the player in payment of a prize when that is the only method of prize payment made available by the retailer.

(b) Payment by the Florida Lottery.

1. Winning tickets of \$100 or less that are presented to a Lottery district office will be paid by cash, check or issued lottery tickets at the claimant's option.

2. Winning tickets with a value greater than \$100 that are submitted to a Lottery district office shall be paid by check and/or issued lottery tickets, or paid a maximum of \$100 in cash and the balance of the prize paid by check and/or issued lottery tickets at the claimant's option.

3. Winning tickets of less than \$600 that are submitted to Lottery Headquarters for payment shall be paid by check.

4. A player who submits a winning ticket of less than \$600 in person to a Lottery district office for payment by check shall be required to present one form of identification from the list in subsection (15). The identification is required to ensure proper check distribution.

5. Winning tickets of less than \$600 shall be subject to and paid in accordance with subsections (16), (17), (18) and (19) below.

(14) Winning Tickets Valued at \$600 or Greater.

(a) Payment of winning tickets valued at \$600 or greater shall be made only by a Lottery office. Payment of winning tickets valued at \$600 or greater cannot be made by a retailer.

(b) A player may submit a winning ticket valued at \$600 or greater to any Lottery retailer or Lottery office for ticket validation. If a winning ticket valued at \$600 or greater is validated at a retailer location, the player shall retain the original ticket and any player claim instructions ticket produced by the retailer terminal to submit with his or her claim to a Lottery office for prize payment processing. If the winning ticket produces a continuation ticket for future drawings, the player shall also retain the continuation ticket in addition to the original ticket and player claim instructions ticket.

(c) After successful validation of a winning ticket, the player shall file a claim by submitting to the Lottery a completed Winner Claim Form DOL 173-2, revised 10/08, or Spanish Winner Claim Form DOL 173-2S, revised 10/08 along with the ticket(s) as set forth in subsection (18) and the identification described in subsection (15) below. The Winner Claim Forms are incorporated herein by reference and may be obtained at any Lottery office or retailer, from the Florida

Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Affairs, 250 Marriott Drive, Tallahassee, Florida 32399-4016. Claims may be submitted in person to any Lottery district office or to Lottery Headquarters, or submitted by mail to Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(d) Winning tickets valued at \$600 through \$250,000 that are submitted to a Lottery district office shall be paid by check and in accordance with subsections (16), (17), (18) and (19) below, except that winning tickets valued in excess of \$50,000 may be paid by wire or electronic funds transfer. Powerball winning tickets valued to \$1,000,000 may be presented at a Lottery district office or Lottery headquarters. All other winning tickets valued at greater than \$250,000 must be presented at Lottery Headquarters for payment.

(e) Winning tickets valued at \$600 or more that are submitted to Lottery Headquarters shall be paid as follows and in accordance with subsections (16), (17), (18) and (19) below:

1. If the prize value is \$600 through \$100,000, payment shall be made by check.

2. If the prize value is greater than \$50,000 or is a prize for which there is a lump-sum option, payment shall be made by check or wire or electronic funds transfer at the claimant's option.

(15) Presentation of Identification.

(a) The claimant of a prize valued at \$600 or more will be required to present identification as detailed below. The Lottery shall be permitted to make a photocopy of such identification for its records. The name on the identification presented to the Lottery must match the name on the back of the winning ticket, unless the name on the back of the winning ticket is that of a legal entity. In such case, an authorized agent of that legal entity and all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive a portion of the legal entity's Lottery winnings shall submit a photocopy of required identification as detailed below. The Lottery reserves the right to require proof of authenticity for such photocopies. If the name on the back of the ticket and the identification presented do not match, the Lottery may request another form of identification listed below or request additional information to use in making its payment determination.

(b) For prizes valued at \$600 or more, one form of identification is required that is current or was issued within the past five years and bears a serial or other identifying number. Acceptable forms of identification include the following:

1. A Florida identification card or driver's license issued by the public agency authorized to issue driver's licenses;

2. A passport issued by the Department of State of the United States;

3. A passport issued by a foreign government;

4. A driver's license or an identification card issued by a public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico;

5. An identification card issued by any branch of the armed forces of the United States; or

6. An identification card issued by the United States Bureau of Citizenship and Immigration Services; or

7. Another form of identification authorized for use by notaries public in Chapter 117, Florida Statutes.

(c) If a claimant is unable to produce one of the acceptable forms of identification identified in paragraph (b) above, the Lottery will accept as satisfactory evidence of the claimant's identity a completed Affidavit to Establish Identity, DOL-468A effective 06/08. The Affidavit to Establish Identity is incorporated herein by reference and may be obtained at any Lottery office or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(d) A photocopy of required identification shall accompany claims valued at \$600 or greater that are submitted by mail. The Lottery reserves the right to require proof of authenticity for such photocopies.

(16) Payment to One Person or Entity. Regardless of how many persons or entities claim an ownership interest in a winning ticket, payment will be made to only one person or entity. For prizes valued at \$600 or more, a winner may submit an Internal Revenue Service Form 5754, Statement by Person(s) Receiving Gambling Winnings, revised 12/08, if more than one person or a person other than the claimant is entitled to the prize winnings. The form must be presented to the Lottery along with the Winner Claim form prior to ticket validation. The Internal Revenue Service Form 5754 is incorporated by reference and may be obtained at any Lottery office, by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Internal Revenue Service.

(17) Federal Withholding Taxes. Federal withholding taxes shall be deducted from prizes in accordance with the Internal Revenue Code and Code of Federal Regulations.

(18) Ticket Submission and Payment. In accordance with the applicable provisions of subsections (13), (14) and (20) a claimant must submit an original winning ticket or an original continuation ticket, if issued, to the Lottery or to a retailer to claim a prize. In the event an original winning ticket or an original continuation ticket is not available for submission, a claimant must submit an original player claim instructions ticket produced from validation of an original winning ticket or original continuation ticket to the Lottery to claim a prize.

(b) If a claimant submits only an original winning ticket or an original continuation ticket, the ticket will be validated and payment will be made in accordance with subsections (16), (17) and paragraph (18)(a). If a claimant submits an original

winning ticket or an original continuation ticket and an original player claim instructions ticket produced from an original winning ticket or from an original continuation ticket, payment will be made in accordance with subsections (16), (17) and (18).

(c) If a claimant submits only an original player claim instructions ticket, the player claim instructions ticket will be validated and payment will be made in accordance with subsections (16), (17) and (18) and as follows:

1. For on-line prizes, if the absence of the original ticket or the original continuation ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the player claim instructions ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner.

2. For instant prizes, if the absence of the original ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the player claim instructions ticket is submitted for prize payment, or following expiration of 90 days after the official end of the game, whichever date occurs sooner.

3. If the absence of the original ticket or the original continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made as follows:

a. For winning on-line tickets, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the original winning ticket is not made before the expiration of 210 days.

b. For winning instant tickets, payment for prizes valued at \$600 through \$1,000 will be made following expiration of 180 days from the date the claim was filed or following expiration of 90 days after the official end of the game, whichever occurs sooner, provided that payment for the original winning ticket is not made before expiration of the 180-day or 90-day time period, whichever is applicable. Payment for prizes greater than \$1,000 will be made following expiration of 90 days after the official end of the game, provided payment for the original winning ticket is not made before expiration of the 90-day time period.

4. If the original winning ticket or original continuation ticket is submitted prior to expiration of the time periods set forth in subparagraphs (18)(c)1., 2. and 3., an investigation will be conducted to determine to whom payment should be made, if anyone.

(d) If a claimant submits only an original advance play winning ticket that has been recorded as "paid" in the Lottery's gaming system as the result of the issuance of a continuation ticket, an investigation will be conducted and payment will be made as follows:

1. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the original winning ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner, provided that payment for the continuation ticket is not made prior to the expiration time frames set forth above.

2. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the continuation ticket is not made before the expiration of 210 days.

(e) In the event a claim for payment is made without an original ticket, an original continuation ticket, or a player claim instructions ticket, the claim will be denied unless the following occurs:

1. The claimant establishes to the Lottery's satisfaction that the absence of the original ticket, the original continuation ticket, or the player claim instructions ticket is attributable to an act or omission of the Lottery. Acts or omissions of Lottery retailers shall not be considered attributable to the Lottery; and

2. The Lottery determines that the available evidence is sufficient to validate the claim.

If the Lottery determines that the provisions set forth in subparagraphs 1. and 2., above are sufficiently met, payment will be made to the claimant following the expiration of the applicable deadline set forth in subsection (1) for validating and submitting a winning ticket for prize payment.

(19) Determination of Prize Winner. The person to whom payment will be made for winning tickets submitted to the Lottery shall be determined as follows:

(a) If only one name appears on the back of the ticket, payment will be made to that person or entity.

(b) If the back of a ticket is blank or incomplete, data from the Winner Claim Form, if any, player correspondence, or the mailing envelope, in that order, shall be used to supplement the information.

(c) Instant tickets. If more than one name appears on the back of an instant ticket, payment shall be made to the person whose name appears first on the line designated for the name.

(d) On-line tickets.

1. If one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section that is completed.

2. If more than one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket.

3. If no player information section is completely filled out and more than one name appears on the back of the ticket, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket in which a name is present.

(e) If the name on the back of a ticket is that of a trust, corporation or other legal entity, payment shall be made to the trust, corporation or other legal entity. For those tickets valued at \$600 or more, no payment shall be made to a legal entity until the Lottery has received a copy of the entity's organizational documents which set forth the names and Social Security numbers of all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive Lottery winnings.

(f) For prizes less than \$600, payment to the person determined in accordance with paragraphs (19)(a) through (e) above shall be made in that person's name as it appears on the back of the winning ticket. For prizes of \$600 or more, payment shall be made in that person's name as it appears on the Winner Claim Form as described in paragraph (14)(c) above.

(g) If the back of a ticket valued at \$600 or more is altered, defaced, or contains erasures, correction fluid, overwriting, or obliteration in the line designated for a name, an investigation will be conducted to determine to whom payment should be made, if anyone, in accordance with paragraphs (19)(c), (d) and (e) above. If the ticket is valued at less than \$600, payment will be made to the person submitting the ticket for payment.

(h) If the Lottery is presented with undisputed information that payment of a prize as provided in paragraphs (19)(a) through (e) would result in payment to a person or entity who has no claim to the ticket, the Lottery will make payment to the person or entity it determines to be the rightful claimant based upon the undisputed information submitted to the Lottery.

(i) If the Lottery receives notification of a dispute of ownership of a specific ticket prior to prize payment, an investigation will be conducted to determine to whom payment should be made, if anyone.

(j) Any claimant of a prize of \$600 or more, and any person whose name appears on an Internal Revenue Service Form 5754 filed by a claimant and whose portion of the prize is \$600 or more, will be compared to the State Owed Debt system. All persons ultimately entitled to receive Florida Lottery winnings from a claim valued at \$600 or more filed by a legal entity, other than a corporation whose shares are publicly traded, will be compared to the State Owed Debt system. If such claimant or other person is identified as owing an outstanding debt to a state agency or owing child support collected through a court or spousal support or alimony as provided in subsection 24.115(4), F.S., following deduction of federal tax withholding, the remaining prize amount will be allocated as follows:

1. If the debt is owed by the claimant and an Internal Revenue Service Form 5754 is not filed at the time the claim is submitted, an amount sufficient to cover the amount owed, up to the total remaining prize amount, will be transferred to the state agency owed the debt. Any monies remaining after federal tax withholding and after collection of the debt will be paid to the claimant.

2. If the debt is of a claimant who submits an Internal Revenue Service Form 5754 at the time of filing the claim, or of a person whose name appears on an Internal Revenue Service Form 5754 or who is entitled to receive Lottery winnings claimed by a legal entity, an amount sufficient to cover the claimant's or other person's debt, but not to exceed his or her percentage interest in the prize or entity, will be transferred to the state agency owed the debt. The monies remaining will be paid to the claimant and any other persons entitled to receive a portion of the Lottery winnings.

(20) Payment of On-line Game Multi-play Tickets Including a Cash Prize and a Free Quick Pick Ticket Prize. Additional payment provisions applicable only to winning on-line game multi-play tickets (tickets with more than one panel played for a single draw date) that include a cash prize and a prize of a free quick pick ticket are as follows:

(a) A \$1.00 value for each free quick pick ticket on a multi-play ticket shall be included in the total prize value of the ticket.

(b) On-line game multi-play tickets with a total prize value less than \$600 shall be paid by Lottery retailers or a Lottery office upon successful ticket validation. The claimant shall be paid the cash amount of the prize and given a ticket with one free quick pick play for the same on-line game in which the prize was won, for the next available drawing for each free quick pick ticket prize.

(c) On-line game multi-play tickets with a total prize value of \$600 or more shall be claimed at a Lottery office. Retailer locations cannot print free quick pick tickets that are part of a claim with a total value of \$600 or more.

1. If the claim is submitted to a Lottery office in person and the on-line game multi-play ticket is successfully validated, the Lottery will pay the claimant the cash prize and give the claimant a ticket with one free quick pick play for the next available drawing of the same on-line game in which the prize was won for each free quick pick ticket prize.

2. If the claim is submitted by mail to a Lottery office and the on-line game multi-play ticket is successfully validated, the Lottery will pay the cash prize and, if the claimant's address is in Florida, print a ticket with one free quick pick play for the next available drawing of the same on-line game in which the prize was won for each free quick pick ticket prize. The payment and the free ticket shall be mailed to the claimant by the Lottery, except as set forth in subsection (7) above. A free ticket shall be mailed prior to the drawing applicable to that ticket.

3. If the claimant is identified as owing an outstanding debt as set forth in paragraph (19)(j), in an amount less than the cash portion of the prize net of any federal income tax withholding, the non-cash portion of the prize and the amount owed to the claimant after his or her debt is satisfied and taxes have been withheld shall be awarded. If the claimant is identified as owing an outstanding debt in an amount greater than the cash portion of the prize net of any federal income tax withholding, the cash portion of the prize remaining after taxes have been withheld will be applied toward the outstanding debt as provided in Section 24.115(4), F.S., and the claimant will receive the remaining non-cash portion of the prize.

(21) Canceled and Previously Paid Tickets. No payment shall be made upon a ticket submitted for payment that is reflected in the Lottery's records as having been canceled or previously paid.

(22) Disclosure of Source of Ticket. The Lottery reserves the right to require the claimant of any winning ticket to disclose the source of the ticket.

(23) Final Payment Decision. The Lottery's decision and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes shall be final and binding upon all participants in the lottery unless otherwise provided by law or these rules. In the event a question arises relative to a winning ticket, or the payment or awarding of any prize, the Lottery is authorized to:

(a) Deposit the prize winnings into an escrow fund until the dispute is resolved; or

(b) Petition a court of competent jurisdiction for instructions and a resolution of the controversy.

(24) All tickets and claim forms presented to the Florida Lottery shall become the property of the Florida Lottery.

(25) Information for claiming a prize can be obtained by writing the Florida Lottery, Public Affairs, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or by calling (850)487-7777.

(26) Payment of winning tickets is subject to all other applicable statutes and rules.

(27) This emergency rule replaces Emergency Rule 53ER08-89, F.A.C.

Rulemaking Authority 24.105(9)(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(e), 24.115(1)(4) FS. History—New 1-11-10, Replaces 53ER08-89, 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: January 11, 2010

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."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that on December 30, 2009, the Florida Public Service Commission received a petition for waiver of Rule 25-4.0185, Florida Administrative Code.

Docket No.: 090550-TL – Petition for variance from Rules 25-4.0185 and 25-4.073, F.A.C. by Verizon Florida LLC. Rule 25-4.0185, F.A.C., requires a local exchange company to collect and report call-answer time data. Rule 25-4.073, F.A.C., requires a local exchange company meet certain answer-time intervals. Comments on the petition should be filed with the Commission's Office of Commission Clerk, within 14 days of publication of this notice. For additional information, please contact: Lee Eng Tan, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or at (850)413-6189.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

NOTICE IS HEREBY GIVEN THAT on December 30, 2009, the Florida Public Service Commission received a petition for waiver of Rule 25-4.0185, Florida Administrative Code.

Docket No.: 090552-TL – Petition for modification of Service Guarantee Program by Embarq Florida, Inc. d/b/a CenturyLink. The rule requires a local exchange company to report information regarding Schedules 15 on a quarterly basis. Comments on the petition should be filed with the Commission's Office of Commission Clerk, within 14 days of publication of this notice. For additional information, please contact: Lee Eng Tan, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6189.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on September 11, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

The Request for Variance is withdrawn by the petitioner, Dave Gibson, Hammock Beach Resort, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-455).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on October 19, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Lake Destiny Executive Center, Maitland, FL, and location of the Serial Number 36574-75, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Tommy G. Tucker, Project Manager (VW 2009-811).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 18, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.1, Section 2.7.3.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Watermark, Tampa, FL. The petition was received from Steve Jarvis, Sales Manager (VW 2009-812).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 21, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.1, Section 2.1.3 and 2.7.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph

61C-5.001(1)(a), F.A.C. The petitioner, Marina Village Condo, Merritt Island, FL, and location of the Serial Number 86008. The petition was received from Matthew Golden, Agent (VW 2009-813).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 21, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Monroe Park Tower, Tallahassee, FL, and location of the Serial Number 36020-23, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lawrence T. LoCascio, Director of Property Management (VW 2009-814).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 21, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, 2.7.4 and 3.3.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Canaveral Sands Condo, Cape Canaveral, FL, and location of the Serial Number 29968, 30768, 31501 and 34284, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Tim Cleckner, Agent (VW 2009-815).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 21, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Milan Properties Ltd. of Temple Terrace, and location of the Serial Number 21235, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Sue Ellen Sexton, Senior Property Manager (VW 2009-816).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 22, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Snell Arcade, St. Petersburg, FL, and location of the Serial Number 11098, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, Agent (VW 2009-817).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 22, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Promenade, Longboat Key, FL, and location of the Serial Number 35077-80, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, Agent (VW 2009-818).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 21, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.1, Section 3.4.4 and 3.4.7, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Bath & Tennis Club, Palm Beach, FL. The petition was received from Lee Rigby, Agent (VW 2009-819).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 22, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a),

F.A.C. The petitioner, Putnam Hotel, Deland, FL, and location of the Serial Number 18050, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Jayne Rocco, Owner (VW 2009-820).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency permanent variance from A17.1, Section 5.7.12.2, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Veolia Es Pinellas, St. Petersburg, FL, and location of the Serial Number 32161. The petition was received from Lee Rigby, Agent (VW 2009-821).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 23, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, The Everglades Club, Palm Beach, FL, and location of the Serial Number 33963, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Scott Lee (VW 2009-822).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.3, Section 2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Seville Apartments, Tampa, FL, and location of the Serial Number 9743-44. The petition was received from William Snyder, Agent (VW 2009-823).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 28, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety

received a petition for a permanent variance from A17.1, Section 2.7.3 and 2.12.6.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Water Club, Longboat Key, FL, and location of the Serial Number 49566-67, 49646-49 and 49912-13. The petition was received from Lee Rigby, Agent (VW 2009-824).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 29, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Melbourne Beach Hilton, Indialantic, FL, and location of the Serial Number 36928-30, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Rick Lacy, Director of Engineering (VW 2009-825).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency permanent variance from A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Ocean Parks Condo Assoc., Inc. of Jupiter, and location of the Serial Number 28184, 28998, 29134, 30472, 31537, 31974, 33099 and 34212. The petition was received from Paul Komie, Agent (VW 2009-826).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Whitehall South Condominium, Boca Raton, FL, and location of the Serial Number 12020-25, requests the variance for an extension of

time to complete repairs and for economic/financial hardship. The petition was received from Janet Jordan, General Manager (VW 2009-827).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 30, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Sandalfoot South Condo Assoc. Phase 3 of Boca Raton, FL, and location of the Serial Number 11117 and 11992. The petition was received from the Board of Directors (VW 2009-828).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on December 23, 2009, the Board of Cosmetology, received a petition for waiver or variance of subsections 61G5-20.002(3) and (6), F.A.C., filed by M&S Business Solutions One, Inc., d/b/a Eyebrow Designer 21, seeking full waiver or variance of subsections 61G5-20.002(3) and (6), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Board of Cosmetology, Department of Business and professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399-0790.

Comments on this petition should be filed with: Board of Cosmetology, Department of Business and professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399-0790, within 14 days of publication of this notice.

For a copy of the petition, contact: Robyn Barineau, Executive Director, at the above-referenced address, or at telephone number (850)487-8197.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on January 6, 2010, the Florida Department of Health, Division of Medical Quality Assurance, received a petition for emergency waiver from Walgreen Co., 104 Wilmot Road, Deerfield, IL 60015, pursuant to Section 120.542, F.S. Petitioner is seeking an emergency waiver from subsection 64B-1.003(9), F.A.C., as to

the thirty (30) day re-test requirement. Petitioner intends for one of its employees to qualify as a Certified Designated Representative.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ferronda Burke, Regulatory Program Administrator, Department of Health, 4052 Bald Cypress Way, Bin #C90, Tallahassee, FL 32399-1703.

NOTICE IS HEREBY GIVEN THAT on December 28, 2009, the Board of Acupuncture, received a petition for waiver or variance filed by Natalie Anne Doliner, seeking a waiver or variance of Rule 64B1-4.0011, F.A.C., with respect to the necessary documents for licensure application. Petitioner requests that the education credits she received at the Florida College of Integrative Medicine be allowed to satisfy to requirements of Rule 64B1-4.0011, F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, at the above-referenced address, or at telephone number (850)245-4161. Comments on this petition should be filed with the Board of Acupuncture, 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 13, 2010, the Board of Medicine, received a petition for waiver or variance filed by Mohamad Isam Abdelazim, M.D., from subsection 64B8-4.009(5), F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on December 28, 2009, the Department of Children and Families, received a petition for waiver of subsection 65C-15.010(3), F.A.C., from Axis Adoption & Consulting Services, Inc., assigned Case No.: 09-043W. Subsection 65C-15.010(3), F.A.C. requires a licensed child-placing agency to annually obtain an audit of its financial records.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd. Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on January 13, 2010, the Florida Housing Finance Corporation, received a petition for Waiver of Part III.D.1.f. of the 2006 Rental Recovery Loan Program Instructions to Provide Specific Features in Units Developed for Elderly Residents from Village Allapattah Phase II, LLC. The petition is seeking a waiver of the requirement to provide specific flooring in units developed for elderly residents.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Della Harrell, Corporation 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.

BROWARD COUNTY PERMITTING, LICENSING AND CONSUMER PROTECTION

NOTICE IS HEREBY GIVEN THAT on December 22, 2009, the Broward County Elevator Section, received a petition for an emergency temporary variance until December 20, 2012, in order to raise funds and have the work performed necessary to bring elevators into compliance with ASME A17.3, Rules 2.7.4 & 3.11.3, pertaining to Fire Control Operations, from Lee Rigby on behalf of Fairbanks North Condo of Pompano Beach. A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard S. Walter, Elevator Section Supervisor, Broward County, Permitting, Licensing & Consumer Protection Division, 1 North University Drive, Plantation, Florida 33324.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education

Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection
DATE AND TIME: February 9, 2010, 9:00 a.m.
PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet
The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.
The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.
The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.
The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.
The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative

procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.
The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.
The Department of Education will finalize agency action on the business of the Florida Department of Education.
The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.
The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.
The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.
The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.
A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: February 2, 2010, 2:00 p.m.

PLACE: Secretary of State's Office, 1st Floor, R. A. Gray Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Support for Museum of Florida History project.

A copy of the agenda may be obtained by contacting: Elyse Cornelison, Museum of Florida History at (850)245-6400.

Pursuant to the provisions of 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: Elyse Cornelison, Museum of Florida History at (850)245-6400. If you are 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 **Friends of the Museums of Florida History, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 4, 2010, 9:00 a.m. – 12:00 Noon

PLACE: R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Elyse Cornelison, Museum of Florida History at (850)245-6400.

Pursuant to the provisions of 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: Elyse Cornelison, Museum of Florida History at (850)245-6400. If you are 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: Elyse Cornelison, Museum of Florida History at (850)245-6400.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida State Fair Authority Board** announces a public meeting to which all persons are invited.

DATE AND TIME: February 8, 2010, 2:00 p.m.

PLACE: Florida State Fairgrounds, Tampa, 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.

The **Division of Plant Industry** announces a public meeting to which all persons are invited.

DATE AND TIME: February 17, 2010, 12:00 Noon – 3:00 p.m.

PLACE: Everglades Research and Education Center, 3200 E. Palm Beach Rd., Belle Glade, FL 33430, (561)993-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Dupont Chemical – Overview of Coragen; Update on the transference of the Maneb fungicide label; Update on the University of Florida current projects.

A copy of the agenda may be obtained by contacting: Steven Basore at (561)993-1500.

Pursuant to the provisions of 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: Steven Basore at (561)993-1500. If you are 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: Steven Basore at (561)993-1500.

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2010, 10:00 a.m.

PLACE: Equestrian Center Pavilion, Florida State Fairgrounds, 4800 US Highway 301, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regularly scheduled meeting of the Florida Amusement Device and Attraction Advisory Committee.

A copy of the agenda may be obtained by contacting: Robert Jacobs, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, or by calling Robert Jacobs at (850)488-9790.

Pursuant to the provisions of 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: Robert Jacobs at (850)488-9790. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The **Florida State College at Jacksonville District, Board of Trustees** announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION:

DATE AND TIME: February 2, 2010, 12:00 Noon – 2:00 p.m.
PLACE: Downtown Campus, Room A-2035, 101 West State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Bachelor’s Degree Programs and Strategic Communications.

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: February 2, 2010, 2:00 p.m. – 3:00 p.m.
PLACE: Downtown Campus, Room A-1202, 101 West State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS:

DATE AND TIME: February 2, 2010, 3:00 p.m. – 5:00 p.m.
PLACE: Downtown Campus, Room A-1170, 101 West State St., Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, January 26, 2010, and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with: College President, Florida State College at Jacksonville, on or before February 2, 2010. All legal issues should be brought to the College’s attention and an attempt made to resolve them prior to the public meeting. Any person wishing to appeal a decision made by the Board with

respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

Through the months of February and March 2010, the Board will hold informal meetings each Thursday, 12:00 Noon – 4:00 p.m., at the Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

The **Florida State College at Jacksonville District**, Board of Trustees will attend a joint workshop with members of the University of North Florida Board.

DATE AND TIME: February 4, 2010, 8:30 a.m. – 11:30 a.m.

PLACE: University of North Florida Osprey Fountains, Multipurpose Rooms 2 and 3, 4654 Osprey Ridge Road, Jacksonville, FL 32224

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Board of Trustees Workshop.

All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with: College President, Florida State College at Jacksonville, on or before February 4, 2010. All legal issues should be brought to the College’s attention and an attempt made to resolve them prior to the public meeting.

The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission**, “the Commission” announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 29, 2010, 10:00 a.m. – 11:30 a.m.

PLACE: Meetings to be conducted using Communications Media Technology, specifically Conference Call: 1(888)808-6959, Conference Code: 1967168#

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Discuss “accreditor” and “course” applications for recommendation to the Florida Building Commission; discuss self-affirmation rather than accreditation for approved courses with only minor changes, and general subject matters.

A copy of the agenda may be obtained by contacting: Ms. Ila Jones, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of 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: Ms. Jennifer Drake, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 25555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436. If you are 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. Ila Jones, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436, Website: www.floridabuilding.org.

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: February 1, 2, 3, 2010

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Monday, February 1, 2010

8:00 a.m. Product Approval POC

8:30 a.m. Accessibility Advisory Council

Consider Accessibility Waiver Applications:

Pine Creek Sporting Club, 23721 N. E. 48th Avenue, Okeechobee, FL

The Pink House, 501 S. W. Akron Avenue, Stuart, FL

Adventist Health Systems, 111 North Orlando Avenue, Winter Park, FL

Latitude 30, 10370 Phillips Highway, Jacksonville, FL

Xixon Café Restaurant, 2103 Coral Way, Miami, FL

K-8 School "EE", 4751 Highway 547 North, Davenport, FL

Hernando High School "EEE", 12012 Commercial Way, Weeki Wachee, FL

City of Miami College of Policing, 400 N. W. 2nd Avenue, Miami, FL

Park Lido Hotel, 2216 Park Avenue, Miami Beach, FL

10:00 a.m. Swimming Pool Efficiency Subcommittee to the Energy Code Workgroup

10:00 a.m. Product Approval Application Validator Training

1:00 p.m. Accessibility Code Work Group (or upon completion of the Access Council meeting)

4:30 p.m. Budget Meeting

Tuesday, February 2, 2010

8:30 a.m. Plenary session meeting of the Florida Building Commission

Review and Approve Agenda

Review and Approve December 9, 2009 Meeting Minutes and Facilitator's Report

Chair's Discussion Issues and Recommendations

Update of the Commission Workplan

Consider Accessibility Waiver Applications:

Pine Creek Sporting Club, 23721 N. E. 48th Avenue, Okeechobee, FL

The Pink House, 501 S. W. Akron Avenue, Stuart, FL

Adventist Health Systems, 111 North Orlando Avenue, Winter Park, FL

Latitude 30, 10370 Phillips Highway, Jacksonville, FL

Xixon Café Restaurant, 2103 Coral Way, Miami, FL

K-8 School "EE", 4751 Highway 547 North, Davenport, FL

Hernando High School "EEE", 12012 Commercial Way, Weeki Wachee, FL

City of Miami College of Policing, 400 N. W. 2nd Avenue, Miami, FL

Park Lido Hotel, 2216 Park Avenue, Miami Beach, FL

Consider Applications for Product and Entity Approval

Consider Applications for Accreditor and Course Approval

Consider Binding Interpretations:

Consider Petitions for Declaratory Statement:

Second Hearing –

DCA09-DEC-309 by Alan Plante of Orange County Division of Building Safety

DCA09-DEC-347 by George Merlin of George Merlin Associates Inc.

DCA09-DEC-259 by Robert S. Fine Counsel for Malibu Lodging Investments, LLC (Deferred)

First Hearing–

DCA09-DEC-322 by Jon Jungers, CEO of CDC Enterprises, Inc.
 DCA09-DEC-351 by Joseph Belcher, Code Consultant
 DCA09-DEC-375 by Tim Johnson of SnappBatt
 DCA09-DEC-410 by Frank Bernnardo, P.E., of Engineering Express
 DCA09-DEC-419 by Kenneth Gregory of Holland Pools
 DCA09-DEC-420 by Kenneth Gregory of Holland Pools (Withdrawn)
 DCA09-DEC-411 by Manny Sanchez of Fenestration Testing Laboratory, Inc.
 DCA10-DEC-001 by George Merlin of George Merlin Associates, Inc.
 Consider Committee Reports and Recommendations:
 Meeting of the Accessibility Code Work Group
 Meeting of the Education POC
 Meeting of the Energy Code Workgroup
 Meeting of the Fire TAC
 Meeting of the Flood Standards Workgroup
 Meeting of the Mechanical TAC
 Meeting of the Product Approval POC
 Meeting of the Special Occupancy TAC
 Meeting of the Structural TAC
 Meeting of the Swimming Pool Efficiency Subcommittee to the Energy Code Workgroup
 Commission Effectiveness Assessment Survey Results
 Workplan Prioritization Exercise Results
 Commission Member Comments and Issues
 General Public Comment
 Review Committee Assignments and Issues for the April 5 & 6, 2010 Meeting
 Summary Review of Meeting Work Products
 Adjourn

Tuesday, February 2, 2010

1:00 p.m. Green and Energy Efficient Roofs Subcommittee to the Energy Code Workgroup

Wednesday, February 3, 2010

8:00 a.m. Energy Code Workgroup

A copy of the agenda may be obtained by contacting: Ms. Jennifer Drake, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax: (850)414-8436, or web site: www.floridabuilding.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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436. If you are 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. Jennifer Drake, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax: (850)414-8436, or go to the web site: www.floridabuilding.org.

The Florida **Division of Emergency Management** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 27, 2010, 10:00 a.m. – 2:00 p.m.

PLACE: Sadowski Building, Conference Room 220N, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with C.F.R. 44 §201.6(b) and §201.6(c)(1): The Division of Emergency management in conjunction with the State Hazard Mitigation Advisory Team invites the public to review and comment on the draft update of the State of Florida 2010 Enhanced Hazard Mitigation Plan. The State Hazard Mitigation Plan is a coordinated stakeholder effort involving state agencies, private businesses, Indian tribes, and local and federal governments. The goal of this effort is to coordinate all hazard mitigation programs statewide with the ultimate goal of reducing hazard impacts in our communities.

The Plan will also be available to be reviewed by visiting <http://www.floridadisaster.org/Mitigation/index.htm>. Please direct any questions to: Joy Duperault at joy.duperault@em.myflorida.com or (850)922-4518.

Pursuant to the provisions of 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: Joy Duperault at joy.duperault@em.myflorida.com or (850)922-4518. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Communities Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2010, 2:00 p.m. – 5:00 p.m. or until business is concluded on that date, whichever time occurs first

PLACE: Department of Community Affairs, 2555 Shumard Oak Blvd., Kelley Room, 3rd Floor, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss various informational items, including but not limited to, the status of Rules 9K-7 & 9K-8 rulemaking, the status of Division 9K-9 rule challenge hearing, provide overall information on the FCT program and to conduct any other business that the Governing Board deems necessary.

ACTION TO BE TAKEN: Consideration of above-stated business. To obtain a copy of the agenda, contact the Trust at (850)922-2207.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to insure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Florida Communities Trust at (850)922-2207.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Communities Trust at (850)922-2207. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Communities Trust at (850)922-2207.

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."

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: February 9, 2010, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website: <http://www.floridapsc.com> at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110, Tallahassee, FL.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: February 9, 2010, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110, Tallahassee, FL.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

REGIONAL PLANNING COUNCILS

The **Bay Area Resource Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 27, 2010, 11:00 a.m. – 1:00 p.m.

PLACE: West Florida Regional Planning Council, 4081 E. Olive Road, Suite A, Pensacola, Florida 32514

GENERAL SUBJECT MATTER TO BE CONSIDERED: The group will discuss the Ozone Standard and designation update. In addition, guest speakers, John Pope with Florida Department of Environmental Protection and Tim Haag with ECUA will discuss the recent Environmental Working Group Water Quality Report.

A copy of the agenda may be obtained by contacting: Mary Gutierrez at (332)7976, ext. 226.

Pursuant to the provisions of 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: Mary Gutierrez at (850)332-7976, ext. 226. If you are 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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2010, 1:00 p.m.

PLACE: Madison County Public Library Meeting Room, 378 Northwest College Loop, Madison, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Madison County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2010, 1:30 p.m.

PLACE: Board of County Commissioners Meeting Room, Hamilton County Courthouse, 207 Northeast 1st Street, Jasper, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Hamilton County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: February 4, 2010, Planning and Growth Management Committee, 8:30 a.m.; Personnel, Budget & Finance Committee, 9:00 a.m.; Full Board of Directors, 10:00 a.m.; Legislative Committee immediately following the Board Meeting. Please check our website for any changes in meeting times.

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or sforde@nefrc.org.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 8, 2010, 8:30 a.m.

PLACE: ECFRPC Offices, 309 Cranes Roost Blvd., Suite 2000, Altamonte Springs, Florida 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Executive Director Committee to discuss the upcoming February 17, 2010 Council Meeting (visit our website at www.ecfrpc.org for map and directions).

A copy of the agenda may be obtained by contacting: Tuesdai Brunsonbyrd-Bowden, Administrative Assistant, East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Suite, 2000, Altamonte Springs, Florida 32701 or emailing her at tbyrd@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 3 days before the workshop/meeting by contacting: Tuesdai Brunsonbyrd-Bowden at (407)262-7772 or tbyrd@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).

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 Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 4, 2010, 10:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: SWFRPC's Lower West Coast Watersheds Implementation Committee to discuss water quality issues affecting Southwest Florida.

A copy of the agenda may be obtained by contacting: Mr. David Crawford at (239)338-2550, #226 or dcrawford@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, ext. 210 or dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: www.swfrpc.org.

The **District XI Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 17, 2010, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, (954)985-4416

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 09-10.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, via email request to Manny Cela (celam@sfrpc.com), visiting the LEPC website (www.sfrpc.com/lepc.htm) or by calling (954)985-4416 in Broward or 1(800)985-4416 toll-free statewide.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 4, 2010, 10:00 a.m.

PLACE: Indina River State College, Public Safety Complex, Banner Center for Homeland Security and Defense, Auditorium, 4600 Kirby Loop Road, Fort Pierce, FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the quarterly meeting of Council's Florida District X Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Kathryn Boer 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 **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 19, 2010, 9:30 a.m.

PLACE: Indian River State College (Chastain Campus), Wolfe High Technology Center, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly Council meeting.

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).

DEPARTMENT OF CORRECTIONS

The Florida **Department of Corrections** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 28, 2010, 10:30 a.m.

PLACE: Reception and Medical Center (Regional Director's Conference Room at RMC), 7765 South County Road 231, Lake Butler, Florida 32054

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting of the RMC Hospital Governing Body.

Pursuant to the provisions of 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: Gerda Godwin at (386)496-6074. If you are 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: Gerda Godwin at (386)496-6074.

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch Inc.**, a non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: February 4, 2010, 7:00 p.m.

PLACE: Ranch Manager's residence, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual meeting as required by the corporation by-laws will be held in conjunction with the monthly Board of Directors meeting. One of the purposes of this meeting will be the election of officers.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **R. O. Ranch Inc.**, a non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: February 4, 2010, 7:00 p.m.

PLACE: Ranch Manager's residence, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board of Directors meeting to discuss the development of equestrian facilities on Suwannee River Water Management District properties.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **St. Johns River Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, February 8, 2010, 1:00 p.m., Governing Board Workshop immediately followed by a Projects & Land Committee public meeting

PLACE: District Headquarters, Governing Board Room, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Informational workshop on FY 2010-2011 Budget Kickoff.

Projects & Land Committee business meeting will begin at the conclusion of the 1:00 p.m. Governing Board Workshop to discuss agenda items followed by Committee recommendations to be approved by the full Governing Board. In the event a quorum of the Committee is not available for the business meeting at the date, time, and place set forth above, the Committee shall meet on Tuesday, February 9, 2010, 8:00 a.m. at District Headquarters.

NOTE: One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Missy McDermont, 4049 Reid Street, Palatka, Florida 32177, (386)329-4101, or by visiting the District's website: www.sjrwm.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, February 9, 2010

8:15 a.m. Chairwoman's Meeting

9:00 a.m. Finance, Administration and Audit Committee

10:00 a.m. Regulatory Committee

1:00 p.m. Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, Florida 32177, (386)329-4214 or by visiting the District's website: www.sjrwm.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 22, 2010, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Director, or his designee, will conduct a public meeting to receive public comment on pending applications for individual consumptive use permits and individual environmental resource permits. An agenda will be available at least 7 days before the meeting; the agenda will identify those permit applications for which the District will receive public testimony or information.

A copy of the agenda may be obtained by contacting: RIM (Division of Regulatory Information Management), St. Johns River Water Management District, Attention: Vicki Young, 4049 Reid Street, Palatka, FL 32177, (386)329-4523, or by visiting the District's web site: www.sjrwm.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 2, 2010, 9:00 a.m.

PLACE: Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33537-6749

GENERAL SUBJECT MATTER TO BE CONSIDERED: Permit #/Project Name

20004492.012 City of Sebring

20005875.007 James and Margaret Bickett

43014262.003 Tallevast Commerce Center

43029950.001 LaBella Vista Multi-Family Docking Facility

43035086.000 Falk Wetland Restoration

A copy of the agenda may be obtained by contacting: Patty McLeod, PMO, 2379 Broad Street, Brooksville, Florida 34609-6749, (352)796-7211, ext. 4346 or 1(800)423-1476 (FL only), ext. 4346.

Pursuant to the provisions of 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: District's Human Resources Director, 2379 Broad Street, Brooksville, Florida 34609-6799, (352)796-7211, ext. 4702 or 1(800)432-1476 (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.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 **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 3, 2010, 9:00 a.m.

PLACE: West Pasco Government Center, 7530 Little Road, New Port Richey, FL 34654

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pinellas-Anclote River Basin Board Meeting: Consider Basin business. Some Board members may participate in the meeting via communications media technology.

A copy of the agenda may be obtained by contacting: WaterMatters.org, Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of 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: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702, TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.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: Phyllis.Young@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4615 (Ad Order EXE0006).

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, February 4, 2010, 9:00 a.m.; 1:30 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: 1) Alafia River Basin Board Meeting, and 2) Hillsborough River Basin Board Meeting: Consider Basin business. Some Board members may participate in the meeting via communications media technology.

A copy of the agenda may be obtained by contacting: WaterMatters.org, Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of 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: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.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: Frances.Sesler@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4608 (Ad Order EXE0006).

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2010, during a regular meeting of the Governing Board, 9:00 a.m.

PLACE: Brooker Creek Preserve Environmental Education Center, 3940 Keystone Road, Tarpons Springs, FL 33592

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of changes, including those in response to comments from the Joint Administrative Procedures Committee, to proposed "Enhanced Conservation rules" consisting of amendments to Rule 40D-1.659, F.A.C., Forms and Instructions; Rule 40D-2.021, F.A.C., Definitions, Rule 40D-2.091, F.A.C., Publications Incorporated By Reference; Rule 40D-2.101, F.A.C., Content of Application, and Rule 40D-2.321, F.A.C., Duration of Permits.

A copy of the agenda may be obtained by contacting: Annette Zielinski, Senior Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

Pursuant to the provisions of 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: Lee, Administrative Supervisor, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4657. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2010, during a regular meeting of the Governing Board, 9:00 a.m.

PLACE: Brooker Creek Preserve Environmental Education Center, 3940 Keystone Road, Tarpons Springs, FL 33592

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of changes, including those in response to comments from the Joint Administrative Procedures Committee, to proposed "20-year permit rules" consisting of amendments to Rule 40D-1.607, F.A.C., Permit Processing Fee; Rule 40D-2.091, F.A.C., Publications Incorporated By Reference; Rule 40D-2.301, F.A.C., Conditions for Issuance of Permits; Rule 40D-2.321, F.A.C., Duration of Permits; and adoption of new Rule 40D-2.322, F.A.C., 20-Year Permit Requirements.

A copy of the agenda may be obtained by contacting: Annette Zielinski, Senior Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

For more information, you may contact: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

The **Water Resources Advisory Commission (WRAC)** Land Surplus Issues Workshop announces a public meeting to which all persons are invited.

DATE AND TIME: February 1, 2010, 10:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Rd., West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding Surplus Lands.

A copy of the agenda may be obtained by contacting: Ruth Clements at (561)682-6271 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: 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).

DEPARTMENT OF THE LOTTERY

The **Department of the Lottery** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, February 1, 2010, 9:00 a.m. (ET); Friday, February 5, 2010, 9:00 a.m. (ET); Thursday, February 11, 2010, 10:00 a.m. (ET) The meetings will continue from day to day following each meeting date as may be required.

PLACE: 250 Marriott Drive, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Collective bargaining negotiating session for a successor agreement between the Department of the Lottery and the Police Benevolent Association for FY 2010-2011.

A copy of the agenda may be obtained by contacting: Terry Perkins or Tammy Fleetwood at (850)487-7731.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Terry Perkins or Tammy Fleetwood at (850)487-7731. If you are 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 the Lottery** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, February 10, 2010, 2:00 p.m. (ET); Thursday, February 11, 2010, 3:00 p.m. (ET); Friday, February 12, 2010, 10:00 a.m. (ET) The meetings will continue from day to day thereafter as may be required.

PLACE: 250 Marriott Drive, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Collective bargaining negotiating session for a successor agreement between the Department of the Lottery and the Federation of Public Employees for FY 2010-2011. The meeting will be conducted via telephone conference call.

A copy of the agenda may be obtained by contacting: Terry Perkins or Tammy Fleetwood at (850)487-7731.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Terry Perkins or Tammy Fleetwood at (850)487-7731. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2010, 10:00 a.m. – 11:00 a.m. (EDT)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4142039#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the initiatives that the advisory council and the department wish to undertake.

A copy of the agenda may be obtained by contacting: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: hultsw@elderaffairs.org.

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

For more information, you may contact: Whitney Hults-Richartz, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: hultsw@elderaffairs.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2010, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Health Information Exchange Coordinating Committee will meet to review the provisions of the American Recovery and Reinvestment Act related to health information technology and discuss strategies to promote health information exchange in Florida.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at: <http://www.fhin.net/FHIN/workgroups/HIECC.shtml> seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16,

Tallahassee, FL 32308-5403. If you are 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: Dana Watson at (850)921-2032.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, Division of Telecommunications** announces a meeting of the Joint Task Force on State Agency Law Enforcement Communications announces a public meeting to which all persons are invited.

DATE AND TIME: March 3, 2010, 9:30 a.m. – Completion

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399. Call-In-Number: 1(800)808-6959, Passcode: 9227435#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters for the Statewide Law Enforcement Radio System.

A copy of the agenda may be obtained by contacting: Bruce Meyers at (850)922-7510, bruce.meyers@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 days before the workshop/meeting by contacting: Department of Management Services at (850)922-7435. If you are 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 Workforce Innovation**, Office of Early Learning announces a public meeting to which all persons are invited.

DATES AND TIMES: March 3, 2010, 3:30 p.m. – 5:30 p.m.; March 4, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: Residence Inn Tallahassee/Universities at the Capitol, Tallahassee, FL. A sleeping room block is also available at the same location. Please contact the hotel at 1(800)922-3291 for reservations.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Early Learning Advisory Council Quarterly Meeting and Presentation on “Young English Language Learners” by Dr. Linda M. Espinosa.

A copy of the agenda may be obtained by contacting: Lisa.Billups@flaawi.com Agenda will be available 7 days before the meeting date.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Pilotage Rate Review Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 2, 2010, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and entry of a Final order regarding the application for rate change filed by the Ft. Pierce Pilots Association.

A copy of the agenda may be obtained by contacting: Pilotage Rate Review Board, 1940 N. Monroe Street, Tallahassee, FL 32399-0773.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days 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 **Regulatory Council of Community Association Managers** announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2010, 10:30 a.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458.

Pursuant to the provisions of 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: Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458. If you are 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: Regulatory Council of Community Association Managers office at (850)922-5012 or via Fax: (850)617-4458.

The **Department of Business and Professional Regulation** announces a public meeting to which all persons are invited.

DATE AND TIMES: January 26, 2010, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399

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: Jeffrey J. 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: Jeffrey J. 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.

For more information, you may contact: Jeffrey J. 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.

The **Board of Veterinary Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: March 2, 2010, 8:00 a.m.

PLACE: Embassy Suites, 1100 South East 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32303, (850)922-7154.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32303, (850)922-7154. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32303; (850)922-7154.

The **Florida Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 11, 2010, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett at 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janet Garrett at 1(888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32315, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: January 27, 2010, 9:00 a.m. – 2:00 p.m.

PLACE: Videoconferencing Rooms as follows: Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, FL 32399, Video Conference Room 609, 2295 Victoria Avenue, Fort Myers, FL 33901, Video Conference Room 38H, 7825 Baymeadows Way, Jacksonville, FL 32256, Video Conference Room 213A, 3319 Maguire Blvd., Orlando, FL 32803, Video Conference Room

F, 160 Government Center, Pensacola, FL 32502, Video Conference Room 501A, 13051 North Telecom Parkway, Temple Terrace, FL 33637, Video Conference Room 111, 400 North Congress Avenue, West Palm Beach, FL 33401, Video Conference Room (no number)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the ninth meeting of an advisory committee composed of technical experts from government and private industry to help develop compliance assistance educational materials for the generation, segregation, packaging, transport, and disposal of biomedical and universal pharmaceutical wastes that are regulated by three Florida agencies: DEP for waste management, DOH for infectious waste, drug distribution and diversion and DOT for transportation.

A copy of the agenda may be obtained by contacting: Yvonne Peters by e-mail: yvonne.peters@dep.state.fl.us or by calling (850)245-8707.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Yvonne Peters by e-mail: yvonne.peters@dep.state.fl.us or by calling (850)245-8707. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, February 8, 2010, 10:00 a.m. – 12:00 Noon

PLACE: 1(888)808-6959, Conference Code: 4513843#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado by e-mail: rebecca.prado@dep.state.fl.us, by phone: (850)245-2094 or by mail: 3900 Commonwealth Blvd., MS #235, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Becky Prado at rebecca.prado@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a public meeting to which all persons are invited.

DATE AND TIME: February 10, 2010, 9:00 a.m. – 5:00 p.m. (CST)

PLACE: Florida Department of Environmental Protection, 160 Government Street, Room 502, Pensacola, Florida 32501

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being held to aid the Department in establishing numeric nutrient criteria for estuaries and coastal waters in the following areas: Perdido Bay, Pensacola Bay, Choctawhatchee Bay, and St. Andrews Bay.

The Department is seeking to gather information on individual marine systems that will serve to support statewide criteria development and provide a solid foundation to establish nutrient criteria appropriate for each specific area. The purpose of the meeting is to solicit and discuss information regarding nutrients and documented associations between nutrients and ecological conditions within the estuaries. While not intended as a meeting of the Numeric Nutrient Criteria Technical Advisory Committee (Nutrient TAC), one or more members of the Nutrient TAC may participate and provide comments at this meeting.

A copy of the agenda may be obtained by contacting: Russel Frydenborg, Florida Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS #6511, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8063 or e-mail: russel.frydenborg@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: Russ Frydenborg at (850)245-8063. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a public meeting to which all persons are invited.

DATE AND TIME: February 11, 2010, 9:00 a.m. – 5:00 p.m. (EST)

PLACE: City of Apalachicola City Hall, City Hall Conference Room, 1 Bay Avenue, Apalachicola, Florida 32320

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being held to aid the Department in establishing numeric nutrient criteria for estuaries and coastal waters in the following areas: St. Joseph Bay, Apalachicola Bay (including St. Vincent Sound, East Bay, St. George Sound), Alligator Harbor/Ochlockonee Bay, and Apalachee Bay east to the Fenholloway River.

The Department is seeking to gather information on individual marine systems that will serve to support statewide criteria development and provide a solid foundation to establish nutrient criteria appropriate for each specific area. The purpose of the meeting is to solicit and discuss information regarding nutrients and documented associations between nutrients and ecological conditions within the estuaries. While not intended

as a meeting of the Numeric Nutrient Criteria Technical Advisory Committee (Nutrient TAC), one or more members of the Nutrient TAC may participate and provide comments at this meeting.

A copy of the agenda may be obtained by contacting: Denise Miller, Florida Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS #6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8068 or email: denise.miller@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: Denise Miller at (850)245-8068. If you are 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 **Acquisition and Restoration Council** announces a public meeting to which all persons are invited.

Public Hearings:

DATES AND TIME: February 18, 2010; April 15, 2010; **May (Date and time TBA); June 10, 2010; August 12, 2010; October 14, 2010; **November (Date and Time TBA); December 9, 2010, All meetings will begin at 9:00 a.m. unless otherwise noted

Council Meetings:

DATES AND TIME: February 19, 2010; April 16, 2010; June 11, 2010; August 13, 2010; October 15, 2010; December 10, 2010, All meetings will begin at 9:00 a.m. unless otherwise noted.

PLACE: Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Conference Room A, Tallahassee, Florida (unless otherwise stated)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Defined in Section 259.035, Florida Statutes, announces the following calendar of 2010 for their public hearings/meetings to which all interested parties are invited for the purposes of conducting business of the Council, including the review of land acquisition proposals, management plans and proposed uses of state-owned lands and to conduct other business of the Council.

A copy of the agenda may be obtained by contacting: Office of Environmental Services at (850)245-2784 or Teresia Whalen via email: teresia.whalen@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: Office of Environmental Services at (850)245-2784 or Teresia Whalen via email: teresia.whalen@

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: Office of Environmental Services at (850)245-2784 or Teresia Whalen via email: teresia.whalen@dep.state.fl.us.

DEPARTMENT OF HEALTH

The **Board of Acupuncture** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 11, 2010, 9:30 a.m. or shortly thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454588#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Standards for Approval of Continuing Education Credit.

A copy of the agenda may be obtained by contacting: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161. If you are 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 Acupuncture** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 11, 2010, 9:30 a.m. or shortly thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454588#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161. If

you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Clinical Laboratory Personnel** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, February 9, 2010, 9:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9849329103#. Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/clinlab/index.html.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Nursing**, Central Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 28, 2010, 3:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code: 0109310#

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Rick García, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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

contacting: 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.

For more information, you may contact: Rick García, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Optometry** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 12, 2010, 9:00 a.m., and be held by telephone conference call if necessary

PLACE: Embassy Suites, 9300 Baymeadows Road, Jacksonville, Florida 32256, (904)731-3555

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/optometry/index.html.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Speech-Language, Pathology and Audiology** announces a public meeting to which all persons are invited.

DATE AND TIME: February 8, 2010, 9:30 a.m.

PLACE: 4042 Bald Cypress Way, Room 310S, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Training for new Board Members. No cases will be heard.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of, Speech-Language, Pathology & Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161.

Pursuant to the provisions of 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: Christy Robinson, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161. If you are 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 **Drug Wholesale Distributor Advisory Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 18, 2010, 9:30 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9766152#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

The agenda will be placed on the Drug, Devices, and Cosmetics website at www.doh.state.fl.us/mqa/ddc seven 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 7 days before the workshop/meeting by contacting: Drug, Devices, and Cosmetics Program 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.

For more information, you may contact: Drug, Devices, and Cosmetics Program, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3256, (850)245-4292.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2010, 10:00 a.m. – 3:00 p.m.

PLACE: Department of Children and Families, Northeast Regional Office, 5920 Arlington Expressway, Jacksonville, FL 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED: Gabriel Myers Work Group regarding Child on Child sexual abuse.

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2010, 3:00, p.m.

PLACE: 1317 Winewood Blvd., Building 6, Room 350, Tallahassee, Florida 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Initial meeting of Department Evaluators as provided for in Sections 2.5 and 6.3, and Appendix VI of RFP # 12J09AP1, published on the Vendor Bid System (VBS) on January 5, 2010.

Notice of the foregoing meetings will be posted within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes. The VBS can be accessed at: http://vbs.dms.state.fl.us/vbs/main_menu.

The agenda for this meeting is provided for in Appendix VI, Instructions to Evaluators, of RFP # 12J09AP1.

Pursuant to the provisions of 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. Contact Person listed in Section 2.1 of RFP #12J09AP1. If you are 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 **Adult Protective Services Select Advisory Panel** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, February 3, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4882881#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of the review of all aspects of the Department's adult protection system and identify areas that need improvement.

A copy of the agenda may be obtained by contacting: Adult Protective Services Program Office at (850)488-2881.

Pursuant to the provisions of 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: Adult Protective Services Program Office at (850)488-2881. If you are 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: Robert Anderson at (850)488-2881, Fax: (850)922-4193.

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2010, 1:00, p.m.

PLACE: 1317 Winewood Blvd., Building 6, Room 350, Tallahassee, Florida 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Debriefing meeting of Department Evaluators as provided for in Sections 2.5 and 6.3, and Appendix VI of RFP #12J09AP1, published on the Vendor Bid System (VBS) on January 5, 2010.

Notice of the foregoing meeting is posted within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes. The VBS can be accessed at: http://vbs.dms.state.fl.us/vbs/main_menu.

The agenda for each meeting is provided for in Appendix VI, Instructions to Evaluators, of RFP #12J09AP1.

Pursuant to the provisions of 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. Contact Person listed in Section 2.1 of RFP #12J09AP1. If you are 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 Children and Families** announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 25, 2010, 9:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4871987#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the second meeting of the Statewide Task Force on Human Trafficking, which was created during the 2009 legislative session.

For more information, you may contact: Regina Bernadin at (305)376-1948.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2010, 9:00 a.m. – 5:00 p.m.

PLACE: Hilton Ocala, 3600 S.W. 36th Avenue, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FWC will be holding a meeting of the Blue Crab Advisory Board established in Chapter 68B-45, Florida Administrative Code. The Board will discuss issues regarding the blue crab

fishery that will include, but may not be limited to, the recently implemented blue crab trap closures, licensing and tag issues, research needs, and the Blue Crab Effort Management Program.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Robson, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

FLORIDA COLLEGE SYSTEM RISK MANAGEMENT CONSORTIUM

The **Florida College System Risk Management Consortium** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, January 22, 2010, 10:00 a.m. – 2:00 p.m.

PLACE: Renaissance Hotel – Orlando Airport, 5445 Forbes Place, Orlando, FL 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Florida College System Risk Management Consortium.

DISABILITY SOLUTIONS FOR INDEPENDENT LIVING, INC.

The **Disability Solutions for Independent Living, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: January 25, 2010, 6:00 p.m. – 8:00 p.m.

PLACE: 119 S. Palmetto Ave., Suite 180, Daytona Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a Board of Directors Meeting, that is open to the public. Fundraising efforts and the expansion of the agency's programs will be discussed, as well as a review of the fiscal reports.

A copy of the agenda may be obtained by contacting: Kristine Cravener at kristine@dsil.org or call (386)255-1812 or TTY: (386)252-6222.

Pursuant to the provisions of 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: Kristine Cravener at kristine@dsil.org or call

(386)255-1812 or TTY: (386)252-6222. If you are 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 INDEPENDENT LIVING COUNCIL, INC.

The **Florida Independent Living Council, Inc.** announces a public meeting to which all persons are invited.

MEETING: Planning Committee Meeting

DATES AND TIME: Tuesday and Wednesday, January 26-27, 2010, 9:00 a.m.

PLACE: FILC, Inc., Administrative Office, 1416 N. Adams Street, Tallahassee, Florida 32303

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, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

A copy of the agenda may be obtained by contacting: Molly Gosline at (850)488-5624.

SCRIPPS FLORIDA FUNDING CORPORATION

The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 27, 2010, 12:00 Noon (EST)

PLACE: Conference Call: (219)509-8322, Passcode: 888954#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will hear a report from the audit committee and discuss the 2010 SFFC budget and insurance renewal.

Contact: <http://www.flgov.com/scripps> for meeting agenda, date, time and place information. The date, time, and/or place are subject to change.

Pursuant to the provisions of 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: jenni.garrison@myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: jenni.garrison@myflorida.com.

CITIZENS PROPERTY INSURANCE CORPORATION

The Information Technology Department of **Citizens Property Insurance Corporation** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, January 29, 2010, 9:00 a.m. – 10:30 a.m.

PLACE: 101 North Monroe St., Suite 1000, 10th Floor, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Citizens IT senior leadership team will convene for an informational workshop to review status and plans. NOTE: Two or more members of the Citizens Board of Governors may attend and participate.

A copy of the agenda may be obtained by contacting: Will be available on the Citizen’s website: <http://www.citizensfla.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: Stephanie Martin at Stephanie.Martin@citizensfla.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).

SOIL AND WATER CONSERVATION DISTRICT

The **Clay Soil and Water Conservation District** announces a workshop to which all persons are invited.

DATE AND TIME: February 1, 2010, 11:30 a.m.

PLACE: Clay County UF-IFAS Extension, 2463 State Road 16 West, Green Cove Springs, FL 32043-0278

GENERAL SUBJECT MATTER TO BE CONSIDERED: Supervisor Training.

A copy of the agenda may be obtained by contacting: Michelle Thatcher at (407)310-1744.

Pursuant to the provisions of 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: Michelle Thatcher at (407)310-1744. If you are 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 **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2010, 5:00 p.m.

PLACE: 6191 Orange Drive, Suite 6181-P, Davie, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District Board.

A copy of the agenda may be obtained by contacting: (954)584-1306 or Mail@browardswcd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)584-1306 or Mail@browardswcd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Russell M. Setti at (954)584-1306 or Mail@browardswcd.org.

The **Marion Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATES AND TIME: The 2nd and 4th Tuesday of each month of 2010, 9:00 a.m.

PLACE: 2441 N. E. 3rd St., Suite 204-2, Ocala, FL 34470

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business matters that may come before the board will be addressed at the regular board meetings on: 01/12, 02/09, 03/09, 04/13, 05/11, 06/08, 07/13, 08/10, 09/14, 10/12, 11/09, 12/14. The following dates are created for workshops: 01/26, 02/23, 03/23, 04/27, 05/25, 06/22, 07/27, 08/24, 09/28, 10/26, 11/23, 12/28.

A copy of the agenda may be obtained by contacting: Becky Tindale at (352)622-3971, Option 3.

The **Hendry Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2010, 1:00 p.m.

PLACE: 1085 Pratt Blvd., LaBelle Florida 33935

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by contacting: Barbara Tillis at (863)674-4160.

SOUTHWOOD SHARED RESOURCE CENTER

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 1, 2010, 3:00 p.m.

PLACE: Room 114, Executive Conference Room, Caldwell Building, 107 E. Madison Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the SSRC Operations and Finance Committee.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 3, 2010, 10:00 a.m.

PLACE: Room 129, Burns Building, 605 Suwannee Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Date Center Meeting. Executive Directors and Board Chairs of the three state primary data centers (PDCs) will meet to discuss relevant issues.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflordia.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 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflordia.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflordia.com.

GOVERNOR'S COMMISSION ON DISABILITIES

The **Governor's Commission on Disabilities**, Healthcare Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, February 4, 2010, 1:00 p.m. – 4:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6101108#, 4030 Esplanade Way, Suite 260, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is meeting to fulfill the mandate of Executive Order 08-193.

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. If you need assistance in converting files to alternative formats, please send them to commission@dms.myflorida.com.

AREA AGENCY ON AGING OF PASCO-PINELLAS, INC.

The **Area Agency on Aging of Pasco-Pinellas, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: February 8, 2010, 9:30 a.m.

PLACE: 9887 4th St. N., Suite 100, St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Elizabeth Laubach at (727)570-9696.

Pursuant to the provisions of 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: Elizabeth Laubach at (727)570-9696. If you are 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: Elizabeth Laubach at (727)570-9696.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN THAT the Department of Education has issued an order disposing of the petition for declaratory statement filed by Imagine Schools Non-Profit, Inc. on January 4, 2010. The following is a summary of the agency's disposition of the petition:

The Department has determined that the proper mechanism to make a statement of general eligibility relating to nonprofit organization is through rulemaking, therefore, the Department will initiate rulemaking to define "nonprofit organization" for purposes of Section 1002.33, Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lynn Abbott at lynn.abbott@fldoe.org

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has declined to rule on the petition for declaratory statement filed by the Alliance of City Employees on November 4, 2009. The following is a summary of the agency's declination of the petition:

The Commission declined to issue a declaratory statement because it is not the appropriate means for determining the conduct of another person.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 150, Tallahassee, Florida 32399-0950.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Florida Real Estate Commission has received the petition for declaratory statement from Daniel Villazon, Esq., on behalf of Everglades Housing Group, Inc. (EHG). The petition seeks the agency's opinion as to the applicability of Section 475.011(2), F.S. as it applies to the petitioner.

The Petitioner seeks a Declaratory Statement stating that EHG is exempt pursuant to Section 475.011(2), F.S., from maintaining a Florida real estate broker's license when its salaried employees provide property management services for the real property owned by EHG's parent corporation's affiliated companies.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

Please refer all comments to: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Acupuncture has received the petition for declaratory statement from Olga Ham Chi, AP. The petition seeks the agency's opinion as to the applicability of as it applies to the petitioner.

The petitioner seeks the Board's approval to write "script" to assigned massage therapist in her practice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Kaye Howerton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399-3256, or by calling (850)245-4161.

Please refer all comments to: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399-3256. Comments must be made within 14 days of publication of this notice.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO DESIGN/BUILDER:

The University of Florida Board of Trustees announces that Design/Build services will be required for the project listed below:

Project: UF-362, UF & Shands Jacksonville UDC Building Renovations (Jacksonville, Florida)

The project consists of an upgrade of the building envelope and utilities infrastructure, roof replacement, and selective renovation of approximately 20,860 gross square feet (GSF), of the UDC Building under several phases of construction that minimize disruption to the building occupants. The Shands Jacksonville UDC Building is a 3 story, 34,946 GSF facility, constructed in the mid-1950's, located on the Shands Jacksonville Medical Center campus. It has been utilized as a multi-purpose building providing student dormitory space and various hospital support functions over the years.

The total project budget is \$3,200,000, including limited site work and underground utilities, fees and permits, building commissioning, furnishings and equipment and contingencies. Construction shall be "fast-tracked" to begin prior to September 2010. Gold LEED-EB (Leadership in Energy and Environmental Design – Existing Building) certification by the U.S. Green Building Council is mandatory.

The contract for design/build services will consist of two parts. Part one services include design, construction administration, value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) proposal based on 100% Construction Documents, for which the design/builder will be paid a fixed fee.

If the GMP is accepted, part two, the construction phase, will be implemented. In part two of the contract, the design/builder becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for part 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 design/builder's contract.

Blanket design professional liability insurance will be required from the architect, mechanical, electrical, plumbing, fire protection and structural engineering subconsultants for this project in the amount of \$1,000,000 each, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design and construction ability, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and the applicant or its architectural, landscape architectural, and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide design/build services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the DBQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "Design/Builder Qualifications Supplement" (DBQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
5. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for all construction, architectural, landscape architectural, and engineering entities (applicant and consultants) from the appropriate governing board.
6. Proof of bonding capacity and proof of all design entities' or consultants' (architecture and engineering) 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 design/builder 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.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific DBQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Design/Builder agreement, and other project and process information – can be found on the Facilities Planning & 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 to UF Project Manager Chris Singletary. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. (Local Time), Friday, February 19, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning & Construction
 232 Stadium / P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone: (352)273-4000; Fax: (352)273-4034
 Internet: www.facilities.ufl.edu

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

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: GL-32(WRC)

PROJECT NAME & LOCATION: EXPANSION OF THE HOLLYWOOD WORK RELEASE CENTER AT 8501 West Cypress Drive, Pembroke Pines, Florida 33025-4542.

FOR: STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder, whose field is governed by Chapters 399, 489, and 633, Florida Statutes, for licensure or certification, must submit prequalification data of their eligibility to submit proposals as soon as possible. Bidders must receive confirmation of their prequalification five (5) calendar days prior to the bid opening date. If not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years, or you are unsure, please contact: Ms. Sandra Rogers at (850)922-8855, for prequalification instructions. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the “Instruction to Bidders” under Article B-2 “Bidder Qualification Requirements and Procedures”.

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: February 26, 2010, 2:00 p.m. (EST)

PLACE: Clemons Rutherford & Associates, 2027 Thomasville Road, Tallahassee, Florida 32308

Any person with a qualified disability requiring special accommodations at the pre-bid conference, and/or bid/proposal opening, shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using Florida Relay Services by dialing 1(800)955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Clemons Rutherford & Associates, 2027 Thomasville Road, Tallahassee, Florida 32308, (850)385-6153.

Drawings and specifications may be purchased for a Non-refundable price of \$200.00 per set from the Architect/Engineer. Bidder must pay postage/shipping. Partial sets may not be purchased.

A non-mandatory pre-bid conference will be held on January 29, 2010, 8:30 a.m. (EST), at the Hollywood Work Release Center’s, Conference Room. A brief walk-through of the work

area(s) will be available as part of the pre-bid conference. Everyone attending the Pre-Bid conference must have a valid Driver's License or a valid Photo ID; and must sign in and out at the work release center's Administrative Office.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. **RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: GL-34(WRC)

PROJECT NAME & LOCATION: EXPANSION OF THE KISSIMMEE WORK RELEASE CENTER AT 2925 Michigan Avenue, Kissimmee, Florida 34744.

FOR: STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder, whose field is governed by Chapters 399, 489, and 633, Florida Statutes, for licensure or certification, must submit prequalification data of their eligibility to submit proposals as soon as possible. Bidders must receive confirmation of their prequalification five (5) calendar days prior to the bid opening date. If not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years, or you are unsure, please contact: Ms. Sandra Rogers at (850)922-8855, for prequalification instructions. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004,

F.A.C. A copy of the rule requirements is included in the "Instruction to Bidders" under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: February 26, 2010, 2:00 p.m. (EST)

PLACE: Clemons Rutherford & Associates, 2027 Thomasville Road, Tallahassee, Florida 32308.

Any person with a qualified disability requiring special accommodations at the pre-bid conference, and/or bid/proposal opening, shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using Florida Relay Services by dialing 1(800)955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Clemons Rutherford & Associates, 2027 Thomasville Road, Tallahassee, Florida 32308, (850)385-6153.

Drawings and specifications may be purchased for a Non-refundable price of \$200.00 per set from the Architect/Engineer. Bidder must pay postage/shipping. Partial sets may not be purchased.

A non-mandatory pre-bid conference will be held on January 28, 2010, 2:30 p.m. (EST), the Kissimmee Work Release Center's, Conference Room. A brief walk-through of the work area(s) will be available as part of the pre-bid conference. Everyone attending the Pre-Bid conference must have a valid driver's license or a valid photo ID; and must sign in and out at the Work Release Center's Administrative Office.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. **RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.**

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."

SIXTH JUDICIAL CIRCUIT

The Chief Judge of the Sixth Judicial Circuit intends to issue a Request for Proposal (RFP) by mid-February 2010, for bids for one entity to provide managed mediation program services in residential mortgage foreclosure suits in Pasco and Pinellas Counties, Florida. The managed mediation services intended

are described in Supreme Court Administrative Order No.: AOSC09-54, In Re: Final Report and Recommendations on Residential Mortgage Foreclosure Cases, issued December 28, 2009, which is available online at: <http://www.floridasupremecourt.org/clerk/adminorders/2009/AOSC09-54.pdf>. If you are interested in providing the managed mediation services for the Sixth Circuit, please review Administrative Order No.: AOSC09-54 now to determine the services that may be solicited in the RFP.

When an RFP is issued, it will be posted on the Sixth Judicial Circuit Internet site: www.jud6.org. Because the Sixth Circuit desires to promptly implement AOSC09-54 to help address its large numbers of foreclosure filings, the Circuit anticipates that all bids will be due within 30 days after an RFP is issued.

Please routinely check www.jud6.org for posting of the RFP. For email notice that an RFP has issued, please email a request with the subject line of "Managed Mediation Services RFP" to: courts@jud6.org.

CITY OF FORT LAUDERDALE

Sealed bids will be received until 2:00 p.m., Wednesday, February 17, 2010, in the Office of the City Engineer, Public Services Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for PROJECT #11444-N – WASTEWATER CONVEYANCE SYSTEM LONG-TERM REMEDIATION PROGRAM PROJECT #15 – BASIN D-37 NORTH LATERALS.

The work includes: The rehabilitation of sewer laterals identified in the contract documents by using the cured-in-place pipe method for lateral pipes. Acceptable lateral rehabilitation products listed in the Contract Documents. The work includes pre and post television survey, flow monitoring, flow bypass, traffic control, site restoration, and related operations as required resulting in complete and satisfactory rehabilitation of the sewer laterals in Sewer Basin D-37 North. A pre-bid meeting will be held at 2:00 p.m., Wednesday, January 27, 2010, the Program Management Team Office at 200 North Andrews Avenue, Suite 300 (Third Floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended but not mandatory.

ADDENDA AND INTERPRETATIONS – No interpretations of the meaning of the specifications or other contract documents will be made orally to any bidder. Prospective bidders must request from the Engineer such interpretation in writing. To be considered, such request must be received by February 5, 2010. Requests submitted after the aforementioned deadline will not be considered, regardless of when the plans were purchased from the Office of the City Engineer.

Bidding blanks may be obtained at: Office of the City Engineer. Specifications are on file in the Office of the City Engineer. Bidders are encouraged to carefully review the project specifications, particularly Sections 02563 CURED-IN-PLACE LATERAL LINER and 02564 CURED-IN-PLACE SECTIONAL CONNECTION SEAL AND LATERAL LINER. Bids will be considered non-responsive if the pre-bid submittal requirements are not.

This project may be funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplementary Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier's check, bank officer's check or bid bond for 5% of the amount bid, made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids.

Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line at (954)828-5688. For general inquiries please call (954)828-5772.

Jonda K. Joseph
City Clerk
NTC-1

SARASOTA MEMORIAL HOSPITAL

REQUEST FOR STATEMENTS OF QUALIFICATIONS
for GENERAL CONTRACTING WORK for The Sarasota
Memorial Hospital Nursing and Rehabilitation Center for the
SARASOTA COUNTY PUBLIC HOSPITAL BOARD
SARASOTA MEMORIAL HOSPITAL
SARASOTA, FLORIDA

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from General Contracting Firms. The scope of work may include pre-construction phase services such as cost estimating, value engineering, critical path method scheduling, constructability reviews and cost control, in addition to phased construction management services for the common areas and resident rooms upgrade on approximately 32,250 sq. ft., of an existing, occupied nursing and rehabilitation facility located at 5640 Rand Blvd., Sarasota, FL 34238. Firms interested in being

considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida construction licensure and corporate registration certificates.
2. Completed AIA Document A305 Contractor's Qualification Statement, latest edition.
3. Proof of general, automobile and workers' compensation liability insurance coverage.
4. A separate statement as to whether the firm is a certified Small/or Minority Business Enterprise as defined by the Florida Small Business Assistance Act of 1985.
5. A list of at least five client references consisting of name, title, address, telephone number and project name(s) for each project.
6. Resumes of key personnel that would be used on this project.
7. A schedule of completion based on provided interior design scope of work and related phasing plans.
8. Past experience of a phased interior update of an occupied nursing and rehabilitation facility project.
9. A list of AHCA reviewed and/or inspected projects. No others are considered applicable.
10. Location of firm's main office.

All interested firms are further informed as follows:

1. The Hospital reserves the right to reject any or all submittals.
2. The basis for selecting candidates includes, but is not limited to, consideration of related project experience, qualifications of proposed team and schedule. The Hospital reserves the right to request additional information beyond the data set forth above.
3. Any general contracting firm previously engaged in phasing, scheduling or pricing on this project is excluded from participating in the selection of or providing general contracting work on this project.
4. Electronic project related information packets are available for pick up on Wednesday January 27, 2010, at 1515 S. Osprey Ave., Building A, Sarasota, FL 34239.

Submissions shall be titled

GENERAL CONTRACTING WORK

for

The Sarasota Memorial Hospital
Nursing and Rehabilitation Center
SARASOTA, FLORIDA

5. Submittals shall not contain pricing information.
6. Submittals must be received by the Hospital no later than 3:30 p.m., Wednesday, February 17, 2010 and submitted to Thomas Perigo, Director of Architecture and Facility Planning located at 1515 S. Osprey Avenue, Building A, Sarasota, FL 34239. Submittals received after this deadline will remain unopened and available for pick up.

7. The selection committee will meet in a public meeting at Waldemere Auditorium located at 1700 S. Tamiami Tr., Sarasota, FL 34239, Level One, on Monday March 8, 2010 from 8:00 a.m. to 12:00 Noon, to discuss and announce the top three ranked firms with whom the Hospital will subsequently engage in contract negotiations. All interested parties are invited to attend.
8. Interested persons should contact: Jim Bugyis at (941)917-1802 with any project related questions.
9. No attempts shall be made to contact Administrators, Board Members or any SMH staff other than the contact name listed, under the potential penalty of disqualification from the process.

Section XII Miscellaneous

DEPARTMENT OF EDUCATION

The Florida Department of Education announces the call for publishers' submissions of comprehensive prekindergarten curricula for the 2010 Voluntary Prekindergarten (VPK) Curriculum Approval Process.

For the purposes of this approval process, a curriculum is defined as a set of written materials that

- is replicable
- addresses the use of materials, scheduling, arranging the environment, and interaction between children and adults, either separately or in combination
- includes more than activity suggestions and more than theory and pedagogy
- is aligned with the VPK Education Standards
- is aligned with scientifically-based research.

Only comprehensive curricula will be reviewed for approval during this process. In order to be considered comprehensive, the materials submitted must stand alone and cover the VPK Education Standards in all eight domains. If ancillary or supplemental materials are required in order for a given curriculum to be considered comprehensive those additional materials must be submitted with the basic curriculum as a packaged set (i.e., "curriculum package") and must be made available to providers as a complete curriculum at a set price.

For information on the 2008 Florida VPK Education Standards, see a list of standards and benchmarks at: <http://www.fldoe.org/earlylearning/pdf/vpkedstandard.pdf> or purchase the standards book from UNF/FIE at: <http://www.unf.edu/dept/fie/PDF%20Folder/Support%20Materials%202009.pdf>.

Information about the process, including policies and procedures, specifications, and deadlines, will be posted on the DOE/OEL website at in the near future at: <http://www.fldoe.org/earlylearning/curric.asp>. Questions related to this

announcement may be directed to: Dr. Tara Huls, Program Specialist or Denise Bishop, Director of Program Standards and Professional Development at (850)245-0445 or by email: tara.huls@fldoe.org or denise.bishop@fldoe.org, respectively.

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 Spyker Automobielen B.V. Limited Liability Company, intends to allow the establishment of C.M.Z. Enterprises, Inc., as a dealership for the sale of automobiles manufactured by Spyker Automobielen B.V. Limited Liability Company (SPYK) at 14100 Biscayne Boulevard, North Miami (Miami-Dade County), Florida 33181, on or after February 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of C.M.Z. Enterprises, Inc. are dealer operator(s): Craig M. Zinn, 16150 Pines Boulevard, Pembroke Pines, Florida 33027; principal investor(s): Craig M. Zinn, 16150 Pines Boulevard, Pembroke Pines, Florida 33027.

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: Carsten F. Preisz, Spyker of North America, LLC, 3075 East Thousand Oaks Boulevard, Suite 32, Westlake Village, California 91362.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Suzuki Motor Corporation, intends to allow the relocation of Sky Powersports of Hudson, LLC, as a dealership for the sale of motorcycles manufactured by American Suzuki Motor Corporation (SUZI) from its present location at 16609 US Highway 19 North, Hudson (Pasco County), Florida 34667, to a proposed location at 8822 US Highway 19, Port Richey (Pasco County), Florida 34668, on or after February 15, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Sky Powersports of Hudson LLC, are dealer operator(s): Charles R. Northey, & Robert P. Lehoullier 16609 US Highway 19 North, Hudson, Florida 34667, principal investor(s): Charles R. Northey, & Robert P. Lehoullier, 16609 US Highway 19 North, Hudson, Florida 34667-4381.

The notice indicates intent to relocate the franchise 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, 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: Tom Buttlerman, American Suzuki Motor Corporation, 3251 East Imperial Highway, Brea, California 92821.

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 General Motors, LLC, intends to allow the establishment of BCSS, Ltd., as a dealership for the sale of

automobiles manufactured by General Motors, LLC (BUIC) at 5500 North State Road 7, Coconut Creek (Broward County), Florida 33073, on or after February 22, 2010.

The name and address of the dealer operator(s) and principal investor(s) of BCSS, Ltd., are dealer operator(s): Louis C. Bachrodt III, 5500 North State Road 7, Coconut Creek, Florida 33073; principal investor(s): Louis C. Bachrodt III, 5500 North State Road 7, Coconut Creek, Florida 33073.

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: Greg Ross, General Motors, LLC, 100 GM Renaissance Center, Detroit, Michigan 48265.

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 General Motors, LLC, intends to allow the establishment of BCSS, Ltd., as a dealership for the sale of automobiles manufactured by General Motors, LLC (GMC) at 5500 North State Road 7, Coconut Creek (Broward County), Florida 33073, on or after February 22, 2010.

The name and address of the dealer operator(s) and principal investor(s) of BCSS, Ltd. are dealer operator(s): Louis C. Bachrodt III, 5500 North State Road 7, Coconut Creek, Florida 33073; principal investor(s): Louis C. Bachrodt III, 5500 North State Road 7, Coconut Creek, Florida 33073.

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: Greg Ross, General Motors, LLC, 100 GM Renaissance Center, Detroit, Michigan, 48265.

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 Mitsubishi Motors North America, Inc., intends to allow the establishment of Prestige Saturn of Jacksonville, Inc., d/b/a Orange Park Mitsubishi, as a dealership for the sale of automobiles manufactured by Mitsubishi Motors North America, Inc. (MITS) at 8105 Blanding Boulevard, Jacksonville (Duval County), Florida 32244, on or after January 25, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Prestige Saturn Of Jacksonville, Inc. are dealer operator(s): Gregory Jackson, 10863 Phillips Highway, Jacksonville, Florida 32256; principal investor(s): Gregory Jackson, 10863 Phillips Highway, Jacksonville, Florida 32256.

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: Andrew Stewart, Mitsubishi Motors North America, Inc., 516 Heron Drive, Swedesboro, New Jersey 08085.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant’s compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS

Pursuant to Section 324 of the Emergency Planning and Community Right-to-Know Act (EPCRA), the following information is available to the public upon request during normal working hours by the Treasure Coast Regional Planning Council’s Local Emergency Planning Committee, 421 S. W. Camden Avenue, Stuart, FL 34994.

- Hazardous Chemical Inventory (Tier Two) Forms
- Material Safety Data Sheets (MSDS)
- Emergency Release Follow-up Reports
- Hazardous Analyses for Facilities with Extremely Hazardous Substances
- LEPC Hazardous Materials Emergency Response Plan
- How-to-Comply Information Training for First Responders
- “Are You Prepared for a Hazardous Materials Emergency?” Video and Brochure for the General Public
- Other Public Education Materials

Your Telephone Book may contain Hazardous Materials Emergency Information that you could be asked to follow in an actual emergency.

The Treasure Coast Regional Planning Council’s Local Emergency Planning Committee (Florida District 10 LEPC) serves Indian River, Martin, Palm Beach, and St. Lucie Counties. To obtain information on the above items, please contact: Kathryn E. Boer at (772)221-4060, ext. 24, e-mail: kboer@tcrpc.org or visit www.tcrpc.org.

AGENCY FOR HEALTH CARE ADMINISTRATION

HOSPITAL FIXED NEED POOL FOR COMPREHENSIVE MEDICAL REHABILITATION BEDS

The Agency for Health Care Administration has projected a fixed bed need pool for comprehensive medical rehabilitation hospital beds for July 2015 pursuant to the provisions of Rules 59C-1.008 and 59C-1.039, F.A.C. Net bed need projections for comprehensive medical rehabilitation hospital beds have been adjusted according to occupancy rate thresholds as prescribed

by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with: Certificate of Need Program Office, Building 1, Room 220 MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., February 8, 2010.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with: Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Comprehensive Medical Rehabilitation Bed Need

| | Net Adjusted Bed Need |
|-----------------|-----------------------------|
| District 1 | 0 |
| District 2 | 0 |
| District 3 | 0 |
| District 4 | 0 |
| District 5 | 0 |
| District 6 | 0 |
| District 7 | 0 |
| District 8 | 0 |
| District 9 | 0 |
| District 10 | 0 |
| District 11 | 0 |
| Total Statewide | 0 |

NOTICE OF FIXED NEED POOL FOR NEONATAL INTENSIVE CARE SERVICES FOR LEVEL II AND LEVEL III BEDS

The Agency for Health Care Administration has projected a fixed need pool for Level II and Level III neonatal intensive care unit services for July 2012, pursuant to the provisions of Rules 59C-1.008 and 59C-1.042, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with: Certificate of Need Program Office, Building 1, Room 220, MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., February 8, 2010.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with: Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Fixed Need Pool Projections
Neonatal Intensive Care Level II & Level III Services

| | Level II Net Need | Level III Net Need |
|------------|----------------------|-----------------------|
| District 1 | 0 | 0 |
| District 2 | 0 | 0 |
| District 3 | 0 | 4 |
| District 4 | 0 | 4 |
| District 5 | 11 | 0 |
| District 6 | 0 | 0 |
| District 7 | 0 | 0 |
| District 8 | 7 | 2 |
| District 9 | 0 | 0 |

| | | |
|-----------------|----|----|
| District 10 | 0 | 0 |
| District 11 | 0 | 0 |
| Statewide Total | 18 | 10 |

NOTICE OF HOSPITAL FIXED NEED POOLS FOR PSYCHIATRIC AND SUBSTANCE ABUSE BEDS

The Agency for Health Care Administration has projected fixed bed need pools for adult and children and adolescent psychiatric and adult substance abuse beds for July 2015 pursuant to the provisions of Rules 59C-1.008, 59C-1.040, and 59C-1.041, F.A.C. Net bed need projections for adult and children and adolescent psychiatric and adult substance abuse hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. A fixed need pool projection for children and adolescent substance abuse beds is not made because the administrative rule governing this service does not include a mathematical formula for the calculation of need. An applicant seeking approval for these types of beds must establish need in its application. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., February 8, 2010.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with: Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Psychiatric and Substance Abuse Net Bed Need

| | Adult Psychiatric Beds Net Adjusted Bed Need | Children & Adolescent Psychiatric Beds Net Adjusted Bed Need | Adult Substance Abuse Beds Net Adjusted Bed Need |
|-----------------|---|--|---|
| District 1 | 0 | 0 | 0 |
| District 2 | 0 | 0 | 0 |
| District 3 | 1 | 0 | 0 |
| District 4 | 0 | 0 | 0 |
| District 5 | 0 | 0 | 0 |
| District 6 | 0 | 6 | 0 |
| District 7 | 0 | 0 | 0 |
| District 8 | 0 | 0 | 0 |
| District 9 | 0 | 0 | 0 |
| District 10 | 0 | 0 | 0 |
| District 11 | 0 | 0 | 0 |
| Total Statewide | 1 | 6 | 0 |

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Department of Environmental Protection (Department) gives notice of its intent to issue a variance (0151551-014-EV-VE) to CF Industries, Inc. (CF), Post Office Box 1549, Wauchula, Florida 33873, under Section 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(30), Florida Administrative Code (F.A.C.), which provides minimum standards for dissolved oxygen levels in surface waters. This variance will only apply to dissolved oxygen levels within the hypolimnion (the deepest layer) of each man-made lake constructed under conceptual reclamation plan CFI-SP-CPC at CF's South Pasture Mine.

The South Pasture Mine is located approximately 13 miles northwest of the City of Wauchula, approximately 0.5 of a mile south of State Road 62, and along the east and west sides of Fort Green-Ona Road (County Road 663) in Sections 20-29 and 32-36, Township 33 South, Range 23 East; Sections 17, 18, and 20-36, Township 33 South, Range 24 East; and Sections 19 and 30, Township 33 South, Range 25 East in Hardee County, Florida. The primary drainage basins on the site are Brushy Creek, Coons Bay Branch, Doe Branch, East Branch, Gum Swamp Branch, Hog Branch, Horse Creek, Lettis Creek, Plunder Branch, Shirttail Branch, and Troublesome Creek (all Class III waters). The project is located entirely in the Peace River Basin, Class III Waters.

The dissolved oxygen levels in the hypolimnions of the man-made lakes are expected to drop below the minimum of 5.0 mg/L at times. The low dissolved oxygen levels in the hypolimnions of the man-made lakes are not expected to result in any on-site or off-site impacts. Oxygen levels in the upper layers of the man-made lakes are expected to meet the requirements of Rule 62-302.530, F.A.C., and be adequate to support healthy fish populations. Once reclamation is completed, the man-made lakes will be connected to reclaimed and/or preserved wetlands and streams. Water exiting each of the man-made lakes is expected to meet the requirements for dissolved oxygen and other water quality criteria of Rule 62-302.530, F.A.C. There is no practical means known or available to achieve the required dissolved oxygen levels within the hypolimnions of the man-made lakes. Therefore, consistent with Section 373.414(6)(a), F.S., the Department intends to grant a variance pursuant to Section 403.201(1)(a), F.S., for dissolved oxygen within the hypolimnions of the man-made lakes approved in conceptual reclamation plan CFI-SP-CPC.

Under this intent to issue, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Section 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific

facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with: Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

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 Indian River County Board of County Commissioners, c/o Jonathan Gorham – Coastal Coordinator, 1900 27th Street, Vero Beach, FL 32960, (File No.: 0285993-002-EV) to allow a temporary mixing zone at the beach placement site of 500 meters down drift and up to 130 meters offshore, or to the nearest continuous hardbottom edge, whichever is less, when using an approved upland sand source; and to allow a mixing zone of 750 meters down drift and up to 130 meters offshore, or to the nearest continuous hardbottom edge, whichever is less, when using an approved offshore sand source. The variance is sought in conjunction with a joint coastal permit application (File No.: 0285993-001-JC) to construct a beach restoration project along a 6.6-mile section of Indian River County coastline (Sector 3) in Class III waters of the Atlantic Ocean, including a portion located within the Archie Carr National Wildlife Preserve, which is designated as Outstanding Florida Waters (OFW). Turbidity at the edge of the mixing zone shall not exceed 29 NTUs above background when the mixing zone terminates outside the OFW and shall not exceed

background turbidity levels when the mixing zone terminates within the OFW. The variance is sought during the time period of construction for the life of the permit.

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, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573 of the Florida Statutes 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: Office of General Counsel of the Department, 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 subsections 28-106.111(2) and 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.

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 Okaloosa County, 1540 Miracle Strip Parkway, S. E., Ft. Walton Beach, FL 32548 (File No.: 0286575-002-BV) to allow the turbidity mixing zone to exceed 150 meters for work within Gulf Islands National Seashore, Outstanding Florida Waters (OFW); and Rule 62-4.242(2)(a)2.b., F.A.C., to allow water quality degradation within an OFW to extend beyond a period of thirty (30) days to ninety (90) days, in order to complete the project. The County intends to undertake a beach restoration project in Okaloosa County along the shoreline from Department of Environmental Protection Reference Monument R-17 to R-23. At the dredge sites, the mixing zone would extend 1,500 meters downcurrent of the dredge. 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 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201, (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): Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, 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: Office of General Counsel of the Department, 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 subsections 28-106.111(2) and 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: Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standard for color pursuant to Rule 62-520.500, F.A.C., as part of the Class V underground injection control operation Permit Number 141218-033-040-UO/5X for the City of Marco Island Marco Lakes raw water supply. The exemption is for the aquifer storage and recovery (ASR) project injecting surface water from Marco Lakes into Class G-II ground water. The ASR facility is located east of CR 951, north of US 41, and west of Henderson Creek, Collier County, Florida. The exemption is granted for the duration of Marco Island's underground injection control operation permit number 141218-033-040-UO/5X for ASR-1, 2, 3, 5, 6, 8, and 9 and is made a part of the permit. The applicant, in conjunction with the Permit Number 141218-033-040-UO/5X, must petition for any future exemptions for construction of any new ASR wells or an operation permit for any ASR project at the facility.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received): Office of General Counsel of the Department, 3900

Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, within 21 days of publication of this notice. The petitioner must mail a copy of the petition to the applicant, the City of Marco Island, Mr. Rony Joel, Director of Public Works, 50 Bald Eagle Drive, Marco Island, Florida 34145, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department case or identification number and the county in which the subject matter or activity is located;
- (b) A statement of when and how each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) Demand for relief (sought by the petitioner, stating precisely the action that the petitioner wants the Department to take).

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petitions have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida

Department of Environmental Protection, 2600 Blair Stone Road, Room 212E, Tallahassee, Florida 32399-2400; telephone Joe Haberfeld at (850)245-8655.

NOTICE OF INTENT TO ISSUE PROPOSED
MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Cedar Bay Cogeneration Plant, Power Plant Siting Application No. PA88-24I, OGC Case No.: 09-4160. Pursuant to Section 403.516(1)(c), Florida Statutes, the Department proposes to modify the Conditions of Certification for the Cedar Bay Cogeneration Power plant site to conform with revised rule language, including the facility's Ground Water Monitoring Report [DEP form 62-620.910(10)]. A copy of the proposed modification may be obtained by contacting: Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Levy Nuclear Project, Power Plant Siting Application No. PA08-51, OGC Case No. 09-4277. On December 16, 2009 the Department received a request to modify the Conditions of Certification for the Levy Nuclear Project from Progress Energy Florida (PEF) pursuant to Section 403.516(1)(c), Florida Statutes, to alter the submittal

deadline for refinements to the January 13, 2009 Wetland Mitigation Plan. The Department proposes to modify the Conditions of Certification to alter the submittal deadline and to permit further extensions by agreement of PEF and the Department. A copy of the proposed modification may be obtained by contacting: Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification hearing have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification hearing and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be subsequently reached, then pursuant to Section 403.516(1)(c)3., Florida Statutes, and Rule 62-17.211, Florida Administrative Code, PEF or the Department may file a request for a hearing with the Department and the Division of Administrative Hearings on those portions of the request for modification to which written objections were timely filed. The request for hearing will be handled pursuant to Chapter 120, Florida Statutes, and in accordance with Section 403.516(1)(c)4., Florida Statutes, and subparagraph 62-17.211(1)(b)7., Florida Administrative Code. Mediation is not available in this proceeding.

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 United States Corps of Engineers, 701 San Marco Blvd., Jacksonville, FL 32207, (File No.: 0221569-009-BV) to allow the turbidity mixing zone to exceed 150 meters for work within Pinellas County Aquatic Preserve, Outstanding Florida Waters (OFW); and sub-subparagraph 62-4.242(2)(a)2.b., F.A.C., to allow water quality degradation within an OFW to extend beyond a period of thirty (30) days to ninety (60) days, in order to complete the project. The Army Corp of Engineers intends to undertake a beach nourishment project in Pinellas County along the shoreline from Department of Environmental Protection Reference Monument R-144 to R-148. 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 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201, (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): Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573, 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: Office of General Counsel of the Department, 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 subsections 28-106.111(2) and 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: Clerk of the Department, Office of General

Counsel, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

DEPARTMENT OF HEALTH

On January, 6, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Margaret Garris Highsmith, R.N. License #RN 9294994. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January, 6, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Carla Moore LeCompte, A.R.N.P. License #RN 9269520. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January, 6, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Danilo Melendez, C.N.A License #CNA 125431. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January, 11, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Jamie Ann Murray, R.N. License #RN 9276681. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon

General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January, 12, 2010, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Dale A. Nadeau, C.N.A. License #CNA 167640. This Emergency Suspension Order was predicated upon the State Surgeon General'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 State Surgeon General 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

DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF TREASURY
BUREAU OF COLLATERAL MANAGEMENT
PUBLIC DEPOSITS SECTION

FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.
THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THE CITIES AND STATES LISTED ARE THE HOME OFFICE LOCATIONS. QPDS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER. QPDS HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

ALABAMA

ATMORE
UNITED BANK

BIRMINGHAM
COMPASS BANK
REGIONS BANK
SUPERIOR BANK

MOBILE
BANKTRUST

ARKANSAS

CONWAY
CENTENNIAL BANK

DELAWARE

WILMINGTON
TD BANK, N.A.

FLORIDA

ARCADIA
FIRST STATE BANK OF ARCADIA

BARTOW
COMMUNITY NATIONAL BANK AT BARTOW
12/31/2009

BELLE GLADE
BANK OF BELLE GLADE

BOCA RATON
1ST UNITED BANK
FIRST SOUTHERN BANK
LEGACY BANK OF FLORIDA
PARADISE BANK
SUN AMERICAN BANK
09/27/2009

BONIFAY
BANK OF BONIFAY
01/20/2011

BRADENTON
FIRST AMERICA BANK

BRANDON
PLATINUM BANK

CARRABELLE
GULF STATE COMMUNITY BANK *

CHIEFLAND
DRUMMOND COMMUNITY BANK

CHIPLEY
ONE SOUTH BANK

CLEWISTON
FIRST BANK
OLDE CYPRESS COMMUNITY BANK *

COCOA BEACH
SUNRISE BANK *

CORAL GABLES
BANKUNITED
GIBRALTAR PRIVATE BANK & TRUST COMPANY
THE BANK OF MIAMI, N.A. 10/03/2010

CRAWFORDVILLE
WAKULLA BANK

CRESTVIEW
FIRST NATIONAL BANK OF CRESTVIEW

DADE CITY
FIRST NATIONAL BANK OF PASCO
FLORIDA TRADITIONS BANK

DANIA BEACH
COMMUNITY BANK OF BROWARD

DAVIE
FLORIDIAN COMMUNITY BANK, INC. *
REGENT BANK

DAYTONA BEACH
FLORIDIAN BANK
GATEWAY BANK OF FLORIDA

DESTIN
DESTIN FIRST BANK
GULFSOUTH PRIVATE BANK

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| ENGLEWOOD ENGLEWOOD BANK PENINSULA BANK * | | HOMESTEAD 1ST NATIONAL BANK OF SOUTH FLORIDA * COMMUNITY BANK OF FLORIDA | |
| EUSTIS FIRST GREEN BANK | | IMMOKALEE FLORIDA COMMUNITY BANK | 11/21/2011 |
| FERNANDINA BEACH CBC NATIONAL BANK FIRST COAST COMMUNITY BANK | | INDIANTOWN FIRST BANK AND TRUST COMPANY OF INDIANTOWN | |
| FORT LAUDERDALE BANKATLANTIC LANDMARK BANK, N.A. STONEGATE BANK VALLEY BANK | | INVERNESS BRANNEN BANK | |
| FORT MYERS EDISON NATIONAL BANK FINEMARK NATIONAL BANK & TRUST FLORIDA GULF BANK IRONSTONE BANK RELIANCE BANK, F.S.B. SOUTHWEST CAPITAL BANK, N.A. | | JACKSONVILLE AMERICAN ENTERPRISE BANK OF FLORIDA EVERBANK FIRSTATLANTIC BANK | |
| FORT PIERCE OCULINA BANK RIVERSIDE NATIONAL BANK OF FLORIDA * | | JACKSONVILLE BEACH OCEANSIDE BANK * | |
| FORT WALTON BEACH BEACH COMMUNITY BANK FIRST CITY BANK OF FLORIDA * FNBT.COM BANK | 09/19/2011 | KEY WEST FIRST STATE BANK OF THE FLORIDA KEYS | |
| FROSTPROOF CITIZENS BANK & TRUST | 11/08/2012 | KISSIMMEE CENTERSTATE BANK CENTRAL FLORIDA, N.A. | |
| GAINESVILLE FLORIDA CITIZENS BANK MERCHANTS & SOUTHERN BANK | | LAKE CITY COLUMBIA BANK FIRST FEDERAL BANK OF FLORIDA PEOPLES STATE BANK | |
| GRACEVILLE BANK OF JACKSON COUNTY * PEOPLES BANK OF GRACEVILLE | | LAKELAND BANK OF CENTRAL FLORIDA COMMUNITY SOUTHERN BANK | |
| HALLANDALE DESJARDINS BANK, N.A. | | LANTANA STERLING BANK | 09/30/2009 |
| | | LARGO USAMERIBANK | |
| | | LONGWOOD OLD FLORIDA NATIONAL BANK | |
| | | MADISON MADISON COUNTY COMMUNITY BANK | |

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| MARIANNA FIRST CAPITAL BANK | | NICEVILLE PEOPLES NATIONAL BANK | |
| MAYO LAFAYETTE STATE BANK | | NORTH PALM BEACH ENTERPRISE BANK OF FLORIDA | |
| MELBOURNE PRIME BANK | | OAKLAND PARK AMERICAN NATIONAL BANK | |
| MERRITT ISLAND COMMUNITY BANK OF THE SOUTH | | OCALA ALARION BANK COMMUNITY BANK & TRUST OF FLORIDA GATEWAY BANK OF CENTRAL FLORIDA INDEPENDENT NATIONAL BANK * | |
| MIAMI BAC FLORIDA BANK CITY NATIONAL BANK OF FLORIDA COCONUT GROVE BANK CONTINENTAL NATIONAL BANK OF MIAMI EASTERN NATIONAL BANK ESPIRITO SANTO BANK * EXECUTIVE NATIONAL BANK GREAT FLORIDA BANK INTERAMERICAN BANK, F.S.B. JGB BANK, N.A. MELLON UNITED NATIONAL BANK METRO BANK OF DADE COUNTY NORTHERN TRUST, N.A. OCEAN BANK SUNSTATE BANK TOTALBANK TRANSATLANTIC BANK U.S. CENTURY BANK | 10/07/2009 | OLDSMAR JEFFERSON BANK OF FLORIDA | |
| | | ORANGE PARK HERITAGE BANK OF NORTH FLORIDA * | |
| | | ORLANDO CNLBANK FLORIDA BANK OF COMMERCE OLD SOUTHERN BANK * ORANGE BANK OF FLORIDA SEASIDE NATIONAL BANK & TRUST URBAN TRUST BANK | |
| | 01/01/2010 | | |
| | 01/16/2013 | | |
| | | OVIEDO CITIZENS BANK OF FLORIDA | |
| MILTON FIRST NATIONAL BANK OF FLORIDA * | | PALATKA FIRST FEDERAL BANK OF NORTH FLORIDA | |
| | | | 10/31/2009 |
| MONTICELLO FARMERS & MERCHANTS BANK | | PUTNAM STATE BANK | 10/16/2009 |
| MOUNT DORA FIRST NATIONAL BANK OF MOUNT DORA | | PALM COAST INTRACOASTAL BANK | |
| NAPLES FIRST NATIONAL BANK OF THE GULF COAST SHAMROCK BANK OF FLORIDA TIB BANK | | PANAMA CITY BAY BANK & TRUST COMPANY FIRST NATIONAL BANK NORTHWEST FLORIDA SUMMIT BANK, N.A. VISION BANK | |
| NEW SMYRNA BEACH FRIENDS BANK | | PANAMA CITY BEACH COASTAL COMMUNITY BANK | 03/03/2012 |

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| PENSACOLA BANK OF THE SOUTH COASTAL BANK AND TRUST OF FLORIDA GULF COAST COMMUNITY BANK * | | TALLAHASSEE CAPITAL CITY BANK PREMIER BANK PRIME MERIDIAN BANK TALLAHASSEE STATE BANK | |
| PERRY CITIZENS STATE BANK | | TAMPA AMERICAN MOMENTUM BANK CENTRAL BANK FIRST CITRUS BANK FLORIDA BANK NORTHSTAR BANK THE PALM BANK * | 11/16/2010 |
| PINELLAS PARK FIRST COMMUNITY BANK OF AMERICA | 12/24/2013 | | |
| POMPANO BEACH FLORIDA SHORES BANK – SOUTHEAST | | THE VILLAGES CITIZENS FIRST BANK | |
| PORT CHARLOTTE CHARLOTTE STATE BANK | | TRINITY PATRIOT BANK * | |
| PORT RICHEY REPUBLIC BANK | | UMATILLA UNITED SOUTHERN BANK | |
| PORT ST. JOE BAYSIDE SAVINGS BANK * | | VENICE FLORIDA SHORES BANK SOUTHWEST | |
| PORT ST. LUCIE FIRST PEOPLES BANK * | | WAUCHULA FIRST NATIONAL BANK OF WAUCHULA WAUCHULA STATE BANK | |
| ST. AUGUSTINE BANK OF ST. AUGUSTINE PROSPERITY BANK | 10/04/2011 | WEST PALM BEACH FIRST BANK OF THE PALM BEACHES FLAGLER BANK GRAND BANK & TRUST OF FLORIDA | |
| ST. PETERSBURG SYNOVUS BANK | | WILLISTON PERKINS STATE BANK | |
| SARASOTA LANDMARK BANK OF FLORIDA | 11/25/2009 | WINTER HAVEN CENTERSTATE BANK OF FLORIDA, N.A. | |
| SEBRING HEARTLAND NATIONAL BANK HIGHLANDS INDEPENDENT BANK | | WINTER PARK BANKFIRST FIRST NATIONAL BANK OF CENTRAL FLORIDA * RIVERSIDE BANK OF CENTRAL FLORIDA * | |
| SOUTH MIAMI FIRST NATIONAL BANK OF SOUTH MIAMI | | ZEPHYRHILLS CENTERSTATE BANK, N.A. | |
| STARKE COMMUNITY STATE BANK | | | |
| STUART GULFSTREAM BUSINESS BANK SEACOAST NATIONAL BANK * | | | |

GEORGIA

ALBANY

HERITAGEBANK OF THE SOUTH

ATLANTA

SUNTRUST BANK

COLQUITT

PEOPLESOUTH BANK

DARIEN

SOUTHEASTERN BANK

MOULTRIE

AMERIS BANK

IOWA

FORT DODGE

FIRST AMERICAN BANK

LOUISIANA

LAFAYETTE

IBERIABANK

NEW ORLEANS

WHITNEY NATIONAL BANK

MASSACHUSETTS

BOSTON

ONEUNITED BANK

MINNESOTA

ST. CLOUD

STEARNS BANK, N.A.

MISSISSIPPI

GULFPORT

HANCOCK BANK

JACKSON

TRUSTMARK NATIONAL BANK

KOSCIUSKO

MERCHANTS AND FARMERS BANK

STARKVILLE

CADENCE BANK, N.A. *

TUPELO

BANCORPSOUTH BANK

MISSOURI

CREVE COEUR

FIRST BANK

NEVADA

LAS VEGAS

CITIBANK, N.A.

NEW YORK

NEW YORK CITY

BANCO POPULAR NORTH AMERICA

INTERVEST NATIONAL BANK

07/17/2012

NORTH CAROLINA

CHARLOTTE

BANK OF AMERICA, N.A.

WACHOVIA BANK, N.A.

RALEIGH

RBC BANK (USA)

WINSTON-SALEM

BRANCH BANKING & TRUST COMPANY

OHIO

CINCINNATI

FIFTH THIRD BANK

WILMINGTON

LIBERTY SAVINGS BANK, F.S.B.

07/14/2010

PENNSYLVANIA

PITTSBURGH

PNC BANK, N.A.

SOUTH CAROLINA

GREENVILLE
CAROLINA FIRST BANK

TEXAS

HOUSTON
ENCORE BANK, N.A.

WISCONSIN

MILWAUKEE
M&I MARSHALL & ILSLEY BANK

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT
HAD A CHANGE SINCE THE LAST PUBLICATION OF
THIS REPORT.

FIRST AMERICA BANK
OSPREY
FIRST AMERICA BANK'S HOME OFFICE IS NOW
LOCATED IN BRADENTON, FLORIDA.

FLAGSHIP NATIONAL BANK
BRADENTON
FLAGSHIP NATIONAL BANK (BRADENTON) FAILED
ON OCTOBER 23, 2009. FIRST FEDERAL BANK OF
FLORIDA (LAKE CITY) ENTERED INTO AN
AGREEMENT WITH THE FDIC AND ACQUIRED ALL OF
FLAGSHIP NATIONAL BANK'S DEPOSITS AND MOST
OF THEIR ASSETS. FIRST FEDERAL BANK OF
FLORIDA IS A QPD.

HANCOCK BANK OF FLORIDA
TALLAHASSEE
HANCOCK BANK OF FLORIDA (TALLAHASSEE) WAS
MERGED WITH AND INTO HANCOCK BANK
(GULFPORT, MISSISSIPPI) EFFECTIVE JANUARY 1,
2010. HANCOCK BANK, A NON QPD, AUTOMATICALLY
BECAME A QPD WITH THE ACQUISITION OF PEOPLES
FIRST COMMUNITY BANK'S DEPOSITS AND ASSETS
ON DECEMBER 18, 2009 AND HAS NINETY DAYS TO
COMPLETE THE NECESSARY PAPERWORK TO
REMAIN IN THE FLORIDA PUBLIC DEPOSITS
PROGRAM.

NATIONAL CITY BANK
CLEVELAND, OHIO
NATIONAL CITY BANK (CLEVELAND, OHIO) WAS
MERGED WITH AND INTO PNC BANK, N.A.
(PITTSBURGH, PENNSYLVANIA) EFFECTIVE AFTER
THE CLOSE OF BUSINESS NOVEMBER 6, 2009. PNC
BANK, N.A. AUTOMATICALLY BECAME A QPD WITH
THIS MERGER. PNC BANK, N.A. HAS FILED THE
NECESSARY PAPERWORK TO REMAIN IN THE
FLORIDA PUBLIC DEPOSITS PROGRAM.

ORION BANK
NAPLES
ORION BANK (NAPLES) FAILED ON NOVEMBER 13,
2009. IBERIABANK (LAFAYETTE, LOUISIANA)
ENTERED INTO AN AGREEMENT WITH THE FDIC AND
ACQUIRED ALL OF THE DEPOSITS AND MOST OF THE
ASSETS OF ORION BANK. IBERIABANK, A NON QPD,
AUTOMATICALLY BECAME A QPD WITH THE
ACQUISITION OF ORION BANK'S DEPOSITS AND
MOST OF THEIR ASSETS AND HAS NINETY DAYS TO
COMPLETE THE NECESSARY PAPERWORK TO
REMAIN IN THE FLORIDA PUBLIC DEPOSITS
PROGRAM.

PANTHER COMMUNITY BANK, N.A.
LEHIGH ACRES
PANTHER COMMUNITY BANK, N.A. (LEHIGH ACRES)
CHANGED ITS NAME TO FIRST NATIONAL BANK OF
THE GULF COAST AND MOVED ITS HOME OFFICE
LOCATION TO NAPLES, FLORIDA EFFECTIVE
OCTOBER 24, 2009.

PARTNERS BANK
NAPLES
PARTNERS BANK (NAPLES) FAILED ON OCTOBER 23,
2009. STONEGATE BANK (FORT LAUDERDALE)
ENTERED INTO AN AGREEMENT WITH THE FDIC AND
ACQUIRED THE ASSETS AND DEPOSITS OF PARTNERS
BANK. STONEGATE BANK, A NON QPD,
AUTOMATICALLY BECAME A QPD WITH THE
ACQUISITION OF PARTNERS BANK'S ASSETS AND
HAD NINETY DAYS TO COMPLETE THE NECESSARY
PAPERWORK TO REMAIN IN THE FLORIDA PUBLIC
DEPOSITS PROGRAM. THEY HAVE SINCE COMPLETED
ALL NECESSARY PAPERWORK.

PEOPLES FIRST COMMUNITY BANK

PANAMA CITY

PEOPLES FIRST COMMUNITY BANK (PANAMA CITY) FAILED ON DECEMBER 18, 2009. HANCOCK BANK (GULFPORT, MISSISSIPPI) ENTERED INTO AN AGREEMENT WITH THE FDIC AND ACQUIRED ALL OF PEOPLES FIRST COMMUNITY BANK'S DEPOSITS AND MOST OF THEIR ASSETS. HANCOCK BANK, A NON QPD, AUTOMATICALLY BECAME A QPD WITH THE ACQUISITION OF PEOPLES FIRST COMMUNITY BANK'S DEPOSITS AND ASSETS AND HAS NINETY DAYS TO COMPLETE THE NECESSARY PAPERWORK TO REMAIN IN THE FLORIDA PUBLIC DEPOSITS PROGRAM.

TURNBERRY BANK

AVENTURA

TURNBERRY BANK HAS WITHDRAWN FROM THE FLORIDA PUBLIC DEPOSITS PROGRAM.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to: Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 12, 2010):

APPLICATION TO MERGE

Constituent Institutions: Florida Bank of Commerce, Orlando, Florida, and Prime Bank, Melbourne, Florida

Resulting Institution: Florida Bank of Commerce

Received: January 12, 2010

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN January 4, 2010
 and January 8, 2010

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

DEPARTMENT OF STATE
Division of Corporations

| | | | | |
|----------|--------|---------|-------|--|
| 1N-5.001 | 1/6/10 | 1/26/10 | 35/41 | |
| 1N-5.002 | 1/6/10 | 1/26/10 | 35/41 | |

DEPARTMENT OF CORRECTIONS

| | | | | |
|------------|--------|---------|-------|--|
| 33-503.001 | 1/5/10 | 1/25/10 | 35/45 | |
| 33-602.201 | 1/5/10 | 1/25/10 | 35/47 | |

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

| | | | | |
|-----------|--------|---------|-------|-------|
| 40D-1.659 | 1/7/10 | 1/27/10 | 35/41 | 35/49 |
| 40D-2.091 | 1/7/10 | 1/27/10 | 35/41 | |
| 40D-2.101 | 1/7/10 | 1/27/10 | 35/41 | 35/49 |

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

| | | | | |
|------------|--------|---------|-------|--|
| 59G-13.001 | 1/6/10 | 1/26/10 | 35/43 | |
|------------|--------|---------|-------|--|

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

| | | | | |
|----------|--------|---------|-------|-------|
| 61-5.007 | 1/6/10 | 1/26/10 | 35/40 | 35/45 |
|----------|--------|---------|-------|-------|

Board of Accountancy

| | | | | |
|-------------|--------|---------|-------|--|
| 61H1-26.003 | 1/6/10 | 1/26/10 | 35/40 | |
| 61H1-26.004 | 1/6/10 | 1/26/10 | 35/40 | |

DEPARTMENT OF ENVIRONMENTAL PROTECTION

| | | | | |
|------------|--------|---------|-------|--|
| 62-602.720 | 1/4/10 | 1/24/10 | 35/41 | |
|------------|--------|---------|-------|--|

DEPARTMENT OF HEALTH

Board of Medicine

| | | | | |
|-------------|--------|---------|-------|--|
| 64B8-42.002 | 1/6/10 | 1/26/10 | 35/47 | |
|-------------|--------|---------|-------|--|

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

| | | | | |
|------------|--------|---------|-------|-------|
| 65E-20.002 | 1/8/10 | 1/28/10 | 35/35 | 35/47 |
| 65E-20.003 | 1/8/10 | 1/28/10 | 35/35 | |
| 65E-20.014 | 1/8/10 | 1/28/10 | 35/35 | 35/47 |