

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.031 RULE TITLE: Recount Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule revision is to reflect changes in law that now allow the Secretary of State in lieu of the Elections Canvassing Commission, to order recounts for federal, statewide, and multicounty races. Additionally the revisions codify practices that have evolved over time to improve the machine and manual recount process. The proposed draft will contain a substantial rewrite of the recount process in order to re-organize and simplify the language in the rule. The rule incorporates by reference DS-DE 72/105 which contains the sample ballot image reports for the various voting systems as are to be used in a manual recount of touchscreen ballots for determining whether a voter has undervoted. No statement of estimated regulatory cost is triggered and therefore none is prepared. If adopted, this rule revision will not require legislative ratification to become effective.

SUBJECT AREA TO BE ADDRESSED: Recount procedures.
RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 102.166 FS.

LAW IMPLEMENTED: 102.166 FS.

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

DATE AND TIME: August 1, 2011, 1:00 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 Assistant, Office of General Counsel, Department of State at 1(850)245-6500 or at elphillips@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Maria Matthews, Assistant General Counsel, Office of General Counsel at (850)245-6536, mimatthews@dos.state.fl.us or Dr. Gisela Salas, Director, Division of Elections, (850)245-6200, Gisela.Salas@dos.myflorida.com, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0021 RULE TITLE: Florida Teacher Certification Examinations

PURPOSE AND EFFECT: The purpose of this rule development is to review the current passing score requirements for the FTCE Educational Media Specialist PK-12, Exceptional Student Education (ESE) K-12, and Social Science 6-12 examinations, to determine if changes in passing score requirements are necessary. In addition, the Department will review and revise the current competencies and skills for the FTCE English to Speakers of Other Languages (ESOL) K-12, Mathematics 6-12, Middle Grades Mathematics 5-9, Prekindergarten/Primary PK-3, and Professional Education examinations. The effect will be changes to the FTCE competencies and skills and potential modification of existing passing score requirements for the affected subject areas.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examinations.

RULEMAKING AUTHORITY: 1012.56(9) FS.

LAW IMPLEMENTED: 1012.56 FS.

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

DATE AND TIME: August 19, 2011, 10:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 422B, Tallahassee, Florida 32399-0400, Conference Call: 1(888)808-6959, Conference Code: 7119110

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Phil Canto, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513. To submit a comment on this rule development got to: <https://app1.fldoe.org/rules/default.aspx>

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.: 59A-8.002 RULE TITLES: Definitions
 59A-8.003 Licensure Requirements
 59A-8.004 Licensure Procedure

59A-8.0095 Personnel
 59A-8.022 Clinical Records
 59A-8.0245 Advance Directives
 59A-8.027 Emergency Management Plans

PURPOSE AND EFFECT: The purpose of this rule development is to prepare the rules required in Sections 400.497(5) and (6), F.S., on the oversight by the director of nursing and the use of an unannounced licensure survey related to a licensure application for a change of ownership; to update the statutory references in the rule and forms referenced to conform to current statutes; and to remove items that are now in statutes.

SUBJECT AREA TO BE ADDRESSED: Oversight by the director of nursing, change of ownership license, and updating the rules to conform to current statutes.

RULEMAKING AUTHORITY: 400.497 FS.

LAW IMPLEMENTED: 400.497 FS.

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

DATE AND TIME: Thursday, August 11, 2011, 10:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, 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 3 days before the workshop/meeting by contacting: Anne Menard, HQAHOMEHEALTH@ahca.myflorida.com or (850)412-4385. If you are 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: Anne Menard, Home Care Unit, Bureau of Long Term Care Services, HQAHOMEHEALTH@ahca.myflorida.com or (850)412-4385

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The amendment to Rule 59G-4.002, F.A.C., incorporates by reference the Florida Medicaid Provider Reimbursement Schedule, January 1, 2011. The reimbursement schedule contains the procedure codes and maximum fees that are effective January 1, 2011, for the following providers whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner,

birth center, chiropractic, dental, hearing, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, registered nurse first assistant, and visual. The amendment to Rule 59G-4.002, F.A.C., will permit the Agency to implement revisions to the Florida Medicaid Provider Reimbursement Schedule.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Reimbursement Schedule.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.002, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: Wednesday, August 3, 2011, 2:30 p.m. – 3:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of 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: Mary McCullough at the Bureau of Medicaid Services, (850)412-4234. If you are 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: Mary McCullough, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4234, e-mail: mary.mccullough@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.002 Medicaid Provider Reimbursement Schedule.

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 1, 2011 ~~January 1, 2010~~, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, registered nurse first assistant, and visual. The Florida Medicaid Provider Reimbursement Schedule is available from

the Medicaid fiscal agent's Web site at www.my-medicaid-florida.com. ~~Select Click on~~ Public Information for Providers, then ~~on~~ Provider Support, and then ~~on~~ Fee Schedules. Paper copies of the reimbursement schedule may be obtained by calling the Provider Contact Center at 1(800)289-7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, ~~409.907~~, 409.908, 409.912, 409.913 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08, 4-28-09, 2-11-10, 1-31-11, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-7.014 Pick (N) Pools

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to the calculation and distribution of pari-mutuel wagering activity on wagering pools.

SUBJECT AREA TO BE ADDRESSED: Amends rule regarding pool calculation and distribution requirements for pari-mutuel wagering activity on Pick (N) wagering pools by giving pari-mutuel permitholders increased flexibility to offer "uncapped" wagers to the public.

RULEMAKING AUTHORITY: 550.0251(3), 550.155(1), 550.495(4) FS.

LAW IMPLEMENTED: 550.0251(7), 550.155 FS.

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

DATE AND TIME: August 16, 2011, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)717-1098. If you are 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Worker's Compensation

RULE NOS.: RULE TITLES:
69L-5.205 Loss Data Reporting
69L-5.217 Civil Penalties and Fines

PURPOSE AND EFFECT: Rule 69L-5.205, F.A.C., is amended to clarify that former self-insurers must report loss data for the final period of authorization only once. The proposed amendments to Rule 69L-5.217, F.A.C., will reduce the penalties assessed against self-insurers for late filing of required forms, reports and documents and also recalculate penalties that were assessed against a self-insurer. If the self-insurer has already paid the penalty to the Department, the Department will refund the difference between the penalty paid and the new reduced penalty, unless the self-insurer owes any outstanding, unpaid penalties to the Department.

SUBJECT AREA TO BE ADDRESSED: Loss data reporting by former self-insurers and reduction of penalties assessed against self-insurers for late filing of reports.

RULEMAKING AUTHORITY: 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS.

LAW IMPLEMENTED: 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS.

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

DATE AND TIME: August 1, 2011, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Pam Macon at (850)413-1708 or Pamela.Macon@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Macon, Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation, 2012 Capital Circle S.E., Tallahassee, Florida 32399, (850)413-1708. The text of the proposed rule amendments will be available on the Division's website: <http://www.MyFloridaCFO.com/WC/notices/html>.

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

<p>RULE NO.: 1S-2.0001</p>	<p>RULE TITLE: Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy</p>
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PURPOSE AND EFFECT: The proposed rule implements the provisions of Chapter 2011-40, ss. 13 and 51, Laws of Florida, which changed the oaths for candidates seeking to qualify for office. The rule incorporates candidate oath forms to comply with statutory changes.

SUMMARY: The proposed rule incorporates revised candidate oath forms to reflect the deletion of the reference to the oath required by Section 876.05, F.S. The rule also deletes the Section 876.05, F.S., oath as a required qualifying paper for candidates, except for judicial and school-board candidates, which is still required by Section 105.031, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An 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: 20.05(1)(e), 20.10(3), 97.012(1), 99.061(10), 103.022 FS.

LAW IMPLEMENTED: 20.05(1)(b), 99.061, 99.095, 103.022, 105.031(1), 105.035 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: August 8, 2011, 10:00 a.m.
PLACE: Room 307, R.A. Gray Building, Department of State, 500 S. Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eddie Phillips, Executive Assistant, Department of State, (850)245-6536, email: elphillips@dos.state.fl.us. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary J. Holland, Assistant General Counsel, Department of State, (850)245-6536, email: gjholland@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.0001 Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy.

(1) The Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 is hereby designated on behalf of the Department of State as the filing or qualifying office, that is, the official address and the location for candidates seeking to qualify for nomination or election to any federal, state, legislative, multicounty or judicial office with the exception of county court judge. Candidates for the office of county court judge shall qualify with the supervisor of elections for that county.

(2) All qualifying papers required to be filed with the Department of State as the office where the candidate is required to qualify shall be filed with the Division of Elections.

(3)(a) Except as noted herein, any qualifying paper filed with a qualifying office, whether the Division of Elections or a supervisor of elections, must be an original.

(b) A facsimile, email, photocopy, scanned copy or any type of electronically transmitted document shall not be accepted as a qualifying paper, except a candidate who has filed a current full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying. A current full and public disclosure or statement of financial interests is one that covers the immediately preceding calendar or tax year. For example, for a qualifying period that occurs in 2014, the current full and public disclosure or statement of financial interests form would be one that covers the 2013 calendar or tax year.

(4) Qualifying papers shall be deemed filed by the qualifying office upon the date of actual receipt by the qualifying office, except for those qualifying papers accepted and held during the 14-day period before the beginning of the qualifying period to be processed and filed during the qualifying period pursuant to Section 99.061(8), F.S. The qualifying papers that are received and ~~intended to be held~~ during the 14-day period before the beginning of the qualifying period shall not be deemed filed until the beginning of the qualifying period.

(5)(a) The following qualifying forms for candidates required by Sections 99.061, 103.022 and 105.031, F.S., are hereby incorporated by reference:

1. DS-DE 9 (Rev. 10/10), entitled, "Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates."

2. DS-DE 24 (Rev. ~~5/11~~ ~~4/40~~), entitled, "~~Loyalty Oath~~ Candidate ~~Oath – Candidate~~ with Party Affiliation."

3. DS-DE 24A (Rev. ~~5/11~~ ~~4/40~~), entitled, "~~Candidate Oath – Loyalty Oath~~ Write-In Candidate."

4. DS-DE 24B (Rev. ~~5/11~~ ~~4/40~~), entitled, "~~Candidate Oath – Loyalty Oath~~ Candidate with No Party Affiliation."

5. DS-DE 24C (Rev. 5/11), entitled, Candidate Oath – Precinct Committeemen and Committeewomen."

6. DS-DE 24D (Rev. 5/11), entitled, Candidate Oath – District Committeemen and Committeewomen."

7. DS-DE 24E (Rev. 5/11), entitled, Candidate Oath – State Committeemen and Committeewomen."

8. DS-DE 24F (Rev. 5/11), entitled, "Candidate Oath – School Board Write-In Candidate."

~~9.5.~~ DS-DE 25 (Rev. ~~5/11~~ ~~4/40~~), entitled, "~~Candidate Oath – Loyalty Oath~~ Nonpartisan Office."

10. DS-DE 25A (Rev. 5/11), entitled "Candidate Oath – School Board Nonpartisan Office."

~~11.6.~~ DS-DE 26 (Rev. ~~5/11~~ ~~4/40~~), entitled, "Judicial Office Candidate ~~Loyalty~~ Oath."

~~12.7.~~ DS-DE 26A (Rev. ~~5/11~~ ~~4/40~~), entitled, "Judicial Office Candidate ~~Loyalty~~ Oath – Write-In Candidate."

~~13.8.~~ DS-DE 27 (Rev. ~~5/11~~ ~~4/40~~), entitled "Federal Candidate Oath – Candidate with Party Affiliation."

~~14.9.~~ DS-DE 27A (Rev. ~~5/11~~ ~~4/40~~), entitled "Federal Candidate Oath – Write-In Candidate."

~~15.40.~~ DS-DE 27B (Rev. ~~5/11~~ ~~4/40~~), entitled "Federal Candidate Oath – Candidate with No Party Affiliation."

~~16.41.~~ DS-DE 85 (Rev. 10/10), entitled, "Oath of Candidate Write-In for President and Vice President."

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

(6) A candidate may withdraw his or her candidacy by submitting a document specifying the candidate's withdrawal from the particular public office he or she seeks to the qualifying office before which he or she qualifies (or has qualified) by mail, facsimile, email, photocopy, scanned copy or other type of electronic transmission that contains the signature of the candidate. The withdrawal is not effective until it is received by the qualifying office.

(7) Qualifying papers filed by a candidate with the qualifying office before the effective date of this rule that satisfy the requirements of applicable qualifying statutes, but which are not on the prescribed forms incorporated by reference in this rule, remain valid as qualifying papers after the effective date of the rule.

Rulemaking Authority 20.05(1)(e), 20.10(3), 97.012(1), 99.061(10), 103.022 FS. Law Implemented 20.05(1)(b), 99.061, 99.095, 103.022, 105.031(1), 105.035 FS. History—New 12-6-84, Formerly 1C-7.001, 1C-7.0001, Amended 2-13-90, 11-7-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary Holland

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 5, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2011

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.0091	Constitutional Amendment Initiative
	Petition; Submission Deadline;
	Signature Verification

PURPOSE AND EFFECT: To implement statutory changes to the constitutional amendment initiative process brought about by Ch. 2011-40, s. 23, Laws of Florida.

SUMMARY: The proposed rule reduces the validity of a signature on a petition from 4 to 2 years. The rule also specifies how the supervisor of elections is to treat a petition when the petition signer is not a registered voter in the supervisor's county and specifies the requirements for signature verification.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An 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: 20.10(3), 97.012(1), 100.371(6) FS.

LAW IMPLEMENTED: Art XI, Fla. Const., 100.371 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: August 8, 2011, 10:45 a.m.

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

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

agency at least 5 days before the workshop/meeting by contacting: Eddie Phillips, Executive Assistant, Office of General Counsel, Department of State, telephone: (850)245-6536, email: elphillips@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary J. Holland, Assistant General Counsel, Florida Department of State, (850)245-6536, email: gjholland@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.0091 Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification.

(1) Submission. Signed initiative petition forms proposing amendments to the Florida Constitution shall be submitted solely by the sponsoring political committee to the Supervisor of Elections for in the county of residence listed by the person signing the form in which the petition forms were circulated. If the Supervisor of Elections determines that the signer of the petition is a registered voter in another county, the Supervisor of Elections shall notify the petition sponsor that the petition has been misfiled. It is the responsibility of the sponsoring political committee thereafter to ensure that the misfiled signed petition form is properly filed with, or if misfiled forwarded to, the Supervisor of Elections for of the county in which the signee is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(2) Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., the Supervisor of Elections for the county in which the signee is a registered voter shall verify the signatures on each initiative petition form within 30 days after of receipt of the form to ensure that each person signing the petition form:

1. Was, at the time of signing and verification of the petitions, a registered voter in the state county in which the petition is submitted,

2. Except as provided in paragraph (4)(b) below, hHad not signed the petition form more than two four years prior to the date the Supervisor verified the petition, and

3. Had not ever previously signed a petition form containing the identical initiative which had been verified as valid.

(b) The Supervisor shall not verify as valid a signature on an initiative petition form unless all of the following information is contained on the petition form:

1. The voter's name,
2. The voter's ~~street~~ address (including city and county),
3. The voter's date of birth or voter registration number,

4. The voter's original signature, and
5. The date the voter signed the petition, as recorded by the voter.

(3) Random Sampling Not Permitted. Supervisors of Elections may not use random sampling as a method for verifying signatures on constitutional amendment initiative petitions.

(4)(a) Recordation of Verification. The appropriate supervisor of elections for each respective voter whose signature is verified as valid shall record the date the form was received, the date of the signature, the date the signature was verified, and the assigned serial number for the applicable initiative petition. Upon completion of the verifications as set forth in subsection (2), the Supervisors of Elections shall submit to the Division of Elections a certificate indicating the total number of signatures verified and the distribution by congressional district. In conjunction with each certificate submitted, each Supervisor shall submit a copy of one petition showing the text of the constitutional amendment to which the verified signatures relate. Certificates may be submitted by the Supervisor via facsimile in order to meet the filing deadline, followed by the original certificates sent by mail.

(b) Notwithstanding the provisions of subparagraph (2)(a)2., above, a signature on a petition by a registered voter who signed the petition on or before May 19, 2011, is valid for four years. The Supervisor of Elections shall separately certify to the Division of Elections any signatures on a petition that were signed on or before May 19, 2011 by clearly annotating that the certification represents signatures on or before May 19, 2011.

(5) Filing Deadline. In order for the initiative petition to be timely filed for appearance on the ballot for the next general election, the constitutionally requisite number of verified signatures must be verified and reported to the Division no later than 5:00 p.m. on February 1 of the year in which the general election is held.

(6) Limitation on Use of Verified Signatures. Verified signatures used successfully to place a proposed amendment by initiative on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in support of any future initiative petition. An identical initiative petition means an initiative petition that is circulated on an initiative petition form which contains the same serial number assigned to it pursuant to Rule 1S-2.009, F.A.C.

(7) Nothing in this rule prohibits a voter from signing a successive initiative petition form containing the text of a former petition if the successive petition form has a different serial number assigned to it pursuant to Rule 1S-2.009, F.A.C.

Rulemaking Authority 20.10(3), 97.012(1), 100.371(6)(7) FS. Law Implemented Art. XI, Fla. Const., 100.371 FS. History—New 1-6-80, Amended 12-20-83, Formerly 1C-7.091, 1C-7.0091, Amended 2-13-90, 3-5-96, 1-5-04, 3-16-06, 10-15-07, 10-13-08, 7-18-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary Holland
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Kurt S. Browning
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 5, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 10, 2011

DEPARTMENT OF STATE

Division of Elections

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

PURPOSE AND EFFECT: This proposed rule implements the requirements of Chapter 2011-40, s. 4, Laws of Florida, regarding the registration and accounting procedures for voter registration applications collected by third-party voter registration organizations.

SUMMARY: The proposed rule requires registration electronically, adopts forms for use by third-party voter registrations organizations and supervisors of elections to account for an organization's voter registration applications, and removes obsolete language from the present rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An 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: 20.10(3), 97.012(1), (2), (15), 97.0575(1), (2), (5) FS.

LAW IMPLEMENTED: 97.012(1), (2), (15), (37), 97.053, 97.0575 FS.

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

DATE AND TIME: August 8, 2011, 9:00 a.m.

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

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

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary J. Holland, Assistant General Counsel, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, telephone: (850)245-6536, email: gjholland@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.042 Third-Party Voter Registration Organizations.

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

(a) Form DS-DE 119 (eff. 06/2011 05/2010), entitled "Third-Party Voter Registration Organization Registration Form."

(b) Form DS-DE 120 (eff. 06/2011 05/2010), entitled "~~Quarterly Report Form for Organized Voter Registration Drives~~ by Third-Party Voter Registration Organization Registration Agent's Sworn Statement."

(c) Form DS-DE 121 (eff. 06/2011 05/2010), entitled "Form for Complaint Against Third-Party Voter Registration Organization."

(d) Form DS-DE 123 (eff. 06/2011), entitled "Third-Party Voter Registration Organization's Accounting of Voter Registration Applications."

(e) Form DS-DE 124 (eff. 06/2011), entitled "Supervisor of Elections' Accounting of Third-Party Voter Registration Organization's Voter Registration Applications."

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

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

(b) "Engaging in any voter registration activities" means that the organization is soliciting for collection or collecting voter registration applications from Florida voter registration applicants.

(c)(b) "Force majeure" means any event or occurrence of societal significance beyond the reasonable control and without the fault of the third-party voter registration organization which could not have been prevented, avoided, or overcome by the exercise of reasonable care, diligence, or

foresight of the third-party voter registration organization, including, but not limited to, civil disturbances or acts of war; extraordinarily severe weather, such as hurricanes, floods, or tornadoes; or shortages of food, electric power, or fuel.

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

~~(e)~~(f) “Registration agent” means any individual who is employed by or volunteers for a third-party voter registration organization and who solicits for collection or who collects voter registration applications from Florida voter registration applicants on behalf of the organization. ~~“Organized voter registration drive” means any voter registration activity that is coordinated with, or directed by, a third-party voter registration organization and where one or more persons solicit or collect voter registration applications on behalf of the third-party voter registration organization.~~

(3) Registration.

(a) Before engaging in any voter registration activities, ~~a~~ third-party voter registration organization (hereinafter “organization”) shall complete and file Form DS-DE 119 with the Division. The organization must submit the form as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmit the form to the Division’s facsimile machine at (850)245-6291 prior to conducting any voter registration activities. An affiliate organization which solicits for collection or collects voter registration applications from Florida voter registration applicants must file a Form DS-DE 119 even if its affiliated organization has filed a Form DS-DE 119. An third-party voter registration organization shall also use Form DS-DE 119 to update or terminate withdraw its registration.

(b) Upon receipt of an organization’s initial and completed registration, the Division shall assign the organization a unique third-party voter registration organization identification number that begins with “3P.” An organization is not deemed registered as a third-party voter registration organization until the Division issues the organization its identification number.

(c) A registration agent must complete, sign, and date Form DS-DE 120 before beginning his or her duties for the organization and the organization must ensure the form is submitted to the Division within 10 days after the form is signed. Form DS-DE 120 may be submitted to the Division when the organization submits its initial DS-DE 119. For any addition to the list of its registration agents or change in information about a registration agent other than termination of a registration agent, the organization shall submit an updated Form DS-DE 119. For permissible means of notifying the Division of the termination of a registration agent, see paragraph (6)(b).

(d) A registration agent may be a registration agent for one or more organizations, but each organization must ensure that the registration agent submits a separate Form DS-DE 120 for its organization.

(e) An organization shall submit any change in information previously submitted to the Division within 10 days following the change. A change is not considered filed until the Division receives the change.

(f) Except as otherwise provided in paragraph (6)(b), any forms or amendments or additions to forms required under this subsection must be submitted in the same manner of transmission required for the Form DS-DE 119 used to initially register an organization.

(4) Voter Registration Applications Provided to and Used by Third-Party Voter Registration Organizations Drive Quarterly Report.

(a) All voter registration applications provided by the Division and each supervisor of elections to an organization shall include the third-party voter registration organization identification number on the bottom of the reverse side of each voter registration application in a manner that does not obscure any other entry.

(b) The registration agent or the organization shall print the date and time that the voter registration applicant completed the application in a conspicuous space on the bottom portion of the reverse side of the voter registration application it collects from a voter registration applicant in a manner that does not obscure any other entry. The date and time printed by the registration agent or the organization shall be in the following numerical format: MM/DD/YY; hh:mm am/pm. For example, if the voter registration applicant completed the application on May 15, 2014 at 1:30 p.m., the entry on the bottom portion of the reverse side of the application shall be: 5/15/14; 1:30 p.m. The entry for an application completed on October 11, 2014 at 11:30 a.m., would be printed as 10/11/14; 11:30 a.m. on the bottom portion of the reverse side of the application.

(c) Each organization shall ensure that its assigned organization identification number is recorded on the bottom portion of the reverse side of any voter registration application it delivers to the Division or a supervisor of elections in a manner that does not obscure any other entry.

(5) Monthly Report by Organizations.

(a) By the 10th day of each month, each organization shall submit to the Division a Form DS-DE 123 to account for the number of state and federal voter registration application forms provided to and received from each of its registration agents for the preceding month. If the organization had no voter registration activity in the preceding month, the organization shall still submit Form DS-DE 123 reflecting that it did not provide voter registration applications to, or receive any from, its registration agents.

(b) Form DS-DE 123 required under this subsection must be submitted as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmitted to the Division's facsimile machine at (850)245-6291.

(6) Termination of Organization and Registration Agent.

(a) If an organization terminates its status as a third-party voter registration organization, the organization shall submit within 10 days a Form DS-DE 119 reflecting its termination and also a Form DS-DE 123 to report its final accounting of voter registration application forms provided to the organization by the Division or any supervisor of elections. All such voter registration applications remaining in the organization's possession should be returned either to the Division or a supervisor of elections within 10 days of filing Form DS-DE 123. The address for the Division is Bureau of Voter Registration Services, Division of Elections, R.A. Gray Building, Room 316, Tallahassee, Florida 32399-0250. The address for the applicable supervisor of elections may be obtained by telephoning (850)245-6200 or found on the Internet at http://election.dos.state.fl.us/SOE/supervisor_elections.shtml.

(b) If a registration agent's employment with, or volunteer services for, an organization is terminated, the organization shall file notice of the terminated status of a registration agent by submitting an updated Form DS-DE 119 or by sending a notification of the termination by email to 3PVRO@dos.state.fl.us or by transmitting the notification to the Division's facsimile machine at (850)245-6291. If Form DS-DE 119 is not used as the means of notification, the notification shall contain the organization's assigned identification number and the name of the registration agent being terminated.

(c) Forms DS-DE 119 and DS-DE 123 required under this subsection must be submitted as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmitted to the Division's facsimile machine at (850)245-6291.

(7) Processing of Voter Registration Applications from an Organization by the Division and Supervisors of Elections.

(a) For each non-blank registration application that an organization delivers to the Division or supervisor of elections, a voter registration official shall record the date and time of delivery on the bottom portion of the reverse side of the application in a manner that does not obscure any other entries. For purposes of this rule and not for voter registration purposes, an application is considered delivered to the Division or a supervisor of elections at the time the application is actually delivered by the organization. Therefore, if an organization delivers more than one application at the same time, those applications shall bear the same date and time of delivery regardless of when the applications are processed.

(b) An organization's untimely delivery of a voter registration application does not affect the validity of the application. Such application must be processed regardless of the timeliness of its delivery.

(c) The Division and supervisors of elections shall record the number of state or federal voter registration applications they provide to, and receive from, each organization. Each supervisor of elections shall report to the Division on Form DS-DE 124 by noon of the following business day the number of voter registration applications provided to and received from each organization the previous business day. Supervisors of Elections are not required to submit Form DS-DE 124 when they did not provide any voter registration applications to, or receive any from, an organization on the preceding business day.

(d) Form DS-DE 124 required under this subsection must be submitted as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmitted to the Division's facsimile machine at (850)245-6291.

Voter Registration Drive Quarterly Report. A third-party voter registration organization shall use Form DS-DE 120 to file quarterly reports with the Division as required by Section 97.0575(1), F.S. The quarterly reports shall be filed no later than April 15, July 15, October 15, and January 15 to cover the preceding calendar quarter, respectively. If a due date falls on a Saturday, Sunday, or legal holiday, the report is due on the next day which is not a Saturday, Sunday, or legal holiday.

(8)(5) Complaints and Fines.

(a) Any person claiming to have provided a completed voter registration application to a third-party voter registration organization but whose name does not appear as an active voter on the voter registration rolls shall use Form DS-DE 121 to file the complaint with the Division.

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

(c) Supervisors of elections or their staff shall report any untimely filed voter registration application submitted by an organization by sending the Division an explanatory statement in an email and attaching documents which reflect the untimely submission in pdf format to 3PVRO@dos.state.fl.us or by transmitting the explanatory statement and documentation to the Division's facsimile machine at (850)245-6291.

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

Rulemaking Authority 20.10(3), 97.012(1), (2), (15), 97.0575(1), (2), (5) (4), (8) FS. Law Implemented 97.012(1), (2), (15), (37) (36), 97.053, 97.0575 FS. History—New 2-26-09, Amended 5-31-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary Holland

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gisela Salas

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 5, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2011

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.050
RULE TITLE: Cancellation of Political Party Filings

PURPOSE AND EFFECT: To implement Chapter 2011-40, s. 46, Laws of Florida, which requires the Division of Elections to adopt rules to prescribe the manner in which political parties, to include minor political parties, may have their filings with the Department of State canceled.

SUMMARY: Provides the basis and procedures for the cancellation of political party filings with the Department of State.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An 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: 20.10(3), 97.012(1), 103.095(5) FS.

LAW IMPLEMENTED: 103.091, 103.095, 103.121, 106.29 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: August 8, 2011, 11:30 a.m.
PLACE: Room 307, R.A. Gray Building, Department of State, 500 S. Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Eddie Phillips, Executive Assistant, Office of General Counsel, Department of State, telephone: (850)245-6536, email: elphillips@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gary J. Holland, Assistant General Counsel, Florida Department of State at (850)245-6536, email: gjholland@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.050 Cancellation of Political Party Filings.

(1) Definitions. Except where the context clearly indicates otherwise in this rule, the term “party” means any political party, to include a minor political party. “Division” means the Division of Elections.

(2) Cancellation. The division may cancel the filings by a party, to include its registration and approved status as a party, when:

(a) The party fails to have any voters registered as party members;

(b) The party fails to file campaign finance reports for more than 6 months;

(c) The party fails to comply with the annual public audit requirements of Section 103.121(2), F.S.;

(d) The party’s aggregate reported financial activity during the calendar year is \$500 or less;

(e) The party fails to maintain a public website;

(f) The minor political party fails to file with the division the name and address of any replacement officer within 5 days after the death, resignation or removal of a party’s officer;

(g) The minor political party fails to file with the division changes to its filing certificate within 5 days after such change; or

(h) The minor political party fails to adopt and file with the division the governing documents containing the provisions specified in Section 103.095(2), F.S.

(3) Notification of intent to cancel. The division shall send notification to the party’s chairperson of the intent to cancel the party’s filing or registration to the most recent address on file with the division for the chairperson. If the notification is returned undeliverable, the division shall send the notification to another officer of the party at the most recent address on file with the division. Within 30 days of the date of the division’s mailing of the preliminary notice of intent to cancel, the party may provide additional documentation to the division showing why the party’s filing or registration should not be canceled. Upon review of such documentation, if the division determines that the filing or registration should not be canceled, the party will be notified that it is in compliance. If after review of the additional documentation provided, the division determines

that the filing or registration should be canceled, a final notice of intent to cancel shall be mailed by the division to the most recent address on file with the division. If no additional documentation is provided by the party within 30 days of the date of the division's mailing of the preliminary notice, the division shall mail a final notice of intent to cancel to the most recent address on file with the division.

(4) Appeal of cancelation. If the party objects to such cancelation, it must file an appeal within 30 days of the date of the division's mailing of the final notice of intent to cancel. The appeal may be accompanied by any documentation or evidence supporting the claim. The appeal must be filed with the division. The division will forward the appeal to the Florida Elections Commission.

(5) Waiver. Failure to timely file an appeal as described herein shall constitute a waiver of any such entitlement.

(6) Hearing request. A party desiring a hearing before the commission must include in the appeal a separate request for hearing.

(7) Appeal not confidential. Appeals under this rule are exempt from the confidentiality provisions of Section 106.25, F.S.

Rulemaking Authority 20.10(3), 97.012(1), 103.095(5) FS. Law Implemented 103.091, 103.095, 103.121, 106.29 FS. History—New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary Holland

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gisela Salas

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2011

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NOS.:	RULE TITLES:
5B-66.001	Definitions
5B-66.002	Purpose
5B-66.003	Quarantine Area
5B-66.004	Movement or Procession of Hosts or Other Regulated Articles; Conditions of Certification
5B-66.005	Confiscation and Disposal of Hosts and Regulated Articles
5B-66.006	Treatment Areas, Treatment Procedures, Mitigative Measures, and Declaration of Eradication

PURPOSE AND EFFECT: The purpose of this rule is to establish procedures for the eradication of fruit flies species in the genera Anastrepha (except A. suspensa), Bactrocera,

Ceratitis, Dacus and Rhagoletis upon their detection in the State of Florida. If established in Florida, any one of these exotic pest species will significantly imperil the quality and quantity of many fruits and vegetables that are important to Florida's citizens as well as significantly curtail the domestic and international markets for Florida agricultural products and thereby result in substantial economic losses. The rule will allow the state to respond immediately to a detection of a fruit fly outbreak and take appropriate measures to achieve eradication thereby protecting Florida's agricultural industry, homegrown fruits and vegetables and certain native plants which are important food sources for wildlife.

SUMMARY: The proposed rule will address the necessity of immediate action to eradicate fruit flies of economic importance before any infestation spreads. Depending on the fruit fly species, these pests will infest several to hundreds of host plants species, several of which are of significant economic importance to Florida (e.g., citrus, tomatoes, peppers). If the fruit fly continues to spread unchecked, it will cause substantial damage to fruit and vegetable-bearing plants in home gardens and agricultural production areas resulting in several millions of dollars in control costs, lost production, increased consumer prices in the marketplace, and loss of domestic and international markets.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An 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: 570.07(23), (24), 581.031(1), (5), (7), (17) FS.

LAW IMPLEMENTED: 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Dr. Wayne N. Dixon, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100. If you are 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: Dr. Wayne N. Dixon, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULES IS:

FRUIT FLY ERADICATION

5B-66.001 Definitions.

For the purpose of this rule, the definitions in Section 581.011, F. S., and the following definitions shall apply:

(1) EPA. The United States Environmental Protection Agency.

(2) Fruit fly. Any life stage of any species of tephritid fruit fly in the genera *Anastrepha* (except *A. suspensa*), *Bactrocera*, *Ceratitis*, *Dacus*, *Rhagoletis* or synonyms thereof.

(3) Host. All fruits (including nuts, dates, and berries), vegetables, and the fruiting bodies of wild and cultivated plants which are capable of infestation by any life stage of any species of fruit fly defined in subsection (2).

(4) Infested. The condition of a host actually harboring a fruit fly in any of its life stages.

(5) Regulated article(s). Any article(s), including soil, capable of transporting or harboring a fruit fly, e.g., host fruits, vegetables, and potted plants.

(6) USDA-APHIS-PPQ. United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS, Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New _____.

5B-66.002 Purpose.

The purpose of this rule is to establish procedures for conducting a program to eradicate fruit flies defined in subsection 5B-66.001(2), F.A.C., upon their detection in the State of Florida. This rule chapter designates the size of quarantine areas and the requirements for the movement and certification of hosts and regulated articles. It also designates the size of treatment areas and the procedures for conducting treatments, outlines program mitigative measures and sets forth the requirements for declaring eradication.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS, Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New _____.

5B-66.003 Quarantine Area.

(1) A minimum 81-square mile area around a fruit fly detection shall be quarantined upon finding:

(a) Two adults within three miles (3.5 miles for *Bactrocera*) of each other within a life cycle; or

(b) One gravid female; or

(c) A larva; or

(d) A pupa.

(2) The geographical boundaries of a quarantine area shall be published in a major newspaper of general distribution in the quarantine area, on the Department's website, and provided to affected industry groups.

(3) It shall be unlawful to move a host of the fruit fly species detected or a regulated article within, through or from a quarantine area unless in accordance with Rule 5B-66.004, F.A.C.

(4) A list of hosts most likely to be present in a quarantine area shall be published in a major newspaper of general distribution in the quarantine area, on the Department's website, and provided to affected industry groups.

(5) An area shall be released from quarantine following a declaration that the fruit fly has been eradicated in accordance with subsection 5B-66.006(5), F.A.C.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS, Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New _____.

5B-66.004 Movement or Possession of Hosts or Regulated Articles; Conditions of Certification.

(1) Compliance agreements. The certification of handling, processing, treatment, and moving of hosts and regulated articles may be accomplished through the use of a compliance agreement. The form Cooperative Fruit Fly Eradication Project, DACS 08468, Rev. 05/11, and Cooperative Fruit Fly Eradication Project, Aerial Applicator, DACS-08469, Rev. 05/11, are incorporated herein by reference and may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, by writing to P. O. Box 147100, Gainesville, FL 32514-7100 or on at <http://www.freshfromflorida.com/onestop/plantinsp.html>.

(2) It shall be unlawful for any person to move any hosts of the fruit fly species or regulated articles within, through, or out of the quarantine area unless in compliance with this rule chapter and the movement practices have been certified by the Department or the USDA-APHIS-PPQ.

(3) Hosts or regulated articles shall be certified by the Department for movement out of a quarantine area for commercial or distribution purposes based on negative trapping, post-harvest treatments, or treatments applied to production areas which are approved by the Department by issuing a Temporary Certificate of Inspection (DACs-08010), Rev. 10/08, as incorporated in Rule 5B-2.010, F.A.C. Prior to movement, the method of treatment and location of the treatment facility must be documented in the "Additional Declarations" section of DACs-08010. Interstate movement of hosts or regulated articles shall be governed by 7 CFR §301.32 – Subpart – Fruit Flies (§301.32 and §301.32-1 to §301.32-10) which is hereby incorporated by reference. Copies may be obtained from: www.gpo.gov.

(4) Hosts offered for sale or distribution within the quarantined area shall be certified only if an authorized representative of the Department or USDA-APHIS-PPQ has conducted an inspection and certified that the following conditions have been met:

(a) The hosts have been received from outside the quarantine area. Vendors or shippers must have proof of origin in the form of written receipts or other documentation traveling with the hosts; and

(b) The hosts are kept in fruit fly-proof screened enclosures or sealed containers, cold storage, fly-proof vehicles, or other enclosures to prevent infestation by a fruit fly.

(5) Hosts transiting through the quarantine area must be covered by fly-proof screen or be in fly-proof vehicles and accompanied by proof of origin in the form of written receipt or other documentation.

(6) Soil and plants with soil attached:

(a) Soil and plants with soil attached shall be certified for movement only if an authorized representative of the Department or USDA-APHIS-PPQ has conducted an inspection and certified that they are not or have not been under the canopy of a host plant which is bearing hosts or was capable of bearing hosts within the previous 60 days.

(b) Soil and plants with soil attached under the canopy of a plant which is bearing hosts or was capable of bearing hosts within the previous 60 days, shall be certified provided:

1. All such soil and plants with soil attached are removed to an area clear of plants bearing or capable of bearing hosts and the soil is treated with an EPA-registered pesticide, an Emergency Exempted product as authorized by Federal Insecticide Fungicide and Rodenticide Act (FIFRA), Section 18 [7 U.S.C. 136p], or a Special Local Need product as authorized by FIFRA, Section 24(c) [(7 U.S.C. 136 v)] that are labeled as effective for fruit fly control.

2. All treatments must be conducted under the supervision of an authorized representative of the Department or USDA-APHIS-PPQ or pursuant to a compliance agreement as provided in subsection 5B-66.004(1), F.A.C.

(c) Plants bearing hosts or which were capable of bearing hosts within the previous 60 days, shall be certified for movement only if an authorized representative of the Department or USDA-APHIS-PPQ has conducted an inspection and certified that all hosts have been removed in accordance with paragraph 5B-66.006(1)(c), F.A.C., and that any soil attached to the host is treated with an EPA-registered pesticide, an Emergency Exempted product as authorized by Federal Insecticide Fungicide and Rodenticide Act (FIFRA), Section 18 [7 U.S.C. 136p], or a Special Local Need product as authorized by FIFRA, Section 24(c) [(7 U.S.C. 136 v)] that are labeled as effective for fruit fly control. All treatments must be conducted under the supervision of an authorized

representative of the Department or USDA-APHIS-PPQ or pursuant to a compliance agreement as provided in subsection 5B-66.004(1), F.A.C.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS. Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New _____.

5B-66.005 Confiscation and Disposal of Hosts and Regulated Articles.

All hosts or regulated articles offered for sale or distribution within the quarantine area that are not in compliance with Rule 5B-66.004, F.A.C., shall be considered infested and:

(1) Shall be confiscated, held, and destroyed by the Department at the expense of the vendor or person having possession of the hosts or regulated articles upon issuance of a Stop-Sale Notice and Hold Order, DACS-08016, Rev. 02/10, as incorporated in Rule 5B-65.005, F.A.C.; or

(2) Shall be voluntarily destroyed by the vendor or person having possession of the hosts or regulated articles pursuant to an Agreement For Treatment, Destruction, Forfeiture Or Return of Plants and/or Plant Parts, DACS-08029, Rev.04/08, as incorporated in Rule 5B-3.0038, F.A.C.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS. Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New _____.

5B-66.006 Treatment Areas, Treatment Procedures, Mitigative Measures, and Declaration of Eradication.

(1) Treatment areas and treatment procedures to eradicate a fruit fly infestation will be dependent on the species, life-stages and numbers of fruit flies detected and the geographical area affected by the fruit fly infestation. Treatment areas shall be treated under the direction of the Department or the USDA-APHIS-PPQ. All pesticide applications will be applied in accordance with applicable federal and state regulations, implementing mitigative measures to reduce environmental and public impact as described in this subsection 5B-66.006(4), F.A.C. The Department or other parties acting in concert with the Department through a compliance agreement shall use the following treatment activities or combination thereof:

(a) Ground or aerial applications of an EPA-registered pesticide, an Emergency Exempted product as authorized by Federal Insecticide Fungicide and Rodenticide Act (FIFRA), Section 18 [7 U.S.C. 136p], or a Special Local Need product as authorized by FIFRA, Section 24(c) [(7 U.S.C. 136 v)] that are labeled as effective for fruit fly control;

(b) Bait stations applied to host plants or plants capable of harboring adult fruit flies;

(c) The removal and disposal of all hosts known or suspected to harbor any stage of the fruit fly species detected;

(d) The removal and destruction of abandoned or unwanted plants capable of bearing hosts;

(e) The placement of traps;

(f) The release of sterile fruit flies to achieve eradication.

(2) Delimitation area and Treatment areas. The geographical boundaries of treatment areas shall be published in a major newspaper of general distribution in the treatment area, on the Department's website, and provided to affected industry groups.

(a) When a single male or unmated female fruit fly is detected, an intensified monitoring program will be implemented in a delimitation area which will be a minimum 81-square mile area around the positive site.

(b) When two adult fruit flies are detected within three miles (3.5 miles for *Bactrocera* species) of each other within a life cycle, or a single gravid female, larva, or pupa are detected, a delimitation monitoring program will be implemented in a minimum 81-square mile area around the positive site. The treatment area for pesticide treatments shall be established and shall be a minimum 9-square mile area around a positive site.

(c) If a larva is detected, in addition to paragraph 5B-66.006(1)(b), F.A.C., above, the soil under the canopy of all host plants on the property and each adjacent property shall be drenched with an EPA-registered pesticide, an Emergency Exempted product as authorized by Federal Insecticide Fungicide and Rodenticide Act (FIFRA), Section 18 [7 U.S.C. 136p], or a Special Local Need product as authorized by FIFRA, Section 24(c) [7 U.S.C. 136 v] that are labeled as effective for fruit fly control. All hosts shall be removed within a 660-foot radius of the positive site by the Department or the USDA-APHIS-PPQ.

(3) Treatment procedures. Treatments will be conducted in accordance with the following procedures upon notification of applicable federal, state, and local government agencies, and officials who will be provided an opportunity for input into program procedures or mitigative measures or participation in program monitoring activities:

(a) All necessary control actions will be conducted based on the species of fruit fly detected using the treatments necessary to prevent further spread and achieve eradication.

(b) Local hospitals and public health facilities and agencies will be notified of the pesticide treatment schedules and the types of pesticides used and all accidental pesticide exposures will be reported to the appropriate local, state and federal authorities.

(c) All applicable environmental laws and regulations will be followed and an environmental monitoring program in accordance with applicable federal and state environmental laws will be implemented.

(d) All pesticides will be applied under the supervision of certified applicators in accordance with label instructions, applicable quarantine or emergency exemptions, USDA Environmental Impact Statements, site specific Environmental Assessments and state licensing requirements.

(e) All appropriate program personnel will be trained on the proper use and storage of materials and instructed on emergency procedures in the event of accidental chemical exposure.

(f) All necessary safety and cleaning equipment, protective clothing and Material Safety Data Sheets will be provided to program personnel.

(4) Program Mitigative Measures. The following mitigative measures will be taken to reduce public and environmental impact:

(a) Residents in treatment areas shall be notified in person or by publication in a major newspaper of general distribution in the treatment area at least 24 hours in advance of the date and time of planned pesticide treatments, on the Department's website, and notice will be provided to affected industry groups. Notifications will be in English or other languages as necessary based on the ethnic structure of the community. The notification shall include basic information about the program, the geographical boundaries of the treatment area, treatment procedures and measures to be taken to avoid exposure and reduce damage.

(b) A telephone help line system will be established to keep the public informed of program activities and serve as a mechanism for registering and responding to complaints.

(c) Beekeepers in the treatment area will be notified 24 hours in advance of any chemical applications.

(d) The United States Department of the Interior's Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission will be contacted to determine the presence of any endangered or threatened species in need of protection within the treatment area and the program shall take appropriate measures to protect those species as recommended by these agencies.

(e) Sensitive areas in or near treatment areas shall be identified prior to chemical treatments and appropriate measures taken to ensure that these areas are not adversely affected.

(f) All control actions will be conducted with appropriate concern for potential impact on the public, wildlife, non-target organisms and sensitive areas.

(5) Declaration of Eradication. Following the completion of all treatments, eradication shall be declared when no fruit fly is detected after a period of a minimum of two fruit fly life cycles. The Department shall publish notice of the Declaration of Eradication in a major newspaper of general distribution in the quarantine area, on the Department's website, and provide notice to affected industry groups.

(6) Program Evaluation. Following the completion of a fruit fly eradication program, program activities and monitoring results will be reviewed and evaluated and appropriate changes implemented for future programs.

Rulemaking Authority 570.07(23), (24), 581.031(1), (5), (7), (17) FS. Law Implemented 570.32(5), (6), 581.031(6), (7), (9), (15), (17), (20), (26), (30), 581.101, 581.161, 581.181 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Wayne N. Dixon, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P.O. Box 147100, Gainesville, FL 32614-7100

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Adam H. Putnam, Commissioner, Department of Agriculture and Consumer Services, The Capitol, 400 South Monroe Street, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2010

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE NO.: 9N-4.002
 RULE TITLE: Florida Accessibility Code for Building Construction

PURPOSE AND EFFECT: Adopt undated Florida Accessibility Code for Building Construction effective March 15, 2012.

SUMMARY: The United States Department of Justice has adopted a new standard to implement the Americans with Disabilities Act that will become the federally mandated minimum construction design standard on March 15, 2012. In anticipation of the need to update Florida's accessibility code, the Florida Building Commission convened a workgroup and forwarded its consensus-based recommendations for Legislative review during the 2011 session. Those recommendations were adopted in Chapter 2011-222, Laws of Florida. The 2012 Florida Accessibility Code for Building Construction merges the federal minimum with Florida-specific, legislatively mandated enhancements. The Commission has selected an effective date of March 15, 2012, to implement the updated standard consistent with the effective date of the new Federal standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An 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: 553.503 FS.

LAW IMPLEMENTED: 553.503 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: August 9, 2011, 8:30 a.m. or as soon thereafter as the matter comes before the Commission in accordance with its agenda.

PLACE: Rosen Centre, 9840 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: Rick Dixon, Codes and Standards Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2278. If you are 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: Rick Dixon, Codes and Standards Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2278, e-mail: rick.dixon@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

9N-4.002 Florida Accessibility Code for Building Construction.

(1) The ~~2012~~ ~~1997~~ Florida Accessibility Code for Building Construction (the Code) is adopted by reference ~~as the rule of this Commission, effective October 1, 1997. The 2001 and 2004 revisions to the Code are herein incorporated into this rule by reference and shall take effect on the effective date of this rule.~~ Copies of the Code ~~and the 2001 and 2004 revisions~~ are available on the internet at www.floridabuilding.org or by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

~~(2) The Code is amended, and such amendments shall be integrated into the Florida Building Code, as follows:~~

~~(a) A second exception is added to section 4.3.3 providing that all spaces must be located on an accessible route no less than 44 inches (1118 mm) wide so that users will not be compelled to walk or wheel behind parked vehicles.~~

~~(b) The first paragraph of Section 4.6.4 is amended to read:~~

~~“Each such parking space must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation which is placed on or at a distance of 84 inches above the ground to the bottom of the sign and which bears the international symbol of accessibility,~~

~~ADAAG s. 4.30.7 and the caption "PARKING BY DISABLED PERMIT ONLY". Such sign erected after October 1, 1996, must indicate the penalty for illegal use of the space." The shaded text that comprises the balance of Section 4.6.4 shall remain as currently adopted.~~

This rule will have a delayed effective date of March 15, 2012.

Rulemaking Authority 553.503 FS. Law Implemented 553.503 FS. History—New 9-14-97, Amended 10-31-99, 1-20-02, 1-20-08, 5-14-08, Formerly 9B-7.0042, Amended 3-15-12.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rick Dixon, Codes and Standards Program

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2011

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.001	Definitions
19-11.006	Enrollment Procedures for New Hires
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs
19-11.011	Employer and Employee Contributions and Present Value Transfer Procedures

PURPOSE AND EFFECT: To amend Rule 19-11.001, F.A.C., to include all pertinent definitions contained in Rule Chapters 19-11, 19-12 and 19-13, F.A.C.; to adopt the latest versions of an enrollment form in view of new legislation (Senate Bill 2100, Chapter 2011-68, Laws of Florida) requiring employee contributions to the Florida Retirement System; to remove unnecessary provisions in Rules 19-11.006 and 19-11.007, F.A.C., as such information is fully set forth in the applicable forms; to create new Rule 19-11.011, F.A.C. to consolidate contributions provisions currently in Rules 19-11.001, 19-12.003 and 19-12.004, F.A.C., and add new information pertaining to employee contributions pursuant to Senate Bill 2100, Chapter 2011-68, Laws of Florida.

SUMMARY: To update information concerning enrollment procedures and to reflect recent legislation pertaining to employer and employee contributions; to consolidate definitional provisions currently scattered in several rules contained in several different rule chapters; to remove unnecessary and redundant rule provisions; and to adopt an updated form. There are no other rules incorporating any of these proposed rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The SBA has determined that the proposed rule(s) will not have an adverse impact on small business or likely increase, directly or indirectly, regulatory costs in excess of \$200,000 in the aggregate within one year or \$1 million in the aggregate within 5 years. Therefore, an SERC has not been prepared. It has also been determined that this/these rule(s) do/does not meet the statutory threshold for ratification by the Legislature.

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: 121.4501(8)(a) FS.

LAW IMPLEMENTED: 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (10), (13), (15), (20), 121.71, 121.72, 121.74, 212.77, 121.78, 215.44(8)(b), 1012.875(3) FS.

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

DATE AND TIME: Monday, August 8, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: Hermitage Room, the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.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 RULES IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1182, ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULES IS:

19-11.001 Definitions ~~Procedures Regarding Employer Contributions.~~

~~(1) Purpose. This rule implements Section 121.78, F.S., and establishes procedures regarding employer contributions, late payrolls, assessments, and market losses.~~

~~(2) Definitions.~~

The following words and terms shall have the following meanings for purposes of Chapters 19-11, 19-12 and 19-13, F.A.C.:

(1) “ABO,” “Accrued service benefit,” or “accumulated benefit obligation” which is the acronym for the “accumulated benefit obligation,” means the present value of a member’s benefit in the FRS Pension Plan, which is the defined benefit program of the Florida Retirement System, to which the member would be entitled if the member retired from the FRS Pension Plan. This present value shall be calculated in accordance with the formula set out in Section 121.4501(3)(b)1., F.S., by the Division of Retirement within the Department of Management Services. The ABO changes on a monthly basis based on the following factors: age, service, salary level, and membership class.

(2) “Administrator” or “Investment Plan Administrator” means the entity hired by the SBA, pursuant to Section 121.4501(8)(a)1., F.S., to provide administrative services to the FRS Investment Plan and is responsible for processing enrollment forms received from employees making a retirement plan choice either by form, by telephone, or on the MyFRS.com website.

(3) “Aggregate amount of \$75,000 or more” means the total of the amounts transferred out of a fund by a member and into the same fund, in either order (i.e., in/out or out/in) during any rolling 30-calendar day period, regardless of the number of Round Trips.

(4) “Annual addition” means the sum for any limitation year of all employer and employee contributions which are treated as annual additions to a defined contribution plan for purposes of s. 415(c) of the Code and forfeitures. Examples of such contributions to a defined contribution plan include the following: employer and employee contributions to the FRS Investment Plan; contributions to the Senior Management Service Optional Annuity Program described in Section 121.055(6), F.S.; contributions to a Code s. 401(k) plan; employer contributions to an individual retirement account; voluntary employee contributions to accounts in a defined benefit plan [but not including contributions to a qualified cost-of-living arrangement in accordance with Code s. 415(k)]; amounts allocated to the separate account of a key employee for post-retirement medical benefits described in Code s. 419A(d)(2); and contributions to an individual medical benefit account, as described in Code s. 415(l). Examples of contributions which are not annual additions for purposes of s. 415(c) of the Code as applied to the FRS Investment Plan include the following: rollover contributions or transfers from another eligible retirement plan to the FRS Investment Plan; contributions to a Code s. 403(b) annuity plan; contributions to a Code s. 457 deferred compensation plan; and contributions which are additional elective deferrals under Code s. 414(v).

(5) “Benefits” is used in the same sense, and has the same meaning, as used in Section 121.4501(7), F.S.

(6) “Code” means the U.S. Internal Revenue Code, as amended. The Code is available free on the Internet at the following web site: uscode.house.gov.

(7) “Compensation” means the monthly salary paid to a member by his or her employer for work performed arising from that employment.

(8) “Complaint” shall mean a member’s written or verbal expression of dissatisfaction with an FRS Investment Plan provider or one of its representatives.

(9) “Defined contribution plan” means a plan, such as the FRS Investment Plan, which provides for an individual account for each member and for benefits based solely on the amount contributed to the member’s account, and any income, expenses, gains and losses, and any forfeitures of accounts of other members which may be allocated to such member’s account.

(10) “Direct rollover” means a payment by the FRS Investment Plan to the eligible retirement plan specified by the distributee.

(11) “Distributee” means a member or former member. In addition, the member’s or former member’s surviving spouse and the member’s or former member’s spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code s. 414(p), are distributees with regard to the interest of the spouse or former spouse.

(12) “Division” means the Division of Retirement within the Department of Management Services.

(13) “Effective date of enrollment” means that the Employee has completed enrollment by filing an election for his or her membership class with the Administrator; that the Administrator has entered the Employee into its recordkeeping system; and that the Administrator has informed the Division of the Employee’s effective date of enrollment in either the FRS Pension Plan or the FRS Investment Plan.

(14) “Electronic Means” shall mean an enrollment made on the MyFRS.com website, by telephone or other technology as specified by the SBA.

(15) “Eligible retirement plan” means an individual retirement account described in Code s. 408(a), an individual retirement annuity described in Code s. 408(b), an annuity plan described in Code s. 403(a), an annuity contract described in Code s. 403(b), an eligible deferred compensation plan described in Code s. 457(b) which is maintained by an eligible employer described in Code s. 457(e)(1)(A) or a qualified trust described in Code s. 401(a), that accepts the distributee’s eligible rollover distribution.

(16) “Eligible rollover distribution” means any distribution of all or any portion of the balance of the member’s account(s) in the FRS Investment Plan to the credit of the distributee. An eligible rollover distribution does not include any distribution which is made upon hardship of the employee; any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee’s designated beneficiary, or for a

specified period of ten years or more; any distribution to the extent such distribution is required under Code s. 401(a)(9); the portion of any distribution that is not includible in gross income, unless transferred in accordance with the provisions of Code s. 402(c)(2) to a qualified trust which is part of a plan which is a defined contribution plan, or to an individual retirement account described in Code s. 408(a) or an individual retirement annuity described in Code s. 408(b); or a deemed distribution of a loan under Code s. 72(p).

(17) "Employee" means an eligible employee as defined in Section 121.4501(2)(e), F.S.

(18) "Employer" means an employer as defined in Section 121.4501(2)(f), F.S. For purposes of the FRS Investment Plan, there are three general categories of employers: state agencies; school districts; and local employers.

(19) "Excessive trading" means multiple occurrences of Market Timing Trades by a member over time.

(20) An "exempt transaction" is any transaction that is initiated for purposes of: depositing employer and employee contributions; processing a distribution; processing a QDRO; or mapping funds from terminated products. Exempt transactions are not included in any calculations for the purposes of this Rule 19-11.004, F.A.C.

(21) "FRS Investment Plan", "Florida Retirement System Investment Plan," or "Investment Plan" means the defined contribution retirement program of the Florida Retirement System, established in Parts II and III of Chapter 121, F.S. Although established in Parts II and III, certain parts of Part I of Chapter 121, F.S., also apply to the FRS Investment Plan. The FRS Investment Plan has two parts: the FRS Investment Plan and the FRS Investment Plan Hybrid Option, also known as the FRS Hybrid Option.

(22) "FRS Investment Plan Hybrid Option" or "FRS Hybrid Option" means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, F.S., in which a member chooses to retain his accrued service benefit in the FRS Pension Plan, in accordance with Section 121.4501(3)(b)1., F.S., and further chooses that all future employer and employee contributions be deposited in his FRS Investment Plan Hybrid Option account. Although established in Parts II and III, certain parts of Part I of Chapter 121, F.S., also apply to the FRS Investment Plan Hybrid Option.

(23) "FRS Investment Plan providers" are:

1. The FRS Investment Plan Administrator;
2. Companies providing Investment Plan education;
3. Investment managers providing investment services supporting mutual funds or institutional funds offered in the FRS Investment Plan;
4. Marketing companies providing marketing and educational support for their investment products or providing individual counseling; and

5. Any other company or state agency providing Investment Plan services (including the State Board of Administration of Florida).

(24) "FRS Pension Plan" means the defined benefit retirement program of the Florida Retirement System, established in Part I of Chapter 121, F.S.

(25) "Florida Retirement System Trust Fund" or "FRSTF" shall mean the trust fund holding the assets of the FRS Pension Plan, which is the defined benefit plan of the Florida Retirement System.

(26) "Grace Period" means that procedure described in subsection 19-11.006(4), F.A.C., which permits, under certain circumstances, the voiding of a retirement plan election.

(27) "I," "you," or "your:" these references are to the member in the context of relevant parts of the enrollment forms set forth in this rule Chapter.

(28) "Limitation year" is the consecutive 12 month period of time to which Code limitations with respect to contributions and forfeitures are applied. For the FRS Investment Plan, the limitation year is the calendar year.

(29) "Market losses" shall be defined, for purposes of Section 121.78(3)(b), F.S., which states that employers shall reimburse FRS Investment Plan members for market losses resulting from late contributions, or from contribution adjustments as a result of employer errors or corrections the value of a member's account that otherwise would have been realized had the employer and employee contributions and accompanying payroll data been submitted on a timely basis. "Market losses" applies only to the monthly contribution that is late, not to the member's aggregate value in his or her Investment Plan account.

(30) A "Market Timing Trade" is a member-directed series of trades with the following two characteristics:

1. At least one Roundtrip Trade within a 30-day period, and
2. The trade amount for all Roundtrip Trades is an aggregate amount of \$75,000 or more.

(31) "Member" means an employee who elected to participate, and has an account established, in the FRS Investment Plan or the FRS Investment Plan Hybrid Option as a result of current or previous employment with an FRS-covered employer; a person who has been designated as an alternate payee due to a qualified domestic relations order ("QDRO"); or a designated beneficiary when a member is deceased. For purposes of the complaint procedures set forth in Rule 19-11.005, F.A.C., the term also includes FRS employees who have not elected the FRS Investment Plan but who claim that they intended to join the Plan but were prevented from doing so for various reasons.

(a) "Public Employee Optional Retirement Program" or "PEORP" shall mean the optional defined contribution plan within the Florida Retirement System, established in Part II of Chapter 121, F.S.

~~(32)(b) “PEORP Participant” or “FRS Investment Plan Member,” or “Investment Plan Member,” “participant,” or “member,” shall mean an active member of the Florida Retirement System who has elected to join the FRS Investment Plan PEORP .~~

~~(33)(e) “PEORP Participant’s “Member’s accounts” or “PEORP accounts” shall mean investment accounts for an individual member PEORP Participant in which employer and employee contributions are invested for a FRS Investment Plan member PEORP Participant.~~

~~(d) For purposes of Section 121.78(3)(b), F.S., which states that employers shall reimburse PEORP Participants for market losses resulting from late contributions, or from contribution adjustments as a result of employer errors or corrections, the term “market losses” shall be defined as the value of a Participant’s account that otherwise would have been realized had the employer contribution and accompanying payroll data been submitted on a timely basis. “Market losses” applies only to the monthly contribution that is late, not to the Participant’s aggregate value in his PEORP account.~~

~~(35) A “Roundtrip Trade” occurs when a member conducts a series of at least two non-exempt transactions that include one or more transfers into an authorized investment fund AND one or more transfers out of the same authorized investment fund in either order (i.e., in/out or out/in), regardless of any multiple transfers from or to other different authorized investment funds during the roundtrip.~~

~~(36)(e) “PEORP” “Third party administrator” or “TPA” shall mean the Investment Plan third party Administrator hired by the Florida State Board of Administration pursuant to Section 121.4501(8), F.S.~~

~~(37) “SBA” means the State Board of Administration of Florida, the plan sponsor for the FRS Investment Plan.~~

~~(38) “True-up Amount” means the difference between the ABO calculated by using the member’s actual creditable service and the actual final average compensation as of the member’s effective date in the FRS Investment Plan and the ABO initially transferred.~~

~~(3) One percent penalty.~~

~~(a) The portion of the one percent penalty assessed on late contributions and accompanying payroll data attributable to contributions for the PEORP shall be deposited into the Participant’s account, using the PEORP Participant’s investment allocation in effect at the time of the deposit of the assessment in the Florida Retirement System Trust Fund.~~

~~(b) Any employer requesting a waiver of the delinquency fee in accordance with Section 121.78(3)(e), F.S., shall fully explain and certify such waiver request in writing to the Office of Defined Contribution Programs, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308.~~

~~(4) Market loss calculation.~~

~~(a) The TPA will determine market losses using a PEORP Participant’s investment allocation in effect at the time of calculation. The TPA will perform the market value calculation using a period certain which is the 15th of the month in which the payroll is due, or the next succeeding business day if the day falls on a weekend or TPA or Division of Retirement observed legal holiday, in which contributions would have been processed, and ending on the date the payroll is received by the TPA.~~

~~(b) If contributions and accompanying payroll data are not received within the calendar month they are due, but that lateness does not result in market losses to participants, only the one percent late assessment will apply to the employer.~~

~~(c) The TPA will not perform the market loss calculation until a covered payroll and accompanying payroll data is received and processed by the TPA.~~

~~Rulemaking Specific Authority 121.4501(8) 121.78(3)(e) FS. Law Implemented 121.021, 121.4501 121.78 FS. History—New 12-8-02, Amended 3-9-06,_____.~~

~~19-11.006 Enrollment Procedures for New Hires.~~

~~(1) Purpose. This rule adopts procedures and forms for enrollment in the Florida Retirement System Investment Plan for employees who become employed in a regularly established position with a state employer commencing after April 1, 2002; or with a district school board employer commencing after July 1, 2002; or with a local employer commencing after October 1, 2002.~~

~~(2) Definitions.~~

~~(a) “ABO,” which is the acronym for the “accumulated benefit obligation,” means the present value of a member’s benefit in the FRS Pension Plan, which is the defined benefit program of the Florida Retirement System, to which the member would be entitled if the member retired from the FRS Pension Plan. This present value shall be calculated in accordance with the formula set out in Section 121.4501(3)(e)2., F.S., by the Division of Retirement within the Department of Management Services. The ABO changes on a monthly basis based on the following factors: age, service, salary level, and membership class.~~

~~(b) “Division” means the Division of Retirement within the Department of Management Services.~~

~~(c) “Administrator” means the entity hired by the SBA, pursuant to Section 121.4501(8)(b)1., F.S., to provide administrative services to the FRS Investment Plan and is responsible for processing enrollment forms received from employees making a retirement plan choice either by form, by telephone, or on the MyFRS.com website.~~

~~(d) “Effective date of enrollment or effective enrollment in the FRS Investment Plan” means that the employee has completed enrollment by filing the enrollment form for his membership class or by filing a separate document for his membership class with the Administrator; that the~~

Administrator has entered the employee into its recordkeeping system; and that the Administrator has informed the Division of the employee's effective date of enrollment in either the FRS Pension Plan or the FRS Investment Plan. For purposes of this rule, the term "enrollment form" or "form" shall also refer to the separate document described in paragraph 19-11.006(4)(b), F.A.C., below.

(e) "Electronic Means" shall mean an enrollment on the MyFRS.com website, by telephone or other technology as specified by the SBA in a subsequent amended rule.

(f) "Employee" means an eligible employee as defined in Section 121.4501(2)(d), F.S.

(g) "Employer" means an employer as defined in Section 121.4501(2)(e), F.S. For purposes of the FRS Investment Plan, there are three general categories of employers: state agencies; school districts; and local employers.

(h) "FRS Investment Plan" means the defined contribution retirement program of the Florida Retirement System, established in Parts II and III of Chapter 121, F.S. Although established in Parts II and III, certain parts of Part I of Chapter 121, F.S., also apply to the FRS Investment Plan. The FRS Investment Plan has two parts: the FRS Investment Plan and the FRS Investment Plan Hybrid Option, also known as the FRS Hybrid Option.

(i) "FRS Pension Plan" means the defined benefit retirement program of the Florida Retirement System, established in Part I of Chapter 121, F.S.

(j) "Florida Retirement System Trust Fund" or "FRSTF" shall mean the trust fund holding the assets of the FRS Pension Plan, which is the defined benefit plan of the Florida Retirement System.

(k) "Grace Period" means that procedure described in subsection (6), below, which permits, under certain circumstances, the voiding of a retirement plan election.

(l) "Member" means an employee who elects to join the FRS Investment Plan or the FRS Investment Plan Hybrid Option.

(m) "Public Employee Optional Retirement Program" or "PEORP" means the defined contribution retirement program of the Florida Retirement System established by Section 121.4501, F.S., more commonly known as the FRS Investment Plan.

(n) "SBA" means the State Board of Administration of Florida.

(o) "True up Amount" means the difference between the ABO calculated by using the member's actual creditable service and the actual final average compensation as of the member's effective date in the FRS Investment Plan and the ABO initially transferred.

~~(2)~~(3) General Enrollment Procedures.

(a) All newly-hired employees are initially enrolled in the FRS Pension Plan. If a newly-hired employee chooses, within the statutory election period, to enroll in the FRS Investment

Plan, or the FRS Investment Plan Hybrid Option, the effective date of enrollment in the FRS Investment Plan or the FRS Investment Plan Hybrid Option is the date of hire of the employee. However, the employer contributions received by an employee prior to effective enrollment in the FRS Investment Plan or the FRS Investment Plan Hybrid Option will be transferred into the employee's FRS Investment Plan or FRS Investment Plan Hybrid Option account at the rate the employer was required to contribute for that employee. Only after effective enrollment in the FRS Investment Plan or the FRS Investment Plan Hybrid Option will the employee receive the employer contribution at the FRS Investment Plan or FRS Investment Plan Hybrid Option rate appropriate to that employee's class of membership, as specified in Section 121.4501(4)(a)2.b., (b)2.b., and (c)2.b., F.S.

(b) Eligible newly-hired employees enrolled in the regular, special risk, and special risk administrative support classes may choose to enroll in the FRS Investment Plan by submitting an enrollment form or by electronic means.

(c) Eligible newly-hired employees enrolled in the Elected Officers' Class or Senior Management Service Class may only enroll in the FRS Investment Plan by submitting an enrollment form.

(d) Eligible newly-hired employees eligible to enroll in the Community College Optional Retirement Program or State University System Optional Retirement Program may only enroll in the FRS Investment Plan by submitting an enrollment form.

(e) Enrollment forms are available in the enrollment package which is sent to an employee's address of record or by accessing www.MyFRS.com, and clicking on Resources and then on Forms; or by calling toll-free 1(866)446-9377, or for the hearing impaired [TRS 711 1\(888\)429-2160](tel:1(888)429-2160).

~~(3)~~(4) Specific Enrollment Procedures.

(a) All newly-hired employees may enroll in the FRS Investment Plan no later than the last business day of the 5th month following the employee's month of hire or may elect to remain in the FRS Pension Plan. Example: If an employee is hired on January 15, he or she must complete his or her plan choice elect the FRS Investment Plan no later than the last business day of June. If no plan choice is filed, the employee will default to the FRS Pension Plan.

(b) The SBA has designed the following forms for ease of use for employees in the several membership classes of the Florida Retirement System. As an alternative, an employee not wishing to use the forms may provide the same information requested by the forms available for use outlined in this Rule 19-11.006, F.A.C., for his or her membership class in a separate document. Employees may determine their membership class by inquiry of their human resources office at their agency. The forms available are: an EZ Retirement Plan Enrollment form which is only for regular, special risk, and special risk administrative support class employees; a General

Retirement Plan Enrollment form for regular, special risk, and special risk administrative support class employees; an Elected Officers' Class Retirement Plan form; a Community College Optional Retirement Program Retirement Plan Choice form; a State University System ORP-Eligible Employee Retirement Plan form; a State Senior Management Service Employees Retirement Plan form; and a Local Senior Management Service Employees Retirement Plan form.

1. All enrollment forms can be obtained at the sources listed in paragraph ~~(2)(3)(c)(b)~~, above.

2. Only members of the regular, special risk, and special risk administrative support classes of employees may use the EZ form, "EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees," Form ELE-1-EZ, rev. 04/7/10~~1~~, which is hereby adopted and incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-00420>. If an employee chooses to use the EZ form, only limited information (i.e., name, plan choice, social security number and signature) is required. The FRS Select Moderate Balanced Fund is the only initial investment option (although that investment option may be changed by the Member once the account is funded). No beneficiary identifying information is required on the EZ form. However, beneficiary designations must be made either on forms prescribed for that purpose or electronically by logging onto MyFRS.com, clicking on "manage benefits," then clicking on "manage investments," and then clicking on "personal info." If no beneficiary designation is made, the Plan funds will be distributed, at the Member's death, in accordance with Florida law and Rule 19-11.002, F.A.C. Beneficiary designation forms may be obtained from the same sources listed in paragraph (3)(b), above.

~~(e) If one of the other forms is used, consistent with the employee's membership class, or if the employee chooses to submit a separate document, consistent with the employee's membership class, the employee shall provide the following information:~~

~~1. Employee's name and social security number;~~

~~2.a. For an employee who is not a member of any of the retirement plan options detailed in sub-subparagraphs b. through f., below, a selection as to whether the employee decides to stay in the FRS Pension Plan, or transfer his ABO, if any, to the FRS Investment Plan, or transfer to the FRS Investment Plan Hybrid Option and leave his ABO, if any, in the FRS Pension Plan; or~~

~~b. For a state employee who is eligible for membership in the State Senior Management Service Class, a selection as to whether the employee wishes to elect:~~

~~i. The FRS Pension Plan; or~~

~~ii. The FRS Investment Plan and have future employer contributions sent to the FRS Investment Plan account; or~~

~~iii. To retain any accrued benefit in the FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan Hybrid Option, which requires that the employee must have at least 5 years of previous Pension Plan service to select this option iii.; or~~

~~iv. To switch prospectively to the Senior Management Service Optional Annuity Program (SMSOAP) and retain any accrued benefit in the FRS Pension Plan, which requires that the choice form must be received no later than 4:00 p.m. Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.055(6)(e)2., F.S.;~~

~~e. For a local employee who is eligible for the Senior Management Service Class, a selection as to whether the employee wishes to elect:~~

~~i. The FRS Pension Plan; or~~

~~ii. The FRS Investment Plan and have all future employer contributions sent to the FRS Investment Plan account; or~~

~~iii. To retain any FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan Hybrid Option, which requires that the employee must have at least 5 years of previous Pension Plan service to select this option iii.; or~~

~~iv. To withdraw from the Florida Retirement System, which requires contacting the employee's employer and submitting the appropriate form to that employer;~~

~~d. For an employee who is eligible for the State University System Optional Retirement Program (SUSORP), a selection as to whether the employee wishes to elect:~~

~~i. To join SUSORP and retain any accrued benefit in the FRS Pension Plan, which requires making such election no later than the 90th day after the date of hire by executing a contract with a SUSORP provider company and which also requires that eligible clinical faculty employed at a state university with a faculty practice plan shall elect this option, which requires the selection to be made no later than 4:00 p.m. Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.35(3), F.S.; or~~

~~ii. To join the FRS Pension Plan which must be completed no later than the last business day of the 5th month after the month of hire; or~~

~~iii. To join the FRS Investment Plan and to transfer the present value, if any, of the FRS Pension Plan benefit to the FRS Investment Plan and to have future contributions sent to the FRS Investment Plan account; or~~

~~iv. To switch prospectively to the FRS Investment Plan Hybrid Option and retain any accrued benefit in the FRS Pension Plan, which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iv.;~~

~~e. For an employee who is eligible for the Community College Optional Retirement Program, a selection as to whether the employee wishes to elect:~~

~~i. To join the FRS Pension Plan; or~~

~~ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or~~

~~iii. To join the FRS Investment Plan Hybrid Option and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii.; or~~

~~iv. To withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP) which requires that the selection must be completed within 90 days of commencing CCORP-qualifying employment, in accordance with Section 1012.875(3), F.S.;~~

~~f. For an employee who is eligible for the Elected Officers' Class, a selection as to whether the employee wishes to elect:~~

~~i. To join the FRS Pension Plan; or~~

~~ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or~~

~~iii. To join the FRS Investment Plan Hybrid Option and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii.; or~~

~~iv. To join the Senior Management Service Class of the FRS Pension Plan and retain any accrued benefit in the FRS Investment Plan, which requires the eligible employee to make the choice no later than the last day of the 6th month after assuming his elected office, in accordance with Section 121.052(3)(a), F.S.; or~~

~~v. To switch prospectively to the State Senior Management Service Optional Annuity Program and retain any accrued benefit in the FRS Pension Plan, which selection must be made no later than the last business day of the 6th month after assuming elected office and that the employee must be a state elected officer to select this option v.; or~~

~~vi. To withdraw from the Florida Retirement System and participate in a local government Optional Annuity Program, which decision is irrevocable so long as the employee holds a position which is eligible for the Senior Management Service Class and which election must be made no later than the last business day of the 6th month after assuming elected office and that the employee must be a local elected officer to select this option vi.; or~~

~~vii. To withdraw from the Florida Retirement System altogether, which means that the employee will not participate in the Florida Retirement System or any retirement plan offered by his employer; that the effective date of the election will be the date he assumed elected office; that the employee can rejoin the Elected Officers Class upon written request; that the employee's decision must be made no later than the last business day of the 6th month after assuming elected office;~~

~~and that this option vii. is not available to any member who has already retired from a State of Florida administered retirement plan.~~

~~3. Understand that benefits will be distributed in accordance with Section 121.091(8), F.S., in the absence of the member's filing a beneficiary designation form, which is available from the sources listed in paragraph (3)(b), above;~~

~~4. Select any combination of investment funds from among any of the balanced funds and other investment funds shown, provided, however, that the percentage of the employee's contributions for all of the funds selected must equal 100 percent. Any member who does not select investment options will be defaulted into the FRS Select Moderate Balanced Fund. Any member so defaulted retains the option at any time once the account is activated to make other investment selections. Both the accumulated benefit obligation and all future contributions will be invested in the FRS Select Moderate Balanced Fund unless and until the member chooses other investment options;~~

~~5. Sign and date a section indicating that, depending on which options were selected as described in Section 1 of the form and in subparagraph 2., above:~~

~~a. The employee understands that he can obtain a description of his rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan by calling a toll free number or accessing an internet website;~~

~~b. The employee understands the elections he has made by choosing among the various options available to him as described in Section 1 of the form and in subparagraph 2., above;~~

~~c. The employee understands that if he has elected the FRS Investment Plan, the initial ABO is an estimate which will be reconciled within 60 days and that if the employee is a member of the FRS Investment Plan Hybrid Option, he cannot make this choice unless he has at least 5 years of previous Pension Plan service and that if he is currently a member of the FRS Pension Plan, the election may constitute his second choice as provided under Section 121.4501(4)(e), F.S.;~~

~~d. The employee understands that he should review the fund profiles and the Investment Fund Summary before choosing investment funds and that information will be available electronically unless the employee requests hard copies and that if the employee does not choose specific funds, his assets will be invested in the FRS Select Moderate Balanced Fund;~~

~~e. The employee understands that investment management fees may change and that funds may be added or terminated and that if funds are terminated, the employee has the choice of moving his assets into other investment options or, if the employee does not make an affirmative decision, his assets will be moved to the FRS Select fund with the most similar risk characteristics or into a replacement fund designated by the Plan's Trustees;~~

~~f. The Florida Statutes incorporate federal law concepts of participant control so that if the employee exercises control over his assets in accordance with section 404(c) of the federal Employee Retirement Income Security Act of 1974, no program fiduciary shall be liable for any loss to his account which results from the employee's control;~~

~~g. The employee understands that he has a one-time opportunity to switch plans and that to switch to the Pension Plan there will be a buy-in cost for doing so; [The Division of Retirement is responsible for calculating the buyback amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee's salary and service and rises when additional creditable service or salary is earned.]~~

~~h. The employee understands that he can change his fund allocations at any time after the account is activated;~~

~~i. The employee understands that his account will be available by the last business day of the month following the date of his election;~~

~~j. The employee understands that by not selecting any investment options, he is authorizing that his assets be invested in the FRS Select Moderate-Balanced Fund;~~

~~k. The employee understands that the FRS Investment Plan is not designed to facilitate short-term excessive trading; that foreign and international funds are subject to a 7-day holding period and that the excessive trading policy in Rule 19-11.004, F.A.C., applies to all members;~~

~~l. The employee understands that he cannot file a second election using the initial enrollment form;~~

~~m. The employee understands that if he has chosen the Senior Management Service Optional Annuity Program, he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is inactivated once enrolled in SMSOAP; that he is not eligible for disability benefits; that his SMSOAP election is irrevocable so long as he is employed in a SMSOAP position; that the State of Florida does not guarantee or insure SMSOAP benefits; and that any employee contributions to SMSOAP are after-tax deductions that are not tax-deferred;~~

~~n. The employee understands that if he has chosen to withdraw from the Florida Retirement System, that his participation in any other state-administered retirement plan is inactivated once the withdrawal is complete; that he is not eligible for disability benefits; that his withdrawal decision is irrevocable so long as he is employed in a position eligible for participation in the Senior Management Service Class;~~

~~o. The employee understands that if he has chosen the State University System Optional Retirement Program (SUSORP), he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is~~

~~inactivated once enrolled in SUSORP; that he cannot participate in SUSORP if he is a retiree or receiving an annuity payment from the SUSORP; that he is not eligible for disability benefits; that his SUSORP election is irrevocable so long as he is employed in a SUSORP position; that the State of Florida does not guarantee or insure SUSORP benefits; and that any employee can contribute up to the statutory amount of his gross salary as an employee contribution and that these contributions to SUSORP shall be tax-deferred;~~

~~p. The employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP), he must contract with the individual provider company(ies) for CCORP within 90 days of his employment; that failure to join CCORP will make him a compulsory member of the FRS Pension Plan; that by electing to withdraw from the Florida Retirement System, he must become a program participant in the CCORP's lifetime monthly annuity program; that his participation in any other state-administered retirement plan is inactivated once enrolled in CCORP; that he is not eligible for disability benefits; and that he has one opportunity to join either the FRS Pension Plan or the FRS Investment Plan;~~

~~q. The elected employee understands that if he has chosen to join the SMSOAP, he must be an elected officer; and that he must contact the marketing company(ies) to receive information about the plan; that his participation in any other state-administered retirement plan is inactivated; that the State of Florida does not guarantee or insure any benefits paid under the program; and that any employee contributions he makes are not tax-deferred;~~

~~r. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in a local government annuity program, his effective date will be the first day of the month following the receipt of his written election to the FRS Plan Choice Administrator; and~~

~~s. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System altogether, he may rejoin upon written request and that this option is not available to members who have already retired from a State of Florida administered retirement plan.~~

~~6. For employees who have chosen to participate in the Senior Management Service Optional Annuity Program, fill out a section designating marketing companies and contribution amounts for that option and check a statement that the employee has reviewed the investment fund options offered by the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employees contributions as authorized in the section.~~

~~7. For employees who have chosen to participate in the State University System Optional Retirement Program, fill out a section designating marketing companies and contribution~~

~~amounts for that option and check a statement that the employee has reviewed the investment fund options offered by the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employees contributions as authorized in the section.~~

~~(c)(d)~~1. The enrollment by form or electronic means shall be complete and the election shall be final if all the required information is clearly indicated and if the enrollment is received by the FRS Plan Choice Administrator by 4:00 p.m. Eastern Time. The form shall be transmitted via the U.S. mail, courier, or by fax to 1(888)310-5559.

2. The FRS Plan Choice Administrator shall determine that the employee's enrollment in the FRS Investment Plan is within the prescribed time period, is complete, and the employee's election is clearly indicated. If the Administrator determines that the enrollment is incomplete, the employee will be required to resubmit a completed enrollment. An incomplete enrollment by form is a form which is missing the name of the member, social security number, plan selection, or signatures, or dates. If the form is incomplete only because the member has made no investment selection, the form will be processed and the member will be defaulted into the FRS Select Moderate Balanced Fund for investing his accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the member at any time once the transfer has been made. An incomplete enrollment by electronic means is one in which the FRS Plan Choice Administrator has no record of receipt and processing of the electronic enrollment.

~~(d)(e)~~ Upon receipt of the completed enrollment form by the FRS Plan Choice Administrator, the FRS Plan Choice Administrator shall enroll the employee in the indicated FRS retirement plan FRS Investment Plan. Upon completion of the enrollment, but no later than two working days after enrollment, the FRS Plan Choice Administrator shall send confirmation of the effective enrollment to the employee at the employee's home address of record, to the employee's employer, and to the Division to inform the Division of the employees retirement plan choice that the employee is no longer in the FRS Pension Plan.

~~(e)(f)~~ Employers shall remit pay retirement contributions monthly for their FRS Investment Plan employees or the FRS Investment Plan Hybrid Option and those contributions are due to the Division by the 5th working day of the month following the month for which the contributions are made. The employer shall change its employee records to reflect that the employee's plan choice, if applicable the contribution rates effective on the effective date of enrollment are applicable to those of its employees who have elected to enroll in the FRS Investment Plan or the FRS Investment Plan Hybrid Option.

(f) If the member submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name of the member, social security number, plan

selection, or signature. The member will be required to resubmit a completed enrollment form. If the form is incomplete only because the member has made no investment selection, the form will be processed and the member will be defaulted into the FRS Select Moderate Balanced Fund for investing his accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the member at any time once the transfer has been made.

~~(5) Asset Transfer and True-Up Procedures for Newly Hired Employees with Previous FRS Service:~~

~~(a) For employees with previous FRS service who elect to enroll in the FRS Investment Plan with a transfer of his or her ABO, the division shall determine the amount of the employee's ABO. This amount shall be transferred to the employee's FRS Investment Plan account and shall be allocated to each investment product selected by the participant on his or her enrollment form:~~

~~(b)1. The Division shall determine the employee's ABO as of the last day of the month prior to the employee's effective date of enrollment in the FRS Investment Plan:~~

~~2. Example: If the Division receives the enrollment during the month of June, the effective date of enrollment for the employee in the FRS Investment Plan is July 1. The Division shall determine the employee's ABO, if any, through June 30.~~

~~(c) By the 15th day of the month, the Division shall notify the Administrator of the ABO for each employee whose effective date of enrollment is the first day of the month and the Administrator shall notify the SBA of the aggregate ABO of employees whose effective date of enrollment is the first day of the month.~~

~~(d) On the last business day of the effective month of enrollment in the FRS Investment Plan, the SBA shall transfer the aggregate ABO amount to the FRS Investment Plan custodian for distribution to the FRS Investment Plan participant accounts. Such distribution shall be directed by the Administrator and shall be based on the percentage of the total investment allocated to each investment option designated by the participant on the enrollment form:~~

~~(e) The total amount initially credited to each FRS Investment Plan member's account who chooses to move his or her ABO out of the FRS Pension Plan is an estimate of the participant's ABO as calculated by the Division. Thereafter, pursuant to Section 121.4501(3)(e)3., F.S., the Division shall recompute the ABO not later than 60 days after the initial transfer of funds and, if the recomputed amount differs from the transferred ABO amount by \$10 or more, the Division shall cause an adjustment of the transfer of assets between FRS Investment Plan account(s) of the affected member(s) through a true up transfer in accordance with that statutory section:~~

~~(f) If the recomputed ABO is greater than the initial amount transferred by \$10 or more, the amount to be transferred to the member's FRS Investment Plan account from the FRS Trust Fund will equal the excess of the recomputed~~

~~ABO over the amount initially transferred plus interest. The amount transferred to each investment product shall be based on the percentage of the total investment allocated to each investment product by the member on his or her enrollment form.~~

~~(g) If the recomputed ABO is less than the original amount transferred by \$10 or more, the Administrator shall cause to be transferred from the member's FRS Investment Plan account to the FRSTF an amount equal to the excess of the initial amount transferred over the recomputed ABO plus interest. The amount transferred from each investment product shall be based on the percentage of the total investment allocated to each investment product by the member on his or her enrollment form.~~

~~(h) The Division shall notify the SBA of the aggregate true-up amount plus interest within 45 days of the initial transfer. The Division shall notify the Administrator of the true-up amounts plus interest by member account within 45 days of the initial transfer. The true-up transfer shall include the true-up amount determined by the Division plus interest at the rates specified in Section 121.4501(3)(c)3., F.S., from the date of the initial transfer to the date of the true-up transfer. The transfer of the true-up amount plus interest shall occur on the 60th day following the initial transfer. In the event the 60th day following the initial transfer falls on a Saturday, Sunday, or a legal holiday, the true-up transfer shall occur on the last business day of the month preceding the Saturday, Sunday, or legal holiday.~~

~~(i) The Division shall calculate the interest owed on true-up amounts. If the recomputed ABO is greater than the original amount transferred by \$10 or more, the member will be owed a true-up amount plus interest. Interest will be calculated using the rate of 8% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true up transfer, as specified in paragraph (h), above. If the recomputed ABO is less than the original amount transferred by \$10 or more, the member will owe a true up amount plus interest. Interest will be calculated on the amount owed based upon 6% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true up transfer.~~

~~(4)(6) Grace Period.~~

~~(a) If a member files an election with the Plan Choice Administrator and the member realizes that the election was made in error, or if the member has reconsidered the election made, the SBA will consider, on a case-by-case basis, whether the election will be voided, subject to the following requirements:~~

~~The member must notify the SBA, by a telephone call to the toll-free MyFRS Financial Guidance Line at 1(866)446-9377 or by written correspondence directly to the SBA, to the Plan~~

~~Choice Administrator, or to the Division no later than 4:00 p.m. Eastern Time on the last business day of the election effective month.~~

~~(b) If the request to reverse the election is made timely and the SBA finds that the election was made in error, the member will be required to sign a release and return it to the SBA no later than 4:00 p.m. Eastern Time, on the last business day of the election effective month prior to the election's being officially reversed. The member will acknowledge that failure to return a signed release by the requested due date will result in the original election being reinstated.~~

~~(c) Upon receipt of the release, the Division and the Plan Choice Administrator will be directed to do the following:~~

~~1. The Division will revise its database to reflect the member's plan change. The member will have until his or her choice period deadline date to make a new election. If the member's choice period has ended, the member will have one calendar month to make a new election. Failure to make a new election will result in the member's defaulting into the Pension Plan, except for the situation described in subparagraph 3., below.~~

~~2. The Plan Choice Administrator will send the member written confirmation that the election has been reversed.~~

~~3. If the member had elected the FRS Investment Plan and decided to remain in the FRS Pension Plan, there is no need for another election, because the member is already in the FRS Pension Plan, his election to the FRS Investment Plan having been reversed.~~

~~(d) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(8)(9)(g)(f)3., F.S., and discussed in Rule 19-11.005, F.A.C.~~

~~(5)(7) Costs associated with the liquidation or transfer of assets from the FRS Trust Fund to the FRS Investment Plan will be deducted from the FRS Trust Fund. The FRS Trust Fund will not be responsible for any transaction costs associated with the purchase of FRS Investment Plan assets. Those costs will be deducted from FRS Investment Plan accounts or otherwise charged to FRS Investment Plan members.~~

~~(6)(8) The amount transferred to each investment product shall be based on the percentage of the total investment allocated to each fund by the member on his or her enrollment form as described in paragraph (3)(b), above. However, pursuant to Section 121.4501(4)(d), F.S., amounts not specified will be invested in the default option designated in the Investment Policy Statement, as approved by the Trustees and adopted and incorporated by reference in Rule 19-9.001, F.A.C.~~

~~(7)(9) In order to effectively and efficiently administer the investment programs of the SBA and in accordance with Section 215.44(8)(b), F.S., the records and other information~~

relating to investments made by the SBA will be confidential and exempt from Chapter 119, F.S., until 30 days after completion of each investment transaction.

Rulemaking Authority 121.4501(3)(e)4., (8)(a) FS. Law Implemented 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) FS. History—New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 5-19-09, 2-4-10, _____.

19-11.007 Second Election Enrollment Procedures for the FRS Retirement Programs.

(1) Purpose. The purpose of this rule is to establish procedures for making the second election permitted by Section 121.4501(4)(g)(e), F.S. This rule includes procedures for members who initially chose the FRS Investment Plan or the FRS Investment Plan Hybrid Option to use their 2nd election to transfer to the FRS Pension Plan; for members who chose or defaulted into the FRS Pension Plan to use their 2nd election to transfer to the FRS Investment Plan or the FRS Investment Plan Hybrid Option.

(2) A member may make a valid 2nd election only if the 2nd election is made and processed by the Plan Choice Administrator while the member is actively employed, earning salary and service credit in an employer-employee relationship consistent with the requirements of Section 121.021(17)(b), F.S. ~~FRS members must be actively employed earning salary and service credit to be eligible to make a valid 2nd Election.~~ Members on an unpaid leave of absence, terminated members, or employees of an educational institution on summer break cannot use their 2nd Election until they return to covered FRS employment. In general terms, this means that the 2nd election must be made and processed while the member is actively working and being paid for that work. It is the responsibility of the member to assure that the 2nd election is received by the Plan Choice Administrator no later than 4:00 p.m. Eastern Time on the last business day the member is earning salary and earning service credit.

(2) Definitions:

(a) ~~“FRS Investment Plan” means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, F.S., in which a member chooses to transfer his accrued service benefit in the FRS Pension Plan, if any, to the FRS Investment Plan or the FRS Investment Plan Hybrid Option and further chooses that all future employer contributions be deposited in his FRS Investment Plan account. Although established in Parts II and III, certain parts of Part I of Chapter 121 also apply to the FRS Investment Plan. Any accrued service benefit transferred from the FRS Pension Plan to the FRS Investment Plan will be subject to the vesting requirements of the FRS Pension Plan.~~

(b) ~~“FRS Investment Plan Hybrid Option” or “FRS Hybrid Option” means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, F.S., in which a member chooses to~~

~~retain his accrued service benefit in the FRS Pension Plan, in accordance with Section 121.4501(3)(c)1., F.S., and further chooses that all future employer contributions be deposited in his FRS Investment Plan Hybrid Option account. Although established in Parts II and III, certain parts of Part I of Chapter 121, F.S., also apply to the FRS Investment Plan Hybrid Option.~~

(c) ~~“FRS Pension Plan” means the defined benefit retirement plan within the Florida Retirement System, established in Part I of Chapter 121, F.S.~~

(d) ~~“I,” “you,” or “your:” these references are to the member in the context of relevant parts of the two enrollment forms described in this rule.~~

(f) ~~“Electronic Means” shall mean an enrollment on the MyFRS.com website, by telephone or other technology as specified by the SBA in a subsequent amended rule.~~ (e) ~~“ABO” “Accrued service benefit” or “accumulated benefit obligation” means the present value amount already earned by a member in the FRS Pension Plan which, if the participant uses the 2nd election, will be transferred to his or her account in the FRS Investment Plan.~~

(2)(3) General Procedures.

(a) All members who wish to change their FRS retirement plan using their 2nd election must use a 2nd election enrollment form or, if moving from the FRS Pension Plan to the FRS Investment Plan or FRS Investment Plan Hybrid Option, may do so online by accessing the Second Choice Service at MyFRS.com. There are two types of enrollment forms. The “2nd Election Retirement Plan Enrollment Form” allows the member to choose the investment funds he wishes to use if changing to either the FRS Investment Plan or the FRS Investment Plan Hybrid Option. Alternatively, by using the “2nd Election EZ Retirement Plan Enrollment Form,” the member is choosing to have his employer and employee contributions and any transfers from the FRS Pension Plan invested in the FRS Select Moderate Balanced Fund. The member may change the investment selection at any time after the FRS Investment Plan or the FRS Investment Plan Hybrid Option account is activated. Activation occurs when contributions are deposited to the member’s FRS Investment Plan account.

(b) Both forms are available by calling the toll-free number for the MyFRS Financial Guidance Line: 1(866)446-9377, or for the hearing-impaired TRS 711-4(888)429-2160; or by using the MyFRS.com website and clicking on Resources and then on Forms.

(c) Elections made by form must be mailed to the FRS Plan Choice Administrator, P. O. Box 785027, Orlando, FL 32878-5027; Box 56290, Jacksonville, Florida 32241-6290 or faxed toll-free to (888)310-5559.

(d) For members transferring to the FRS Pension Plan, the election may require a personal payment if the member’s account balance was less than the calculated amount required

to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division. If the required amount is not received by the Division by the date due, the election will be voided. The member will receive notification and proper instructions from the Division detailing where and in what form to send any personal payments.

(e) A confirmation statement will be mailed to the member's address of record once the completed form is received and processed.

(f) The member should carefully review the form and be sure that it is signed and dated. The member should keep a copy for his records.

(g) If the member submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name of the member, social security number, plan selection, or signature. The member will be required to resubmit a completed enrollment form. If the form is incomplete only because the member has made no investment selection, the form will be processed and the member will be defaulted into the FRS Select Moderate Balanced Fund for investing his accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the member at any time once the transfer has been made.

(d) The member may elect to move between the Florida Retirement System retirement programs only if the member is earning service credit in an employer-employee relationship consistent with the requirements under Section 121.021(17)(b), F.S. FRS members must be actively employed earning salary and service credit to be eligible to make a valid 2nd Election. Members on an unpaid leave of absence, terminated members, or employees of an educational institution on summer break cannot use their 2nd Election until they return to covered FRS employment. The election must be received and processed by the FRS Plan Choice Administrator before the member terminates covered FRS employment. It is the responsibility of the member to ensure the election is received by the Plan Choice Administrator no later than 4:00 p.m. Eastern Time on the last business day the member is earning salary and earning service credit.

(4) Specific Procedures for the "2nd Election Retirement Plan Enrollment Form."

(a) All members are required to fill out Section 1 of the form by providing the member's name and Social Security number and checking only one of three boxes, indicating which choice the member is making. These boxes contain the following information:

1. Change from the FRS Investment Plan or FRS Investment Plan Hybrid Option to the FRS Pension Plan (Please complete Section 4, as described in paragraph (d) below). I understand I am using my existing FRS Investment Plan account balance to "buy" into the FRS Pension Plan. I understand that if my account balance is not sufficient to cover

the cost of the "buy in", I must pay the balance due from my personal funds before being allowed into the FRS Pension Plan. The Division of Retirement is responsible for calculating the buyback amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward looking projection based on the employee's salary and service and increases as additional creditable service and salary are earned. I understand that I may move my FRS Investment Plan account balance into more conservative, less risky investment options within the FRS Investment Plan in order to potentially reduce the volatility of my account balance prior to liquidation and movement to the FRS Pension Plan. Note that if a member transfers from the Investment Plan to the Pension Plan and leaves a balance in the member's Investment Plan account, the member is a member of the Pension Plan. As such, the member cannot take a distribution of the surplus Investment Plan funds until he begins receiving his Pension Plan benefits.

2. Change from the FRS Pension Plan to the FRS Investment Plan (Please complete Sections 3 and 4, as described in paragraphs (c) and (d), below). I understand I am transferring the present value, if any, of my FRS Pension Plan benefit to the FRS Investment Plan. I understand that I will have future employer contributions deposited in my Investment Plan account.

3. Change from the FRS Pension Plan to the FRS Investment Plan Hybrid Option (Please complete Sections 3 and 4, as described in paragraphs (c) and (d) below). I am retaining any accrued benefit in the FRS Pension Plan with future employer contributions deposited in my FRS Investment Plan Hybrid Option account. I understand that I must have 5 years of Pension Plan service to select this option.

(b) The second section on the form discusses the beneficiary designation. The designation cannot be made on the enrollment form. This section contains the following information:

1. A beneficiary designation can be completed after you qualify for a retirement benefit (i.e. become "vested"). If you do not designate a beneficiary after you are vested, your benefit will be distributed in accordance with Section 121.091(8) or 121.4501(20), F.S., as applicable.

2. You may designate a beneficiary by completing a Beneficiary Designation Form (BEN-001 Pension Plan or IPBEN-1 Investment Plan). Both forms are available online at www.MyFRS.com or by calling the MyFRS Financial Guidance Line.

(c)1. The third section on the form discusses and describes the FRS Investment Plan Fund Selections. A member who has checked the first box in the first section of the form, indicating a change to the FRS Pension Plan, must not complete this section. Members who have checked either the second or the third boxes in the first section of the form must complete this section by choosing their investment fund options.

2. The investment fund selection must be indicated by:

a. Writing the percentage you wish to allocate to each investment option. Use whole percentages only.

b. Choosing your investment funds from the balanced funds, the other investment funds OR from a combination of the two.

c. Ensuring that the total of all your selections equals 100%.

d. Any member who does not select any investment options will be defaulted into the FRS Select Moderate Balanced Fund. Any member so defaulted retains the option at any time to make other investment selections. Both the accumulated benefit obligation and all future contributions will be invested in the FRS Select Moderate Balanced Fund unless and until the member chooses other investment options:

(d) The fourth section on the form is an authorization section which will ensure that all members understand the information described. All members must read the information in the fourth section before signing the form. The information which follows is applicable as indicated depending on the choice the member has made:

1. For all members: I understand that I can find a description of my rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan in the respective Summary Plan Descriptions, Florida Statutes, and Administrative Rules available through the MyFRS Financial Guidance Line at: 1(866)44-MyFRS (1(866)446-9377; or TTY: 1(888)429-2160) or at MyFRS.com:

2. For members choosing to transfer to the FRS Pension Plan:

a. I understand that I have elected to change retirement plans to the FRS Pension Plan.

b. I understand that this election will constitute my one-time second election as provided under the FRS and that I must remain in this retirement plan until my retirement.

c. I understand that there may be a cost to change to the FRS Pension Plan, which I can get by calling the MyFRS Financial Guidance Line and connecting to the Division of Retirement, and that such cost may require that I pay some amount greater than my current FRS Investment Plan account balance. Such payment, if necessary, must be received by the date determined by the Division of Retirement. If the required amount is not received by the Division of Retirement by the date due, the election will be voided. The participant will receive notification and proper instructions from the Division of Retirement detailing where and in what form to send any personal payments. The Division of Retirement is responsible for calculating that amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee's salary and service and increases as additional creditable service and salary are earned.

d. I understand that I have the ability to move my FRS Investment Plan account balance into conservative investment options within the FRS Investment Plan in order to potentially reduce the volatility of my account balance prior to liquidation and movement to the FRS Pension Plan.

e. I understand that my one-time second election is irrevocable.

3. For members choosing to transfer to the FRS Investment Plan:

a. I understand that I have elected to change retirement plans to the FRS Investment Plan, and that any accrued benefit value I may have in the FRS Pension Plan will be transferred to the FRS Investment Plan.

b. I understand that this election will constitute my one-time second election as provided under the FRS and that I must remain in this retirement plan until my retirement.

c. I understand the initial transfer amount (the accrued benefit value or the accumulated benefit obligation) is an estimate and that within 60 days of that transfer, there will be a reconciliation pursuant to Florida law, which will use my actual FRS membership record. The amount could be more or less than the estimate I received.

d. I understand that I can get the amount of my accrued benefit value by calling the MyFRS Financial Guidance Line and connecting to the Division of Retirement.

e. I understand that if I am currently a member of the FRS Investment Plan Hybrid Option, I cannot make this election.

f. I understand my one-time second election is irrevocable and I understand that I must remain in this plan until my retirement.

4. For members choosing to transfer to the FRS Investment Plan Hybrid Option:

I understand that I have elected to change retirement plans to the FRS Investment Plan Hybrid Option and that my FRS Pension Plan benefit already accrued will remain with the FRS Pension Plan and that a FRS Investment Plan Hybrid Option account will be established to receive all future employer contributions.

5. For participants choosing to transfer either to the FRS Investment Plan or to the FRS Investment Plan Hybrid Option:

a. I understand that I should review the Fund Profiles and the Investment Fund Summary at www.MyFRS.com before making any changes to my investment fund selections. I understand that information on investment funds will be provided in electronic format, unless I request hard copies. I understand that I can change my fund allocations at any time after my account is activated by accessing www.MyFRS.com or by calling the toll-free MyFRS Financial Guidance Line. I understand that my account will be available by the end of the month following the effective date of this election. If I do not choose specific investment funds, I authorize the FRS Plan Choice Administrator to invest my accumulated benefit obligation and future contributions in the FRS Select Moderate

Balanced Fund. I understand that the FRS Investment Plan is not designed to facilitate short term excessive fund trading. Foreign and global investment funds are subject to a minimum holding period of seven (7) calendar days following any non-exempt transfers into such funds and I may be subject to trading controls on other funds in the event that I trade excessively.

b. I understand that investment management fees will be deducted from my FRS Investment Plan account or the FRS Investment Plan Hybrid Option account. I also understand that these fees may change in the future and that funds may be added or terminated. I understand that if any of the funds I select in the FRS Investment Plan or the FRS Investment Plan Hybrid Option account are terminated in the future, I will be able to move my assets into other investment funds prior to termination. Otherwise, my assets in the terminated fund(s) will be automatically moved into a replacement fund designated at that time.

e. I understand that Sections 121.4501(8)(b)4. and 121.4501(15)(b), F.S., of Florida law incorporate the federal law concept of participant control, established by regulations of the U.S. Department of Labor under section 404(e) of the Employee Retirement Income Security Act of 1974. If I exercise control over the assets in my FRS Investment Plan account, pursuant to section 404(e) regulations and all applicable laws governing the operation of the FRS Investment Plan, no program fiduciary shall be liable for any loss to my account which results from my exercise of control.

(c) The form must be signed and dated by the member and must include a daytime telephone number. Inclusion of an e-mail address or the name of the member's employing agency is optional on the member's part.

(f) The form must be mailed to the address set out in paragraph (2)(e), above.

(g) The member must put his Social Security number at the bottom of each page of the form so that if the pages become separated, they can be properly reassembled.

(h) For members transferring to the FRS Pension Plan, the election may require a personal payment if the member's account balance was less than the calculated amount required to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division. If the required amount is not received by the Division by the date due, the election will be voided. The member will receive notification and proper instructions from the Division detailing where and in what form to send any personal payments.

(i) A confirmation statement will be mailed to the member's address of record once the completed form is received and processed.

(j) The member should carefully review the form and be sure that it is signed and dated. The member should keep a copy for his records.

(k) If the member submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name of the member, social security number, plan selection, or signature. The member will be required to resubmit a completed enrollment form. If the form is incomplete only because the member has made no investment selection, the form will be processed and the member will be defaulted into the FRS Select Moderate Balanced Fund for investing his accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the member at any time once the transfer has been made.

(5) Specific Procedures for the "2nd Election EZ Retirement Plan Enrollment Form."

(a) Form ELE-2EZ, "2nd Election EZ Retirement Plan Enrollment Form," Rev. 11-08, is hereby adopted and incorporated by reference.

(b) All members choosing to use this form are required to fill out Section 1 of the form by providing the member's name and Social Security number and checking only one of three boxes, indicating which choice the member is making.

(c) The form must be signed and dated by the member and must include a daytime telephone number. Inclusion of an e-mail address or the name of the member's employing agency is optional on the member's part.

(d) The form must be mailed to the address set out in paragraph (3)(e), above.

(e) The member must put his Social Security number at the bottom of each page of the form so that if the pages become separated, they can be properly reassembled.

(f) For members transferring to the FRS Pension Plan, the election may require a personal payment if the member's account balance was less than the calculated amount required to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division. If the required amount is not received by the Division by the date due, the election will be voided. The member will receive notification and proper instructions from the Division detailing where and in what form to send any personal payments. The Division is responsible for calculating that amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee's salary and service and increases as additional creditable service and salary are earned.

(g) A confirmation statement will be mailed to the member's address of record once the completed form is received and processed.

(h) The member should carefully review the form and be sure that it is signed and dated. The member should keep a copy for his records.

~~(i) If the member submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name of the member, social security number, the plan selection, or signature. The member will be required to submit a completed enrollment form.~~

~~(3)(6)~~ Grace Period.

(a) If a member files an election with the Plan Choice Administrator and the member realizes that the election was made in error, or if the member has reconsidered his or her plan choice, the SBA will consider, on a case-by-case basis, whether the election will be reversed, subject to the following: The member must notify the SBA by a telephone call to the toll free MyFRS Financial Guidance Line at: (866)446-9377, or by written correspondence directly to the SBA, to the Plan Choice Administrator, to the Financial Guidance Line, or to the Division, no later than 4:00 p.m. Eastern Time on the last business day of the election effective month.

(b) If the request to reverse the election is made timely and the SBA finds the election was made in error, the member will be required to sign a release and return it to the SBA no later than 4:00 p.m., Eastern Time, on the last business day of the election effective month prior to the election's being officially reversed. Upon receipt of the release, the Division and the Plan Choice Administrator will be directed to do the following:

2. The Plan Choice Administrator will send the member written confirmation that the election has been voided.1. The Division will revise its database to reflect the election has been reversed.

3. The member will make a new election consistent with subsections (3) and (4), above.

(c) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(8)(9)(g)(f)3., F.S. and discussed in Rule 19-11.005, F.A.C.

Rulemaking Authority 121.4501(8)(~~9~~) FS. Law Implemented 121.4501(3), (4), (8)(~~b~~)4., (15)(b), (20) FS. History--New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 5-19-09, 1-7-10,_____.

19-11.011 Employer and Employee Contributions and Present Value Transfer Procedures.

(1) Purpose. This rule establishes procedures regarding employer and employee contributions, present value transfers, late payrolls, assessments, and market losses.

(2) Employer and Employee contributions.

(a) All state, school district, and local employers who participate in the Florida Retirement System (FRS) (employers) and each employee are responsible for making the contributions required by Chapter 121, Florida Statutes.

(b) When an employer requests an adjustment to retirement contributions or accompanying payroll data for prior periods, the adjustment is processed.

(c) However, neither the SBA, nor the FRS Investment Plan Trust Fund, nor the Florida Retirement System Trust Fund shall incur any loss or gain as a result of an employer's negative adjustments for an FRS Investment Plan member or a former member.

(3) In no event shall the aggregate of the allocation of contributions and forfeitures to an FRS Investment Plan member's account(s) in the Plan and the annual addition to an FRS Investment Plan member's account(s) in any other defined contribution plan maintained by the Employer exceed the limitation for defined contribution plans set forth in Internal Revenue Code Section 415(c)[the Code section "415(c) limitation"]. Employers shall cooperate with the FRS Investment Plan's administrator or its agent in order for the administrator or its agent to be able to monitor the 415(c) limitation on contributions. Employers shall provide all financial and payroll data which the Plan's administrator or its agent must use to determine whether or not the 415(c) limitation has been exceeded. [Note: Pursuant to Section 121.4501(5)(d), F.S., the Administrator is responsible for notifying the employer regarding maximum contribution levels permitted under the Code and if a member contributes to any other tax-deferred plan, he or she is responsible for ensuring that total contributions made to the FRS Investment Plan and to any other such plan do not exceed federally permitted maximums.]

(4) In the event the aggregate annual additions to a member's account(s) in the FRS Investment Plan and in any other defined contribution plan maintained by the Employer exceed the 415(c) limitation during any limitation year, the excess shall be attributed first to such other plans. If any excess remains after attribution to such other plans, the amount of any such excess attributable to the allocation of forfeitures, to a reasonable error in estimating a member's annual compensation or to any other circumstances that the Commissioner of Internal Revenue finds is justified, in accordance with Treasury Regulation 1.415-6(b)(6), shall be used to reduce the Employer's contributions for such member under the Plan in the next and succeeding limitation years; provided, however, that if the member is not covered by the Plan at the end of the limitation year, such excess amount will be used to reduce the Employer's contributions to remaining members under the Plan in the next, and succeeding, limitation years. If the correction method, above, is not available, other methods of correcting excess annual additions are permitted if in accordance with Treasury Regulation 1.415-6(b)(6).

(5) The employer and employee contributions received by a participating member of the FRS Investment Plan prior to effective enrollment in the FRS Investment Plan will be transferred into the employee's FRS Investment Plan account at the rate established pursuant to Section 121.71, F.S. Only after effective enrollment in the FRS Investment Plan will the employee receive the employer and employee contribution at

the rate established by Section 121.71, F.S. and Section 121.72, F.S. appropriate to that member's class of membership, as specified in Section 121.4501(4)(a)2.b., (b)2.b., and (c)2.b., F.S.

(6) Asset Transfer and True-Up Procedures for Newly-hired Employees with Previous FRS Service.

(a) For employees with previous FRS service who elect to enroll in the FRS Investment Plan with a transfer of his or her ABO, the Division shall determine the amount of the employee's ABO. This amount shall be transferred to the employee's FRS Investment Plan account and shall be allocated to each investment product selected by the participant on his or her enrollment form.

(b)1. The Division shall determine the employee's ABO as of the last day of the month prior to the employee's effective date of enrollment in the FRS Investment Plan.

2. Example: If the Division receives the enrollment during the month of June, the effective date of enrollment for the employee in the FRS Investment Plan is July 1. The Division shall determine the employee's ABO, if any, through June 30.

(c) By the 15th day of the month, the Division shall notify the Administrator of the ABO for each employee whose effective date of enrollment is the first day of the month and the Administrator shall notify the SBA of the aggregate ABO of employees whose effective date of enrollment is the first day of the month.

(d) On the last business day of the effective month of enrollment in the FRS Investment Plan, the SBA shall transfer the aggregate ABO amount to the FRS Investment Plan custodian for distribution to the FRS Investment Plan participant accounts. Such distribution shall be directed by the Administrator and shall be based on the percentage of the total investment allocated to each investment option designated by the participant on the enrollment form.

(e) The total amount initially credited to each FRS Investment Plan member's account who chooses to move his or her ABO out of the FRS Pension Plan is an estimate of the participant's ABO as calculated by the Division. Thereafter, pursuant to Section 121.4501(3)(c)3., F.S., the Division shall re-compute the ABO not later than 60 days after the initial transfer of funds and, if the recomputed amount differs from the transferred ABO amount by \$10 or more, the Division shall cause an adjustment of the transfer of assets between FRS Investment Plan account(s) of the affected member(s) through a true-up transfer in accordance with that statutory section.

(f) If the recomputed ABO is greater than the initial amount transferred by \$10 or more, the amount to be transferred to the member's FRS Investment Plan account from the FRS Trust Fund will equal the excess of the recomputed ABO over the amount initially transferred plus interest. The amount transferred to each investment product shall be based

on the percentage of the total investment allocated to each investment product by the member on his or her enrollment form.

(g) If the recomputed ABO is less than the original amount transferred by \$10 or more, the Administrator shall cause to be transferred from the member's FRS Investment Plan account to the FRSTF an amount equal to the excess of the initial amount transferred over the recomputed ABO plus interest. The amount transferred from each investment product shall be based on the percentage of the total investment allocated to each investment product by the member on his or her enrollment form.

(h) The Division shall notify the SBA of the aggregate true-up amount plus interest within 45 days of the initial transfer. The Division shall notify the Administrator of the true-up amounts plus interest by member account within 45 days of the initial transfer. The true-up transfer shall include the true-up amount determined by the Division plus interest at the rates specified in Section 121.4501(3)(c)3., F.S., from the date of the initial transfer to the date of the true-up transfer. The transfer of the true-up amount plus interest shall occur on the 60th day following the initial transfer. In the event the 60th day following the initial transfer falls on a Saturday, Sunday, or a legal holiday, the true-up transfer shall occur on the last business day of the month preceding the Saturday, Sunday, or legal holiday.

(i) The Division shall calculate the interest owed on true-up amounts. If the recomputed ABO is greater than the original amount transferred by \$10 or more, the member will be owed a true-up amount plus interest. Interest will be calculated using the rate of 8% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer, as specified in paragraph (h), above. If the recomputed ABO is less than the original amount transferred by \$10 or more, the member will owe a true-up amount plus interest. Interest will be calculated on the amount owed based upon 6% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer.

(7) One percent penalty.

(a) The portion of the one percent penalty assessed on late contributions and accompanying payroll data attributable to contributions for the FRS Investment Plan shall be deposited into the member's account, using the member's investment allocation in effect at the time of the deposit of the assessment in the Florida Retirement System Trust Fund.

(b) Any employer requesting a waiver of the delinquency fee in accordance with Section 121.78(3)(e), F.S., shall fully explain and certify such waiver request in writing to the Office of Defined Contribution Programs, State Board of

Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308. Once a delinquency fee has been paid to a member's account, it cannot be waived.

(8) Market loss calculation.

(a) The Administrator will determine market losses using a member's investment allocation in effect at the time of calculation. The Administrator will perform the market value calculation using a period certain which is the 15th of the month in which the payroll is due, or the next succeeding business day if the day falls on a weekend or Administrator-or Division of Retirement-observed legal holiday, in which contributions would have been processed, and ending on the date the payroll is received by the Administrator.

(b) If contributions and accompanying payroll data are not received within the calendar month they are due, but that lateness does not result in market losses to members, only the one percent late assessment will apply to the employer.

(c) The Administrator will not perform the market loss calculation until a covered payroll and accompanying payroll data is received and processed by the Administrator.

Rulemaking Authority 121.78(3)(c), 121.4501(8) FS. Law Implemented 121.78, 121.4501 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Ron Poppell, Senior Officer, Defined Contributions Programs
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 27, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.830
 RULE TITLE: Death Row

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to add an approved MP3 player and ear buds to the list of items death row inmates may possess and to amend the exercise provisions.

SUMMARY: The proposed rule adds certain personal permissible property items and permits staff to modify the manner of exercise for inmates who are involved in escape, escape attempt, or possession of escape paraphernalia.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An 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: 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: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.830 Death Row.

(1) No change.

(2) An inmate who is not under sentence of death may be housed on death row when:

(a) through (b) No change.

(c) The warden has declared an emergency requiring use of death row housing for inmates not under sentence of death. In this instance, the warden shall notify the Assistant Deputy Secretary of Institutions or designee of the housing arrangement.

(3) through (6) No change.

(7) Conditions and Privileges – the following conditions and privileges apply to all death row inmates except Phase I and Phase II inmates.

(a) through (b) No change.

(c) Personal Property – Inmates on death row shall be allowed to possess personal property such as watches, rings, stamps, envelopes, writing paper, and approved televisions, fans, ~~and~~ walkman-type radios, MP3 players, with headphones, and earbuds unless there is a clear indication of a security concern. Each inmate may possess no more than one approved television, fan, ~~and~~ radio, MP3 player, set of with headphones, and set of earbuds.

(d) through (f) No change.

(g) Televisions – An inmate on death row may possess a television in his cell. Approved televisions may be purchased from the institutional canteen; otherwise, televisions will be provided by the Department, if available, as follows:

1. through 2. No change.

3. Televisions shall only be operated with headphones or earbuds earplugs.

4. through 6. No change.

(h) No change.

(i) Exercise – an exercise schedule shall be implemented to ensure a minimum of six hours per week of exercise out-of-doors. Such exercise periods shall be documented on Form DC6-229, Daily Record of Special Housing.

1. through 2. No change.

3. The ICT is authorized to restrict the place and manner of outdoor exercise, such as an inmate’s ability to interact with other inmates or use exercise equipment, if the inmate has been convicted of or found guilty through the department’s disciplinary process in Chapter 33-103, F.A.C., of:

a. Assault or battery, murder, or attempted murder of a correctional officer, volunteer, visitor, or other inmate within an institution; or

b. Escape or attempted escape.

c. Possession of escape paraphernalia.

4. through (13) No change.

(14) Form DC6-229, Daily Record of Special Housing, shall be maintained for each inmate in the death row unit. Form DC6-229 shall be maintained in the housing area for 30 days ~~one week~~, after which the form will be forwarded to the warden for review. Once reviewed, these forms will be forwarded to classification to be filed in each inmate’s respective file. Form DC6-229 shall be utilized to document any and all activities, including cell searches, items removed, showers, recreation, haircuts, and shaves. Form DC6-229B, Daily Record of Special Housing – Supplemental, may be used if further writing space is needed. Form DC6-229B is incorporated by reference in Rule 33-601.800, F.A.C. Additionally, staff shall fully and completely document when:

(a) through (16) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 11-22-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Russell Hosford, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Edwin Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.060
RULE TITLE: Dental Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.060, F.A.C., is to incorporate by reference the Florida Medicaid Dental Coverage and Limitations Handbook, September 2010.

SUMMARY: The amendment updates the handbook and clarifies existing policy and reimbursement limitations for dental procedures. The amendment also allows dentists who hold a Health Access Dental license to enroll in the Medicaid program and practice in health access settings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An 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: 409.919 FS.

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

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

DATE AND TIME: Tuesday, August 2, 2011, 11:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of 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: Mary Cerasoli at the Bureau of Medicaid Services, (850)412-4228. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Cerasoli, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4228, e-mail: mary.cerasoli@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, September 2010, January 2006, updated January 2007, and the Florida Medicaid provider Reimbursement handbook, ADA Dental, July 2008, which are 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. All handbooks are available from the Medicaid fiscal agent’s Web site Portal at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support,

and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent, Provider Contact Center at (800)289-7799 and selecting Option 7.

(3) through (4) No change.

Rulemaking Specific Authority 409.919 FS Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History-New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, 10-12-04, 6-28-05, 7-2-06, 5-21-07, 2-23-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mary Cerasoli
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2010

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.083
RULE TITLE: Developmental Disabilities Waiver Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.083 is to incorporate by reference the revised Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, November 2010. The revisions will reduce paperwork for providers.

SUMMARY: The handbook revises a limited number of substantive areas that are in need of clarification and correction including clarifying documentation requirements, removing references to a previously deleted service, and clarifying coverage for Tier 4.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An 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: 409.919 FS.
LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: Thursday, August 4, 2011, 3:30 p.m. – 4:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

Pursuant to the provisions of 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: Susan DeBeaugrine at the Bureau of Medicaid Services, (850)412-4261. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan DeBeaugrine, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4261, e-mail: susaan.debeaugrine@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.083 Developmental Disabilities Waiver Services.

(1) No change.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook November 2010 ~~May 2010~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent’s Web site Portal at www.http://mymedicaid-florida.com. Select Click on Public Information for Providers, then ~~on~~ Provider Support, and then ~~on~~ Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at 1(800)289-7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History-New 12-3-08, Amended 7-8-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan DeBeaugrine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2010

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.003
 RULE TITLE: Training, Education, Certification, and Requirements for Issuance of Permits

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify procedures for training, education, certification, and requirements for issuance of permits.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify procedures for training, education, certification, and requirements for issuance of permits.

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 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. Additionally, it has been determined that this rule does not meet the threshold for ratification by Legislature.

RULEMAKING AUTHORITY: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(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: Sue Foster, Executive Director, Board of Dentistry /MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

(1) General Anesthesia Permit.

(a) A permit shall be issued to an actively licensed dentist authorizing the use of general anesthesia or deep sedation at a specified practice location or locations on an outpatient basis for dental patients provided the dentist:

1. Has completed a minimum of one year residency program board approved or accredited by the American Dental Association's Commission on Dental Accreditation of advanced training in dental anesthesiology or has completed an oral and maxillofacial surgical residency program accredited by the American Dental Association's Commission on Dental Accreditation and related academic subjects beyond the undergraduate dental school level in a training program as

~~described in Part II of the "Guidelines for Teaching the Comprehensive Control in Pain and Anxiety in Dentistry" as published by American Dental Association; or~~

2. through 5. No change.

(b) through (f) No change.

(2) through (4) No change.

Rulemaking Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01, 11-4-03, 6-23-04, 6-11-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Department of Health

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2011

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.008
 RULE TITLE: Requirements for General Anesthesia or Deep Sedation

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the requirements for general anesthesia or deep sedation.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify the requirements for general anesthesia or deep sedation.

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 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. Additionally, it has been determined that the rule does not meet the threshold for ratification by Legislature.

RULEMAKING AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.008 Requirements for General Anesthesia or Deep Sedation.

General Anesthesia Permit applicants and permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

- (1) through (2) No change.
- (3) The following equipment must be readily available to the operatory and recovery room and maintained in good working order:
 - (a) through (c) No change.
 - (d) Cardioscope – electrocardiograph (EKG) machine, and pulse oximeter, and end tidal carbon dioxide to provide continuous monitoring of heart rhythm and rate, ~~of~~ oxygen saturation of the blood, and ventilation. This equipment shall be used for each procedure; ~~and~~
 - (e) Defibrillator equipment appropriate for the patient population being treated; ~~and-~~
 - (f) Thermometer.
 - (4) No change.
 - (5) The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operatory and recovery room:
 - (a) through (p) No change.
 - (q) Adenosine ~~Sodium bicarbonate~~; and
 - (r) No change.
 - (6) through (7) No change.

Rulemaking Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History–New 10-24-88, Amended 11-16-89, Formerly 21G-14.008, Amended 12-20-93, Formerly 61F5-14.008, Amended 8-8-96, Formerly 59Q-14.008, Amended 5-31-00, 6-23-04, 9-14-05, 3-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Department of Health
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2011

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.009
 RULE TITLE: Conscious Sedation

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the requirements for conscious sedation.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify the requirements for conscious sedation.

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 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. Additionally, it has been determined that the rule does not meet the threshold for ratification by Legislature.

RULEMAKING AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.009 Conscious Sedation.

Conscious Sedation Permit applicants or permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

- (1) through (2) No change.
- (3) The following equipment must be readily available to the operatory and recovery room and maintained in good working order:
 - (a) through (f) No change.
 - (g) A Precordial stethoscope or capnometer; ~~and~~
 - (h) Defibrillator equipment appropriate for the patient population being treated; ~~and-~~
 - (i) Thermometer.
 - (4) through (7) No change.

Rulemaking Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History–New 10-24-88, Amended 11-16-89, 4-24-91, Formerly 21G-14.009, 61F5-14.009, Amended 8-8-96, 10-1-96, Formerly 59Q-14.009, Amended 8-2-00, 11-4-03, 6-23-04, 3-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Department of Health
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Board of Dentistry
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: December 3, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: January 7, 2011

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.010 RULE TITLE: Pediatric Conscious Sedation

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the requirements for pediatric conscious sedation.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify the requirements for pediatric conscious sedation.

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 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. Additionally, it has been determined that the rule does not meet the threshold for ratification by Legislature.

RULEMAKING AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.010 Pediatric Conscious Sedation.

Pediatric Conscious Sedation Permit applicants or permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

(1) through (2) No change.

(3) The following equipment must be readily available to the operatory and recovery room and maintained in good working order:

(a) through (d) No change.

(e) A pulse oximeter which provides continuous monitoring of pulse and rate of oxygen saturation of the blood shall be used during each procedure; ~~and~~

(f) A scale for weighing pediatric patients; ~~and~~

(g) Thermometer.

(4) through (8) No change.

Rulemaking Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History–New 8-8-96, Formerly 59Q-14.010, Amended 8-2-00, 5-20-01, 3-23-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Department of Health

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

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: December 3, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: January 7, 2011

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.014 RULE TITLE: Inactive Status; Reactivation

PURPOSE AND EFFECT: The Board proposes the repeal of Rule 64B9-4.014, F.A.C.

SUMMARY: This rule is being repealed.

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 adverse impact on small business, nor will the proposed rule amendments be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after the implementation of the 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. Additionally, it has been determined that this rule does not meet the threshold for ratification by legislature.

RULEMAKING AUTHORITY: 464.006, 464.012, 464.014 FS.

LAW IMPLEMENTED: 456.036(9), 464.012, 464.014 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 R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-4.014 Inactive Status; Reactivation.

Rulemaking Authority 464.006, 464.012, 464.014 FS. Law Implemented 456.036(9), 464.012, 464.014 FS. History--New 8-31-80, Amended 3-16-81, 6-18-85, Formerly 21O-11.28, Amended 3-19-87, 10-21-87, Formerly 21O-11.028, Amended 12-27-93, Formerly 61F7-4.014, 59S-4.014, Amended 4-5-00, 9-6-09, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2010

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.0035
RULE TITLE: Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the criteria to determine eligibility for the purpose of examination.

SUMMARY: The proposed rule amendments clarify the criteria for purposes of determining the applicant's eligibility for examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature.

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(2), 490.004(4), 490.005(1)(b) FS.

LAW IMPLEMENTED: 490.003(3), 490.005(1)(b) 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 Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.0035 Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination.

(1) through (2) No change.

~~(3) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained in the United States or Canada was obtained from a program comparable to a program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: an original, signed letter on official letterhead confirming same and sent directly to the Board from the director of a doctoral psychology program accredited by the accrediting agency recognized and approved by the United States Department of Education, provided that the director has not had a relationship with the previously unaccredited institution from which the applicant received a degree that might appear to create a conflict of interest. The letter shall enumerate the exact documents that were reviewed in determining comparability. This letter also shall verify and describe how the applicant's program met all of the criteria set forth in subsection (5).~~

~~(3)(4) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained outside of the United States or Canada was equivalent to a Ph.D. in psychology, a Psy.D., or an Ed.D. in psychology and was obtained from a program equivalent to a program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: an original, signed letter on official letterhead confirming same and sent directly to the Board from the director of a doctoral psychology program accredited by the accrediting agency recognized and approved by the United States Department of Education. The letter shall enumerate the exact documents that were reviewed in determining comparability or augmentation. The Board shall also require the validation of degree and internship equivalence performed by a credentials' evaluation service acceptable to the Board.~~

~~(5) For a Section 490.005(1)(b)4., F.S., applicant only, the Board will apply the following criteria to determine whether an applicant's doctoral program was a program which maintained a standard of training comparable or substantially equivalent to the standard of training of programs accredited by the accrediting agency recognized and approved by the United States Department of Education:~~

~~(a) The doctoral program from which the degree was obtained must be clearly identified and labeled as a psychology program regardless of where it may be administratively housed. The doctoral program must also specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists.~~

~~(b) The program, itself, must stand as a recognizable, coherent organizational entity within the institution.~~

(c) The program faculty must exercise clear authority and primary responsibility for the academic core and specialty preparation, regardless of whether the program also involves multiple administrative lines.

(d) The doctoral program must be an organized integrated sequence of study designed by the psychology faculty responsible for the program.

(e) There must be an identifiable psychology faculty. The program director must be a psychologist.

(f) The program must have an identifiable body of students who are matriculated in that program for a doctoral degree. Each student in the program must complete the same core of academic study, the elements of which are selected from a group of core courses designed and offered by the psychology faculty.

(g) The doctoral program must require a minimum of three academic years of full-time graduate study, defined as at least 18 credit hours per year, at least two academic years of which must be at a single institution, and one year of which must be in full-time residence at the institution from which the doctoral degree is granted. A program does not meet the criterion of a full-time residency on campus unless it:

1. Provides students with continuous access to a core psychology faculty whose primary time and employment responsibilities are to the educational institution;

2. Provides students with continuous access to other students matriculated in the program;

3. Provides students with continual access to an array of educational resources including library, clinical training sites, research facilities, etc.;

4. Provides for continuous collegial and administrative evaluation of the educational process;

5. Requires a period of continuous enrollment of not less than two out of three successive semesters attending classes on the campus of the institution from which the doctoral degree is granted. An internship year may not be used toward meeting the academic year requirements of this criterion.

(h) The doctoral program must include a supervised practicum of at least 400 hours, and field or laboratory training appropriate to the practice of psychology. The 400-hour required practicum must include at least seventy-five (75) hours of supervision.

(i) The doctoral program must require each student to have successfully completed a graduate level course in each of the following areas of psychology:

1. Biological bases of behavior (e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology);

2. Cognitive-affective bases of behavior (e.g., learning, memory, cognition, thinking, motivation, emotion);

3. Social bases of behavior (e.g., social psychology, cultural ethnic and group processes, sex roles, organization and systems theory);

4. Individual behavior (e.g., personality theory, human development, individual differences, abnormal psychology, psychology of women, psychology of persons with disabilities);

5. Scientific and professional ethics and standards;

6. Research design and methodology;

7. Statistics;

8. Psychological measurements; and

9. History and systems of psychology.

(j) The program must require participation in a formal one-year internship. A formal one-year internship is defined as:

1. An internship accredited by the American Psychological Association; or

2. An internship which meets all of the following criteria:

- a. The internship was an organized training program. It was not merely supervised experience or on-the-job training. Rather, it was designed to provide the intern with a planned, programmed sequence of training experiences, the primary focus and purpose of which was to assure breadth and quality of training.

- b. The internship agency had a clearly designated staff psychologist who was responsible for the integrity and quality of the training program and who was actively licensed or certified by the Board of Psychology.

- c. The internship agency had two or more psychologists on the staff as supervisors, at least one of whom was actively licensed as a psychologist by the Board of Psychology.

- d. Internship supervision was provided by a staff member of the internship agency or by an affiliate of that agency who carried clinical responsibility for the cases being supervised. At least half of the internship supervision was provided by one or more psychologists.

- e. The internship provided training in a range of assessment and treatment activities conducted directly with clients seeking psychological services.

- f. At least 375 hours of the intern's time was in direct client contact.

- g. The internship included at least two hours per week (regardless of whether the internship was completed in one year or two) of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with psychological services rendered directly by the intern. There must also have been at least two additional hours per week in learning activities such as: case conferences involving a case in which the intern was actively involved; seminars dealing with clinical issues; co-therapy, including follow-up discussion, with a staff person; group supervision; and additional individual supervision.

- h. The training was post-clerkship, post-practicum, and post-externship level.

i. The internship agency had a minimum of two interns at the internship level of training during the applicant's internship period.

j. The intern had a title which described the intern's status as a trainee. Titles such as "intern," "resident," or "fellow," are examples of the types of titles which would be indicative of the intern's status as a trainee.

k. The internship agency had a written statement or brochure, made available to prospective interns, which described the goals and content of the internship and stated clear expectations for the quantity and quality of work to be performed by the intern.

l. The internship experience of at least 2,000 hours was completed within twenty four months.

Rulemaking Specific Authority 456.013(2), 490.004(4), 490.005(1)(b) FS. Law Implemented 490.003(3), 490.005(1)(b) FS. History--New 1-7-96, Formerly 59AA-11.0035, Amended 12-4-97, 9-20-98, 11-24-98, 1-25-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2011

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0571 Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks

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. 37, No. 15, April 15, 2011 issue of the Florida Administrative Weekly.

To address concerns of the Joint Administrative Procedures Committee, subsections (1) and (2) will be presented to the State Board of Education on September 20, 2011, with the following changes:

~~(1) District school boards and community colleges boards of trustees variance authority. District school boards of education and community college boards of trustees are authorized, to vary up to ten (10) percent of the intended outcomes of each framework included in the documents titled~~

~~as follows: "Agriculture, Food & Natural Resources," "Architecture & Construction," "Arts, A/V Technology & Communication," "Business, Management & Administration," "Education & Training," "Energy," "Finance," "Government & Public Administration," "Health Science," "Hospitality & Tourism," "Human Services," "Information Technology," "Law, Public Safety & Security," "Manufacturing," "Marketing, Sales & Service," "Science, Technology, Engineering & Mathematics (STEM)," "Transportation, Distribution & Logistics," and "Additional CTE Programs/Courses," all of which fall under the umbrella of the "Career and Technical Education Programs, Academic Year 2011/2012 2010-2011 Curriculum Frameworks by Career Cluster" and the document "Adult General Education Standards and Curriculum Frameworks 2011-2012 2010-2011." The variance does not apply to frameworks identifying occupations requiring state or federal licensure, certification or registration.~~

~~(1)(2) Commissioner of Education waiver authority. The Commissioner of Education may approve a school's waiver request submitted by a district school board to allow the school to substitute locally approved intended outcomes for State Board approved outcomes included in the documents titled as follows: "Agriculture, Food & Natural Resources," "Architecture & Construction," "Arts, A/V Technology & Communication," "Business, Management & Administration," "Education & Training," "Energy," "Finance," "Government & Public Administration," "Health Science," "Hospitality & Tourism," "Human Services," "Information Technology," "Law, Public Safety & Security," "Manufacturing," "Marketing, Sales & Service," "Science, Technology, Engineering & Mathematics (STEM)," "Transportation, Distribution & Logistics," and "Additional CTE Programs/Courses," all of which fall under the umbrella of the "Career and Technical Education Programs, Academic Year 2011/2012 Curriculum Frameworks by Career Cluster" and "Adult General Education Standards and Curriculum Frameworks 2011-2012," provided that:~~

~~(a) The framework does not identify occupations requiring state or federal licensure, certification or registration;~~

~~(b) Locally approved outcomes specified for the state approved program adequately address the major concepts/content contained in the curriculum framework; and,~~

~~(c) The waiver request fulfills the provisions of Section 1001.10, F.S.~~

Rulemaking Authority 1004.92(2)(b)3. FS. Law Implemented 1004.92(2)(b)4. FS. History--New 10-30-78, Amended 10-23-79, 5-29-80, 7-9-81, 7-6-82, 5-29-83, 6-14-84, 7-10-85, Formerly 6A-6.571, Amended 7-9-86, 7-22-87, 8-30-88, 7-31-90, 7-31-91, 7-31-92, 7-31-93, 7-31-94, 4-30-96, 1-23-00, 7-21-08, 4-21-09, 5-3-10,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-601.725 Permissible Items for Visitors
 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. 37, No. 21, May 27, 2011 issue of the Florida Administrative Weekly.

- 33-601.725 Permissible Items for Visitors.
- (1) through (2) No change.
- (3) This rule shall take effect October 1, 2011.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07, 10-1-11.

COMMISSION ON ETHICS

RULE NOS.: RULE TITLES:
 34-8.002 General Rule for Filing Full and
 Public Disclosure of Financial
 Interests
 34-8.007 Choosing to File Copy of Income
 Tax Return
 34-8.008 Final Filing
 34-8.009 Amended Filing
 34-8.202 General Rules for Filing a Statement
 of Financial Interests
 34-8.208 Final Filing
 34-8.209 Amended Filing

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 27, July 8, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:
 64B5-16.006 Remediable Tasks Delegable to a
 Dental Hygienist

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 6, February 12, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 48, December 3, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:
 69B-220.201 Ethical Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 24, June 17, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule referenced incorrect information regarding the date the notice of proposed rule development was published. The correct date is:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2011

**Section IV
 Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
 53ER11-32 MONOPOLY™ ADVANCE TO GO
 Second Chance Promotion

SUMMARY: The Department of the Lottery will conduct the MONOPOLY™ ADVANCE TO GO Second Chance Promotion between July 1, 2011, and September 20, 2011, in which four (4) second chance drawings will be held and a total of one hundred ninety six (196) prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER11-32 MONOPOLY™ ADVANCE TO GO Second Chance Promotion.

(1) Beginning July 1, 2011, through September 20, 2011, the Florida Lottery will conduct the MONOPOLY™ ADVANCE TO GO Second Chance Promotion in which players can enter their non-winning MONOPOLY™ Florida Lottery Scratch-Off tickets on the Florida Lottery website for a chance to win cash prizes up to \$10,000, a Florida Vacation Getaway, and MONOPOLY™ Premier Edition Games. Non-winning tickets from all five Florida Lottery MONOPOLY™ price points (\$1, \$2, \$5, \$10, and \$20) are eligible for entry. Winning MONOPOLY™ tickets cannot be used for entry in the Second Chance Promotion.

(2) Four (4) MONOPOLY™ ADVANCE TO GO second chance drawings will be held between July 20, 2011, and September 21, 2011, from entries received by midnight the night before each drawing. Entries will be good for one drawing only. The drawing schedule is:

Draw	From Entries Received	Draw Date
1	July 1 – July 19, 2011	Wednesday, July 20, 2011
2	July 20 – August 9, 2011	Wednesday, August 10, 2011
3	August 10 – August 30, 2011	Wednesday, August 31, 2011
4	August 31, 2011 – September 20, 2011	Wednesday, September 21, 2011

(3) In each of the ADVANCE TO GO – second chance drawings, one (1) grand prize winner will win \$10,000 and a MONOPOLY™ Premier Edition Game; three (3) second prize winners will win a Florida Vacation Getaway and \$1,000; fifteen (15) third prize winners will win a MONOPOLY™ Premier Edition Game and \$200; and thirty (30) fourth prize winners will win a MONOPOLY™ Premier Edition Game. A grand total of one hundred ninety six (196) prizes will be awarded in the second chance drawings.

(4) To enter a non-winning MONOPOLY™ Scratch-Off ticket in the ADVANCE TO GO – Second Chance Promotion, visit the Florida Lottery’s website at www.flalottery.com, click on the MONOPOLY™ “Second Chance” banner, and follow the “Ticket Entry” directions. Players will be prompted to log in or register. Scratch off the latex covering to reveal the 24-digit ticket number (4-digit game number and 20-digit ticket number) located below the play instructions on the front of a MONOPOLY™ Scratch-Off ticket and enter the entire 24-digit ticket number in the designated area. Players will be provided an option to play the interactive MONOPOLY™ Bonus Board Game to earn MONOPOLY™ Money which will be converted into the number of entries assigned to the ticket (MONOPOLY™ Money earned in the Bonus Board Game has no cash value). If players choose not to play the game or if they experience technical problems while playing the MONOPOLY™ Bonus Board Game, the entries that would have been revealed in the course of playing the game will be credited to their entry account for that draw period. Each non-winning MONOPOLY™ Scratch-Off ticket is randomly assigned a predetermined number of entries within a range assigned to the ticket value, as shown below.

Ticket Price Point	MONOPOLY™ Money Range	Entry Range
\$1	\$1,000-\$5,000	1-5
\$2	\$2,000-\$7,000	4-14
\$5	\$3,000-\$7,000	15-35
\$10	\$4,000-\$8,000	40-80
\$20	\$5,000-\$9,000	100-180

(5) Players may enter as many times as they wish during the promotion period. However, each valid ticket number may only be used one time, for one opportunity to receive entries into one (1) MONOPOLY™ ADVANCE TO GO – second chance drawing. Tickets should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Non-winning tickets received in the mail by

the Florida Lottery will not be entered in the drawing and will not be returned. The odds of winning are dependent upon the number of entries received.

(6) In each of the four (4) drawings, the first valid entry drawn will win the grand prize of \$10,000 and a MONOPOLY™ Premier Edition Game. The second through fourth valid entries drawn will win a second prize of a Florida Vacation Getaway and \$1,000. The fifth through nineteenth valid entries drawn will win a third prize of a MONOPOLY™ Premier Edition Game and \$200. The twentieth through forty-ninth valid entries drawn will win a fourth prize of a MONOPOLY™ Premier Edition Game. The second through nineteenth valid entries drawn will be used in the order in which they were drawn and as needed to select alternate grand prize winner(s) and/or alternate second prize winner(s) in the event a grand prize or second prize cannot be awarded. Alternate winners will not be selected for third and fourth prizes.

(7) The prize winners in each second chance drawing will be posted on flalottery.com on the day of the draw. The Florida Lottery will attempt to notify each grand prize, second prize and third prize winner by telephone, U.S. mail or e-mail using the contact information provided in the winner’s registration data no later than one (1) week after the winners are drawn. If the Florida Lottery is unable to contact a grand prize or second prize winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner as described above. If the Florida Lottery is unable to contact the alternate winner within three (3) weeks of the date of award of the prize, the alternate winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to a second alternate winner. This process will continue until an alternate is contacted or the Florida Lottery has exhausted the list of available alternates. If the Lottery is unable to contact an alternate, the grand prize or second prize will not be awarded. An alternate winner who has not claimed the prize he or she originally won at the time of notification that he or she is the alternate winner of a higher prize will be awarded only the higher prize. An alternate winner who has claimed the original prize at the time of notification may retain the original prize and will receive the merchandise portion of the higher prize and the difference in cash between the original and higher prizes. If the Lottery is unable to contact a third prize winner within three (3) weeks of the date of the drawing, the winner will forfeit his or her right to the prize and the prize will not be awarded.

(8) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a grand, second or third prize in a MONOPOLY™ second chance drawing, the player must submit to the Florida Lottery the original valid non-winning MONOPOLY™ ticket bearing the entry number selected in the

drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form DOL 173-2, revised 02/11, or Spanish Winner Claim Form DOL 173-2S, revised 02/11, and appropriate identification. Second prize winners must also submit a notarized Florida Lottery Release and Authorization form DOL-474, revised 10/08. Winners must submit the required forms within seven (7) days of notification by the Florida Lottery that they are a winner. If a winner does not return the required forms within seven (7) days of notification, the winner will forfeit his or her right to claim the prize and the Florida Lottery will award the prize to an alternate winner as described above. Forms DOL 173-2, DOL 173-2S, and DOL-474 are hereby incorporated by reference and may be obtained at any Lottery office, from the Florida Lottery's website at www.flalottery.com, or by writing to: Florida Lottery, Public Affairs, 250 Marriott Drive, Tallahassee, Florida 32399-4016. Fourth prize winners are not required to submit the non-winning MONOPOLY™ ticket bearing the entry number selected in the drawing or a claim form in order to claim the prize.

(9) Award of Grand Prizes. Upon the Florida Lottery's receipt of a grand prize winner's required documentation, the Lottery will award a prize of \$10,000 and a MONOPOLY™ Premier Edition Game. The Florida Lottery will notify the fulfillment company of the name of the winner and the fulfillment company will ship the MONOPOLY™ Premier Edition Game to the grand prize winner within approximately ten (10) business days after notification. The Florida Lottery shall withhold from the \$10,000 cash portion of the grand prize federal income tax withholding on the total value of the grand prize. The estimated retail value of the grand prize is \$10,300.

(10) Award of Second Prizes. Upon the Florida Lottery's receipt of a second prize winner's required documentation, the Lottery will award a Florida Vacation Getaway and \$1,000. The Lottery will provide second prize winners a certificate describing the vacation package won and containing all information necessary for the prize winner to make reservations to fulfill the prize. Florida Vacation Getaway destinations are: Oaseas Resort, Panama City Beach; Hawk's Cay Island Resort, Duck Key; Reunion® Resort and Club, Orlando; and Hammock Beach ResortSM, Palm Coast.

(a) Draw 1 – Oaseas Resort Package. Package will include three (3) nights' accommodations for two (2) persons, and one (1) \$500 resort credit to be used for dining, water or spa activities. (Estimated retail value including the cash portion of the prize – \$3,500).

(b) Draw 2 – Hawk's Cay Island Resort Package. Package will include four (4) nights' accommodations for two (2) persons, one (1) couples massage at Calm Waters Spa, one (1) dinner for two (2) at Alma and one (1) dinner for two (2) at Tom's Harbor House. (Estimated retail value including the cash portion of the prize – \$3,000).

(c) Draw 3 – Reunion® Resort and Club Package. Package will include two (2) nights' accommodations for two (2) persons, one (1) round of golf for two (2) and one (1) breakfast for two (2). (Estimated retail value including the cash portion of the prize – \$3,000).

(d) Draw 4 – Hammock Beach ResortSM Package. Package will include two (2) nights' accommodations for two (2) persons, one (1) round of golf for two (2) and one (1) breakfast for two (2). (Estimated retail value including the cash portion of the prize – \$3,000).

Hotel accommodations include all taxes and resort fees. Reservations must be made with the hotel a minimum of thirty (30) days prior to the winner's arrival. Each Florida Vacation Getaway Package must be used within one (1) year from the date of the drawing in which it was won and blackout dates may apply. A second prize does not include travel to and from the resort, mileage, meals (except as specified above), parking fees, incidentals, tips, telephone calls or any other personal expenses such as valet service, laundry, etc., as well as revision or cancellation fees that may be charged by the hotel or other suppliers. To use the Florida Vacation Getaway portion of a second prize, a second prize winner must be 25 years of age or older unless accompanied by a parent or legal guardian who is at least 25 years of age. The second prize winner or the winner's guest must have a valid credit card or shall be required to post a cash deposit to cover incidental costs when checking into the hotel. The second prize winner and the winner's guest must present acceptable identification and/or travel documents (e.g., a valid U.S. driver's license or passport). The second prize is not transferable or assignable and no substitutes for prizes are available, except by the Florida Lottery, which reserves the right, in its sole discretion, to substitute different prizes of comparable value should the second prize become unavailable.

(11) Award of Third Prizes. Upon the Florida Lottery's receipt of a third prize winner's required documentation, the Lottery will award a MONOPOLY™ Premier Edition Game and \$200. The Florida Lottery will notify the fulfillment company of the name of the winner, and the fulfillment company will ship the MONOPOLY™ Premier Edition Game to the third prize winner within approximately 10 business days after notification. (Estimated retail value – \$500).

(12) Award of Fourth Prizes. Fourth prizes of a MONOPOLY™ Premier Edition Game will be shipped to the winner's address within approximately 10 business days after the drawing. If any prize is returned as unclaimed or undeliverable and the Lottery and the fulfillment company are unable to locate the winner after a reasonable attempt to do so, the prize will not be awarded. (Estimated retail value – \$300).

(13) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder.

Prizes shall be paid in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current prize payment rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(14) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met.

(15) Except as specifically mentioned herein, all federal, state and/or local taxes or other fees on the prizes won in the MONOPOLY™ ADVANCE TO GO – Second Chance Promotion will be the responsibility of the winner. Federal income taxes are required to be withheld from a grand, second, or third prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code.

(16) No cash option is available in lieu of non-cash MONOPOLY™ ADVANCE TO GO Second Chance Promotion prizes.

(17) If the winner of a grand prize or a second prize in a MONOPOLY™ second chance drawing is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in accordance with Section 24.115, Florida Statutes. If the debt is an amount of less than the cash portion of the prize, the non-cash portion of the prize and the cash portion of the prize less withholding taxes and the amount owed shall be awarded. If the winner is identified as owing such a debt in an amount greater than the cash portion of the prize, the winner’s entire cash portion of the prize will be applied toward the outstanding debt as provided in Section 24.115, Florida Statutes, and the winner will receive the remaining non-cash portion of the prize, if any.

(18) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(19) By entering the MONOPOLY™ ADVANCE TO GO Second Chance Promotion, a player gives his or her permission for the Florida Lottery to provide the player’s address and telephone number to VISIT FLORIDA® and to the Lottery’s fulfillment company for prize fulfillment purposes.

(20) By entering the MONOPOLY™ ADVANCE TO GO Second Chance Promotion, a player gives his or her permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(21) MONOPOLY™ ADVANCE TO GO – second chance drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of each drawing will be available after the drawing on the Florida Lottery’s website at flalottery.com.

(22) This offer is void where prohibited by law.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History–New 6-29-11.

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: June 29, 2011

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER11-33
 RULE TITLE: Instant Game Number 1106, MONOPOLY™

SUMMARY: This emergency rule describes Instant Game Number 1106, “MONOPOLY™,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER11-33 Instant Game Number 1106, MONOPOLY™.

(1) Name of Game. Instant Game Number 1106, “MONOPOLY™.”

(2) Price. MONOPOLY™ lottery tickets sell for \$1.00 per ticket.

(3) MONOPOLY™ lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning MONOPOLY™ lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The “YOUR SYMBOLS” play symbols and play symbol captions are as follows:



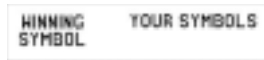
(5) The “WINNING SYMBOLS” play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:




(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR SYMBOLS” play area that matches the play symbol and corresponding play symbol caption in the “WINNING SYMBOL” play area shall entitle the claimant to the corresponding prize shown for that symbol.

A ticket having a “” symbol and corresponding caption in the “YOUR SYMBOLS” play area shall entitle the claimant to double the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, and \$5,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1106 are as follows:

GAME PLAY:	WIN:	ESTIMATED ODDS OF 1 IN:	NUMBER OF WINNERS IN 105 POOLS OF 240,000 TICKETS PER POOL:
\$1	\$1	11.11	2,268,000
\$1 (TRAIN)	\$2	33.33	756,000
\$1 x 2	\$2	50.00	504,000
\$2	\$2	50.00	504,000
\$1 x 4	\$4	150.00	168,000
\$1 (TRAIN) + \$2	\$4	300.00	84,000
\$2 x 2	\$4	150.00	168,000
\$4	\$4	150.00	168,000
\$1 x 5	\$5	750.00	33,600
\$1 + \$2 (TRAIN)	\$5	750.00	33,600
(\$2 x 2) + \$1	\$5	750.00	33,600
\$4 + \$1	\$5	750.00	33,600
\$5	\$5	750.00	33,600
\$2 x 5	\$10	500.00	50,400
\$2 + \$4 (TRAIN)	\$10	500.00	50,400
(\$1 x 2) + (\$4 x 2)	\$10	500.00	50,400
\$5 x 2	\$10	500.00	50,400
\$10	\$10	500.00	50,400
\$4 x 5	\$20	1,500.00	16,800
\$5 x 4	\$20	1,500.00	16,800
\$5 (TRAIN) + \$10	\$20	1,500.00	16,800

\$10 x 2	\$20	1,500.00	16,800
\$20	\$20	1,500.00	16,800
\$5 x 5	\$25	6,000.00	4,200
\$5 + \$10 (TRAIN)	\$25	6,000.00	4,200
(\$5 x 3) + \$10	\$25	6,000.00	4,200
\$5 + (\$10 x 2)	\$25	8,000.00	3,150
\$25	\$25	8,000.00	3,150
\$10 x 5	\$50	12,000.00	2,100
\$25 x 2	\$50	12,000.00	2,100
\$5 (TRAIN) + \$20 (TRAIN)	\$50	12,000.00	2,100
\$10 + (\$20 x 2)	\$50	12,000.00	2,100
\$50	\$50	12,000.00	2,100
\$20 x 5	\$100	12,000.00	2,100
\$25 x 4	\$100	16,000.00	1,575
\$10 + (\$20 x 2) + \$25 (TRAIN)	\$100	16,000.00	1,575
\$50 x 2	\$100	16,000.00	1,575
\$100	\$100	16,000.00	1,575
\$25 (TRAIN) + (\$50 x 3)	\$200	120,000.00	210
\$50 x 4	\$200	120,000.00	210
(\$50 x 2) + \$100	\$200	120,000.00	210
\$100 (TRAIN)	\$200	120,000.00	210
\$200	\$200	120,000.00	210
\$5,000	\$5,000	240,000.00	105

(10) The estimated overall odds of winning some prize in Instant Game Number 1106 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1106, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for MONOPOLY™ lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 6-29-11.

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: June 29, 2011

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER11-34
 RULE TITLE: Instant Game Number 1107, MONOPOLY™

SUMMARY: This emergency rule describes Instant Game Number 1107, “MONOPOLY™,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER11-34 Instant Game Number 1107, MONOPOLY™.

(1) Name of Game. Instant Game Number 1107, “MONOPOLY™.”

(2) Price. MONOPOLY™ lottery tickets sell for \$2.00 per ticket.

(3) MONOPOLY™ lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning MONOPOLY™ lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:



(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:





(7) The legends are as follows:




(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches either play symbol and corresponding play symbol caption in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that symbol.

A ticket having a “ ” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to

the prize shown for that symbol. A ticket having a “ ” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to double the prize shown

for that symbol. A ticket having a “ ” symbol and corresponding caption in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of \$100.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$1,000, \$2,500, and \$30,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1107 are as follows:

GAME PLAY:	WIN:	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 168 POOLS OF 180,000 TICKETS PER POOL:
\$2	\$2	1 IN: 9.38	3,225,600
\$1 x 4	\$4	75.00	403,200
\$1 (TRAIN) + \$2	\$4	50.00	604,800
\$2 (TRAIN)	\$4	50.00	604,800
\$4	\$4	50.00	604,800
\$1 x 5	\$5	375.00	80,640
(\$1 x 3) + \$2	\$5	375.00	80,640
\$1 + \$2 (TRAIN)	\$5	375.00	80,640
\$1 + \$4	\$5	375.00	80,640
\$5	\$5	375.00	80,640
\$1 x 10	\$10	250.00	120,960
\$2 x 5	\$10	250.00	120,960
\$5 x 2	\$10	250.00	120,960
\$5 (TRAIN)	\$10	250.00	120,960
\$10	\$10	250.00	120,960
\$2 x 10	\$20	750.00	40,320
\$4 x 5	\$20	750.00	40,320
\$10 x 2	\$20	750.00	40,320
\$10 (TRAIN)	\$20	750.00	40,320

\$20	\$20	750.00	40,320
\$5 x 5	\$25	1,125.00	26,880
\$5 + \$10 (TRAIN)	\$25	900.00	33,600
\$5 + (\$10 x 2)	\$25	1,125.00	26,880
\$5 + \$20	\$25	1,125.00	26,880
\$25	\$25	1,125.00	26,880
\$5 x 10	\$50	3,000.00	10,080
\$10 x 5	\$50	3,000.00	10,080
(\$10 x 3) + \$20	\$50	3,600.00	8,400
\$10 + \$20 (TRAIN)	\$50	3,000.00	10,080
\$50	\$50	3,000.00	10,080
\$10 x 10	\$100	3,600.00	8,400
\$20 x 5	\$100	4,500.00	6,720
\$50 x 2	\$100	3,600.00	8,400
\$50 (TRAIN)	\$100	3,600.00	8,400
\$100 (GO)	\$100	1,800.00	16,800
\$20 x 10	\$200	18,000.00	1,680
\$25 (TRAIN) + \$50 + \$100 (GO)	\$200	18,000.00	1,680
\$50 (TRAIN) + \$100 (GO)	\$200	18,000.00	1,680
\$100 (TRAIN)	\$200	18,000.00	1,680
\$200	\$200	18,000.00	1,680
\$100 x 10	\$1,000	180,000.00	168
\$100 (TRAIN) + \$200 (TRAIN) + \$200 (TRAIN)	\$1,000	180,000.00	168
\$50 (TRAIN) + \$100 (GO) + \$200 (TRAIN) + (\$200 x 2)	\$1,000	180,000.00	168
\$200 x 5	\$1,000	180,000.00	168
\$1,000	\$1,000	180,000.00	168
\$2,500	\$2,500	180,000.00	168
\$30,000	\$30,000	1,080,000.00	28

(10) The estimated overall odds of winning some prize in Instant Game Number 1107 are 1 in 4.38. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1107, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for MONOPOLY™ lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 6-29-11.

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: June 29, 2011

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER11-35
 RULE TITLE: Instant Game Number 1108, MONOPOLY™.

SUMMARY: This emergency rule describes Instant Game Number 1108, “MONOPOLY™,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER11-35 Instant Game Number 1108, MONOPOLY™.

(1) Name of Game. Instant Game Number 1108, “MONOPOLY™.”

(2) Price. MONOPOLY™ lottery tickets sell for \$5.00 per ticket.

(3) MONOPOLY™ lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning MONOPOLY™ lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The “YOUR HOUSE NUMBERS” play symbols and play symbol captions are as follows:



(5) The “HOTEL NUMBERS” play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

\$2.00 TWO	\$5.00 FIVE	\$10.00 TEN	\$20.00 TWENTY	
\$25.00 TWENTY FIVE	\$30.00 THIRTY	\$50.00 FIFTY	\$100 ONE HUNDRED	\$250,000 TWO HUNDRED FIFTY THOUSAND

(7) The legends are as follows:

HOTEL NUMBERS	YOUR HOUSE NUMBERS
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(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR HOUSE NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "HOTEL NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a "STREET" symbol and corresponding caption in the "YOUR HOUSE NUMBERS" play area shall entitle the claimant to five times the prize shown for that symbol. A ticket

having a "GO" symbol and corresponding caption in the "YOUR HOUSE NUMBERS" play area shall entitle the

claimant to a prize of \$200. A ticket having a "WALL" symbol and corresponding caption in the "YOUR HOUSE NUMBERS" play area shall entitle the claimant to all twelve prizes shown.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000, and \$250,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1108 are as follows

GAME PLAY:	WIN:	ESTIMATED ODDS OF 1 IN:	NUMBER OF WINNERS IN 168 POOLS OF 120,000 TICKETS PER POOL:
\$5	\$5	10.00	2,016,000
\$2 x 5	\$10	60.00	336,000
\$2 (5X)	\$10	30.00	672,000
\$5 x 2	\$10	30.00	672,000
\$10	\$10	30.00	672,000
\$2 x 10	\$20	300.00	67,200
\$2 (5X) + \$10	\$20	300.00	67,200
\$5 x 4	\$20	300.00	67,200
\$10 x 2	\$20	300.00	67,200
\$20	\$20	300.00	67,200
(\$2 x 10) + \$5	\$25	1,200.00	16,800
\$5 x 5	\$25	1,200.00	16,800

\$5 (5X)	\$25	1,200.00	16,800
\$5 + (\$10 x 2)	\$25	1,200.00	16,800
\$25	\$25	1,200.00	16,800
(\$2 x 10) + (\$5 x 2)	\$30	1,500.00	13,440
(MONEYBAG)			
\$5 x 6	\$30	1,500.00	13,440
\$5 + \$5 (5X)	\$30	1,500.00	13,440
\$10 x 3	\$30	1,500.00	13,440
\$30	\$30	1,500.00	13,440
(\$2 x 5) + (\$5 x 6)	\$50	1,500.00	13,440
+ \$10			
(MONEYBAG)			
\$5 x 10	\$50	1,500.00	13,440
\$10 (5X)	\$50	1,500.00	13,440
\$10 x 5	\$50	1,500.00	13,440
\$50	\$50	1,500.00	13,440
(\$5 x 4) + (\$10 x 8)	\$100	1,200.00	16,800
(MONEYBAG)			
\$10 x 10	\$100	1,500.00	13,440
\$25 x 4	\$100	2,000.00	10,080
\$20 (5X)	\$100	1,200.00	16,800
\$50 x 2	\$100	2,000.00	10,080
\$100	\$100	1,500.00	13,440
(\$10 x 6) + (\$20 x 4) + (\$30 x 2)	\$200	12,000.00	1,680
(MONEYBAG)			
\$20 (5X) + \$100	\$200	12,000.00	1,680
\$100 x 2	\$200	12,000.00	1,680
\$200 (GO)	\$200	3,000.00	6,720
\$200	\$200	12,000.00	1,680
(\$30 x 10) + (\$100 x 2) (MONEYBAG)	\$500	12,000.00	1,680
\$50 x 10	\$500	12,000.00	1,680
(\$50 x 4) + \$100 + \$200 (GO)	\$500	12,000.00	1,680
\$100 (5X)	\$500	12,000.00	1,680
\$500	\$500	12,000.00	1,680
(\$50 x 8) + (\$100 x 2) + (\$200 x 2)	\$1,000	60,000.00	336
(MONEYBAG)			
\$100 x 10	\$1,000	60,000.00	336
(\$100 x 3) + \$200 (GO) + \$500	\$1,000	30,000.00	672
\$200 (5X)	\$1,000	60,000.00	336
\$1,000	\$1,000	60,000.00	336
\$500 x 10	\$5,000	120,000.00	168
(\$500 x 8) + \$1,000	\$5,000	120,000.00	168
\$1,000 x 5	\$5,000	120,000.00	168
\$5,000	\$5,000	120,000.00	168
\$250,000	\$250,000	1,680,000.00	12

(10) The estimated overall odds of winning some prize in Instant Game Number 1108 are 1 in 4.01. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1108, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for MONOPOLY™ lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 6-29-11.

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: June 29, 2011

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER11-36
 RULE TITLE: Instant Game Number 1109, \$1,000,000 MONOPOLY™

SUMMARY: This emergency rule describes Instant Game Number 1109, “\$1,000,000 MONOPOLY™,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER11-36 Instant Game Number 1109, \$1,000,000 MONOPOLY™.

(1) Name of Game. Instant Game Number 1109, “\$1,000,000 MONOPOLY™.”

(2) Price. \$1,000,000 MONOPOLY™ lottery tickets sell for \$10.00 per ticket.

(3) \$1,000,000 MONOPOLY™ lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$1,000,000 MONOPOLY™ lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The “YOUR HOUSE NUMBERS” play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9		
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE		
11	12	13	14	15	16	17	18	19		
ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN	SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN		
21	22	23	24	25	26	27	28	29		
TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR	TWENTYFIVE	TWENTYSIX	TWENTYSEVEN	TWENTYEIGHT	TWENTYNINE		

(5) The “HOTEL NUMBERS” play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE
11	12	13	14	15	16	17	18	19
ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN	SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN
21	22	23	24	25	26	27	28	29
TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR	TWENTYFIVE	TWENTYSIX	TWENTYSEVEN	TWENTYEIGHT	TWENTYNINE

(6) The prize symbols and prize symbol captions are as follows:

\$5.00	\$10.00	\$15.00	\$20.00	\$25.00
FIVE	TEN	FIFTEEN	TWENTY	THIRTY
\$30.00	\$50.00	\$100	\$200	\$500
THIRTY	FIFTY	ONE HUNDRED	TWO HUNDRED	FIVE HUNDRED
\$1,000	\$5,000	\$10,000	\$1,000,000	
ONE THOUSAND	FIVE THOUSAND	TEN THOUSAND	ONE MILLION	
8506/19/2019E				

(7) The legends are as follows:

HOTEL NUMBERS	YOUR HOUSE NUMBERS
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(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR HOUSE NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “HOTEL NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a “” symbol and corresponding caption in the “YOUR HOUSE NUMBERS” play area shall entitle the claimant to double the prize shown for that symbol. A ticket

having a “” symbol and corresponding caption in the “YOUR HOUSE NUMBERS” play area shall entitle the

claimant to a prize of \$200. A ticket having a “” symbol and corresponding caption in the “YOUR HOUSE NUMBERS” play area shall entitle the claimant to ten times the prize shown for that symbol.

(b) The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000

\$1,000,000
 and 8506/19/2019E.

(9) \$1,000,000 Prize Payment Options.

(a) A winner of a \$1,000,000 prize may choose one of two payment options for receiving his or her prize. Payment options are "Cash Option" or "Annual Payment." At the time the \$1,000,000 prize is claimed, the terminal will produce a player claim instructions ticket. The winner has sixty (60) days from the date the player claim instructions ticket is produced to file a claim choosing the Cash Option. If a winner does not choose the Cash Option within such time, the Annual Payment option will be applied. Once the winner files a claim and exercises the winner's chosen option, the election of that option shall be final.

(b) Cash Option prizes will be paid in one (1) lump sum cash payment of \$700,000, less applicable federal withholding taxes.

(c) Annual Payment prizes will be paid in twenty (20) equal annual installments of \$50,000, less applicable federal withholding taxes.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 1109 are as follows:

GAME PLAY:	VALUE:	ESTIMATED ODDS OF	WINNERS IN 100 POOLS OF 120,000 TICKETS PER POOL:
\$5 x 2	\$10	30.00	400,000
\$5 (TRAIN)	\$10	20.00	600,000
\$10	\$10	30.00	400,000
\$5 x 3	\$15	60.00	200,000
\$5 + \$10	\$15	60.00	200,000
\$15	\$15	30.00	400,000
\$5 x 4	\$20	60.00	200,000
(\$5 x 2) + \$10	\$20	100.00	120,000
\$10 x 2	\$20	150.00	80,000
\$10 (TRAIN)	\$20	60.00	200,000
\$20	\$20	60.00	200,000
\$5 x 5	\$25	300.00	40,000
(\$5 x 3) + \$10	\$25	300.00	40,000
\$5 + (\$10 x 2)	\$25	300.00	40,000
\$5 (TRAIN) + \$15	\$25	300.00	40,000
\$25	\$25	300.00	40,000
\$5 x 6	\$30	600.00	20,000
\$5 (TRAIN) + (\$10 x 2)	\$30	600.00	20,000
\$10 x 3	\$30	600.00	20,000
\$15 (TRAIN)	\$30	600.00	20,000
\$30	\$30	600.00	20,000
\$5 (10X)	\$50	480.00	25,000
\$5 x 10	\$50	480.00	25,000
\$10 x 5	\$50	480.00	25,000
\$10 (TRAIN) + \$15 (TRAIN)	\$50	480.00	25,000
\$50	\$50	600.00	20,000

(\$5 x 10) + (\$10 x 5)	\$100	400.00	30,000
\$10 (10X)	\$100	400.00	30,000
\$20 x 5	\$100	480.00	25,000
\$25 x 4	\$100	500.00	24,000
\$25 (TRAIN) + \$50	\$100	400.00	30,000
\$100	\$100	480.00	25,000
(\$10 x 10) + (\$20 x 5)	\$200	6,000.00	2,000
\$20 (10X)	\$200	6,000.00	2,000
(\$30 x 5) + \$50	\$200	6,000.00	2,000
\$100 (TRAIN)	\$200	6,000.00	2,000
\$200 (GO)	\$200	6,000.00	2,000
(\$25 x 10) + (\$50 x 5)	\$500	12,000.00	1,000
\$50 (10X)	\$500	12,000.00	1,000
(\$50 x 6) + \$100 (TRAIN)	\$500	12,000.00	1,000
(\$100 x 3) + \$200 (GO)	\$500	12,000.00	1,000
\$500	\$500	12,000.00	1,000
(\$50 x 10) + (\$100 x 5)	\$1,000	24,000.00	500
\$100 (10X)	\$1,000	24,000.00	500
(\$100 x 8) + \$200 (GO)	\$1,000	24,000.00	500
\$500 (TRAIN)	\$1,000	24,000.00	500
\$1,000	\$1,000	24,000.00	500
\$500 (10X)	\$5,000	120,000.00	100
\$500 x 10	\$5,000	120,000.00	100
\$1,000 x 5	\$5,000	120,000.00	100
\$5,000	\$5,000	120,000.00	100
\$10,000	\$10,000	120,000.00	100
\$1,000,000			
(\$50K/yr./20yr)	Top Prize	1,200,000.00	10

(11) The estimated overall odds of winning some prize in Instant Game Number 1109 are 1 in 3.33. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 1109, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) Payment of prizes for \$1,000,000 MONOPOLY™ lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 6-29-11.

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: June 29, 2011

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on July 1, 2011, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-27.00212(14), F.A.C., from DeLand Police Department. The rule requires officers to requalify with a firearm every two years on a course of fire mandated by Commission rule. The petition supports the requested waiver by stating that the officer for whom the waiver is sought did successfully complete the course of fire, however, the instructor who supervised the mandatory shoot was not fully certified as a CJSTC firearms instructor at the time of the officer's requalification. Petitioner states that the officer will suffer a substantial hardship if his certification is rendered inactive as a result of this situation. Petitioner further states that it would violate the principles of fairness to fail to recognize that the officer affected by this situation did successfully complete the requirement simply because the instructor failed to comply with all administrative aspects of firearms instructor certification.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on June 30, 2011, the South Florida Water Management District (District), received a petition for waiver from Florida Power & Light Company, Application No. 11-0630-1, for utilization of Works or Lands of the District known as the L-12 for a proposed access gate within the north right of way of Section 27, Township 43 South, Range 39 East, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4), (6), Florida Administrative Code, which governs the placement of permanent or semi-permanent above-ground encroachments within 40 feet from the top of bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication

of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on June 29, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Blue Palm Management LLC, filed April 13, 2011, and advertised in Vol. 37, No. 18, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until January 1, 2014, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-114).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on June 29, 2011 the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Naples Community Hospital, filed June 2, 2011, and advertised in Vol. 37, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until September 1, 2011, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-188).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on June 29, 2011, the Division issued an order. The Final Order was in response to a Petition for

emergency Variance from Naples Community Hospital, filed June 2, 2011, and advertised in Vol. 37, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until May 1, 2012, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-191).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on June 29, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from University of Florida, filed June 6, 2011, and advertised in Vol. 37, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until June 1, 2016, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-193).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on June 29, 2011, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Imperial Pines Condo, filed June 6, 2011, and advertised in Vol. 37, No. 24, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations until January 15, 2015, because the Petitioner has

demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-194).

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 June 29, 2011, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1), (6), Florida Administrative Code, from A & M Food Services, Jacksonville, FL. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on June 2, 2011, the Department received a Petition for an Emergency Variance for Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Oasis, Bonita Springs, FL. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided. They are requesting to utilize dishwashing facilities located within another licensed establishment under the same ownership.

The Petition for this variance was published in Vol. 37, No. 24, on June 17, 2011. The Order for this Petition was signed on June 23, 2011, and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the dishwashing area located within Vasari Country Club main kitchen (SEA4605639) is maintained in a clean and sanitary manner and all sinks are provided with hot and cold running water under pressure and available during all hours of operation. If

the owner of Vasari Country Club main kitchen (SEA4605639) changes, the division must be notified immediately and a written agreement provided.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN that on June 23, 2011, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, Paragraph 5-202.11(A), 2001 FDA Food Code, subsection 61C-1.004(1), Florida Administrative Code, Paragraph 4-301.12(A), 2001 FDA Food Code and subsection 61C-4.010(5), Florida Administrative Code, from Tacos Y'all, Destin, FL. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport water and wastewater; an area for food preparation, and dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils. They are requesting to utilize holding tanks to provide potable water and to collect wastewater and to share warewashing and food preparation areas with a licensed establishment under the same ownership.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

The Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation (Division), hereby gives notice on June 30, 2011, it issued a final order to a petition for emergency variance or waiver from PPI, Inc., d/b/a The Isle Casino and Racing at Pompano Park, Petitioner, filed May 12, 2011, and advertised in Vol. 37, No. 24, of the Florida Administrative Weekly – DBPR Case No.: 2011025419 (VW 2011-168).

The final order grants Petitioner and Intervenor Calder Race Course, Inc., a temporary waiver of the requirements of subsection 61D-11.016(1), Florida Administrative Code (F.A.C.), which requires that poker tables have clearly designated rake circles, imprest trays, tip boxes, and drop box slots for tournament poker tables Petitioner wishes to purchase and use exclusively for poker tournaments. Specifically, the final action grants Petitioner and Intervenor a waiver for their tournament poker tables from the rake circle, imprest tray, tip

box, and drop box requirements of subsection 61D-11.016(1), F.A.C., for two years or until the Division adopts a new rule governing tournament poker tables, whichever occurs first.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Variance, filed on March 28, 2011, by Craig Harrington. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 15, of the April 15, 2011, Florida Administrative Weekly. Petitioner sought a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" which requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release for the first test section passed. The Board considered the instant Petition at a duly-noticed public meeting held on May 6, 2011, Tampa, Florida.

The Board's Order, filed on June 2, 2011, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statutes, would be met by granting a variance from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on March 23, 2011, by Anthony Perez. The Notice of Petition for Waiver or Variance was published in Vol. 37, No. 15, of the April 15, 2011, Florida Administrative Weekly. The Petitioner sought a waiver or variance of subsection 61H1-31.001(4), F.A.C., entitled "Fees" that requires a fee of two hundred and fifty dollars (\$250.00) for reactivation of a delinquent status license to active.

Petitioner also sought a waiver or variance of subsection 61H1-33.003(6), F.A.C., entitled "Continuing Professional Education" which requires that each Florida certified public accountant, as a part of the biennial licensure renewal, on or before December 31 prior to his/her biennial license renewal, report on forms prescribed by the Board, compliance with continuing professional education requirements completed

during the applicable reestablishment period. The Board considered the instant Petition at a duly-noticed public meeting held May 6, 2011, Tampa, Florida.

The Board's Order, filed June 14, 2011, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 473.312, Florida Statutes, would be met by granting a variance or waiver from paragraph 61H1-33.003(1)(b) and subsection 61H1-31.001(4), F.A.C. The Board further found that Petitioner failed to establish that the Board's full application of the aforementioned rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN that on June 14, 2011, the Department of Environmental Protection, received a petition for the School Board of Brevard County seeking a variance from paragraph 62-602.270(1)(a), F.A.C., to allow students enrolled in the Waste Resources Technology program at the Heritage High School Academy of Environmental Studies to be eligible to take the Level C Water and/or Wastewater examination for operator certification prior to obtaining a high school diploma. The petition has been assigned OGC File No.: 11-0873. Any interested person or other agency may submit written comments on the petition with 14 days after publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ronald McCulley, Department of Environmental Protection, Operator Certification Program, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3506, Tallahassee, FL 32399-2400, telephone (850)245-7500, email: ronald.mcculley@dep.state.fl.us.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on July 1, 2011, the Board of Dentistry, received a petition for waiver or variance, filed by Derek D. Haber, D.M.D., M.S., seeking a waiver or variance of Rule 64B5-14.005, F.A.C., concerning the applicant must demonstrate both training and administration of the particular type of anesthesia to 20 patients within 2 years of applying for a conscious sedation permit.

Comments on this petition should be filed with the: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN that on June 28, 2011, the Department of Health, received a petition for variance from Richard Bruno, representing Hydrologex, LLC. Specifically, the petitioner seeks a variance from paragraph 64E-6.026(1)(b), Florida Administrative Code, which requires third-party testing approved through the NSF-ETV program in order to apply for an innovative system permit.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

The Department of Health hereby gives notice:

The order was issued in response to an amended petition for a variance filed on April 6, 2011, by Martha Harrell Chumbler, representing Infiltrator Systems, Inc., regarding the "IM-1060 Tank". The amended petition replaced an earlier petition for variance filed on December 23, 2011, by Daniel Hernandez, esq. In the amended petition, Petitioner sought a variance from paragraphs 64E-6.013(1)(a), (2)(a), (2)(i), (3)(f), (6)(c), (10)(d), Florida Administrative Code, which requires tanks to be constructed of concrete, fiberglass or polyethylene; tank stiffening members to be a homogenous integral part of the structure; joints, mid-seams, risers and lids to be sealed using a bonding compound that meets ASTM C 990-96; tanks to meet either category 3 or 4 burial conditions; polyethylene receptacles to meet IATMO PS 1-93, Paragraph 5.4, regarding wall, top, bottom and cover thickness; and tanks with seams below the outlet invert to be watertightness tested per ASTM C 1227-98 after installation in the field. Notice of the original petition was published in the January 14, 2011, edition of the Florida Administrative Weekly and notice of the amended petition was published in the April 22, 2011, edition.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED WITH STIPULATIONS Petitioner's request for a variance.

A copy of the Order or additional information may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

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

Division of Bond Finance

Financial Services Commission:

Office of Insurance Regulation

Office of Financial Regulation

Agency for Enterprise Information Technology

Department of Veterans' Affairs

Department of Highway Safety and Motor Vehicles

Department of Law Enforcement

Department of Revenue

Administration Commission

Florida Land and Water Adjudicatory Commission

Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection

DATE AND TIME: August 2, 2011, 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 to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

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; reports 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 of the **Office of Insurance Regulation** 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 matters related to rulemaking for all activities of the **Office of Financial Regulation** relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The **Agency for Enterprise Information Technology** will take action on matters duly presented on its agenda which may include, but not be limited to, the presentation and approval of the Agency's Annual Operational Work Plan as well as matters relating to rulemaking for all activities of the Agency.

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, administrative procedure matters, and consideration of other matters within its authority.

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 various statutes including 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 for which it is responsible pursuant to law (including duties pursuant to Title 18 of the Florida Statutes and Title 18 of the Florida Administrative Code) and that are duly presented on its agenda, which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services; mineral leases or sales; state or sovereign land leases, sales, exchanges, dedications, and easements; conservation and preservation lands and other land purchases; land planning matters and other matters within its authority.

The **Department of Environmental Protection** will present for consideration those matters required by law to be reviewed by the Governor and Cabinet, sitting as the Siting Board, which may include, but are not limited to siting of power plants and electric and natural gas transmission lines.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/> or by contacting each individual agency.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to provide at least 48 hours' notification before the meeting by contacting the Governor's Cabinet Affairs Office, (850)488-5152.

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.

DEPARTMENT OF STATE

NOTICE OF CHANGE – The Friends of the Museums of Florida History, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 25, 2011, 12:00 Noon

PLACE: TBD

GENERAL SUBJECT MATTER TO BE CONSIDERED: THIS IS A RESCHEDULED MEETING FROM JULY 11, 2011. Forever Changed: La Florida exhibit fundraising.

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 5 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).

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: Elyse Cornelison, Museum of Florida History at (850)245-6400.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs** announces a workshop to which all persons are invited.

DATE AND TIME: July 25, 2011, 10:00 a.m. – 12:30 p.m.

PLACE: Via Webinar originating from Tallahassee

DATE AND TIME: July 27, 2011, 10:00 a.m. – 3:30 p.m.

PLACE: Broward County Bar Association, 1051 S.E. 3rd Avenue, Fort Lauderdale, FL 33316

DATE AND TIME: July 29, 2011, 10:00 a.m. – 3:30 p.m.

PLACE: Office of the Attorney General, Lemon Law Arbitration, Concourse Center 4, 3507 E. Frontage Road, Suite 200, Tampa, FL 33607

DATE AND TIME: August 2, 2011, 10:00 a.m. – 3:30 p.m.

PLACE: Office of Attorney General, Leroy Collins Building, 107 W. Gaines Street, Room G21, Tallahassee, FL 32399-1050

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida New Motor Vehicle Arbitration Board 2011 Arbitrator Training.

A copy of the agenda may be obtained by contacting: Kairi Kapoor, (850)414-3500, ext. 4494.

Pursuant to the provisions of 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: Kairi Kapoor, (850)414-3500, ext. 4494. If you are 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: Kairi Kapoor, (850)414-3500, ext. 4494.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agricultural Museum** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 28, 2011, 1:00 p.m.

PLACE: Florida Agricultural Museum, 7900 Old Kings Road, Palm Coast, Florida 32137

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general museum business.

A copy of the agenda may be obtained by contacting: Bruce Piatek, Executive Director, (386)446-7630 or email: bpiatek@myagmuseum.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: Bruce Piatek, Executive Director, (386)446-7630 or email: bpiatek@myagmuseum.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 **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: August 4, 2011, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399, (850)617-7917

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: The Pesticide Registration Section, (850)617-7940 or from the PREC Web Site at: http://www.flaes.org/pesticide/pesticide_registration.html.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)617-7940.

The **Board of Professional Surveyors and Mappers** announces a public meeting to which all persons are invited.

DATES AND TIMES: August 9, 2011, 1:00 p.m., Probable Cause Panel. Although this meeting is open to the public, portions may be closed consistent with law; August 10, 2011, 8:30 a.m., Committee Meetings and General Session if time allows; August 11, 2011, 8:30 a.m., General Session

PLACE: The Renaissance Resort at World Golf Village, 500 South Legacy Trail, St. Augustine, Florida 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings and General Business Meeting.

A copy of the agenda may be obtained by contacting: Leon M. Biegalski, Executive Director, Board of Professional Surveyors and Mappers, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3833.

Pursuant to the provisions of 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: Leon M. Biegalski at (850)410-3833. If you are

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: Leon M. Biegalski, Executive Director, Board of Professional Surveyors and Mappers, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3833.

DEPARTMENT OF EDUCATION

The Florida **Department of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 25, 2011, 1:00 p.m. – 5:00 p.m.

PLACE: Hilton Clearwater Beach Resort, Clearwater Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Apprenticeship Advisory Council will hold a meeting to discuss general items relating to apprenticeship in Florida. The agenda includes follow-up actions from previous Council meetings on subjects of committee structure, updates, assignments and responsibilities. The meeting will include an apprenticeship update relative to apprentices and programs registered in Florida.

A copy of the agenda may be obtained by contacting: Juanita Warren at (850)245-0454, e-mail: Juanita.Warren@fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Juanita Warren at (850)245-0454 or e-mail: Juanita.Warren@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. Ken Olsen, Program Director of Apprenticeship at (850)245-0454 or e-mail: Ken.Olsen@fldoe.org.

The **Florida Rehabilitation Council for the Blind** announces a public meeting to which all persons are invited.

DATES AND TIMES: July 28, 2011, 8:30 a.m. – 3:00 p.m.; July 29, 2011, 8:30 a.m. – 12:00 Noon

PLACE: Crowne Plaza, 13051 Bell Tower Dr., Fort Myers, FL 33907

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly business meeting of the Florida Rehab Council for the Blind.

A copy of the agenda may be obtained by contacting: Phyllis Dill, The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392 or e-mail: Phyllis.dill@dbs.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Local DBS Office at (239)278-7130 or toll free 1(800)219-0180. If you are 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 Rehabilitation Council for the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2011, 4:00 p.m. – 5:30 p.m.

PLACE: Crowne Plaza, 13051 Bell Tower Dr., Fort Myers, FL 33907

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The local DBS Office at (239)278-7130 or toll free 1(800)219-0180. If you are 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 Rehabilitation Council (FRC)** announces a telephone conference call to which all persons are invited.

DATES AND TIMES: Coordination, August 11, 2011, 9:30 a.m. – 11:30 a.m.; Evaluation, August 4, 2011, 9:30 a.m. – 11:30 a.m.; Executive, August 3, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any interested parties that need further information may contact: Paige Sharpton at (850)245-3397.

For appeal process see Section 286.0105, Florida Statutes.

Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at: www.rehabworks.org at least seven days before the meeting. Persons who want to be notified of such meetings may request to be put on a mailing list by writing to: Paige Sharpton at the Council's address, 2002-A Old St. Augustine Road, Tallahassee, FL 32301-4862.

A copy of the agenda may be obtained by contacting: The FRC at (850)245-3397.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3-5 days before the workshop/meeting by contacting: The FRC at (850)245-3397. If you are 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 Education** announces a workshop to which all persons are invited.

DATE AND TIME: August 4, 2011, 5:00 p.m.

PLACE: Orange County Public Schools, Board Room, 445 West Amelia Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public workshop is to hear comments on the disaggregation of Rules 6A-6.0902 and 6A-6.0903, F.A.C., into five separate rules for finer clarity regarding the requirements for identification and placement of an English language learner (ELL), exit criteria of an ELL, the provisions of the annual English language proficiency assessment, requirements of extension of services, and post reclassification of an ELL. It is proposed that the time period for completing an initial assessment of English language proficiency in Reading and Writing be shortened. The requirement for former English language learners to be assessed on the annual English language proficiency assessment is clarified. The timing and requirements for extension of ESOL services beyond three years are clarified. Parental rights with respect to removal of a student from a language arts instructional program are clarified and the Standards for Student Exit from the ESOL Program are modified.

FOR MORE INFORMATION, YOU MAY CONTACT: Lori Rodriguez, Department of Education, Bureau of Student Achievement through Language Acquisition, Room 444, 325 W. Gaines Street, Tallahassee, FL 32399 or e-mail: lori.rodriguez@fldoe.org. To submit a comment or view the full text of these rules go to <https://app1.fldoe.org/rules/default.aspx>.

DEPARTMENT OF COMMUNITY AFFAIRS

The Florida **Department of Community Affairs**, “the Department”, announces a public meeting to which all persons are invited.

DATE AND TIME: July 26, 2011, 1:00 p.m.

PLACE: MEETING TO BE CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY, specifically Webinar and Conference Call: Registration for Energy Manual Workgroup Webinar: <https://www2.gotomeeting.com/register/690741827>; Conference Call: 1(888)808-6959, Conference Code: 1967168#; Public point of access: Room 220N, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the Work Plan for the development of procedure/manual for approving energy compliance software to the Workgroup members for their feedback and input.

Anyone who wishes to participate in the conference call should dial the number and enter the code above as requested to participate in the conference call. If a person wishes to attend the conference call in person, they may go to: Room 220N, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

A copy of the agenda may be obtained by contacting: Ms. Ann Stanton, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (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. Barbara Bryant, Department of Community Affairs, (850)487-1824. If you are 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. Ann Stanton, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)487-1824.

The **Florida Building Commission**, “the COMMISSION” announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 27, 2011, 10:00 a.m. (EST)

PLACE: MEETINGS TO BE CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY, specifically Conference Call Telephone Number: 1(888)808-6959; Code: 1967168

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss “accreditor” and “course” applications for recommendation to the Florida Building Commission; discuss boiler plate language regarding advance course provider intellectual property rights; and, report on Administrator activities.

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 or call (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. 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. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. 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 **Department of Community Affairs** announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, July 27, 2011, 10:00 a.m. (Eastern Time)

PLACE: Wakulla County Board of County Commissioners, Chambers Room 29, Arran Road, Crawfordville, Florida 32327, (850)926-0919

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking a public entity or nonprofit corporation to administer the Weatherization Assistance Program (WAP) and the American Recovery and Reinvestment Act (ARRA) WAP in Wakulla County. Entities interested in contracting with DCA to provide these services should be present at this public meeting in order to be informed of the qualifications, application requirements and deadline for submitting applications.

Selection of an entity will be based on the entity’s experience and performance in weatherization or housing renovation activities, in assisting low-income persons in the area to be served, and in its capacity to undertake a timely and effective weatherization program. Preference will be given to any community action agency or other public or nonprofit entity which has, or is currently administering, an effective DCA funded WAP and ARRA WAP.

The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements.

Only one entity will be funded and that entity must be capable and willing to provide services to all eligible low-income citizens in the geographic service area.

ACTIONS TO BE TAKEN: The DCA will review the submitted applications, and make a decision regarding each applicant's eligibility to provide WAP and ARRA WAP services to Wakulla County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary.

Requests for a copy of the agenda, application criteria and additional information or questions may be addressed to: Mr. Norm Gempel, Planning Manager, Weatherization Assistance Program, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax: (850)488-2488 or e-mail: norm.gempel@dca.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. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Department of Community Affairs, (850)488-7541 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). If you are 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: Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Mr. Norm Gempel, Planning Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax: (850)488-2488.

The Florida **Department of Community Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: July 27, 2011, 11:00 a.m. – 12:00 Noon

PLACE: Wakulla County Board of County Commissioners, Chambers Room, 29 Arran Road, Crawfordville, Florida 32327, (850)926-0919

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking a public or nonprofit entity to administer the Low-Income Home Energy Assistance Program (LIHEAP) in Wakulla County, Florida. Entities interested in contracting with DCA to provide this service should attend this meeting to learn about the application requirements.

Selection will be based on the entity's experience and performance in related federal or state programs in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective program. Special consideration in the designation of a service provider will be given to any Community Action Agency or other public or nonprofit entity which is currently administering an effective program under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity, and (4) maintain compliance with administration and financial management requirements.

At this meeting, the DCA will disseminate information about the program, the application requirements, the deadline for submitting applications and the appeals information. After the application deadline date (due to be submitted to DCA by 5:00 p.m. (EDT), August 12, 2011), DCA staff will review the applications received and make a decision regarding each entity's eligibility to provide program services in Wakulla County. A recommendation for the selected entity will then be prepared by DCA staff for subsequent consideration and approval or disapproval by DCA's Secretary. Announcement of the selected entity along with the appeals process for non-selected entities wishing to challenge the selection will then be sent by U.S. Mail to all applicants.

A copy of the agenda may be obtained by contacting: Requests for an application, additional information or questions may be addressed to: Ms. Hilda Frazier, Planning Manager, Florida Department of Community Affairs, Community Assistance Section, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax: (850)488-2488 or e-mail: hilda.frazier@dca.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: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the: Department of Community Affairs at (850)488-7541 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact; Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). If you are 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. Hilda Frazier, Planning Manager, Florida Department of Community Affairs, Community Assistance Section, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax: (850)488-2488 or e-mail: hilda.frazier@dca.state.fl.us.

The **Florida Building Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 27, 2011, 2:00 p.m. – until completion
 PLACE: MEETING TO BE CONDUCTED USING COMMUNICATIONS TECHNOLOGY, specifically Webinar and Conference Call. Registration for the Accessibility Advisory Council Webinar: <https://www2.gotomeeting.com/register/715990547>; Conference Call: 1(888)808-6959, Code: 1967168; Public Point of Access: Department of Community Affairs, Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 ACCESSIBILITY ADVISORY COUNCIL

Waiver Applications for the following projects.

Kalex Construction & Development, 6840 N.W. 77th Court, Miami, FL

The Gallery, 701 E. New Haven Avenue, Melbourne, FL

Ocean Breeze Hotel, 6600 Collins Avenue, Miami Beach, FL

Engineering Building II, 3820 USF Alumni Drive, Tampa, FL

Barry University Health and Sports Center Bleacher Renovation, 11300 N.E. 2nd Avenue, Miami Shores, FL

Science Classroom Complex, FIU, 11200 S.W. 8th Street, Miami, FL

Chi Omega Sorority House, 601 West Jefferson Street, Tallahassee, FL

Amnesia, 136 Collins Avenue, Miami Beach, FL

Madewell, 714 Lincoln Road, Miami Beach, FL

Liquor Lofts, 1717 West Tennessee Street, Tallahassee, FL

Dmitri's Artisan Sandwiches, 790 South Atlantic Avenue, Ormond Beach, FL

Warging Enterprises LLC, 25340 West Newberry Road, Newberry, FL

A copy of the agenda may be obtained 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, FL 32399-2100, (850)487-1824 or Fax: (850)414-8436.

Pursuant to the provisions of 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, FL 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. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)487-1824 or Fax: (850)414-8436.

The **Florida Building Commission**, "the Commission" announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 28, 2011, 2:30 p.m.

PLACE: MEETING TO BE CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY, specifically Conference Call: 1(888)808-6959, Code: 1967168; Public point of access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and decide on approval of product and product approval entities and other business for the Commission.

A copy of the agenda may be obtained by contacting: Mrs. Suzanne Davis, Department of Community Affairs, (850)487-1824, 2555 Shumard Oak 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 10 days before the workshop/meeting by contacting: Mrs. Pat Harvey, Department of Community Affairs, (850)487-1824. If you are 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: Mrs. Suzanne Davis, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)487-1824.

DEPARTMENT OF LAW ENFORCEMENT

The **Region XIV Trust Fund Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 2, 2011, 10:00 a.m.

PLACE: Miami Dade College, North Campus, Room 9118, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Region XIV reports and other Region XIV business matters.

A copy of the agenda may be obtained by contacting: Maevis Manoly, Interim, Region XIV Secretary, (305)237-1327, email: mmanoly1@mdc.edu.

The **Criminal Justice Standards and Training Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Florida Criminal Justice Educators Association Meeting, Monday, August 8, 2011, 8:30 a.m.; Training Center Director Meetings: Board Meeting, Tuesday, August 9, 2011, 1:00 p.m.; Special Committee Meetings (Technology and Physical Fitness), Tuesday, August 9, 2011, 2:00 p.m.; Basic Recruit Training, Advanced Training, and Rule Committees, Tuesday, August 9, 2011, 3:00 p.m.; Open Forum, Tuesday, August 9, 2011, 4:00 p.m.; Training Center Director Association Business Meeting, Wednesday, August 10, 2011, 8:30 a.m.; Probable Cause Determination Hearings, Wednesday, August 10, 2011, 10:00 a.m.; Commission Workshop on Correctional Basic Recruit Training Program hours, Wednesday, August 10, 2011, 2:00 p.m.; Regional Criminal Justice Selection Center Directors Association, Wednesday, August 10, 2011, 3:00 p.m.; Criminal Justice Standards and Training Commission Business Meeting, Thursday, August 11, 2011, 8:00 a.m.; Criminal Justice Standards and Training Commission Officer Discipline Hearings, Thursday, August 11, 2011, 9:30 a.m.

PLACE: Hyatt Regency Tampa, 211 North Tampa Street, Tampa, Florida 33602, (813)225-1234 or 1(888)421-1442; Group Name: Florida Department of Law Enforcement; \$114.00 Single or Double, each night, from 8/7/11 to 8/12/11; Check-in 3:00 p.m. and Check-out 12:00 Noon (If you need a reservation after 7/22/11, contact: Cheryl Taylor at (850)410-8657). You may cancel your reservation 72 hours prior to your scheduled arrival date without a penalty. FDLE custom reservation webpage to make reservations: <http://resweb.passkey.com/go/flDeptLawEnforcement2011>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings will be held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, officer discipline penalty guidelines, and certification and recertification of criminal justice training schools. Commission Meeting information and agenda items can be

accessed at <http://www.fdle.state.fl.us>, then Click on "A-Z Index," then Click on "Criminal Justice Standards and Training Commission," and then Click on "Commission Meeting Schedule," or on "Meeting Packet," after August 1, 2011.

A copy of the agenda may be obtained by contacting: Donna Hunt at (850)410-8615 or e-mail at donnahunt@fdle.state.fl.us if you have questions about the August 2011 Commission meeting. If you have questions about the Officer Discipline Agenda, please contact: Lori Morea at (850)410-8625 or e-mail: lorimorea@fdle.state.fl.us. If you have questions about hotel accommodations, please contact: Cheryl Taylor at (850)410-8657 or e-mail at cheryltaylor@fdle.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: Donna Hunt at (850)410-8615 or e-mail at donnahunt@fdle.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: Donna Hunt at (850)410-8615 or e-mail at donnahunt@fdle.state.fl.us.

DEPARTMENT OF TRANSPORTATION

The **FSTED Council, Project Review & Allocation Process Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 3, 2011, 11:00 a.m. – 1:30 p.m.

PLACE: Senate Office Building, Room S110, Tallahassee, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Nancy Leikauf, Florida Ports Council, (850)222-8028.

Pursuant to the provisions of 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: Nancy Leikauf, Florida Ports Council, (850)222-8028. If you are 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: Nancy Leikauf, Florida Ports Council, (850)222-8028.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a public meeting in the following docket to which all persons are invited.

TITLE: Nuclear Cost Recovery Clause; Docket Number 110009-EI

PREHEARING CONFERENCE

DATE AND TIME: Monday, August 1, 2011, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the: Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

REGIONAL PLANNING COUNCILS

The **Bay Area Resource Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 27, 2011, 1:30 p.m. – 3:30 p.m.

PLACE: Milton Community Center, 5629 Byrom Street, Milton, FL 32570

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting at which general business of the Bay Area Resource Council will be discussed.

A copy of the agenda may be obtained by contacting: Mary Gutierrez at mary.gutierrez@wfrpc.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: Mary Gutierrez at mary.gutierrez@wfrpc.org or 1(800)226-8914, ext. 226 or (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).

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: Mary Gutierrez at mary.gutierrez@wfrpc.org or 1(800)226-8914, ext 226 or (850)332-7976, ext 226.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2011, 5:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by 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: July 28, 2011, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th 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: July 28, 2011, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th 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: July 28, 2011, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th 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 District 5 Local Emergency Planning Committee announces a public meeting to which all persons are invited.

DATES AND TIMES: Training Subcommittee, Wednesday, July 20, 2011, 9:30 a.m.; Local Emergency Planning Committee, Wednesday, July 20, 2011, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S.W. 10th Street, Ocala, FL 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chairman report, Committee updates, and other organizational matters regarding the committees.

A copy of the agenda may be obtained by contacting: Michael Arnold at (352)732-1315, ext. 228.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Withlacoochee Regional Planning Council announces a public meeting to which all persons are invited.

WRPC Board of Directors

DATE AND TIME: Thursday, July 21, 2011, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S.W. 10th Street, Ocala, FL 34471-0323

GENERAL SUBJECT MATTER TO BE CONSIDERED: The WRPC Board of Directors will meet to conduct the regular business of the Council.

A copy of the agenda may be obtained by contacting: The Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Withlacoochee Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Withlacoochee Regional Planning Council (CEDS) Strategy Committee, Tuesday, July 26, 2011, 2:30 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S.W. 10th Street, Ocala, FL 34471-0323

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the annual business of updating of the Region's Comprehensive Economic Development Strategy (CEDS). The Council maintains a CEDS through coordination with the U.S. Commerce Department's Economic Development Administration.

A copy of the agenda may be obtained by writing: Executive Director, Withlacoochee Regional Planning Council, 1241 S.W. 10th Street, Ocala, FL 34471-0323.

Pursuant to 13 CFR Chapter III Sections 303.6 and 303.7 [75 FR 4259 published January 27, 2010], copies of the proposed annual CEDS plan update shall be available for public review and comment at least 30 days. By July 28, 2011, an electronic copy of proposed modifications to the region's EDA-accepted CEDS may be downloaded from WRPC's website through the link labeled: "Proposed 2010 CEDS Update" on the main page. Also upon request, a hard copy of the CEDS is available from: Withlacoochee Regional Planning Council Offices, 1241 S.W. 10th Street, Ocala, FL.

For more information or to submit comments, please contact: David Connolly, Senior Planner, by email at: dconnolly@wrpc.cc or by phone at (352)732-1315, ext. 223.

A copy of the agenda may be obtained by contacting: Executive Director, Withlacoochee Regional Planning Council, 1241 S.W. 10th Street, Ocala, FL 34471-0323.

The **Tampa Bay Regional Planning Council, Clearinghouse Review Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: July 25, 2011, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

A copy of the agenda may be obtained by contacting: www.tbrpc.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: Wren Krahl at (727)570-5151, ext. 22 or wren@tbrpc.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: Avera Wynne, avera@tbrpc.org.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 21, 2011, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The monthly meeting of the Southwest Florida Regional Planning Council Board Meeting.

A copy of the agenda may be obtained by contacting: Ms. Nichole Gwinnett at ngwinnett@swfrpc.org or (239)338-2550, ext. 232.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Deborah Kooi at dkooi@swfrpc.org or (239)338-2550, ext. 210. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Visit our website at: www.swfrpc.org.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 29, 2011, 8:30 a.m.

PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics, www.ethics.state.fl.us or (850)488-7864.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

METROPOLITAN PLANNING ORGANIZATIONS

The Florida **Metropolitan Planning Organization, Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: July 28, 2011, 12:00 Noon – 3:00 p.m.; 3:30 p.m. – 6:00 p.m.

PLACE: Crowne Plaza Orlando Airport Hotel, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state and federal agencies.

A copy of the agenda may be obtained by contacting: Brigitte Messina, brigitte.messina@mpoac.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: Brigitte Messina at (850)414-4037 or by email: brigitte.messina@mpoac.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: Brigitte Messina at (850)414-4037 or by email: brigitte.messina@mpoac.org.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2011, 1:00 p.m. (ET)

PLACE: District Headquarters, 3 miles north of I-10 on Highway 90, Midway, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

OTHER MEETINGS TO BE HELD ON JULY 28, 2011:

11:00 a.m. – 12:00 Noon (ET) Governing Board Budget Workshop

12:00 Noon – 12:30 p.m. (ET) District Lands Committee – to discuss informational items only

1:15 p.m. (ET)

Public Hearing on Regulatory Matters

A copy of the agenda may be obtained by contacting: Robin Tucker, NFWFMD, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 (also available through the Internet at www.nfwfmd.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Ms. Jean Whitten. If you are 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.

NOTICE OF CHANGE – The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 26, 2011, 9:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637 (Note: this is a change of location from the published calendar)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, Committee Meetings and Public Hearing: Consider SWFWMD business including adoption of proposed District millage rate for fiscal year 2012. 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: Luanne.Stout@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4605 (Ad Order EXE0154).

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: August 11, 2011, 9:30 a.m. – until completion

PLACE: Hilton Daytona Beach Oceanfront Resort, 100 North Atlantic Avenue, Daytona Beach, FL 32118; Teleconference Call: 1(888)808-6959, Conference Code: 34767#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

A copy of the agenda may be obtained by contacting: Vicki Scheffer, 605 Suwannee Street, MS-49, Tallahassee, FL, (850)410-5703 or 1(800)983-2435.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Vicki Scheffer, 605 Suwannee Street, MS-49, Tallahassee, FL, (850)410-5703 or 1(800)983-2435. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL UTILITY AUTHORITIES

The **Peace River Manasota Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2011, 9:30 a.m.

PLACE: Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority and Public Hearing for the Authority's FY 12 Budget.

A copy of the agenda may be obtained by contacting: Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: (941)316-1776. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: (941)316-1776.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, August 5, 2011, 10:00 a.m. (EDT)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4142039#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of initiatives the Advisory Council and the Department wish to undertake.

A copy of the agenda may be obtained by contacting: Whitney Hults-Richartz, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2318, 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, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2318, 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, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2318, email: hultsw@elderaffairs.org.

The **Statewide Public Guardianship Office** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 26, 2011, 8:30 a.m. – 9:30 a.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9247380#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting for the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting: Erika Burgess, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399, (850)414-2381, email: burgesse@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: Erika Burgess, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399, (850)414-2381,

email: burgesse@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: Erika Burgess, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399, (850)414-2381, email: burgesse@elderaffairs.org.

The Florida **Department of Elder Affairs, Division of Statewide Community-Based Services** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, July 20, 2011, 9:30 a.m. – 3:00 p.m. (EDT)

PLACE: Florida Department of Elder Affairs, 4040 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to provide an opportunity for Long-Term Care (LTC) Community Diversion Program and Program of All-Inclusive Care for the Elderly (PACE) providers to present input to the Department on the proposed capitation rates for the upcoming contract year and other contractual and operational issues as time permits. Capitation for Diversion programs will be discussed first, followed by discussion of the PACE programs.

A copy of the agenda may be obtained by contacting: Cheryl Young, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2067, email: youngca@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: Cheryl Young, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2067, email: youngca@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: Cheryl Young, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2067, email: youngca@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: July 26, 2011, 9:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room A, Tallahassee, FL 32308; Dial In Number: 1(877)317-0672, Conference ID: 81858105#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public meeting is as follows:

The Long Term Care Managed Care Technical Advisory Workgroup has been established at the legislative direction found in 2011’s House Bill 7107, Section 26. and it states:

Before August 1, 2011, the agency shall establish a technical advisory workgroup to assist in developing:

- (a) The method of determining Medicaid eligibility pursuant to Section 409.985(3), F.S.
- (b) The requirements for provider payments to nursing homes under Section 409.983(6), F.S.
- (c) The method for managing Medicare coinsurance crossover claims
- (d) Uniform requirements for claims submissions and payments, including electronic funds transfers and claims processing
- (e) The process for enrollment of and payment for individuals pending determination of Medicaid eligibility

A copy of the agenda may be obtained by contacting: The Agency by e-mail: FLMedicaidManagedCare@ahca.myflorida.com or by calling: (850)412-4694. You may also visit our website (<http://ahca.myflorida.com>) and click on the link to “Statewide Medicaid Managed Care Program”.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Agency by e-mail: FLMedicaidManagedCare@ahca.myflorida.com or by calling: (850)412-4694. If you are 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: The Agency by e-mail: FLMedicaidManagedCare@ahca.myflorida.com or by calling: (850)412-4694. You may also visit our website (<http://ahca.myflorida.com>) and click on the link to “Statewide Medicaid Managed Care Program”.

NOTICE OF CORRECTION – The Agency for Health Care Administration announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, July 26, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration Area Office, Main Training Room, 6800 North Dale Mabry Highway, Suite 220, Tampa, Florida 33614

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a correction to the Notice of Hearing published in Vol. 37, No. 27, July 8, 2011, in the Florida Administrative Weekly. The correction reads as follows:

The Agency is scheduling a hearing in Tampa for the purpose of encouraging input from the public on an amendment to Rule 59G-4.130, F.A.C., which revises the Florida Medicaid Home Health Services Coverage and Limitations Handbook, update

September 2011. The handbook was revised to comply with changes to Section 409.905(4), F.S. Changes to the handbook include requiring prior authorization for all home health visits (skilled nursing and home health aide services), private duty nursing, and personal care. The ordering physician cannot be employed by or under contract with the home health service provider that is rendering the services and must have provided an examination or medical consultation to the recipient within 30 days preceding the request for services. The ordering physician's National Provider Identifier, Medicaid Provider Number, or medical license number must be written on the order for services and the prior authorization request. In addition, the update includes numerous policy clarifications and the addition of mandatory forms to assist providers and recipients in their efforts to submit the required documentation.

A copy of the agenda may be obtained by contacting: Claire Anthony-Davis, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308-5407, e-mail: claire.davis@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Claire Anthony-Davis, Bureau of Medicaid Services at (850)412-4266. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, July 29, 2011, 1:00 p.m. – 4:00 p.m. (EST)

PLACE: Agency for Health Care Administration. This will be a TELECONFERENCE CALL ONLY, Dial In Number: 1(877)317-0672, Conference ID: 78734670

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medicaid Reform Technical Advisory Panel Teleconference; all parties are encouraged to call in to the public teleconference meeting.

A copy of the agenda may be obtained by contacting: Stacey Wolf, (850)412-4687 or by email: Stacey.Wolf@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Janice Ruis, (850)412-4671, by email: Janice.Ruis@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Stacey Wolf, (850)412-4687 or by email: Stacey.Wolf@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Governor's Mansion Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 27, 2011, 11:00 a.m.

PLACE: Governor's Mansion, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission Meeting.

A copy of the agenda may be obtained by contacting: Department of Management Services, Division of Real Estate Development and Management, 4050 Esplanade Way, Suite 315, Tallahassee, FL 32399-0950, (850)413-8417.

Pursuant to the provisions of 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: Department of Management Services, Division of Real Estate Development and Management, 4050 Esplanade Way, Suite 315, Tallahassee, FL 32399-0950, (850)413-8417. If you are 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 BUSINESS AND PROFESSIONAL REGULATION

The **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Monday, August 1, 2011 and Tuesday, August 2, 2011, 8:30 a.m.

PLACE: Real Estate Conference Room N901, North Tower, 400 W. Robinson St., Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, budget discussions, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

A copy of the agenda may be obtained by contacting: Beverly Ridenauer, 400 W. Robinson St., Ste. N801, Orlando, FL 32801.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. If you are 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: Deputy Clerk, 400 W. Robinson St., Suite N801, Orlando, Florida 32801.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 3, 2011, 9:00 a.m.

PLACE: Division of Real Estate, Room N901, 400 W. Robinson St., Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson St., N801, Orlando, FL 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: August 2, 2011, 9:00 a.m.

PLACE: 2600 Blair Stone Road, Room 609, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a rule development workshop to discuss proposed changes to Chapter 62-701, F.A.C., Solid Waste Management Facilities. The first part of the workshop will focus on rules relating to waste processing facilities, including the creation of a general permit for indoor facilities. The second part of the workshop will address other potential changes to the rule. The

workshop will also be available via webinar. Those unable to attend the workshop in person may register for the webinar by going to this web address: http://internetdev/waste/categories/solid_waste/pages/rulemaking_62-701.htm.

A copy of the agenda may be obtained by contacting: Richard Tedder, Department of Environmental Protection, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8735 or email: Richard.Tedder@dep.state.fl.us.

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

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, August 5, 2011, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida 32399-3257; Meet Me Number: 1(888)808-6959, Conference Code: 9849329103

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or accesses the web site at: www.doh.state.fl.us/mqa/chiro/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 by contacting: Sherra W. Causey. If you are 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 Chiropractic Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 12, 2011, 8:30 a.m.

PLACE: The Breakers, 1 South County Road, Palm Beach, Florida 33480, (561)655-6611

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Sherra W. Causey, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 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: Sherra W. Causey. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Nursing and Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday – Friday, August 3, 4, 5, 2011, Wednesday, 8:30 a.m. CNA Council meets to discuss general business; Wednesday, 2:00 p.m. Credentials Committee; Wednesday, 2:00 p.m. Education Committee; Thursday, 8:30 a.m. CNA discipline; 1:00 p.m. RN, LPN, ARNP discipline and general business; Friday, 8:30 a.m. General business

PLACE: Embassy Suites – USF/Busch Gardens, 3705 Spectrum Blvd., Tampa, FL 33612, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Wednesday, 8:30 a.m. CNA Council meets to discuss general business.

Wednesday, 2:00 p.m. Credentials Committee

Wednesday, 2:00 p.m. Education Committee

Thursday, 8:30 a.m. CNA discipline; 1:00 p.m. RN, LPN, ARNP discipline and general business

Friday, 8:30 a.m. General business

To view the public agenda materials visit: <http://www.doh.state.fl.us/mqa/nursing/nur-meeting.html>.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Pharmacy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 26, 2011, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5642037#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration cases.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, (850)245-4292.

The **Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIMES: August 2, 2011, 10:00 a.m.; August 3, 2011, 8:00 a.m.

PLACE: Renaissance Orlando at Seaworld, 6677 Sea Harbor Drive, Orlando, FL 32821, (407)351-5555

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss General Board Business.

A copy of the agenda may be obtained by contacting: Florida Board of Pharmacy, (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Board of Pharmacy, 4052 Bald Cypress Way, #C-04, Tallahassee, FL 32399 or (850)245-4292.

The **Children’s Medical Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 3, 2011, 1:00 p.m. – 4:00 p.m.

PLACE: Capital Circle Office Center, 4025 Esplanade Way, Room #301, Tallahassee, FL 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida KidCare Coordinating Council, an advisory body appointed by the Florida Department of Health, will meet to discuss Florida KidCare, the state children's health insurance program. The Council is charged with making recommendations about possible changes and adjustments to the Florida KidCare Program which may result in recommendations for legislative action, state agency rule change, federal agency rule or policy change, or Congressional action.

A copy of the agenda may be obtained by contacting: Gail Vail, Department of Health, (850)245-4200, ext. 2238, Gail_Vail@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Tampa Bay Refugee Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 26, 2011, 1:30 p.m. – 3:30 p.m.

PLACE: SunCoast Hospice, 5771 Roosevelt Blvd., Conference Room A, Clearwater, FL 33760

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Tampa Bay Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Janet Blair at (813)558-5841 or Taddese Fessehaye at (407)317-7335.

Pursuant to the provisions of 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: Janet Blair at (813)558-5841 or Taddese Fessehaye at (407)317-7335. If you are 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 Blair at (813)558-5841 or Taddese Fessehaye at (407)317-7335.

The **Collier Refugee Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 27, 2011, 10:00 a.m. – 12:00 Noon

PLACE: Catholic Charities, 2210 Santa Barbara Blvd., Naples, FL 34116

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Collier Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Janet Blair at (813)558-5841 or Taddese Fessehaye at (407)317-7335.

Pursuant to the provisions of 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: Janet Blair at (813)558-5841 or Taddese Fessehaye at (407)317-7335. If you are 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 Blair at (813)558-5841 or Taddese Fessehaye at (407)317-7335.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

NOTICE OF CHANGE – The **Agency for Enterprise Information Technology** announces a public meeting to which all persons are invited.

DATE AND TIME: Re-scheduled. Meeting is moved from July 14th to August 4, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: R.A. Gray Building Auditorium, 500 S. Bronough St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide centralized, coordinated communication and feedback across state entities regarding enterprise Information Technology initiatives.

A copy of the agenda may be obtained by contacting: Renee.Harkins@eit.myflorida.com or (850)922-7502. A copy of the meeting agenda will be available at: <https://eit.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 email: Renee.Harkins@eit.myflorida.com or (850)922-7502. If you are 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 ASSOCIATION OF COURT CLERKS

The **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: July 29, 2011, 10:30 a.m.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, FL 32822-5015

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: Bryant Gries at (850)921-0808 or bgries@flclerks.com.

For more information, you may contact: Bryant Gries, bgries@flclerks.com.

NORTHWOOD SHARED RESOURCE CENTER

The **Northwood Shared Resource Center**, Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: July 26, 2011, 1:30 p.m. – 3:30 p.m.

PLACE: Department of Business and Professional Regulation, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: monica_cash@nsrc.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Monica Cash. If you are 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 telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, July 20, 2011, 3:00 p.m. – 4:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4885624#

DATE AND TIME: Wednesday, July 27, 2011, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4885624#

DATE AND TIME: Wednesday, August 3, 2011, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4885624#

DATE AND TIME: Wednesday, August 10, 2011, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4885624#

DATE AND TIME: Wednesday, August 17, 2011, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4885624#

DATE AND TIME: Wednesday, August 24, 2011, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4885624#

DATE AND TIME: Wednesday, August 31, 2011, 10:00 a.m. – 11:30 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4885624#

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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.

FLORIDA PORTS COUNCIL

The **Florida Ports Financing Commission, Financial Advisory Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, August 3, 2011, 2:00 p.m.

PLACE: Call-In Number: 1(270)696-1555, Participant Code: 9348585#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller, Florida Ports Council, (850)222-8028.

Pursuant to the provisions of 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: Toy Keller, Florida Ports Council, (850)222-8028. If you are 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: Toy Keller, Florida Ports Council, (850)222-8028.

SOIL AND WATER CONSERVATION DISTRICTS

The **Hendry Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2011, 1:00 p.m.

PLACE: 1085 Pratt Blvd., LaBelle, Florida 33935

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: Barbara Tillis at (863)674-4160.

For more information, you may contact: Barbara Tillis at (863)674-4160.

FLORIDA SURPLUS ASSET FUND TRUST

The **Florida Surplus Asset Fund Trust (FLSAFE)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 20, 2011, 12:00 Noon

PLACE: Akerman Senterfitt, 420 South Orange Avenue, Suite 1200, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED:

A. BUSINESS ITEMS

- 1. Call to Order/ Roll Call
- 2. Approval Prior Board Meeting Minutes
 - a. January 27, 2011
 - b. April 19, 2011
 - c. May 31, 2011
- 3. Board of Trustee appointments (Motion required)
- 4. Guest Introductions
- 5. DFIM Investment Advisory Agreement
- 6. DFIM Capital Support Agreement

B. INVESTMENT ADVISOR UPDATES

- 1. Economic Update, Portfolio Review, and Recommendations
- 2. Operations Manager Comments

C. OTHER ITEMS

- 1. Administrator Update
- 2. Board Member Comments

D. SET NEXT MEETING DATE/ ADJOURNMENT

- 1. Future meeting dates

A copy of the agenda may be obtained by contacting: Jeff Larson, FL SAFE Administrator at least seven days in advance of the scheduled meeting. He may be contacted at: (407)496-1597 or jlarson@floridamanagementservices.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: Colette Weber, Administrative Assistant at (352)728-9720. If you are 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: Jeff Larson, FL SAFE Administrator at (407)496-1597 or jlarson@floridamanagementservices.com.

HDR, INC.

Flagler County announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 11, 2011, 6:30 p.m.

PLACE: Palm Coast Community Center, 305 Palm Coast Parkway N.E., Palm Coast, FL 32137

GENERAL SUBJECT MATTER TO BE CONSIDERED: The addition of an interchange to I-95 at Matanzas Woods Parkway and associated improvements to Matanzas Woods Parkway from US 1 to Old Kings Road. The purpose of this meeting is to inform the public of the project alternatives, answer their questions and to give them the opportunity to review general project information and share their concerns or comments about the project.

A copy of the agenda may be obtained by contacting: Ms. Mindy Heath, Public Information Coordinator, HDR Engineering, 315 East Robinson Street, Ste. 400, Orlando, FL 32801, by phone: (407)420-4245 or by email: mindy.heath@hdrinc.com.

Public Participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 7 days before the meeting by contacting: Ms. Mindy Heath, Public Information Coordinator, HDR Engineering, 315 East Robinson Street, Ste. 400, Orlando, FL 32801, by Fax: (407)420-4242 or email: mindy.heath@hdrinc.com. If you are hearing or speech impaired, please contact Ms. Heath using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Ms. Mindy at the contact information listed above.

A G HOLLEY STATE HOSPITAL

The **A.G. Holley Hospital** announces a public meeting to which all persons are invited.

DATE AND TIME: July 27, 2011, 1:00 p.m.

PLACE: 1199 W. Lantana Road, Lantana, FL 33462

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct its quarterly Governing Body Meeting.

A copy of the agenda may be obtained by contacting: The CEO's Office at (561)582-5666.

Pursuant to the provisions of 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: (561)582-5666. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs has issued an order disposing of the petition for declaratory statement filed by David Marlin Forstrom, DCA Case Nos.: DCA11-DEC-078 and DCA11-DEC-102, on April 27, 2011 and May 11, 2011. The following is a summary of the agency's disposition of the petition:

Failure to satisfy the requirements of Section 120.656, F.S., and Rule 28-105.001, F.A.C.; and Department's lack of jurisdiction over question presented.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, State of Florida has declined to rule on the petition for declaratory statement filed by: Regency Centers, L.P., DS 2011-020, on March 9, 2011. The following is a summary of the agency's declination of the petition:

Based upon the facts set out in the submitted Petition for Declaratory Statement, Petitioner is currently operating the proposed business model specified in the Statement. According to Florida Case Law, the purpose of a declaratory statement is to allow a petitioner to select a proper course of action in advance, and a petition for declaratory statement which seeks approval or disapproval of conduct which has already occurred is properly denied. Therefore, this Petition for Declaratory Statement is denied. Accordingly, this conclusion has no

application in the event that the factual circumstances and/or relationships among the entities described herein are incorrect or change.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Michael Ross, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Judith Delaney, President, In Re: Worthington Condominium Association, Inc., Docket No.: 2011026718, on May 24, 2011. The following is a summary of the agency's declination of the petition:

The Division declined to issue a declaratory statement because it may not issue a statement concerning events that have already taken place.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Debra A. Tedesco, Unit Owner, In Re: Laurel Oaks at Country Woods Condominiums Association, Inc., Docket No.: 2011025414, on May 17, 2011. The following is a summary of the agency's declination of the petition:

The Division declined to issue a declaratory statement because it may not issue a statement concerning events that have already taken place; or when it would affect the rights of third parties who are not parties to this proceeding.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Wayne Teirman, Unit Owner, In Re: Waverly at Las Olas Condominium Association, Inc., Docket No.: 2011023336, on April 18, 2011. The following is a summary of the agency's declination of the petition:

NOTICE IS HEREBY GIVEN that Construction Industry Licensing Board has received the petition for declaratory statement from Robert J. Koning, filed on June 21, 2011. The petition seeks the agency's opinion as to the applicability of Part XVI of Chapter 468, Sections 468.841 and 468.8411, Florida Statutes, as it applies to the petitioner.

The Division declined to issue a declaratory statement because the Division may not issue a declaratory statement concerning events that have already taken place; or when it would affect the rights of third parties who are not parties to the proceeding; or when an investigation is in progress or already completed regarding the matter in question.

Whether mold related services including assessment and remediation services are within the scope of a properly licensed Division 1 contractor.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

A copy of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32314-5257.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32314-5257.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**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

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Thos D. Zuidema, Unit Owner, In Re: Westwood Greens Condominium Association, Inc., Docket No.: 2011032481, on June 27, 2011. The petition seeks the agency's opinion as to the applicability of (none cited) as it applies to the petitioner.

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

Whether Westwood Greens Condominium Association, Inc. must insure the air conditioning unit serving each unit under the governing documents.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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

Request for Proposal (RFP)
FAC30934-11

Title: Tully Gym Aesthetic Rebranding
Location: Tully Gym

The Florida State University Facilities Purchasing will receive proposals until the dates and times shown for the following projects. Proposal to be brought to presentation date or sent to:

Florida State University
Facilities Maintenance, Purchasing
102A Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference RFP number, opening date and time on outside of RFP package to insure proper acceptance. RFP submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: FAC30934-11
Procurement Associate: Betty-Jean (BJ) Lewis, Facilities
Mandatory Walk through: July 19, 2011, 10:00 a.m.
Location: Tully Gym Lobby, Chieftain Way, FSU Campus
Proposal Due Date: Proposal due at time of presentation August 1 and 2, 2011
Bid Documents: Redesign of Tully Gymnasium Interior and Exterior, to draw attention to the presence, history, and tradition of Volleyball at Florida State University, Tallahassee, Florida
Contact Person: Betty-Jean (BJ) Lewis; blewis@admin.fsu.edu

REGIONAL PLANNING COUNCILS

Notice of Bid/Request for Proposal

Request for Letters of Interest and Qualifications

The Northeast Florida Regional Council is seeking qualifications of firms interested in coordinating transportation services for the transportation disadvantaged in Baker County, Florida. The selected entity will be the designated Community

Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Chapter 41-2, Florida Administrative Code (F.A.C.).

The Community Transportation Coordinator is defined by Chapter 427, F.S. as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, F.S., as “those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S.”

Interested providers are required to provide the following as proof of qualifications: 1) a list of the respondent’s transportation coordination experience; 2) a list of scheduling and routing software used by the organization; 3) a list of vehicles to be used (if applicable); 4) a current financial statement of the responding entity; 5) a current Medicaid provider number for the responding entity, and; 6) an agency organizational chart.

Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs, and proposed methods of achieving cost-effective services. Potential providers should submit three (3) copies of their expression of interest and qualifications in a sealed envelope, to the Northeast Florida Regional Council, Attention: Mr. Brian D. Teeple, AICP, Chief Executive Officer, 6850 Belfort Oaks Place, Jacksonville, Florida 32216. Letters must be marked, “LETTER OF INTEREST AND QUALIFICATIONS FOR BAKER COUNTY COMMUNITY TRANSPORTATION COORDINATOR.” Letters of interest and qualifications must be received by 5:00 p.m., July 25, 2011.

Questions should be addressed to: Mr. Edward Lehman, Director, Planning and Development, (904)279-0880. Faxed and e-mailed responses WILL NOT be accepted. Responses received after the deadline will be returned unopened with the notation, “This letter of interest was received after the delivery time designated for receipt and opening in the legal notice.” Only responses to this request for letters of interest and qualifications will be considered if a request for proposals is issued for Community Transportation Coordinator in Baker County.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses in the best interest of the State.

Notice of Bid/Request for Proposal

Request for Letters of Interest and Qualifications

The Northeast Florida Regional Council is seeking qualifications of firms interested in coordinating transportation services for the transportation disadvantaged in Clay County, Florida. The selected entity will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Chapter 41-2, Florida Administrative Code (F.A.C.).

The Community Transportation Coordinator is defined by Chapter 427, F.S., as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, F.S. as “those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S.”

Interested providers are required to provide the following as proof of qualifications: 1) a list of the respondent’s transportation coordination experience; 2) a list of scheduling and routing software used by the organization; 3) a list of vehicles to be used (if applicable); 4) a current financial statement of the responding entity; 5) a current Medicaid provider number for the responding entity, and; 6) an agency organizational chart.

Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs, and proposed methods of achieving cost-effective services. Potential providers should submit three (3) copies of their expression of interest and qualifications in a sealed envelope, to the Northeast Florida Regional Council, Attention: Mr. Brian D. Teeple, AICP, Chief Executive Officer, 6850 Belfort Oaks Place, Jacksonville, Florida 32216. Letters must be marked, “LETTER OF INTEREST AND QUALIFICATIONS FOR CLAY COUNTY COMMUNITY TRANSPORTATION COORDINATOR.” Letters of interest and qualifications must be received by 5:00 p.m., August 2, 2011.

Questions should be addressed to: Mr. Edward Lehman, Director, Planning and Development, (904)279-0880. Faxed and e-mailed responses WILL NOT be accepted. Responses received after the deadline will be returned unopened with the notation, “This letter of interest was received after the delivery time designated for receipt and opening in the legal notice.” Only responses to this request for letters of interest and qualifications will be considered if a request for proposals is issued for Community Transportation Coordinator in Clay County.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses in the best interest of the State.

Notice of Bid/Request for Proposal

Request for Letters of Interest and Qualifications

The Northeast Florida Regional Council is seeking qualifications of firms interested in coordinating transportation services for the transportation disadvantaged in Putnam County, Florida. The selected entity will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Chapter 41-2, Florida Administrative Code (F.A.C.).

The Community Transportation Coordinator is defined by Chapter 427, F.S. as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, F.S. as “those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S.”

Interested providers are required to provide the following as proof of qualifications: 1) a list of the respondent’s transportation coordination experience; 2) a list of scheduling and routing software used by the organization; 3) a list of vehicles to be used (if applicable); 4) a current financial statement of the responding entity; 5) a current Medicaid provider number for the responding entity, and; 6) an agency organizational chart.

Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs, and proposed methods of achieving cost-effective services. Potential providers should submit three (3) copies of

their expression of interest and qualifications in a sealed envelope, to the Northeast Florida Regional Council, Attention: Mr. Brian D. Teeple, AICP, Chief Executive Officer, 6850 Belfort Oaks Place, Jacksonville, Florida 32216. Letters must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR PUTNAM COUNTY COMMUNITY TRANSPORTATION COORDINATOR." Letters of interest and qualifications must be received by 5:00 p.m., July 27, 2011.

Questions should be addressed to: Mr. Edward Lehman, Director of Planning and Development, (904)279-0880. Faxed and e-mailed responses WILL NOT be accepted. Responses received after the deadline will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to this request for letters of interest and qualifications will be considered if a request for proposals is issued for Community Transportation Coordinator in Putnam County.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses in the best interest of the State.

Notice of Bid/Request for Proposal

Request for Letters of Interest and Qualifications

The Northeast Florida Regional Council is seeking qualifications of firms interested in coordinating transportation services for the transportation disadvantaged in St. Johns County, Florida. The selected entity will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Chapter 41-2, Florida Administrative Code (F.A.C.).

The Community Transportation Coordinator is defined by Chapter 427, F.S. as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, F.S. as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S."

Interested providers are required to provide the following as proof of qualifications: 1) a list of the respondent's transportation coordination experience; 2) a list of scheduling

and routing software used by the organization; 3) a list of vehicles to be used (if applicable); 4) a current financial statement of the responding entity; 5) a current Medicaid provider number for the responding entity, and; 6) an agency organizational chart.

Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs, and proposed methods of achieving cost-effective services. Potential providers should submit three (3) copies of their expression of interest and qualifications in a sealed envelope, to the Northeast Florida Regional Council, Attention: Mr. Brian D. Teeple, AICP, Chief Executive Officer, 6850 Belfort Oaks Place, Jacksonville, Florida 32216. Letters must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR ST. JOHNS COUNTY COMMUNITY TRANSPORTATION COORDINATOR." Letters of interest and qualifications must be received by 5:00 p.m., July 29, 2011.

Questions should be addressed to: Mr. Edward Lehman, Director of Planning and Development, (904)279-0880. Faxed and e-mailed responses WILL NOT be accepted. Responses received after the deadline will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to this request for letters of interest and qualifications will be considered if a request for proposals is issued for Community Transportation Coordinator in St. Johns County.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses in the best interest of the State.

Notice of Bid/Request for Proposal

ENERGY BASELINE INVENTORY

The Central Florida Regional Planning Council (Council) requires the services of a consultant who will perform an Energy Baseline Inventory (EBI) of six rural counties including Desoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and unincorporated areas. This EBI is a subtask of the US Department of Housing and Urban Development (HUD) Sustainable Communities Regional Planning Grant for the Heartland 2060 Consortium. The goal of the EBI is to provide the data for developing and measuring progress of energy efficiency and greenhouse gas mitigation strategies, as well as projecting future energy use of different regional development scenarios. The inventory will measure baseline energy consumption and greenhouse gas (GHG) emissions from the residential, commercial, industrial, and institutional/government sectors across four main categories: electricity, natural gas, transportation, and solid waste. The EBI will establish a measurement of the baseline carbon, energy, and greenhouse gas footprint of the region, and will enable monitoring of the effectiveness of the region's future

strategies, policies, and programs. The Council is committed to diversity in its employees and consultants and therefore encourages qualified minority and disadvantaged firms to be included on consultant teams. Areas of expertise needed for the EBI include: Energy Use and Greenhouse Gas Emissions, Environmental Planning, and Geographic Information Systems (GIS) Services. Request for complete proposal package should be directed in writing to: Ms. Shannon Brett, Program Manager, 555 East Church Street, Bartow, FL 33830, or by email: sbrett@sfrpc.org. The deadline for submissions is 4:00 p.m. (EST), August 5, 2011. Proposals received after this date and time will not be considered.

Notice of Bid/Request for Proposal

Request for Letters of Interest and Qualifications – Calhoun
County Community Transportation Coordinator

The Apalachee Regional Planning Council is seeking qualifications from entities interested in coordinating transportation services for the transportation disadvantaged in Calhoun County, Florida. The selected entity will be the designated Community Transportation Coordinator (CTC) for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.), and more fully described in Chapter 41-2, Florida Administrative Code (F.A.C.).

The CTC is defined by Chapter 427, F.S., as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The CTC has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

Interested entities are required to provide the following as proof of qualifications: description of organization, an organizational chart, capabilities and background information, prior work accomplishments, explanation of coordination experience, scheduling and routing software used by the entity, a list of vehicles to be used (if applicable); proof of insurability, credit references, a current financial statement and a current Medicaid provider number.

Interested entities should submit four (4) copies of their expression of interest and qualifications in a sealed envelope to the: Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, Florida 32424, by 12:00 Noon (Central Time), Friday, August 5, 2011. The envelope must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR CALHOUN COUNTY CTC." Faxed and emailed responses WILL NOT be accepted. Responses received after the deadline will be returned unopened. Only responses to the request for letters of interest will be considered if a request for proposals is issued for the CTC.

Questions should be addressed to: Ms. Vanita Anderson, TD Program Coordinator, at the address listed above. The Apalachee Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

Notice of Bid/Request for Proposal

Request for Letters of Interest and Qualifications – Wakulla
County Community Transportation Coordinator

The Apalachee Regional Planning Council is seeking qualifications from entities interested in coordinating transportation services for the transportation disadvantaged in Wakulla County, Florida. The selected entity will be the designated Community Transportation Coordinator (CTC) for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.), and more fully described in Chapter 41-2, Florida Administrative Code (F.A.C.).

The CTC is defined by Chapter 427, F.S., as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The CTC has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

Interested entities are required to provide the following as proof of qualifications: description of organization, an organizational chart, capabilities and background information, prior work accomplishments, explanation of coordination experience, scheduling and routing software used by the entity, a list of vehicles to be used (if applicable); proof of insurability, credit references, a current financial statement and a current Medicaid provider number.

Interested entities should submit four (4) copies of their expression of interest and qualifications in a sealed envelope to: Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, Florida 32424, by 12:00 Noon (Central Time), Friday, August 5, 2011. The envelope must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR WAKULLA COUNTY CTC." Faxed and emailed responses WILL NOT be accepted. Responses received after the deadline will be returned unopened. Only responses to the request for letters of interest will be considered if a request for proposals is issued for the CTC.

Questions should be addressed to: Ms. Vanita Anderson, TD Program Coordinator, at the address listed above. The Apalachee Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

MOSS AND ASSOCIATES, LLC

Notice of Bid/Request for Proposal

North Broward Regional Service Center – Chiller Replacement
 Moss and Associates, LLC (CGC #042160) anticipates receiving bids for the DMS – Chiller Replacement Project in Ft. Lauderdale FL.

Sealed bids are expected to be received and opened publicly in mid August, 2011. Work includes replacement of existing air cooled chillers with new water cooled chillers, construction of a new 900 sf chiller enclosure building and the installation of a new cooling tower, associated piping and electrical work.

The scope of work will also include earthwork, site grading, chain link fence, concrete foundations, SOG and elevated slab, CMU walls, roofing, doors frames and hardware, stucco, painting, plumbing, HVAC and electrical.

Construction Documents are expected to be available early July, 2011. Bid Packages will be available late July 2011. The Bid Package will contain further information important to submission of a bid including instructions to bidders, bid forms, schedule, and scope of work.

Moss and Associates, LLC, is committed to providing opportunities for M/WBE, SBE and DV Business Enterprise firms and encourages their participation.

Interested bidders may inquire about this project and obtain further information by contacting: Sohail Rana by phone: (352)291-2940 or via email: srana@mossemail.com.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

Notice of Bid/Request for Proposal

NOTICE TO PROFESSIONAL CONSULTANTS

HILLSBOROUGH COUNTY AVIATION AUTHORITY

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, is interested in acquiring professional design services for the following project:

**COMMON USE PASSENGER PROCESSING –
 MASTER PLAN – AUTHORITY NO. 5505 11
 TAMPA INTERNATIONAL AIRPORT**

This project provides for a master plan for implementing a Common Use Passenger Processing System (CUPPS) at Tampa International Airport and will establish the functional and financial ramifications to the Aviation Authorities operational methodologies as well as establish technical, functional and passenger criteria for its progressive implementation in the existing terminals as well as establish parameters for the north terminal.

Significant Dates:

RFQ posted on web site:	By 5:00 p.m., August 5, 2011
Mandatory pre-qualification conference:	10:00 a.m., August 16, 2011

Request for clarification deadline:	By 5:00 p.m., August 20, 2011
Deadline for submitting responses:	By 5:00 p.m., August 25, 2011
Technical evaluation committee meetings:	9:30 a.m., September 15, 2011 9:00 a.m., September 16, 2011
Selection by Authority Board:	9:00 a.m., October 6, 2011

For additional information on location of meeting and other project details, go to the Authority website at: www.tampaairport.com; Quick Links, Airport Business, Notice of Solicitation.

**Section XII
 Miscellaneous**

DEPARTMENT OF STATE

**FLORIDA MAIN STREET DESIGNATION
 APPLICATIONS**

The Bureau of Historic Preservation of the Florida Department of State announces the availability of forms for application for designation as a 2011 Main Street Community. A maximum of three communities will receive Florida Main Street Designation in 2011. Complete applications must be delivered to the: Florida Main Street Program, R.A. Gray Building, 4th Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250, no later than 5:00 p.m. or postmarked and mailed or submitted (with evidence) to an express mail service on or before 12:00 Midnight, July 29, 2011. Applications are available by contacting: Ms. Joan Jefferson, Florida Main Street Coordinator, at the above address of by calling 1(800)847-7278.

**GUIDELINES AND APPLICATIONS AVAILABLE
 FOR STATE AID TO LIBRARIES GRANTS**

Grant applications and guidelines are available for the State Aid to Libraries Grants Program, administered by the Florida Department of State, Division of Library and Information Services. Grant guidelines and application packets for the State Aid to Libraries Grants Program are available on the Division of Library and Archives' website at: info.Florida.gov/bld/grants/forms/Stateaidforms.html. The guidelines and application packet may also be requested by mail from the Grants Office, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, by email: grantsoffice@dos.state.fl.us, by phone: (850)245-6620 or by Fax: (850)245-6643.

The completed application must be mailed to the address indicated above and postmarked on or before the October 1, 2011, application date.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Order No. DCA11-OR-128

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In Re: A LAND DEVELOPMENT REGULATION

ADOPTED

BY ISLAMORADA VILLAGE OF ISLANDS

ORDINANCE NO. 11-11

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes and § 380.0552(9), Florida Statutes (2010), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On May 18, 2011, the Department received for review Islamorada, Village of Islands Ordinance No. 11-11 (“Ord. No. 11-11”) adopted by the Village on April 14, 2011.
3. Ord. No. 11-11 amends Chapter 30, Article VII Environmental Regulations, Division 2 Docks and Shoreline Uses, Section 30-1547(E)(2) and Section 30-1547(H) of the Village Code amending provisions related to docking facilities terminating over seagrass or hardbottom communities.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Florida Statutes and § 380.0552(9), Florida Statutes (2010).
5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2010), and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
6. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2010). The regulations adopted by Ord. 11-11 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Florida Statutes (2010). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998),

aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 11-11 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
 - (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
 - (c) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
9. Ord. 11-11 is not inconsistent with the remaining Principles. Ord. 11-11 is consistent with the Principles for Guiding Development as a whole.
10. Ord. 11-11 is consistent with the Village Comprehensive Plan Policy 5-1.2.7; and Policy 5-1.2.8.

WHEREFORE, IT IS ORDERED that Ord. 11-11 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A

WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE: AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

J. Thomas Beck, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 1st day of July, 2011.

Paula Ford, Agency Clerk

By U.S. Mail:
 Honorable Michael Reckwerdt, Mayor
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

Beverly Raddatz, Village Clerk
 Islamorada, Village of Islands
 Post Office Box 568
 Islamorada, FL 33036

Nina Boniske, Esq.
 James White, Esq.
 Weiss Serota Helfman Pastoriza
 Guedes Cole & Boniske, P.A.
 2525 Ponce De Leon Blvd., Suite 700
 Coral Gables, Florida 33134-6045

DEPARTMENT OF TRANSPORTATION

State Infrastructure Bank (SIB)

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation (FDOT) is advertising the application and award cycle for the State Infrastructure Bank (SIB) Program. The SIB is a revolving loan and credit enhancement program that can provide loans and other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under federal and state law. The SIB can leverage funds through loans and credit enhancements to improve project feasibility. Loans may bear interest at or below market interest rates. The SIB cannot provide assistance in the form of a grant. For further information, visit the SIB website at <http://www.dot.state.fl.us/financialplanning/finance/sib.shtm> or contact: Jennifer G. Weeks, SIB Program Manager, Florida Department of Transportation, Office of Financial Development, 605 Suwannee Street, Tallahassee, FL 32399-0450, (850)414-4459, jenniferg.weeks@dot.state.fl.us. Application and award dates are preliminary and subject to

change. Open for Applications: July 1, 2011; Closed for Applications: August 31, 2011; Tentative Awards Announced: October 21, 2011.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that US Titan, Inc., intends to allow the establishment of D. P. and Company, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Kaikai Meiduo Locomotive Co. Ltd. (line-make KAIK) at 7743 State Road, #471, Bushnell (Sumter County), Florida 33513, on or after August 14, 2011.

The name and address of the dealer operator(s) and principal investor(s) of D. P. and Company, Inc., are dealer operator(s): David Eddy, 7743 State Road, #471, Bushnell, Florida 33513, principal investor(s): David Eddy, 7743 State Road, #471, Bushnell, Florida 33513 and Brett Eddy, 7743 State Road, #471, Bushnell, Florida 33513.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Hongjie Zhang, US Titan, Inc., 8630 Rochester Avenue, Rancho Cucamonga, California 91730.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Club Car, Inc., intends to allow the establishment of Professional Golf Car Corporation of Florida, as a dealership

for the sale of Club Car low-speed vehicles manufactured by Club Car, Inc. (line-make CLUB) at 2773 Peters Road, Ft. Pierce (St. Lucie County), Florida 34945, on or after August 14, 2011.

The name and address of the dealer operator(s) and principal investor(s) of Professional Golf Car are dealer operator(s): William R. Hoatson, 4 Whalen Court, West Orange, New Jersey 07052, principal investor(s): William R. Hoatson, 4 Whalen Court, West Orange, New Jersey 7052 and Steven Montovano, 9442 Din Eidyn Drive, Dublin, Ohio 43017 and James N. Blake, 1 Hathaway Lane, Verona, New Jersey 07044.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS #65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael R. Packer, Club Car, Inc., 4125 Washington Road, Evans, Georgia 30809.

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 Maserati North America, Inc., intends to allow the establishment of TT of Orlando, Inc., d/b/a Maserati of Orlando as a dealership for the sale of Maserati automobiles manufactured by Maserati (line-make MASE) at 4225 Millenia Boulevard, Orlando (Orange County), Florida 32839, on or after August 14, 2011.

The name and address of the dealer operator(s) and principal investor(s) of TT of Orlando, Inc., d/b/a Maserati of Orlando are dealer operator(s): Peter Lawrence Wilson, 4237 Millenia Boulevard, Orlando, Florida 32839; principal investor(s): Terry Taylor, 505 S. Flagler Dr., Ste. 700, West Palm Beach, Florida 33401 and Peter Lawrence Wilson, 4237 Millenia Boulevard, Orlando, Florida 32839.

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: David M. Wertheim, Maserati North America Inc., 250 Sylvan Avenue, Englewood Cliffs, New Jersey, 07632.

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.

AGENCY FOR HEALTH CARE ADMINISTRATION

Capital Regional Medical Center Emergency Service Exemption

The Agency for Health Care Administration has received an application for an emergency service exemption from Capital Regional Medical Center, 2626 Capital Medical Blvd., Tallahassee, FL 32308 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Oral/Maxillo-facial Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to the: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone (850)412-4549 or by e-mail: Jessica.Munn@ahca.myflorida.com.

Heart of Florida Regional Medical Center Emergency Service Exemption

The Agency for Health Care Administration has received an application for emergency service exemptions from Heart of Florida Regional Medical Center, 40100 US Hwy. 27 N., Davenport, FL 33837, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting emergency service

exemptions for Urology & Otolaryngology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to the: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone: (850)412-4549 or by e-mail: Jessica.Munn@ahca.myflorida.com.

Manatee Memorial Hospital Emergency Service Exemption

The Agency for Health Care Administration has received an application for an emergency service exemption from Manatee Memorial Hospital, 206 2nd St. E., Bradenton, FL 34208, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Oral/Maxillo-facial Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone: (850)412-4549 or by e-mail: Jessica.Munn@ahca.myflorida.com.

Santa Rosa Medical Center Emergency Service Exemption

The Agency for Health Care Administration has received an application for an emergency service exemption from Santa Rosa Medical Center, 6002 Berryhill Rd., Milton, FL 32570, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Gastroenterology, Neurology and Pulmonary Medicine. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Julie Young, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone: (850)412-4549 or by e-mail: Julie.Young@ahca.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INTENT TO GRANT A GROUND WATER QUALITY – CRITERIA EXEMPTION

The Department of Environmental Protection gives notice of its intent to grant an exemption from the Class G-II ground water standard for sodium, chloride, sulfate, and total dissolved solids (TDS) pursuant to Rule 62-520.500, Florida Administrative Code (F.A.C.), as part of industrial wastewater Permit Number 05-FLA103641 to Praxair Inc. (Praxair),

located in Brevard County at 2801 Hammock Road, Mims, Florida 32754. The exemption is for the permitted discharge of treated industrial wastewater to Class G-II ground water. The maximum contaminant level (MCL) for sodium is 160 mg/L. The secondary maximum contaminant levels (SMCL) for chloride, sulfate, and TDS are 250 mg/L, 250 mg/L, and 500 mg/L, respectively. Alternate levels have been proposed as follows: sodium 600 mg/L, chloride 600 mg/L, sulfate 1110 mg/L, and TDS 2600 mg/L.

The exemption is granted for the duration of the current Praxair industrial wastewater operation Permit Number 05-FLA103641, which has been administratively extended, and for the duration of the subsequent renewal permit upon issuance. The applicant, in conjunction with industrial wastewater Permit Number 05-FLA103641, must petition for any future exemptions or renewals.

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) in the: Office of General Counsel, Department of Environmental Protection, 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: Mr. Jonathan Hayes, Facility Superintendent, Praxair, Inc., 2801 Hammock Road, Mims, Florida, 32754 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, F.S., 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, as required by Rule 28-106.201, F.A.C.:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decisions;
- (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 the petitioner contends warrants reversal or modification of the Department action;
- (f) A statement of the specific rules and statutes the petitioner contends requires reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rule or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department 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 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's 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 petition 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. – 5:00 p.m., Monday through Friday, except legal holidays, at the: Department's Tallahassee Office, 2600 Blair Stone Road, Room 232B, Tallahassee, Florida 32399-2400; telephone: Mr. David James, P.G. at (850)245-8648.

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

Notice of Emergency Action

On June 29, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Michael Curtis Elliot, R.N., License #RN 9276227. 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.

Notice of Emergency Action

On June 28, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Mary Suzanne Jean, R.N., License #RN 3042982. 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.

Notice of Emergency Action

On June 29, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Vonda Nicole Mathis, C.N.A., License #CNA 113358. 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.

Notice of Emergency Action

On June 29, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Silvio Jesus Ruiz, R.N., License #RN 9277756. 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.

Notice of Emergency Action

On June 29, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Victor S. Stewart, C.N.A., License #CNA 224011. 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.

Notice of Emergency Action

On June 29, 2011, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Latonya Wright, C.N.A., License #CNA 86614. 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.

Notice of Intent to Grant Drinking Water Quality Standards Exemption

The Palm Beach County Health Department gives notice of its intent to grant an exemption request pursuant to Rule 62-560.520, Florida Administrative Code (F.A.C.) to the City of West Palm Beach, for its public water system located at 1009 Banyan Boulevard, West Palm Beach, Palm Beach County, Florida. This exemption is for the exceedance of the secondary maximum contaminant levels (SCML) for total dissolved solids (TDS) and chlorides found in Rule 62-550.320, F.A.C. The SCML for TDS and chlorides are 500 mg/L and 250 mg/L, respectively. As a condition of this exemption, alternative SCML of 1,000 mg/L for TDS and 500 mg/L for chlorides will be required for the duration of the exemption. The exemption is granted for designated drought periods until August 31, 2018. The exemption would be initiated by the City when the Drought Monitor, referenced by the South Florida Water Management District, reaches the D4 Exceptional Drought category, the City publishes notice of its intent to activate the exemption and the exemption would remain in effect until the City publishes notice that TDS and chloride levels have returned to normal levels. Exemptions beyond August 31, 2018 must be petitioned for by the applicant.

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 120.570, Florida Statutes (F.S.). The petition must contain the information set forth below and must be filed (received) in the: Office of the General Counsel of the Department at 800 Clematis Street, West Palm Beach, Florida 33401, within 30 days of the publication of this notice. The petitioner must mail a copy of the petition to the applicant at: City of West Palm Beach Utilities, P.O. Box 3483, West Palm Beach, Florida 33402, 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, F.S., 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, as required by Rule 28-106.201, F.A.C.:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding and an explanation of how the petitioner's substantial interests will be affected by the 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 the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes 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 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 petition above 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 inspections during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the: Department's Headquarters Office, 800 Clematis Street, 4th Floor, West Palm Beach, Florida 33401; telephone: Mr. Darrel Graziani, P.E., R.S., Water Programs Administrator, (561)837-5995.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF CONSIDERATION OF CEMETERY BYLAWS

The State of Florida, Board of Funeral, Cemetery and Consumer Services, will address approval of the amended bylaws of the following cemetery(s) at the regular Teleconference meeting to be held on September 1, 2011:

Deland Memorial Gardens (Deland)

A file pertaining to the above is available for public inspection and copying by any person at the Pepper Building, 111 W. Madison Street, Suite 336, Tallahassee, Florida 32399. Comments may be submitted at the above address without requesting a hearing. Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may request a hearing concerning the notice of intent to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petitions for hearing should comply with Rule 69K-6.003, Florida Administrative Code, and must be filed within twenty-one (21) days of publication of this notice. Petitions shall be filed with: Clerk, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. In deference to the rights of substantially affected persons, a hearing on these matters will be held at the meeting of the Board of Funeral, Cemetery and Consumer Services to be held as outlined above.

All written comments and requests to address the Board must be received by the Department at least fourteen (14) days prior to the meeting.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN June 27, 2011
 and June 30, 2011

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF LEGAL AFFAIRS
Division of Victim Services and Criminal Justice Programs

2A-8.005	6/28/11	7/18/11	37/19	
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DEPARTMENT OF REVENUE
Sales and Use Tax

12A-1.018	6/30/11	7/20/11	37/18	
12A-1.061	6/30/11	7/20/11	37/18	
12A-1.074	6/30/11	7/20/11	37/18	

Miscellaneous Tax

12B-5.130	6/30/11	7/20/11	37/18	
12B-5.150	6/30/11	7/20/11	37/18	

Corporate, Estate and Intangible Tax

12C-1.013	6/30/11	7/20/11	37/18	
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STATE BOARD OF ADMINISTRATION

19-8.029	6/30/11	7/20/11	37/21	
19-8.030	6/30/11	7/20/11	37/21	

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

60FF1-5.002	6/27/11	7/17/11	37/19	
60FF1-5.006	6/27/11	7/17/11	37/19	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

61G6-5.002	6/29/11	7/19/11	36/34	37/21
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
61G6-5.003	6/27/11	7/17/11	37/21	
61G6-5.004	6/27/11	7/17/11	37/21	
61G6-9.006	6/27/11	7/17/11	37/21	
61G6-12.001	6/27/11	7/17/11	37/21	
61G6-12.002	6/27/11	7/17/11	37/21	

Florida Real Estate Appraisal Board

61J1-2.001	6/27/11	7/17/11	37/21	
61J1-4.003	6/27/11	7/17/11	37/20	
61J1-7.001	6/27/11	7/17/11	37/21	
61J1-10.002	6/27/11	7/17/11	37/20	
61J1-10.003	6/27/11	7/17/11	37/20	
61J1-10.004	6/27/11	7/17/11	37/20	

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-25.042	6/30/11	7/20/11	37/18	
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO (CHAPTER 2010-279, LAWS OF FLORIDA)

DEPARTMENT OF HEALTH

Board of Medicine

64B8-9.0131	11/8/10	*****	36/16	36/33
64B8-9.0134	3/25/11	*****	37/7	

Board of Osteopathic Medicine

64B15-14.0054	3/25/11	*****	37/7	
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