

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

<p>RULE NOS.:</p> <p>6A-4.0081</p> <p>6A-4.0082</p> <p>6A-4.0083</p> <p>6A-4.0085</p>	<p>RULE TITLES:</p> <p>Florida School Principal Certification</p> <p>Specialization Requirements for Certification in Educational Leadership – Administrative Class</p> <p>School Principal – Administrative Class</p> <p>Provisions for Persons Certified in Administration, Supervision, or Administration and Supervision</p>
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PURPOSE AND EFFECT: The purpose of the rule development is to review the requirements for certification of school leaders and determine if the requirements are consistent with statute and current programs.

SUBJECT AREA TO BE ADDRESSED: Certification requirements for school leaders.

SPECIFIC AUTHORITY: 1001.02, 1012.32, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.32, 1012.55, 1012.56 FS.

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

DATE AND TIME: April 2, 2007, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Beverly Gregory, Bureau of Educator Certification, 325 West Gaines Street, Room 201, Tallahassee, FL 32399-0400. After reviewing the proposed text, you may also submit comments to beverly.gregory@fldoe.org

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

DEPARTMENT OF EDUCATION

State Board of Education

<p>RULE NO.:</p> <p>6A-5.081</p>	<p>RULE TITLE:</p> <p>School Leadership Development Programs</p>
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PURPOSE AND EFFECT: Development of this rule is needed to implement Section 1012.986, Florida Statutes by instituting the approval requirements and processes for programs that prepare school leaders, including assistant principals and principals, and programs that further the effectiveness of

existing school leaders. Such programs are provided by Florida’s colleges, universities and public school districts and lead to certification in Educational Leadership and School Principal.

SUBJECT AREA TO BE ADDRESSED: School Leadership Development Programs.

SPECIFIC AUTHORITY: 1012.986 FS.

LAW IMPLEMENTED: 1012.986, 1012.56 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: April 2, 2007, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathy Hebda, Chief, Bureau of Educator Recruitment, Development and Retention, Florida Department of Education, 325 West Gaines Street, Room 126, Tallahassee, Florida 32399-0400 or Kathy.hebda@fldoe.org

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

<p>RULE NO.:</p> <p>25-4.036</p>	<p>RULE TITLE:</p> <p>Design and Construction of Plant</p>
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PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to incorporate the most recent edition of the National Electrical Safety Code. As Rule 25-4.036, F.A.C., is incorporated by reference into Rules 25-24.585, 25-24.740 and 25-24.835, F.A.C., the draft amendments to Rule 25-4.036, F.A.C., also effect shared tenant service companies, alternative access vendor service companies, and competitive local exchange companies. Undocketed.

SUBJECT AREA TO BE ADDRESSED: National Electric Safety Code standards pertaining to the design and construction of telecommunications facilities by incumbent local exchange companies, shared tenant service companies, alternative access vendor service companies, and competitive local exchange companies.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Paul Vickery, (850)413-6592. The workshop request must be submitted in writing by March 30, 2007 to Kira Scott, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. If you are 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: Paul Vickery, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6592

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.036 Design and Construction of Plant.

(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2007~~2002~~) and the National Electrical Code (NFPA 70-2005), which is incorporated herein by reference, pertaining to the construction of telecommunications facilities.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History—Revised 12-1-68, Amended 4-19-77, Formerly 25-4.36, Amended 2-5-86, 3-26-91, 5-3-94, 12-23-02, 12-29-05, _____.

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:
25-24.515 Pay Telephone Service

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to incorporate the most recent edition of the National Electrical Safety Code. As Rule 25-4.036, F.A.C., is incorporated by reference into Rules 25-24.585, 25-24.740 and 25-24.835, F.A.C., the draft amendments to Rule 25-4.036, F.A.C., also effect shared tenant service companies, alternative access vendor service companies, and competitive local exchange companies. Undocketed.

SUBJECT AREA TO BE ADDRESSED: National Electric Safety Code standards pertaining to the design and construction of telecommunications facilities by incumbent

local exchange companies, shared tenant service companies, alternative access vendor service companies, and competitive local exchange companies.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The workshop request must be submitted in writing by March 30, 2007 to: Kira Scott, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. If you are 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: Paul Vickery, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6592

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.515 Pay Telephone Service.

(1) through (22) No change.

(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2007~~2002~~) and the National Electrical Code (NEPA 70-2005), which are incorporated by reference.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02, 4-5-05, 12-29-05, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-103.019 Inmate Grievances – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify Form DC2-901, Training Attendance Report, to add a column for an employee identification number.

SUBJECT AREA TO BE ADDRESSED: Inmate grievance forms.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.019 Inmate Grievances - Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) Form DC1-303, Request for Administrative Remedy or Appeal, effective 2-9-05;
- (2) Form DC6-236, Inmate Request, effective 8-1-00.
- (3) Form DC1-306, Grievance Approval Action Form, effective 8-1-00.
- (4) Form DC2-901, Training Attendance Report, effective _____ ~~12-17-06~~.
- (5) Form DC1-307, Acknowledgement of Receipt of Grievance Orientation, effective 10-11-00.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, 12-17-06, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: To amend Chapter 40D-2, Florida Administrative Code, and the Basis of Review for Water Use Permit Applications, incorporated by reference in Rule 40D-2.091, to expand public supply permittee per capita water use-related requirements to those areas of the District not already subject to them.

SUBJECT AREA TO BE ADDRESSED: Public supply permittee per capita water use-related requirements. Permittees affected are primarily public water supply utilities. The requirements include: required calculation of per capita water use according to the recently adopted Southern Water Use Caution Area rules, including the new service area population estimation methodology (affects all areas outside of the Southern Water Use Caution Area); required submission of the annual per capita water use report and associated data via the annual Public Supply Survey (affects all areas outside of

existing Water Use Caution Areas); compliance with a per capita daily water use standard (affects all areas outside of existing Water Use Caution Areas).

District staff will present a brief overview of the requirements, solicit input and describe those activities underway to assist permittees with complying with the population estimation methodology requirements. District staff will also be seeking input on other requirements in place in the Northern Tampa Bay and Southern Water Use Caution Areas such as: water conserving water rate structures; water billing information to be provided to customers; reclaimed water use and connections reporting; and water service area delineation and submission.

One or more members of the Governing Board may attend. SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

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

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

DATE AND TIME: April 10, 2007, 1:00 p.m. – 4:30 p.m.
 PLACE: Governing Board Room, Southwest Florida Water Management District Headquarters, 2379 Broad Street, Brooksville, Florida 34604-6899

Pursuant to the provisions of 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: Dianne Lee, (352)796-7211, ext. 4658. If you are 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: Jay Yingling, Senior Economist, Planning Department, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211, extension 4406

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

LAND AND WATER ADJUDICATORY COMMISSION

Twin Creeks Community Development District

RULE NOS.:	RULE TITLES:
42DDD-1.001	Establishment
42DDD-1.002	Boundary
42DDD-1.003	Supervisors

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Twin Creeks Community Development District (“District”), pursuant to Chapter 190, F.S. The petition (amended during the February 13, 2006, local public hearing) filed by

Eh/Transeastern, LLC, requests the Commission establish a community development district located within St. Johns County, Florida. A Notice of Receipt of Petition for the Twin Creeks Community Development District was published in the January 27, 2006, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 3,050 acres. A general location map is contained as Exhibit 1 to the petition, as amended, to establish the District. The site is generally located south of Durbin Creek, west of U.S. 1, east of Interstate 95, and on both sides of County Road 210 in St. Johns County, Florida. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner has obtained written consent to establish the District from the landowners of one hundred percent (100%) of the non-governmental real property located within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 5,000 units of single family detached units, single family attached units, multi-family housing along with 900,000 square feet of commercial mixed and 2,000,000 square feet of flexible industrial use space. Additional development plans include a 175 room hotel and a multiplex movie center. The District, if established, plans to finance certain master infrastructure improvements within the District boundaries. The improvements include complete construction of the basic infrastructure connecting and serving neighborhoods, including but not limited to: clearing, earthwork, water, sewer, and reclaimed utilities, internal roadways, and sodding/grassing. Master infrastructure also includes a community recreation center. Also included will be stormwater management facilities consisting of treatment ponds, outfalls, land to construct the retention and compensating storage areas, and wetland mitigation to serve the District in accordance with permitting agencies. Other District improvements include school facilities and substantial off-site improvements related to County Road 210 and US 1. All of the land in the proposed District is part of the Twin Creeks Development of Regional Impact.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Twin Creeks Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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, April 4, 2007, 10:00 a.m.

PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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

agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884. If you are 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: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

TWIN CREEKS COMMUNITY DEVELOPMENT DISTRICT

42DDD-1.001 Establishment.

The Twin Creeks Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

42DDD-1.002 Boundary.

The boundaries of the District are as follows:

Subject Property South of C.R. 210

A portion of Sections 9, 10, 11, and 14, together with all of Section 15, all lying in Township 5 South, Range 28 East, St. Johns County, Florida, and being more particularly described as follows: For a Point of Beginning, commence at the corner common to Sections 15, 16, 21, and 22 of said Township and Range; thence North 01°06'17" West, along the Westerly line of said Section 15, a distance of 2,655.18 feet to an angle in said Westerly line; thence North 00°50'08" West, continuing along said Westerly line, 2,702.59 feet to the Northwest corner of said Section 15; thence South 89°12'49" West, along the Southerly line of said Section 9, a distance of 496.47 feet to its intersection with the Southerly right-of-way line of County Road 210, a 150 foot right-of-way per St. Johns County Right-of-Way Map, dated August 15, 2002; thence along said Southerly line the following six (6) courses: (1) thence North 51°03'28" East, 6,410.43 feet to the point of curvature of a curve concave Southerly, having a radius of 243.31 feet; (2) thence Northeasterly, along the arc of said curve, through a central angle of 75°41'49", an arc distance of 321.45 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 88°54'23" East, 298.58 feet; (3) thence South 53°14'43" East, 2,494.87 feet to the point of curvature of a curve concave Northeasterly, having a radius of 1,029.93 feet; (4) thence Southeasterly, along the arc

of said curve, through a central angle of 15°27'40", an arc distance of 277.92 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 60°58'33" East, 277.08 feet; (5) thence South 68°42'23" East, 1,737.76 feet to the point of curvature of a curve concave Northerly, having a radius of 393.31 feet; (6) thence Northeasterly, along the arc of said curve, through a central angle of 57°26'31", an arc distance of 394.31 feet to its intersection with the Westerly right-of-way line of a Florida East Coast Railroad right-of-way, a variable width right-of-way per Florida East Coast Railway Company Right-of-Way Track Map, dated December 31, 1927, said arc being subtended by a chord bearing and distance of North 82°34'22" East, 378.01 feet; thence South 41°00'02" East, departing said Southerly right-of-way line and along said Westerly right-of-way line, 2,283.78 feet to a point lying on the Southerly line of said Section 11; thence North 89°28'59" East, continuing along said Westerly right-of-way line and along said Southerly line, 36.95 feet; thence South 41°02'31" East, departing said Southerly line and along said Westerly right-of-way line, 253.73 feet to its intersection with the Easterly line of said Section 14; thence South 01°04'11" East, departing said Westerly right-of-way line and along said Easterly line, 5,180.32 feet to the Southeasterly corner of said Section 14; thence South 89°33'57" West, along the Southerly line of said Section 14, a distance of 5,363.20 feet to the Southwest corner of said Section 14, said point also being the Southeast corner of said Section 15, thence South 89°33'51" West, along the Southerly line of said Section 15, a distance of 5,368.24 feet to the Point of Beginning. Containing 1,857.26 acres, more or less.

Subject Property North of C.R. 210

A portion of Sections 2, 3, 4, 9, 10, 11, and 16, together with a portion of Section 46, the Joseph Peavett Grant, all lying in Township 5 South, Range 28 East, St. Johns County, Florida, and being more particularly described as follows: For a Point of Reference, commence at the corner common to said Sections 9, 10, 16 and Section 15 of said Township and Range, thence South 89°12'49" West, along the Southerly line of said Section 9, a distance of 739.26 feet to its intersection with the Northerly right-of-way line of County Road No. 210, a 150 foot right-of-way per St. Johns County Right-of-Way Map dated August 15, 2002, said point also being the Point of Beginning.

From said Point of Beginning, thence South 89°12'49" West, departing said Northerly right-of-way line and continuing along said Southerly line of Section 9, a distance of 1,953.73 feet; thence South 89°55'22" West continuing along said Southerly line 1,349.80 feet to its intersection with the Easterly line of Government Lot 7 of said Section 16; thence South 01°18'02" West, departing said Southerly line and long said Easterly line, 12.69 feet; thence South 89°00'03" West, departing said Easterly line, 589.15 feet to a point lying on the

Easterly limited access right-of-way line of Interstate Highway No. 95 (State Road No. 9), a 300 foot right-of-way per Florida Department of Transportation Right-of-Way Map Section No. 78080-2408 and Section No. 78080-2440, said point also lying on a curve; thence Northeasterly, along said Easterly limited access right-of-way line and along the arc of a curve concave Easterly, having a radius of 11,309.16 feet, through a central angle of 02°02'10", an arc distance of 401.88 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 02°58'05" East, 401.86 feet; thence North 03°59'10" East, 3,620 feet, more or less, to a point of intersection with the centerline of Durbin Creek, said point bearing South 03°59'10" West, 590 feet, more or less, from an angle point in said Easterly limited access right-of-way line, said point serving as Reference Point "A" for the purposes of this property description and bearing North 03°59'10" East, 4,208.87 feet from last said point of tangency, departing said Easterly limited access right-of-way line and along the meanderings of said centerline of Durbin Creek, 5,880 feet, more or less, to its intersection with the Southerly line of the Northwest one-quarter of the Southwest one-quarter of said Section 3, said line also being a Southerly line of those lands described and recorded in Official Records Book 60, page 689, of the Public Records of said county; thence North 89°30'48" East, along last said Southerly line, 510 feet, more or less, to the Southeasterly corner of the Northwest one-quarter of the Southwest one-quarter of said Section 3, said Southeasterly corner bearing North 68°19'26" East, 6,016.57 feet from said Reference Point "A"; thence North 00°18'06" West, along the Easterly line of said lands of Official Records Book 50, page 689, a distance of 240 feet, more or less, to its intersection with said centerline of Durbin Creek; thence Northeasterly, departing said Easterly line and along the meanderings of said centerline, 2,180 feet, more or less, to its intersection with a Southerly line of said lands of Official Records Book 60, page 689; thence North 89°29'16" East, along said Southerly line, 360 feet, more or less, to a point of intersection with the Westerly right-of-way line of a Florida East Coast Railroad right-of-way, a variable width right-of-way per Florida East Coast Railway Company Right-of-Way and Track Map, dated December 31, 1927, said point bearing North 57°49'04" East, 2,613.07 feet from said Southeast corner of the Northwest one-quarter of the Southwest one-quarter of Section 3; thence along said Westerly right-of-way line the following seven (7) courses: course one, thence South 41°00'02" East, 3,556.42 feet to a point lying on the Southerly line of said Section 2; course two, thence North 89°24'41" East, along said Southerly line, 26.27 feet; course three, thence South 41°00'02" East, departing said Southerly line, 1,807.93 feet; course four, thence South 48°39'58" West, 70.00 feet; course five, thence South 41°00'02" East, 1,745.00 feet; course six, thence North 89°16'33" East, 98.30 feet; course seven, thence South 41°00'02" East, 1,073.11 feet to an intersection with said Northerly right-of-way line of County

Road No. 210, said point also lying on a curve concave Northerly, having a radius of 243.31 feet; thence along said Northerly right-of-way line the following six (6) courses: course one, thence Southwesterly, along the arc of said curve, through a central angle of 54°26'06", an arc distance of 231.16 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 84°04'34" West, 222.57 feet; course two, thence North 68°42'23" West, 1,737.76 feet to the point of a curve concave Northeasterly, having a radius of 879.93 feet; course three, thence Northwesterly, along the arc of said curve, through a central angle of 15°27'40", an arc distance of 237.45 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 60°58'33" West, 236.73 feet; course four, thence North 53°14'43" West, 2,494.87 feet to the point of curvature of a curve concave Southerly, having a radius of 393.31 feet; course five, thence Southwesterly, along the arc of said curve, through a central angle of 75°41'49", an arc distance of 519.63 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 88°54'23" West, 482.65 feet; course six, thence South 51°03'28" West, 6,601.35 feet to an intersection with the Southerly line of Section 9 and the Point of Beginning. The above described lands being subject to any submerged sovereign lands of the State of Florida associated with Durbin and Sampson Creeks. Containing 1,193 acres, more or less.

LESS AND EXCEPT a portion of Section 11, Township 5 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows: Commence at the southwest corner of Section 10, Township 5 South, Range 28 East, St. Johns County, Florida; thence North 00°48'41" West, along the westerly line of said Section 10, 377.21 feet, to an intersection a line lying 10.00 feet southeasterly of and parallel with the southeasterly right-of-way of County Road No. 210 (a 150.00 foot right-of-way per St. Johns County Right-of-Way Map dated 8-15-2002); thence North 51°03'28" East, along last said line and the northeasterly extension thereof, 7,759.46 feet to the southwesterly existing right-of-way line of Florida East Coast Railroad (a variable width right-of-way as shown on Florida East Coast Railway Company Right-of-Way and Track Map dated December 31, 1927); thence southeasterly, southwesterly and easterly, along said southwesterly existing right-of-way line run of the following six (6) courses and distances: Course No. 1: South 41°00'02" East, 1,524.26 feet; Course No. 2: South 48°59'58" West, 70.00 feet; Course No. 3: South 41°00'02" East, 1,295.55 feet to the Point of Beginning; Course No. 4: South 41°00'02" East, 449.45 feet; Course No. 5: North 89°16'33" East, 98.30 feet; Course No. 6: South 41°00'02" East, 862.54 feet; thence South 48°59'58" West, 225.55 feet to the northeasterly right-of-way of said County Road 210; thence North 68°42'23" West, along said northeasterly right-of-way, 922.85 feet; thence North 23°54'33" West, 70.96 feet; thence North 20°53'17" East,

132.02 feet to the point of curvature of a curve leading northerly; thence northerly along and around the arc of said curve, concave westerly, having a radius of 310.00 feet, an arc distance of 334.85 feet, said arc being subtended by a chord bearing and distance of North 10°03'22" West, 318.81 feet to a point of tangency of last said curve; thence North 41°00'02" West, 37.36 feet; thence North 41°31'41" West, 115.11 feet; thence North 48°28'19" East, 279.45 feet to the Point of Beginning. Containing 13.02 acres, more or less.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

42DDD-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Paul Leikert, Jason Eisner, Robert Krief, Mark Newton, and Wayne Janzik.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-4.103	Licensure, Administration and Fiscal Management
59A-4.106	Facility Policies
59A-4.107	Physician Services
59A-4.1075	Medical Director
59A-4.108	Nursing Services
59A-4.109	Resident Assessment and Care Plan
59A-4.110	Dietary Services
59A-4.112	Pharmacy Services
59A-4.118	Medical Records
59A-4.122	Physical Environment and Physical Plant Maintenance
59A-4.123	Risk Management and Quality Assurance
59A-4.1235	Liability Claims
59A-4.126	Disaster Preparedness
59A-4.128	Evaluation of Nursing Homes and Licensure Status
59A-4.1285	Respite Care
59A-4.1288	Exception
59A-4.1295	Additional Standards for Homes That Admit Children 0 Through 20 Years of Age
59A-4.130	Fire Protection, Life Safety, Systems Failure and External Emergency Communications
59A-4.133	Physical Plant Codes and Standards for Nursing Homes
59A-4.134	Plans Submission and Fee Requirements
59A-4.150	Geriatric Outpatient Nurse Clinic

59A-4.165 Nursing Home Guide
 59A-4.166 Nursing Home Consumer
 Satisfaction Survey

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate changes in the authorizing statute and revise technical errors and update references throughout the Chapter.

SUBJECT AREA TO BE ADDRESSED: This proposed rule includes provisions for recent changes in licensure regulations and disaster preparedness, incorporates new laws regarding alternate bed placement and inactive licenses, reinstates provisions for respite care, abolishes the requirement for the Nursing Home Consumer Satisfaction Survey due to the repeal of the authorizing statute and amends technical errors and updates references throughout the Chapter.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.111, 400.022, 400.141, 400.142, 400.23 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: April 12, 2007, 10:00 a.m.

PLACE: 2727 Mahan Drive, Building 3, AHCA Conference Room B, 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 7 days before the workshop/meeting by contacting: CaraLee Starnes at (850)488-5861. If you are 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: CaraLee Starnes at (850)488-5861

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-4.103 Licensure, Administration and Fiscal Management.

(1) The licensee or applicant must prospective licensee shall make application for an initial, renewal or change of ownership license to operate a nursing home facility and must shall provide:

(a) All of the information required by this rule and Chapter 400, Part II, F.S., on AHCA Form 3110-6001, March 2007, "Health Care Licensing Application – Nursing Homes", "Application for Nursing Home Licensure", and

(b) AHCA Form 3001-6001, September 2005, Instructions for Completing Application for Nursing Home Licensure, which is incorporated by reference, ~~and~~

(c) AHCA Forms 3110-0011, 3110-0011A, 3110-0011B, and 3110-0011C, and 3110-0011D, August 2001, "Controlling Interest Affidavit for Nursing Homes," which are incorporated by reference, ~~and~~

(d) AHCA Form 1332-0001, January 2002, "Proof of Financial Ability to Operate Schedule," which is incorporated by reference, available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or online at: <http://ahca.myflorida.com/>.

(2) The licensure fee must shall be included with the application. A biennial An annual fee of \$100 is \$50 per bed is required as described in Section 400.062(3), Florida Statutes (F.S.), plus the resident protection fee of \$.50 \$-.25 per bed and the Data Collection and Analysis Assessment of \$12.00 \$6.00 per bed as authorized by Section 408.20(1)(b), F.S., Costs of Nursing Home Statistical Unit, March 9, 1994. The Data Collection and Analysis Assessment is waived for facilities having a certificate of authority under Chapter 651, F.S. A license for an initial or change of ownership application will not be issued until the application fee has been received by the Agency and all associated checks have cleared. If a check for the renewal licensure fee is dishonored and returned to the Agency, the licensee will have ten business days to pay the full amount plus any applicable fees as provided by law. Such payment must be made by cash, cashier's check, or money order. Failure to pay the licensure and processing fee will result in suspension of the license until all fees are paid in full.

(3) Single copies of AHCA forms incorporated by reference within this chapter may be obtained from the Agency for Health Care Administration, Long Term Care Section, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or web address: <http://ahca.myflorida.com/>. Information regarding the electronic submission of reports to the Agency may be found at: <http://ahca.myflorida.com/reporting/index.shtml>.

(4) A nursing home licensee may request an inactive license for part of a facility as specified in Section 400.0712, F.S., to use an unoccupied contiguous portion of the facility for an alternative use to meet the needs of elderly persons. Prior to providing alternative services, the facility must submit a written request to the Agency. A request may be submitted at any time during the licensure period and must include:

(a) The intended use of the inactive portion;

(b) A schematic drawing of the floor plan of the building identifying the inactive area;

(c) The total number of inactive beds and the prospective date the beds will become inactive.

1. Upon receipt of the written approval by the Agency to continue with the plan for the partial inactive, the licensee must submit to the Agency AHCA Form 3110-6001, September 2005, "Application for Nursing Home Licensure," within 60 days of the approval and a bed change request form for beds certified through the Centers for Medicare and Medicaid

Services. The appropriate licensure application for the alternative use must accompany this application, unless the space will be utilized for services authorized under the existing nursing home license.

2. If the alternative service license is approved, a partial inactive license will be issued concurrently with the issuance of the license for the alternative use. The expiration date of the partial inactive license will coincide with the licensee's nursing home renewal. The licensee must indicate the intent to continue the partial inactive license at each nursing home licensure renewal. Licensure fees will remain at the standard rate for nursing home beds, whether active or inactive, at the time of renewal and will not be assessed for another Agency license requested for the alternative use of the inactive beds.

3. Notification to reactivate the inactive portion of the building must be submitted to the Agency at least 30 days prior to the planned date to admit residents to the previously inactive beds. The inactive portion will be reactivated upon the satisfactory completion of an onsite inspection.

~~(5)~~(4) Administration.

(a) The nursing home licensee shall have full legal authority and responsibility for the operation of the facility.

(b) The licensee of each facility ~~must shall~~ designate one person, who is licensed by the ~~Department of Health Agency for Health Care Administration~~, Board of Nursing Home Administrators under ~~Chapter 468, Part II, F.S.~~, as administrator who oversees the day-to-day administration and operation of the facility.

(c) Each nursing home ~~must shall~~ be organized according to a written Table of Organization.

~~(d) By the 10th calendar day of each month, the~~ ~~The~~ licensee ~~must shall~~ submit ~~to the Agency the monthly vacant bed report reflecting the number of beds available for occupancy on the last day of the preceding month. The a~~ monthly vacant bed report ~~which~~ is incorporated by reference ~~as by using~~ AHCA Form 3110-0013, ~~July 2006~~ ~~January~~, "Nursing Home Monthly Bed Vacancy Report," as authorized by Section 400.141, F.S. This form is available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or ~~online at: http://ahca.myflorida.com/~~.

~~(e) Each nursing home licensee must submit to the Agency semi-annually on or before April 15 and November 15 of each year, the~~ ~~Submit~~ Nursing Home Staffing Report which is incorporated by reference ~~as by using~~ AHCA Form 3110-0012, ~~September 2006, and updated biannually thereafter to reflect a new reporting period. January, 2002~~ "Nursing Home Staffing Report" as authorized by Section 400.141, F.S. This form is available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or ~~online at: http://ahca.myflorida.com/~~.

~~(f) Information required in subsections (d) and (e) may be submitted electronically to the Agency at: ahca.myflorida.com/reporting/index.shtml.~~

~~(6)~~(5) Fiscal Management.

(a) The licensee ~~must shall~~ maintain fiscal records for each nursing home it operates in accordance with the requirements of ~~Chapter 400, Part II, F.S., and this rule~~ ~~these Rules~~.

(b) An accrual or cash system of accounting ~~must shall~~ be used to reflect transactions of the business. Records and accounts of transactions, such as general ledgers and disbursement journals, ~~must shall~~ be brought current no less than quarterly and ~~must shall~~ be available for review by authorized representatives of appropriate ~~s~~State and ~~F~~Federal agencies.

(c) A licensee ~~must shall~~ obtain a surety bond as required by ~~Chapter 400, Part II, F.S.~~ It ~~must shall~~ be based on twice the average monthly balance in the resident trust fund during the prior fiscal year or \$5,000, whichever is greater. A licensee who owns more than one nursing home may purchase a single surety bond to cover the residents' funds held in nursing homes located within the same ~~Agency geographic region as defined in the AHCA "Nursing Home Guide Performance Measures Algorithm" dated July 2000.~~ ~~AHCA service district.~~ A surety bond ~~must shall~~ contain substantially the same language as is found in AHCA Form 3110-6002, July 2001, Surety Bond, which is incorporated by reference. The surety bond, AHCA 3110-6002, July 2001, may be obtained from and ~~must shall~~ be filed with the Agency for Health Care Administration, 2727 Mahan Drive, ~~MS 33~~, Tallahassee, FL 32308 or ~~online at: http://ahca.myflorida.com/~~.

(d) A self-insurance pool, which may be an interest bearing account, may be established to provide compensation to any resident suffering financial loss in accordance with the provisions of Section 400.162(5)(c), F.S., as the result of one or more of the member licensees violating any of the provisions of Section 400.162, F.S.

1. Such self-insurance pool ~~must shall~~ be administered under the direction of an elected board of trustees. The membership of the board of trustees ~~must shall~~ be composed of one representative from each participating licensee.

2. An application for establishing a self-insurance pool ~~must shall~~ be made by the trustees to ~~the Agency~~ ~~AHCA~~. Such application ~~must shall~~ contain the following information: the names, complete addresses, and affiliation of the trustees; the name and complete address of each licensee participating in the pool; the total dollar amount of the pool; and the name and complete address of the bank in which the account is maintained, including the account number. The application ~~must shall~~ be accompanied by:

a. An individual application from each licensee applying for membership in the self-insurance pool. Such application ~~must shall~~ contain the following information: the name, telephone number, and complete address of the facility; the

name, telephone number, and complete address of the licensee; the name of the facility's administrator, manager or supervisor; his or her license and renewal number; the names of all employees involved in the administration of the resident trust fund account; the average monthly balance in the resident trust fund account during the prior year; the total dollar amount the licensee has deposited in the self-insurance pool; and the name and complete address of the bank in which the account is maintained, including the account number.

b. Prima facie evidence showing that each individual member of the pool has deposited an amount equal to twice the average monthly balance of the trust fund account or \$5,000.00 dollars, whichever is greater, in a separate account maintained by the board of trustees in the name of the self-insurance pool in a ~~chartered commercial~~ bank authorized under Chapter 658, F.S., and a member of the Federal Reserve System, in the State of Florida to secure performance of payment of all lawful awards made against any member or members of the self-insurance pool, Section 400.162(5), F.S., and this rule these Rules.

3. After the inception date of the pool, prospective new members of the pool must shall submit an application for membership to the board of trustees. Such application must shall contain the information specified in subparagraph ~~(6)(d)~~ ~~(5)(b)2.~~ The trustees may approve the application for membership in accordance with this rule these Rules. If so approved, the application for membership in accordance with this rule must these Rules shall be filed with the Agency AHCA. Participation in a pool by a particular licensee must shall be approved by the Agency if the licensee indicates in its application that it does meet the requirements of Section 400.162(5), F.S., and this rule these Rules and verification is provided to document the financial status indicated on the application.

4. The amount deposited in such an account must shall be maintained at all times.

(e) If, at any time during the period for which a license is issued, a licensee who has not purchased a surety bond or entered into a self-insurance agreement is requested to hold funds in trust as provided in Section 400.162(5), F.S., the licensee must shall notify the Agency AHCA in writing of the ~~request~~ and make application for a surety bond or for participation in a self-insurance agreement within seven calendar days of the request; ~~exclusive of weekends and holidays~~. Copies of the application, along with written documentation of related correspondence with an insurance agency or group must shall be maintained and shall be available for review. All notices required by this ~~rule~~ provision must shall be sent to Agency for Health Care Administration AHCA, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308.

Specific Authority 400.23 FS. Law Implemented 400.022, 400.071, 400.102, 400.111, 400.1183, 400.121, 400.141, 400.147, 400.151, 400.162, 400.179, 400.18, 400.232, 408.20 FS. History—New 4-1-82, Amended 4-1-84, 8-1-85, 1-1-86, 11-12-89, 12-25-90, 10-6-91, Formerly 10D-29.103, Amended 4-18-94, 2-6-97, 5-5-02, _____.

59A-4.106 Facility Policies.

(1) Admission, retention, transfer, and discharge policies:

(a) Upon request and in a language the resident or his ~~her~~ or her representative understands, at the time of admission and as changes are being made, each resident must will receive:

1. A copy of the residents' bill of rights conforming to the requirements in Section 400.022, F.S.;

2. A copy of the facility's admission and discharge policies; and

3. Information regarding advance directives.

(b) Each resident admitted to the facility must shall have a contract in accordance with Section 400.151, F.S., which covers:

1. A list of services and supplies, complete with a list of standard charges, which are available to the resident but not covered by the facility's per diem or by Title XVIII and Title XIX of the Social Security Act, and the bed reservation and refund policies of the facility.

2. When a resident is in a facility offering continuing care and is transferred from independent living or assisted living to the nursing home section, a new contract need not be executed; an addendum must shall be attached to describe any additional services, supplies or costs not included in the most recent contract that is in effect.

(c) No resident who is suffering from a communicable disease shall be admitted or retained unless the medical director or attending physician certifies that adequate or appropriate isolation measures are available to control transmission of the disease.

(d) Residents may not be retained in the facility that require services beyond those for which the facility is licensed or has the functional ability to provide as determined by the medical director and the director of nursing in consultation with the facility administrator.

(e) Residents must shall be assigned to a bedroom area and must shall not be assigned bedroom space in common areas except in an emergency. Emergencies must shall be documented and shall be for a limited, specified period of time.

(f) All resident transfers and discharges must shall be in accordance with the facility's policies and procedures, provisions of ~~s~~Sections 400.022 and 400.0255, F.S., this rule, and other applicable ~~s~~State and ~~f~~Federal laws and will include notices provided to residents which are incorporated by reference by using AHCA Form 3120-0002, 3120-0002A, ~~Revised~~, May 2001, "Nursing Home Transfer and Discharge Notice," and 3120-0003, ~~Revised~~, May 2001, "Fair Hearing Request For Transfer or Discharge From a Nursing Home," and 3120-0004, ~~Revised~~, May, 2004 2001, "Long-Term Care

Ombudsman Council Request for Review of Nursing Home Discharge and Transfer.” These forms may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive MS 33, Tallahassee, FL 32308 or at the web address: <http://ahca.myflorida.com/>. ~~The Department of Children and Family Services will assist in the arrangement for appropriate continued care, when requested.~~

(2) Each nursing home ~~licensee must facility shall~~ adopt, implement, and maintain written policies and procedures governing all services provided in the facility.

(3) All policies and procedures ~~must shall~~ be reviewed at least annually and revised, as needed with input from, at minimum, the facility administrator, medical director, and director of nursing.

(4) Each ~~licensee must facility shall~~ maintain policies and procedures in the following areas:

- (a) Activities;
- (b) Advance directives;
- (c) Consultant services;
- (d) Death of residents in the facility;
- (e) Dental services;
- (f) Staff education, including HIV/AIDS training in accordance with Section 381.0035, F.S.;
- (g) Diagnostic services;
- (h) Dietary services;
- (i) Disaster preparedness;
- (j) Fire prevention and control;
- (k) Housekeeping;
- (l) Infection control;
- (m) Laundry service;
- (n) Loss of power, water, air conditioning or heating;
- (o) Medical director/consultant services;
- (p) Medical records;
- (q) Mental health;
- (r) Nursing services;
- (s) Pastoral services;
- (t) Pharmacy services;
- (u) Podiatry services;
- (v) Resident care planning;
- (w) Resident identification;
- (x) Resident’s rights;
- (y) Safety awareness;
- (z) Social services;
- (aa) Specialized rehabilitative and restorative services;
- (bb) Volunteer services; ~~and~~
- (cc) The reporting of accidents or unusual incidents involving any resident, staff member, volunteer or visitor. This policy ~~must shall~~ include reporting within the facility and to the Agency AHCA.

(5) Staff Education.

(a) Each nursing home ~~licensee must shall~~ develop, implement, and maintain a written staff education plan, which ensures a coordinated program for staff education for all facility employees. The staff education plan ~~must shall~~ be reviewed at least annually by the risk management and quality assurance committee and revised as needed.

(b) The staff education plan ~~must shall~~ include both pre-service and in-service programs.

(c) The staff education plan ~~must shall~~ ensure that education is conducted annually for all facility employees, at a minimum, in the following areas:

- 1. Prevention and control of infection;
- 2. Fire prevention, life safety, and disaster preparedness;
- 3. Accident prevention and safety awareness program;
- 4. Resident’s rights;
- 5. Federal law, 42 CFR 483, Requirements for Long Term Care Facilities, September 26, 1991, including any amendments integrated since 1991, which is incorporated by reference and sState rRules and rRegulations, Chapter 400, Part II, F.S., and this rule;

~~6. The Florida “Right to Know” Hazardous Materials, Chapter 442, F.S.;~~

(d) The staff education plan ~~must shall~~ ensure that all non-licensed employees of the nursing home complete an initial educational course on HIV/AIDS in accordance with Section 381.0035, F.S. If the employee does not have a certificate of completion at the time they are hired, they must have two hours within six months of employment or before the staff provides care for an HIV/AIDS diagnosed resident. All employees ~~must shall~~ have a minimum of one hour biennially.

(6) Advance Directives.

(a) Each nursing home ~~licensee must shall~~ have written policies and procedures, which delineate the nursing home’s position with respect to the state law and rules relative to advance directives. The policies ~~must shall~~ not condition treatment or admission upon whether or not the individual has executed or waived an advance directive. In the event of conflict between the facility’s policies and procedures and the individual’s advance directive, provision should be made in accordance with Section 765.308, F.S.

~~(b)(7)~~ The facility’s policy ~~must shall~~ include:

1.(a) Providing each adult individual, at the time of the admission as a resident, with a copy of “Health Care Advance Directives – The Patient’s Right to Decide,” as prepared by the Agency for Health Care Administration, State Center for Health Statistics, April 2006, effective 1-11-93, which is hereby incorporated by reference, or with a copy of some other substantially similar document which is a written description of Florida’s state law regarding advance directives. A copy of the “Health Care Advance Directives – The Patient’s Right to Decide,” may be obtained from the State Center for Health Statistics at 2727 Mahan Drive, MS 16, Tallahassee, FL 32308,

or electronically at ahca.myflorida.com/MCHO/Health Facility Regulation/HC Advance Directives/

2.(b) Providing each adult individual, at the time of the admission as a resident, with written information concerning the nursing home's policies respecting advance directives; and

3.(e) The requirement that documentation of the existence of an advance directive be contained in the medical record. A nursing home licensee which is provided with the individual's advance directive must shall make the advance directive or a copy thereof a part of the individual's medical record.

(c) Pursuant to Section 400.142(3), F.S., a nursing home may honor a Do Not Resuscitate Order (DNRO) as follows:

1. Cardiopulmonary resuscitation may be withheld or withdrawn from a patient only if a valid DNRO is present and executed pursuant to Section 401.45, F.S.

2. Facility staff and nursing home licensees shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct for withholding or withdrawing cardiopulmonary resuscitation pursuant to such a DNRO and rules adopted by the Agency, pursuant to Section 400.142(3), F.S.

Specific Authority 400.141, 400.141(7), 400.142(3), 400.23, 765.110 FS. Law Implemented 400.022, 400.0255, 400.102, 400.141, 400.141(7), 400.151, 400.23, 765.110 FS. History--New 4-1-82, Amended 4-1-84, Formerly 10D-29.106, Amended 4-18-94, 1-10-95, 2-6-97, 5-5-02, _____.

59A-4.107 Physician Services.

(1) Each nursing home licensee must facility shall retain, pursuant to a written agreement, a physician licensed under Chapter 458 or 459, F.S., to serve as Medical Director. In facilities with a licensed capacity of 60 beds or less, pursuant to written agreement, a physician licensed under Chapter 458 or 459, F.S., may serve as Medical Consultant in lieu of a Medical Director.

(2) Each resident or legal representative, must shall be allowed to select his or her own private physician.

(3) Verbal orders, including telephone orders, must shall be immediately recorded, dated, and signed by the person receiving the order. All verbal treatment orders must shall be countersigned by the physician or other health care professional on the next visit to the facility.

(4) Physician orders may be transmitted by facsimile machine. It is not necessary for a physician to re-sign a facsimile order when he visits a facility.

(5) All physician orders must shall be followed as prescribed, and if not followed, the reason must shall be recorded on the resident's medical record during that shift.

(6) Each resident must shall be seen by a physician or another licensed health professional acting within their scope of practice at least once every 30 days for the first 90 days after admission, and at least once every 60 days thereafter. A

physician visit is considered timely if it occurs not later than 10 days after the date the visit was required. If a physician documents that a resident does not need to be seen on this schedule and there is no other requirement for physician's services that must be met due to Title XVIII or XIX, the resident's physician may document an alternate visitation schedule.

(7) If the physician chooses to designate another health care professional to fulfill the physician's component of resident care, they may do so after the required visit. All responsibilities of a physician, except for the position of medical director, may be carried out by other health care professionals acting within their scope of practice.

(8) Each nursing home licensee must maintain facility shall have a list of physicians designated to provide emergency services to residents when the resident's attending physician, or designated alternate is not available.

Specific Authority 400.23 FS. Law Implemented 400.022, 400.102, 400.141, 400.23, 464.012 FS. History--New 4-1-82, Amended 4-1-84, Formerly 10D-29.107, Amended 10-5-92, 4-18-94, 1-10-95, _____.

59A-4.1075 Medical Director.

(1) Each nursing home licensee must facility will have only one physician who is designated as Medical Director.

(2)(a) The Medical Director must be a physician licensed under Chapter 458 or 459, F.S., the nursing home administrator may require that the Medical Director be certified or credentialed through a recognized certifying or credentialing organization.

(b) A Medical Director who does not have hospital privileges must shall be certified or credentialed through a recognized certifying or credentialing body, such as the Joint Commission on Accreditation of Healthcare Organizations, the American Medical Directors Association, the Healthcare Facilities Accreditation Program of the American Osteopathic Association, the Bureau of Osteopathic Specialists of the American Osteopathic Association, the Florida Medical Directors Association or a health Health maintenance organization licensed in Florida.

(c) A physician must have his or her principal office within 60 miles of all facilities for which he/she serves as Medical Director. The pPrincipal office is the office maintained by a physician pursuant to Section 458.351 or 459.026, F.S., and where the physician delivers the majority of medical services. The physician must specify the address of his/her or her principal office at the time of becoming Medical Director. The Agency may approve a request to waive this requirement for rural facilities that exceed this distance requirement. A rural facility is a facility located in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other nursing home facility within the same county.

(d) The nursing home licensee must ~~facility shall~~ appoint a Medical Director who must shall visit the facility at least once a month. The Medical Director must shall review all new policies and procedures; review all new incident and new accident reports from the facility to identify clinical risk and safety hazards. The Medical Director must shall review the most recent grievance logs for any complaints or concerns related to clinical issues. Each visit must be documented in writing by the Medical Director.

(3) A physician may be Medical Director of a maximum of ten nursing homes at any one time. The Medical Director, in an emergency where the health of a resident is in jeopardy and the attending physician or covering physician cannot be located, may assume temporary responsibility of the care of the resident and provide the care deemed necessary.

(4) The Medical Director must ~~appointed by the facility shall~~ meet at least quarterly with the quality assessment and assurance committee of the facility.

(5) The Medical Director must ~~appointed by the facility shall~~ participate in the development of the comprehensive care plan for the resident when he^r or she is also the attending physician of the resident.

Specific Authority 400.141 FS. Law Implemented 400.141(2) FS. History--New 8-2-01, Amended _____.

59A-4.108 Nursing Services.

(1) The administrator of each nursing home must will designate one full-time registered nurse as a director of nursing (DON) who shall be responsible and accountable for the supervision and administration of the total nursing services program. When a director of nursing is delegated institutional responsibilities, a full-time qualified registered nurse (RN) shall be designated to serve as assistant director of nursing. In a facility with a census of 121 or more residents, a registered nurse an registered nursing must be designated as an assistant director of nursing.

(2) Persons designated as director of nursing or assistant director of nursing must shall serve only one nursing home facility in this capacity, and shall not serve as the administrator of the nursing home facility.

(3) The director of nursing must shall designate one licensed nurse on each shift to be responsible for the delivery of nursing services during that shift.

(4) Staffing. In addition to the requirements outlined in subsection 400.23(3)(a), F.S., the nursing home licensee must ~~facility shall~~ have sufficient nursing staff, on a 24-hour basis to provide nursing and related services to residents in order to maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care. ~~The facility will staff, at a minimum, An average of 1.7 hours of certified nursing assistant and 6 hours of licensed nursing staff time for each resident during a 24 hour period.~~

(5) Each nursing home licensee must post the names of direct care nursing staff on duty by shift and by location of assignment in a conspicuous location on each wing or unit of the facility that is easily visible to residents and their families. This posting may designate staff assigned to work multiple locations.

(6)(5) In multi-story, multi-wing, or multi-station nursing home facilities, there must shall be a minimum of one nursing services staff person who is capable of providing direct care on duty at all times on each floor, wing, or station.

(7)(6) No nursing services staff person shall be scheduled for more than 16 hours within a 24 hour period, for three consecutive days, except in an emergency. Emergencies must shall be documented and must shall be for a limited, specified period of time.

(8) A nursing home licensee may allow a licensed nurse that performs both licensed nurse and certified nursing assistant duties during the same shift to divide the hours of patient care provided between the licensed nurse and certified nursing assistant staffing ratios requirements consistent with services provided. However, prior to such division, the nursing home licensee must receive approval from the Agency. Requests for approval must be made in writing to the Agency by the nursing home licensee. Approval of such request will be based on the facilities compliance and survey history for the previous 30 months to include citations for quality of care issues, staffing, and class I deficiencies. The licensee must document daily the time the licensed nurse performed personal care services to comply with minimum staffing requirements.

Specific Authority 400.022, 400.23 FS. Law Implemented 400.011, 400.022, 400.141, 400.23 FS. History--New 4-1-82, Amended 4-1-84, 8-1-85, 7-1-88, 7-10-91, Formerly 10D-29.108, Amended 4-18-94, _____.

59A-4.109 Resident Assessment and Care Plan.

(1) Each resident admitted to the nursing home facility must shall have a plan of care. The plan of care must shall consist of:

(a) Physician's orders, diagnosis, medical history, physical exam and rehabilitative or restorative potential.

(b) A preliminary nursing evaluation with physician's orders for immediate care, completed upon on admission.

(c) A complete, comprehensive, accurate and reproducible assessment of each resident's functional capacity which is standardized in the facility, and is completed within 14 days of the resident's admission to the facility and every 12 twelve months, thereafter. The assessment must shall be:

1. Reviewed no less than once every three 3 months,
2. Reviewed promptly after a significant change in the resident's physical or mental condition,
3. Revised as appropriate to assure the continued accuracy of the assessment.

(2) The nursing home licensee facility is responsible for developing to develop a comprehensive care plan for each resident that includes measurable objectives and timetables to meet a resident's medical, nursing, mental and psychosocial needs that are identified in the comprehensive assessment. The care plan must describe the services that are to be furnished to attain or maintain the resident's highest practicable physical, mental and social well-being. The care plan must be completed within seven 7 days after completion of the resident's assessment.

(3) At the resident's option, every effort must shall be made to include the resident and family or responsible party, including private duty nurse or nursing assistant, in the development, implementation, maintenance and evaluation of the resident's plan of care.

(4) All staff personnel who provide care, and at the resident's option, private duty nurses or persons who are not non employees of the facility, must shall be knowledgeable of, and have access to, the resident's plan of care.

(5) A summary of the resident's plan of care and a copy of any advanced directives must shall accompany each resident discharged or transferred to another health care facility, licensed under Chapter 400, Part II, F.S., or must shall be forwarded to the receiving facility as soon as possible consistent with good medical practice.

Specific Authority 400.23 FS. Law Implemented 400.022, 400.102, 400.141, 400.23 FS. History—New 4-1-82, Amended 4-1-84, Formerly 10D-29.109, Amended 4-18-94, 1-10-95,_____.

59A-4.110 Dietary Services.

(1) The administrator must designate one full-time person as a director of food services dietary services supervisor. In a facility with a census of 61 or more residents, the duties of the director of food services must dietary services supervisor shall not include food preparation or service on a regular basis.

(2) The director of food services must dietary services supervisor shall either be a qualified dietitian or the facility must shall obtain consultation from a qualified dietitian. A qualified dietitian is one who:

(a) Is a registered dietitian as defined by the Commission on Accreditation for Dietetics Education (CADE), 1997 Commission on Dietetic Registration, March 1, 1994, which is incorporated by reference, the credentialing agency for the American Dietetic Association and is currently registered with the American Dietetic Association; or

(b) Has a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management, as defined by the Commission on Accreditation for Dietetics Education Commission on Dietetic Registration of the American Dietetic Association, 1997 March 1, 1994, which is incorporated by reference, has one year of supervisory experience in the dietetic service of a health care facility, and participates annually in continuing dietetic education.

(3) A director of food services must Dietary Services Supervisor shall be a person who:

(a) Is a qualified dietitian as defined in subsection paragraphs 59A-4.110(2)(a),(b), F.A.C.; or

(b) Has successfully completed an associate degree program which meets the education standard established by the American Dietetic Association; or

(c) Has successfully completed a dietetic assistant correspondence or class room training program, approved by the American Dietetic Association. This training program is the dietary managers' course formerly administered by the Dietary Managers Association; or

(d) Has successfully completed a course offered by an accredited college or university that provided 90 or more hours of correspondence or classroom instruction in food service supervision, and has prior work experience as a dietary supervisor in a health care institution with consultation from a qualified dietitian; or

(e) Has training and experience in food service supervision and management in the military service equivalent in content to the program in paragraph (3)(b), (c) or (d); or

(f) Is a certified dietary manager who has successfully completed the Dietary Manager's Course and is certified through the Certifying Board for Dietary Managers and is maintaining their certification with continuing clock hours at 45 continuing education credits, CEU's per three-year period.

(4) A director of food service qualified under paragraphs 59A-4.110(3)(c), (d) or (e) of this subsection must become certified through the Board for Dietary Managers and maintain continuing education as set forth by the certifying board on or before December 31, 2009.

(5)(4) A one-week supply of a variety of non-perishable food and supplies, that represents a good diet, must shall be maintained in by the facility.

Specific Authority 400.022(1)(a), (f), (g), 400.141(5), 400.23 F.S. Law Implemented 400.022, 400.102, 400.141, 400.23 F.S. . History—New 4-1-82, Amended 4-1-84, 7-1-88, 7-10-91, Formerly 10D-29.110, Amended 4-18-94, 2-6-97,_____.

59A-4.112 Pharmacy Services.

(1) The nursing home licensee must facility shall adopt procedures that assure the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals, to meet the needs of each resident.

(2) The nursing home licensee must facility shall employ, or obtain, the services of a state licensed consultant pharmacist. A consultant pharmacist is a pharmacist who is licensed by the Department of Business and Professional Regulation Department of Health, Board of Pharmacy and registered as a consultant pharmacist by the Board of Pharmacy in accordance with Rules 64B16-26.300 and 64B16-28.501, F.A.C., and who provides consultation on all aspects of the provision of pharmacy services in the facility.

(3) The consultant pharmacist ~~must~~ shall establish a system to accurately record the receipt and disposition of all controlled drugs in sufficient detail to enable an accurate reconciliation.

(4) The consultant pharmacist ~~must~~ shall determine that drug records are in order and that an account of all controlled drugs is maintained and periodically reconciled.

(5) Drugs and biologicals used in the facility ~~must~~ shall be labeled in accordance with currently accepted professional principles, Chapter 499, F.S., and Rules Chapter 64B16-28.108 and 64B16-28.502, F.A.C.

(6) Prescription Drugs and non-prescription medications requiring refrigeration ~~must~~ shall be stored in a refrigerator. ~~When stored in a general use refrigerator, they shall be stored in a separate, covered, waterproof, and labeled receptacle. Prescription and non-prescription medications must be stored in locked compartments that are accessible only to licensed staff in accordance with state and federal laws.~~

(7) All controlled substances ~~must~~ shall be disposed of in accordance with state and federal laws. All non-controlled substances may be destroyed in accordance with the facility's policies and procedures. Records of the disposition of all substances ~~must~~ shall be maintained in sufficient detail to enable an accurate reconciliation and a copy of the disposition must be filed in the resident's record.

(8) Non-controlled substances in unit dose containers may be returned to the dispensing pharmacy for credit.

(9) If ordered by the resident's physician, the resident or his or her representative may, upon discharge, take all current prescription drugs with him or her. An inventory of the drugs released ~~must~~ shall be completed, ~~shall be~~ dated, and signed by both the person releasing the drugs and the person receiving the drugs, and ~~must~~ shall be placed in the resident's record.

(10) The ~~licensee must facility shall~~ maintain an Emergency Medication Kit, also known as the Emergency Drug Kit (EDK), the contents of which shall be determined in consultation with the medical director, director of nursing and pharmacist, and it shall be in accordance with facility policies and procedures. The kit ~~must~~ shall be readily available and ~~must~~ shall be kept sealed. All items in the kit ~~must~~ shall be properly labeled. The ~~licensee must facility shall~~ maintain an accurate log of receipt and disposition of each item in the EDK Emergency Medication Kit. An inventory of the contents of the EDK must Emergency Medication Kit shall be attached to the outside of the kit, which must include the earliest expiration date of the EDK drugs. If the seal is broken, the kit must be restocked and resealed by the next business day after use.

Specific Authority 400.23 FS. Law Implemented 400.022, 400.102, 400.141, 400.23 FS. History—New 4-1-82, Amended 4-1-84, 7-10-91, Formerly 10D-29.112, Amended 4-18-94, _____.

59A-4.118 Medical Records.

(1) The ~~licensee must facility shall~~ designate a full-time employee as being responsible and accountable for the facility's medical records. If this employee is not a qualified Medical Record Practitioner, then the ~~licensee must facility shall~~ have the services of a qualified Medical Record Practitioner on a consultant basis. A qualified Medical Record Practitioner is one who is eligible for a certification as a Registered Record Administrator or an Accredited Record Technician by the American Health Information Management Association or a graduate of a School of Medical Record Science that is accredited jointly by the Council on Medical Education of the American Medical Association and the American Health Information Management Association.

(2) Each medical record ~~must~~ shall contain sufficient information to clearly identify the resident, his or her diagnosis and treatment, and results. Medical records ~~must~~ shall be complete, accurate, accessible and systematically organized.

(3) Medical records ~~must~~ shall be retained for a period of five years from the date of discharge. In the case of a minor, the record ~~must~~ shall be retained for three 3 years after a resident reaches legal age under state law.

(4) In the event of a change of ownership, the transferee must maintain all client records, including those originated by the transferor, as required in this subsection.

Specific Authority 400.23 FS. Law Implemented 400.022, 400.102, 400.141, 400.145, 400.23 FS. History—New 4-1-82, Amended 4-1-84, 3-2-88, Formerly 10D-29.118, Amended 4-18-94, _____.

59A-4.122 Physical Environment and Physical Plant Maintenance.

(1) The ~~licensee must facility shall~~ provide a safe, clean, comfortable, and homelike environment, which allows the resident to use his or her personal belongings to the extent possible.

(2) The ~~licensee must facility shall~~ provide:

- (a) Housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior;
- (b) Clean bed and bath linens that are in good condition;
- (c) Private closet space or wardrobe space for each resident;
- (d) Furniture, such as a bedside cabinet, drawer space;
- (e) Adequate and comfortable lighting levels in all areas;
- (f) Comfortable and safe room temperature levels in conformance with section 483.15(h)(6) 42 Codes of Federal Regulations Chapter IV (10-1-00 Education) and;
- (g) The maintenance of comfortable sound levels. Individual radios, TVs and other such transmitters belonging to the resident will be tuned to stations of the resident's choice.

(3) Each nursing home licensee must establish written policies designed to maintain the physical plant and overall nursing home environment in such a manner that the safety and well-being of residents are assured.

(4) The building and mechanical maintenance programs must be under the supervision of a person who has knowledge in the areas of building and mechanical maintenance.

(5) All mechanical and electrical equipment must be maintained in working order, and must be accessible for cleaning and inspection.

(6) All mechanical systems must be tested, balanced and operated prior to being placed into service and maintained in accordance with the Florida Building Code 2004 Edition, including all supplements in effect as of December 2006. Permanent records must be maintained.

Specific Authority 400.23 FS. Law Implemented 400.102, 400.141, 400.23 FS. History—New 4-1-82, Amended 4-1-84, Formerly 10D-29.122, Amended 4-18-94,_____.

59A-4.123 Risk Management and Quality Assurance.

(1) The licensee must facility shall maintain a risk management and quality assurance committee as required in Section 400.147, F.S.

(2) The licensee must facility shall use AHCA Form 3110-0009, February 2003, Revised, January, 2002, October, 2004, “Confidential Nursing Home Initial Adverse Incident Report – 1 Day,” and AHCA Form 3110-0010, February 2003 3110-0010A, and 3110-0010B, Revised, January, 2002, “Confidential Nursing Home Complete Adverse Incident Report – 15 Day,” which are incorporated by reference when reporting events as stated in Section 400.147, F.S. These forms may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or on the web site at: <http://ahca.myflorida.com/>. Each licensee must comply with reporting timeframes and transmission requirements specified in Section 400.147, F.S. These forms may be submitted through the Agency’s web site in accordance with subsection 59A-4.103(3), F.A.C. at: <http://ahca.myflorida.com/reporting/index.shtml>.

(3) Each licensee that has submitted a “Confidential Nursing Home Initial Adverse Incident Report – 1 Day,” AHCA Form 3110-0009, February 2003 must submit a full report of each event by completing “Confidential Nursing Home Complete Adverse Incident Report – 15 Day,” AHCA Form 3110-0010, February 2003, which is incorporated by reference. This form may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or on the web site at: <http://ahca.myflorida.com/>. If through a thorough investigation it has been determined that the event does not meet the definition of adverse incident, a statement of corrective action on “Confidential Nursing Home Complete

Adverse Incident Report – 15 Day,” AHCA Form 3110-0010, February 2003, is not required. Each licensee must comply with report timeframe and transmission requirements specified in Section 400.147, F.S. These forms may be submitted through the Agency’s web site in accordance with subsection 59A-4.103(3), F.A.C., at: <http://ahca.myflorida.com/reporting/index.shtml>. Events reported to law enforcement are considered adverse incidents if the report leads to an investigation by law enforcement officials and the report involves a resident of the facility. Each facility shall use AHCA Form 3110-0008, and AHCA Form 3110-0008A, Revised, January, 2002, “Nursing Home Monthly Liability Claim Information,” which are incorporated by reference when reporting liability claims filed against it as required by Section 400.147(9), F.S. These forms may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308.

Specific Authority 400.23 FS. Law Implemented 400.022, 400.102, 400.141, 400.147, 400.23 FS. History—New 4-1-82, Amended 9-5-82, 4-1-84, 8-1-85, 7-10-91, Formerly 10D-29.123, Amended 4-18-94, 5-5-02,_____.

59A-4.1235 Liability Claims.

Each nursing home licensee must use AHCA Form 3110-0008, and AHCA Form 3110-0008A, February 2003, “Nursing Home Monthly Liability Claim Information,” which are incorporated by reference, when reporting notices of intent to litigate and complaints filed with the Clerk of the Court received by the licensee during the prior month as required by Section 400.147(9), F.S. If a liability claim has not been filed against the licensee in a given month, no report is required. These forms must be submitted by the tenth calendar day following the month of receipt and may be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, MS 33, Tallahassee, FL 32308 or on the web site at: <http://ahca.myflorida.com/>. These forms may be submitted through the Agency’s web site in accordance with subsection 59A-4.103(3), F.A.C. at: <http://ahca.myflorida.com/reporting/index.shtml>.

Specific Authority 400.23 FS. Law Implemented 400.022, 400.102, 400.141, 400.147, 400.23 FS. History—New _____.

59A-4.126 Disaster Preparedness.

(1) Each nursing home licensee must facility shall have a written plan with procedures to be followed in the event of an internal or externally caused disaster. The initiation, development, and maintenance of this plan shall be the responsibility of the facility administrator, and must shall be accomplished in consultation with the Department of Community Affairs’, cCounty eEmergency mManagement aAgency.

(2) The plan must shall include, at a minimum, the following:

(a) Criteria, as shown, in sSection 400.23(2)(g), F.S.; and

(b) The Emergency Management Planning Criteria for Nursing Home Facilities, AHCA 3110-6006, March 1994, which is incorporated herein by reference and obtainable available for the Agency for Health Care Administration, 2727 Mahan Drive, MS #24, Tallahassee, Florida 32308 or on the web site at <http://ahca.myflorida.com/MCHQ/Plans/index.shtml#forms>.

(3) The plan, including the "Emergency Management Planning Criteria for Nursing Homes," must be submitted annually, at the time of a change of ownership of the facility and after significant modification of the plan, to the county emergency management agency for review and approval. A fee may be charged for the review of the plan as authorized by Sections 252.35(2)(l) and 252.38(1)(e), F.S.

(4) If the licensee is advised by the county emergency management agency of necessary revisions to the plan, those revisions must be made and the plan resubmitted to the county emergency management agency within 30 days of notification.

(5) The county emergency management agency shall be the final administrative authority for emergency plans developed by the nursing home licensee.

(6) The nursing home licensee must test the implementation of the emergency management plan annually, either in response to a disaster, an emergency, or in a planned drill. The outcome must be evaluated and documented and appropriate modifications to the plan must be made within 30 days to address deficiencies of the plan.

(7) The emergency management plan must be located in a designated area of the facility for immediate access by nursing home staff.

(8) If residents must be evacuated from the premises due to emergency conditions or a disaster, the licensee must, report to the Agency's Long Term Care Unit in Tallahassee at (850)488-5861 or through the Emergency Status System (ESS) at: <http://ahcaxnet/esswebahca> within 24 hours after the evacuation is completed, the location and number of residents evacuated. In the event the Long Term Care Unit is unavailable to receive such information, the licensee must contact the appropriate Agency field office. The administrator or designee is responsible for knowing the location of each resident until the resident has been discharged from the facility. The licensee must inform the appropriate Agency field office of a contact person(s) who will be available 24 hours a day, seven days a week, until the facility is reoccupied.

(9) A licensee may exceed its licensed capacity to act as a receiving facility in accordance with an emergency operations plan for residents of evacuating providers from a geographic area where an evacuation order has been issued by a local authority having jurisdiction. While in an overcapacity status, each provider must furnish or arrange for appropriate care and services to all residents.

(10) The Agency must review requests for overcapacity beyond 15 days. Approvals shall be based upon satisfactory justification, need and resident safety as provided by the receiving and sending facilities.

(11) If the residents are evacuated from a nursing home during or after an emergency situation or disaster, the facility must not be reoccupied until a determination is made by the nursing home administrator, the Agency and, if required, the local authority having jurisdiction, that the facility is appropriate to meet the needs of the residents.

(12) A facility with significant structural or systems damage must relocate residents out of the damaged facility until approval is received from the Agency's Office of Plans and Construction that the facility can be safely reoccupied pursuant to the requirements of the Florida Building Code 2004 Edition, including all supplements in affect as of December 2006 and this rule.

Specific Authority 400.23 FS. Law Implemented 400.102, 400.141, 400.23 FS. History--New 4-1-82, Amended 4-1-84, Formerly 10D-29.126, Amended 8-15-94,_____.

59A-4.128 Evaluation of Nursing Homes and Licensure Status.

(1) The Agency shall, at least every 15 months, evaluate and assign a licensure status to every nursing home facility. The evaluation and licensure status shall be based on the facility's compliance with the requirements contained in this rule, and Chapter 400, Part II, F.S.

(2) The evaluation shall be based on the most recent licensure survey report and investigations conducted by the Agency and those persons authorized to inspect nursing homes under chapter 400, Part II, F.S.

(3) The licensure status assigned to the nursing home facility will be either conditional or standard. The licensure status is based on the compliance with the standards contained in this rule and Chapter 400, Part II, F.S. ~~Non-compliance will be stated as deficiencies measured in terms of scope and severity.~~

Specific Authority 400.23 FS. Law Implemented 400.102, 400.19, 400.23 FS. History--New 4-1-82, Amended 4-1-84, 9-26-85, 7-21-87, Formerly 10D-29.128, Amended 8-15-94, 2-28-95, 10-13-96, 5-5-02,_____.

59A-4.1285 Respite Care.

(1) Each nursing home licensee that meets the standards provided in Section 400.141(6), F.S., may develop and implement a respite care program.

(2) All sections in this rule and Chapter 400, Part II, F.S., shall apply to a nursing home licensee offering a respite care program. For each person admitted under the respite care program, the nursing home licensee must:

(a) Consider respite residents as nursing home residents for the purposes of determining the nursing home minimum staffing as required by Section 400.23(3)(a), F.S.

(b) Have an abbreviated plan of care developed with those items specified in paragraph 59A-4.109(1)(a), F.A.C. At a minimum, the modified plan of care must include nutritional requirements, medication orders, physician's orders, nursing assessments and dietary preferences. The nursing or physician assessments may take the place of all other required assessments.

(c) Have a contract which, at a minimum, must include the services to be provided to the resident including: charges for services, activities, equipment, emergency medical services and the handling of medications. If multiple respite admissions for a single person are anticipated, the original contract may be good for one year from the date of execution.

(3) Persons admitted under the respite care program are:

(a) Exempt from the requirements as specified in subsection 59A-4.106(1), F.A.C., for a discharge plan, discharge summary, and discharge diagnosis; however, each nursing home licensee must ensure a resident is released to his or her caregiver or an individual designated in writing by the caregiver;

(b) Entitled to resident's rights as specified under Section 400.022, F.S., with the following exceptions:

1. Funds or property of the respite resident shall not be considered trust funds subject to the requirements of Section 400.022(1)(h), F.S., until the resident has been in the facility for more than 14 consecutive days. Each nursing home licensee must develop policies and procedures for handling respite care residents' funds or property, which must include free access to personal funds as needed and release of all property and funds upon discharge.

2. The rights of residents as specified in Section 400.022(i) and (l), F.S., for respite residents must be addressed under resident contract.

3. The rights of residents as specified in Sections 400.022(p)(q)(u) and (v), F.S., will not apply.

(c) Allowed to use their personal medications for the respite stay if permitted under facility policy. Prescription medications brought in with the respite resident must be in a properly labeled container. Over-the-counter medications must be in the original container. The nursing home licensee must obtain physician's orders for the medications. The caregiver may provide information regarding the medications as part of the nursing assessment, which must agree with the physician's orders. Medications should be released with the resident upon discharge and in accordance with current orders. The nursing home policy may include the acceptance of:

1. An attestation by the caregiver that the medication(s) has(have) been under his or her control prior to bringing it to the nursing home;

2. Verification by the DON, the consultant pharmacist, or provider pharmacy that the medication(s) as packaged is(are) the same as labeled and ordered by the physician.

(4) A person receiving respite care shall be entitled to a total of 60 days in the nursing home within a contract year or a calendar year if the contract is for less than 12 months. However, each single stay shall be limited to not more than 14 days. If a stay exceeds 14 days, the nursing home licensee must comply with all assessment and care planning requirements applicable to nursing home residents.

(5) Persons receiving respite care shall reside in a licensed nursing home bed.

(6) A prospective respite resident must provide such relevant medical information from a physician, a physician assistant, or nurse practitioner and other information from the primary caregiver as may be required by the nursing home prior to or at the time of admission to the nursing home for purposes of receiving respite care. The medical information must include a physician's order for respite care and proof of a physical examination by a licensed physician, physician assistant or nurse practitioner. The physician's order and physical examination may be used to provide intermittent respite care for up to 12 months from the date the order is written.

(7) The nursing home licensee must assume the duties of the primary care giver. To ensure continuity of care and services, the respite resident shall be entitled to retain his or her personal physician and must have access to medically necessary services such as physical therapy, occupational therapy or speech pathology as needed. The nursing home licensee must arrange for transportation to these services if necessary.

Specific Authority 400.011 FS. Law Implemented 400.151 FS. History--New _____.

59A-4.1288 Exception.

Nursing homes licensees that participate in Title XVIII or XIX must follow certification rules and regulations found in 42 C.F.R. 483, Requirements for Long Term Care Facilities, September 26, 1991, including any amendments integrated since 1991, which are incorporated by reference and State Rules and Regulations, Chapter 400, Part II, F.S., and this Rule. Non-certified facility licensees facilities must follow the contents of this Rule and the standards contained in the Conditions of Participation found in 42 C.F.R. 483, Requirements for Long Term Care Facilities, September 26, 1991, which is incorporated by reference with respect to social services, dental services, infection control, dietary and the therapies.

Specific Authority 400.23 FS. Law Implemented 400.102, 400.141, 400.23 FS. History--New 4-18-94, Amended _____.

59A-4.1295 Additional Standards for Homes That Admit Children 0 Through 20 Years of Age.

(1) Nursing homes licensees who accept children with a level of care of Intermediate I or II, skilled or fragile, must meet the following standards as indicated. Intermediate I and II are defined in Chapter 59G-4, F.A.C. Children considered skilled have a chronic debilitating disease or condition of one or more physiological or organ systems that generally make the child dependent upon 24-hour per day medical, nursing, or health supervision or intervention. Fragile children are medically complex and the medical condition is such that they are technologically dependent upon through medical equipment apparatus or procedure(s) to sustain life and who can expire; without warning unless continually under observation.

(2) Each child must shall have an assessment upon admission by licensed physical, occupational, and speech therapists that are experienced in working with children. Therapies must will be administered based upon the outcome of these assessments and the orders of the child's physician.

(3) Admission criteria:

(a) The child must require intermediate, skilled or fragile nursing care and be medically stable, as documented by the physician determining level of care.

(b) For nursing facility placement, a recommendation must shall be made in the form of a written order by the child's attending physician in consultation with the parent(s) or legal guardian(s). For Medicaid certified nursing facilities, the recommendations for placement of a Medicaid applicant or recipient in the nursing facility must shall be made by the Multiple Handicap Assessment Team. Consideration must be given to relevant medical, emotional, psychosocial, and environmental factors.

(c) Each child admitted to the nursing home facility must shall have a plan of care developed by the interdisciplinary care plan team. The plan of care must shall consist of those items listed below.

1. Physician's orders, diagnosis, medical history, physical examination and rehabilitative or restorative needs.

2. A preliminary nursing evaluation with physician orders for immediate care, completed on admission.

3. A comprehensive, accurate, reproducible, and standardized assessment of each child's functional capability which is completed within 14 days of the child's admission to the facility and every twelve months thereafter. The assessment must shall be:

a. Reviewed no less than once every 120 days;

b. Reviewed promptly after a significant change in the child's physical or mental condition;

c. Revised as appropriate to assure the continued usefulness of the assessment.

4. The plan of care must shall also include measurable objectives and timetables to meet the child's medical, nursing, mental and psychosocial needs identified in the comprehensive assessment. The care plan must describe the services that are to be furnished to attain or maintain the child's highest practicable physical, mental, social and educational well-being. The care plan must be completed within seven 7 days after completion of the child's assessments required in subsection (3) above.

5. In order to enhance the quality of life of each child ages 3 years through 15 years, the facility administration must notify by certified mail the school board in the county in which the facility is located that there is a school-age child residing in the facility. Children ages 16 through 20 years may be enrolled in an education program according to their ability to participate. Program participation for each child regardless of age is predicated on his or her their intellectual function, physical limitations, and medical stability. Collaborative planning with the public school system and community at-large is necessary to produce integrated and inclusive settings which meet each child's needs. The failure or inability on the part of city City, county County, state State, or federal Federal school system to provide an educational program according to the child's ability to participate shall not obligate the licensee facility to supply or furnish an educational program or bring suit against any city City, county County, state State, or federal Federal organizations for their failure or inability to provide an educational program. Nothing contained herein is intended to prohibit, restrict or prevent the parents or legal guardian of the child from providing a private educational program that meets applicable sState laws.

6. At the child's guardian's option, every effort must shall be made to include the child and his or her family or responsible party, including private duty nurse or nursing assistant, in the development, implementation, maintenance and evaluation of the child's plan of care.

7. All employees of the facility who provide hands on care, must shall be knowledgeable of, and have access to, the child's plan of care.

8. A summary of the child's plan of care must shall accompany each child discharged or transferred to another health care facility or must shall be forwarded to the facility receiving the child as soon as possible consistent with good medical practice.

(4) The child's attending physician, licensed under Chapter 458 or 459, F.S., must shall maintain responsibility for the overall medical management and therapeutic plan of care and must will be available for face-to-face consultation and collaboration with the nursing facility medical and nursing director. At a minimum, the physician or his or her designee must shall:

(a) Evaluate and document the status of the child's condition at least monthly;

(b) Review and update the plan of care every 60 days;

(c) Prepare orders as needed and accompany them by a signed progress note in the child's medical record; and

(d) Co-sign verbal orders no more than 72 hours after the order is given. Physician orders may be transmitted by facsimile machine. It is not necessary for a physician to re-sign a facsimile order when he or she visits a facility. Orders transmitted via computer mail are not acceptable. Verbal orders not co-signed within ~~seventy-two (72)~~ hours shall not be held against the licensee facility if it has documented timely, good-faith efforts to obtain said co-signed orders.

(5) The following must be completed for each child. A registered nurse must RN shall be responsible for ensuring these tasks are accomplished:

(a) Informing the attending physician and medical director of beneficial and untoward effects of the therapeutic interventions;

(b) Maintaining the child's record in accordance with facility policies and procedures; and

(c) ~~Instructing~~ instructing or arranging for the instruction of the parent(s), legal guardian(s), or other caretaker(s) ~~giver(s)~~ on how to provide the necessary interventions, how to interpret responses to therapies, and how to manage unexpected responses in order to facilitate a smooth transition from the nursing facility to the home or other placement. This instruction must will cover care coordination and must will gradually pass the role of care coordinator to the parent or legal guardian, as appropriate.

(6) In addition to the requirements of section 420 of the Florida Building Code 2004 Edition including all supplements in effect as of December 2006, The licensee must facility shall provide the following:

(a) ~~A minimum of 100 square feet in a single bedroom and 80 square feet per child in multiple bedrooms;~~

(a)(b) Bathroom and bathing facilities appropriate to the child's needs to allow for:

1. Toileting functions with privacy ~~(a door to the bathroom must will be provided); and~~

2. Stall showers and tubs.

(b)(e) There must shall be an indoor activities area that:

1. Encourages exploration and maximizes the child's capabilities;

2. Accommodates mobile and non-mobile children; and

3. Supports a range of activities for children and adolescents of varying ages and abilities.

(c)(d) There must shall be an outdoor activity area that is:

1. Secure with areas of sun and shade;

2. Free of safety hazards; and

3. Equipped with age appropriate recreational equipment for developmental level of children and has storage space for same.

(d)(e) All furniture and adaptive equipment must be physically appropriate to the developmental and medical needs of the children;

(e)(f) Other equipment and supplies must shall be made available to meet the needs of the children as prescribed or recommended by the attending physician or medical director and in accordance with professional standards of care.

(7) For those nursing ~~homes that facilities who~~ admit children age 0 through 15 years of age, the following standards apply in addition to those above and throughout Chapter 59A-4, F.A.C.

(a) Each child must shall have an assessment upon admission by licensed physical, occupational, and speech therapists who are experienced in working with children. Therapies must will be administered based upon the outcome of these assessments and the orders of the child's physician.

(b) The nursing home licensee must facility shall have a contract with a board certified pediatrician who serves as a consultant and liaison between the nursing facility and the medical community for quality and appropriateness of services to children.

(c) The nursing home licensee facility must assure that pediatric physicians are available for routine and emergency consultation to meet the children's child's needs.

(d) The nursing home licensee facility must ensure that children reside in distinct and separate units from adults.

(e) The nursing home licensee must facility shall be equipped and staffed to accommodate no more than ~~sixty (60)~~ children at any given time, of which there must shall be no more than 40 children of ages 0 through 15 at any given time, nor more than 40 children of ages 16 through 20 at any given time.

(f) The nursing home licensee facility must provide access to emergency and other forms of transportation for children.

(g) At least one licensed health care staff person with current Pediatric Advanced Life Support (PALS) Life Support certification for children must shall be on the unit at all times where children are residing.

(h) The nursing home licensee must facility shall maintain an Emergency Medication Kit, also known as an Emergency Drug Kit (EDK) of pediatric medications, as well as adult dosages for those children who require adult doses. The contents in the EDK Emergency Medication Kit shall be determined in consultation with the Medical Director, Director of Nursing, a registered nurse who has current experience working with children, and a Pharmacist who has pediatric expertise. The kit must shall be readily available and must shall be kept sealed. All items in the kit must shall be properly labeled. The nursing home licensee must facility shall maintain an accurate log of receipt and disposition of each item in the EDK Emergency Medication Kit. An inventory to include expiration dates of the contents of the EDK must Emergency

~~Medication Kit shall~~ be attached to the outside of the kit. If the seal is broken, the kit must be restocked and resealed the next business day after use.

(i) Each nursing home ~~licensee must facility shall~~ develop, implement, and maintain a written staff education plan which ensures a coordinated program for staff education for all facility employees who work with children. The plan must shall:

1. Be reviewed at least annually by the quality assurance committee and revised as needed.

2. Include both pre-service and in-service programs. In-service for each department must include pediatric-specific requirements as relevant to its discipline.

3. Include ~~Ensure that~~ education that is conducted annually for all facility employees who work with children, at a minimum, in the following areas:

a. Childhood diseases to include prevention and control of infection;

b. Childhood accident prevention and safety awareness programs;

4. Require ~~Ensure~~ that all non-licensed employees of the nursing home complete an initial educational course on HIV and AIDS, preferably pediatric HIV and AIDS, in accordance with Section 381.0035, F.S. If the employee does not have a certificate of completion at the time they are hired, they must have two hours within six months of employment. All employees must shall have a minimum of one hour biennially.

(j) All facility staff must shall receive in-service training in and demonstrate awareness of issues particular to pediatric residents annually.

(8) For the purposes of this section rule, nursing care must shall consist of the following:

(a) For residents who are skilled: registered nurses, licensed practical nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants (CNAs). The child's nursing care must shall be as follows:

1. There must shall be one registered nurse on duty, on-site 24 hours per day on the unit where children reside. There must shall be a minimum of 3.6 an average of 3.5 hours of nursing care per patient per day.

2. In determining the minimum hours of nursing care required above, there must shall be no more than 1.5 hours per patient per day of certified nursing assistant (CNA) care and no less than 2.1 4-0 hours per patient per day of licensed nursing care.

(b) For residents who are fragile: registered nurses, licensed practical nurses, respiratory therapists, respiratory care practitioners, and certified nursing assistants. The child's nursing care must shall be as follows:

1. One registered nurse on duty, on-site 24 hours per day on the unit where children reside. There must shall be a minimum of 3.6 hours with an average of 5 hours of nursing care per patient day.

2. In determining the minimum hours per patient day required above, there must shall be no more than 1.5 hours per patient day of CNA care, and no less than 2.1 4-7 hours per patient day of licensed nursing care.

(c) In the event that there are more than ~~forty-two (42)~~ children in the facility, there must shall be no fewer than ~~two~~ (2) registered nurses on duty, on-site, 24 hours per day on the unit where the children reside.

(9) A qualified dietitian with knowledge, expertise and experience in the nutritional management of medically involved children must shall evaluate the needs and special diet of each child at least every 60 days.

(10) The pharmacist must will have access to appropriate knowledge concerning pediatric pharmaceutical procedures, i.e., total parenteral nutrition (TPN) infusion regime and be familiar with pediatric medications and dosages.

(11) The nursing home licensee must facility shall maintain or contract as needed for pediatric dental services.

(12) Safety equipment, such as, childproof safety latches on closets, cabinets, straps on all seating services, locks on specific storage cabinets, bumper pads on cribs and car seats for transporting must be used whenever appropriate to ensure the safety of the child.

(13) Pediatric equipment and supplies must shall be available as follows:

(a) Suction machines, one per child requiring suction, plus one suction machine for emergency use;

(b) Oxygen, in portable tanks with age appropriate supplies;

(c) Thermometers;

(d) Sphygmomanometers, stethoscopes, otoscopes; and

(e) Apnea monitor and pulse oximeter.

(14) Other equipment and supplies must shall be made available to meet the needs of the children as prescribed or recommended by the attending physician or medical director and in accordance with professional standards of care.

(15) Prior to initiating or expanding services to pediatric residents, the licensee or applicant must receive written approval from the Agency. Nursing home licensees that wish to convert existing nursing home beds to pediatric beds must:

(a) Have a standard license pursuant to Section 400.062, F.S.;

(b) Submit approval from the Office of Plans and Construction based upon submission of plans and specifications of the building for approval as outlined in Rule 59A-4.133, F.A.C.

(c) Submit a revised licensure application no less than 30 days prior to the anticipated date that services will be provided. The application must include the number and configuration of beds to be used to serve pediatric residents and a listing of services that will be provided.

(16) Approval to provide pediatric services shall be based upon demonstration of compliance with this rule and Chapter 400, Part II, F.S.

(17) Any changes in pediatric services, including cessation of services, must be reported to the Agency in writing at least 30 days prior to the change.

Specific Authority ~~400.23(5)(2), (4)~~ FS. Law Implemented ~~400.23(5)(4)~~ FS. History—New 11-5-96, Amended 9-7-97, _____.

(Substantial rewording of Rule 59A-4.130 follows. See Florida Administrative Code for present text.)

~~59A-4.130 Fire Prevention, Fire Protection, and Life Safety, Systems Failure and External Emergency Communications.~~

(1) Each nursing home licensee must provide fire protection through the elimination of fire hazards. All portions of the existing facility must comply with the requirements of the National Fire Protection Association (NFPA) Life Safety Code 101 for Existing Health Care Occupancy, as adopted by the State Fire Marshal and described in Chapter 4A-53, F.A.C. and incorporated by reference and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts, 02269-9101.

(2) All fires or explosions must be reported to the Agency's Office of Plans and Construction, 2727 Mahan Drive, MS # 24, Tallahassee, Florida 32308, within seven days of the occurrence. Upon notification and in accordance with NFPA 1, Fire Prevention Code, the Agency shall investigate the cause, origin, and circumstances of the fire or explosion. To facilitate this investigation, the nursing home licensee must complete the form "Fire Incident Report," AHCA Form 3500-0031, September 2006, incorporated herein by reference and available by mail from the Agency's Office of Plans and Construction or accessible from the Agency's web site at ahca.myflorida.com/MCHQ/Plans/index.shtml#forms.

(3) In accordance with NFPA 101, Life Safety Code, in the event of a system failure of the fire alarm system, smoke detection system, or sprinkler system, the following actions must be taken by the licensee:

(a) Notify the local fire department and document instructions.

(b) Notify the Agency's Office of Plans and Construction or the appropriate Agency field office.

(c) Assess the extent of the condition and effect corrective action, with a documented correction period. If the corrective action will take more than four hours, the following items must be completed:

1. Implement a contingency plan to the facility fire plan containing a description of the problem, a specific description of the system failure, and the projected correction period. All staff on the shifts involved must have documented in-service training for the emergency contingency.

2. Begin a documented fire watch until the system is restored. Staff performing the fire watch must be trained in appropriate observations and actions, as well as be able to expeditiously contact the fire department. To maintain a fire watch, the licensee must utilize only certified public fire safety personnel, a security guard service, or facility staff. If facility staff are utilized for this function, they must meet the following criteria:

a. Be off duty from their regular facility position or assigned only to fire watch duty. The licensee must maintain compliance with direct care staffing requirements at all times;

b. Be trained and competent as determined by the licensee in the duties and responsibilities of a fire watch;

c. Have a provision for immediate access to two-way electronic communication.

3. If the projected correction period changes or upon restoration of the system to normal operation, the licensee must notify the appropriate Agency's field office and local fire authorities.

(4) External Emergency Communication. Each facility initially licensed after February 1, 2007, must provide for external electronic communication not dependent on terrestrial telephone lines, cellular, radio, or microwave towers, such as on-site radio transmitter, satellite communication systems or a written agreement with an amateur radio operator volunteer group. This agreement must provide for a volunteer operator and communication equipment to be relocated into the facility in the event of a disaster until communications are restored. Other methods which can be shown to maintain uninterrupted electronic communications not dependent on land-based transmission must be approved by the Agency's Office of Plans and Construction.

Specific Authority ~~381.031(1)(g)7,~~ 400.23, 400.191(2) FS. Law Implemented ~~381.031,~~ 400.102, 400.141, 400.23, 633.05(8), 633.051 FS. History—New 4-1-82, Amended 4-1-84, 8-1-85, Formerly 10D-29.119, 59A-4.119, Amended _____.

(Substantial rewording of Rule 59A-4.130 follows. See Florida Administrative Code for present text.)

~~59A-4.133 Physical Plant Codes and Standards for Nursing Homes Plans Submission and Review and Construction Standards.~~

(1) All construction of nursing homes initially licensed after February 1, 2007 and all additions, modifications, alterations, renovations, and refurbishing to the site, facility, equipment or systems of existing facilities must be in compliance with the following codes and standards:

(a) The Florida Building Code 2004 Edition, including all supplements in effect as of December 2006, as adopted by the Florida Building Commission and incorporated by reference in subsection 9B-3.047(1), F.A.C., by the Department of

Community Affairs and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206;

(b) The fire codes as adopted by the State Fire Marshal and incorporated by reference in Rule 69A-3.012, F.A.C., by the Division of State Fire Marshal at the Department of Financial Services and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269-9101.

(2) No building shall be converted to a licensed nursing home unless it complies with the standards and codes set forth herein and with licensure requirements set forth in Rule 59A-4.103, F.A.C.

(3) The Fire Safety Evaluation System (FSES), NFPA-101 A, as adopted by the State Fire Marshal and described in Chapter 69A-53, F.A.C., and herein incorporated by reference and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269-9101, shall not be used to meet the required codes and standards for new construction or for the conversion of an existing building to a licensed nursing home.

(4) Where additions, modifications, alterations, refurbishing, renovations or reconstruction are undertaken within an existing facility, all such additions, modifications, alterations, refurbishing, renovations or reconstruction must comply with applicable sections of the codes for new facilities. Where existing major structural elements make total compliance impractical or impossible, the licensee or potential licensee must submit to the Office of Plans and Construction a request to utilize alternate materials and methods in accordance with the Florida Building Code.

(5) In additions, modifications, alterations, refurbishing, renovations or reconstruction projects and those projects that are making additions to existing facilities, only that portion of the total facility affected by the project must comply with applicable sections of the referenced codes for new construction.

(6) A licensed nursing home or any portion of a licensed nursing home that was reviewed and approved under a previous edition of the Life Safety Code must be in compliance with the requirements of Chapter 19, Existing Health Care Occupancy, of the National Fire Protection Association (NFPA) Life Safety Code 101, as adopted by the State Fire Marshal and described in Chapter 69A-53, F.A.C., with the exception of any part included in the additions, modifications, alterations, refurbishing, renovations or reconstruction. A licensed nursing home and any portion of a licensed nursing home that was reviewed and approved under a previous edition of Chapter 59A-4, F.A.C., and the state or local building code must remain in compliance with the rule or building code in effect at the date of licensure with the exception of any part included in the additions, modifications, alterations, refurbishing, renovations or reconstructions.

(7) All existing facilities must be maintained in a safe condition free of hazards and all existing architectural, mechanical, electrical and structural systems and appurtenances must be maintained in good working order. No architectural, mechanical, electrical, or structural system or appurtenance may be deleted or discontinued without first obtaining approval from the Agency.

(8) When a building or portion of a building is converted to a new licensed nursing home, it must comply with the requirements of Chapter 4 and Institutional Occupancy- Group I, Unrestrained, of the Florida Building Code 2004 Edition, including all supplements in effect as of December 2006 as adopted by the Florida Building Commission and incorporated by reference and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, and the National Fire Protection Association (NFPA) Life Safety Code 101, Chapter 18, New Health Care Occupancy, as adopted by the State Fire Marshal and incorporated by reference and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269-9101. For the purpose of life safety requirements, conversion from a hospital to a nursing home or vice versa is not considered a change in occupancy. However, any such conversion must meet the requirements of Sections 419 or 420 of the Florida Building Code as appropriate. A change of ownership shall not constitute a change of occupancy.

(9) Other facilities or providers not owned or operated by the licensee of a nursing home may be fully integrated with the nursing home's physical plant only after it has been successfully demonstrated to the Agency that:

(a) All areas of the facility's physical plant are designed and maintained in a manner that will ensure continued licensure compliance of the nursing home.

(b) The areas associated with the separately licensed or unlicensed area provide and maintain clear, visible and readable signs denoting its separateness from the licensed nursing home.

(10) The Agency shall conduct annual life safety inspections of nursing homes in order to ensure compliance with all licensing and fire safety requirements. Inspections may also be conducted by the Agency as it deems necessary to carry out the functions of the Agency for the following reasons:

(a) To ensure compliance with the licensing and life safety requirements of this Chapter;

(b) To respond to licensing, life safety, and other physical plant complaints; or

(c) To protect the public health and safety.

(11) Nothing in these standards shall be construed as restrictive to a facility that chooses to do work or alterations as part of a long-range, phased safety improvement plan. All hazards to life and safety and all areas of noncompliance with

applicable codes and regulations are to be corrected in accordance with a plan of correction approved in advance by the Agency's Office of Plans and Construction.

(12) Projects that have not received at a minimum a Stage II Preliminary Plan approval from the Office of Plans and Construction on the effective date of this rule must conform to the requirements as set forth in these rules.

Specific Authority ~~381.031(1)(g)7,~~ 400.23 FS. Law Implemented ~~381.031,~~ 400.011(2), 400.021(1)-(17), 400.022(1)-(4), 400.102, 400.141, 400.23 FS. History--New 4-1-82, Amended 4-1-84, 4-29-92, Formerly 10D-29.120, 59A-4.120, Amended 2-6-97, 10-21-99,_____.

59A-4.134 Plans Submission and Fee Requirements.

(1) No construction work, including demolition, shall be started until prior written approval has been given by the Office of Plans and Construction. This includes all construction of new facilities and any and all additions, modifications, alterations, renovations, and refurbishing to the site, facility, equipment or systems of all existing facilities.

(2) Approval to start construction only for demolition, site work, foundation, and building structural frame may be obtained prior to construction document approval when the following is submitted for review and approval:

(a) Preliminary Stage II approval letter from the Office of Plans and Construction.

(b) Construction documents, specifications and construction details for all work to be undertaken.

(c) A letter from the nursing home licensee holding the Agency harmless for any changes that may occur to the project as a result of the final construction document review.

(d) A life safety plan indicating temporary egress and detailed phasing plans indicating how the area(s) to be demolished or constructed is(are) to be separated from all occupied areas must all be submitted for review and approval when demolition or construction in and around occupied buildings is to be undertaken.

(3) Projects that have been submitted to the Agency for review will be considered abandoned and will be terminated after any of the following has occurred:

(a) Construction has not begun within one year after written approval from the Office of Plans and Construction of the construction documents;

(b) No further plans have been submitted for Agency review within one year after a project has been initiated with the Office of Plans and Construction;

(c) Construction has been halted for more than one year. After this termination, resubmission as a new project will be required.

(4) When construction is planned, either for new buildings or additions, alterations or renovations to existing buildings, the plans and specifications must be prepared and submitted to the Office of Plans and Construction for approval by a Florida

registered architect and a Florida registered professional engineer. An architecture or engineering firm not practicing as a sole proprietor must also be registered as an architecture or engineering firm with the Florida Department of Business and Professional Regulation.

(5) The initial submission of plans to the Office of Plans and Construction for any new project must include a completed Plan Review Application Form, ACHA Form 3500-0011, November 1996, revised March 2002, incorporated by reference and obtainable from the Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida, 32308 and a valid Certificate of Need, if required by the Agency. This information must accompany the initial submission, and approval will not be granted for any project without a Certificate of Need if required by the Agency.

(6) Plans and specifications submitted for review shall be subject to a plan review fee. This fee is prescribed by Section 400.023, F.S. All fees must be paid by check made payable to the Treasurer, State of Florida, with the check noted with the Office of Plans and Construction facility log number. Fees will be accepted only from the licensee or prospective licensee.

(7) Plans and specifications shall normally be submitted in three stages. Exceptions to the submission of all three stages shall be subject to prior approval by the Office of Plans and Construction.

(a) Stage I, schematic plans.

(b) Stage II, preliminary plans or design development drawings.

(c) Stage III, construction documents, including specifications, addenda and change orders.

(8) For each stage of submission, a program or scope of work must be submitted. It must consist of a detailed word description of all contemplated work and any required phasing to be provided in the proposed construction.

(9) For projects involving only equipment changes or system renovations, only Stage III, construction documents need be submitted. These documents must include the following:

(a) Life safety plans showing the fire/smoke compartments in the area of renovation.

(b) Detailed phasing plans indicating how the new work will be separated from all occupied areas.

(c) Engineering plans and specifications for all of the required work.

(10) Stage I, Schematic Plans.

(a) At a minimum, the following must be incorporated into the schematic plans:

1. Single-line drawings of each floor that must show the relationship of the various activities or services to each other and each room arrangement. The function of each room or space must be noted in or near the room or space. The proposed roads and walkways, service and entrance courts, parking, and orientation must be shown on either a small plot

plan or on the first floor plan. Provide a simple cross-section diagram showing the anticipated construction. Provide a schematic life safety plan showing smoke and fire compartments, exits, exit passageways and gross areas of smoke and fire compartments. Provide information as to which areas have sprinklers, both new and existing.

2. If the proposed construction is an addition or is otherwise related to existing buildings on the site, the schematic plans must show the facility and general arrangement of those other buildings.

3. A schedule showing the total number of beds, types of bedrooms and types of ancillary spaces.

(11) Stage II, Preliminary Plans.

(a) At a minimum, to gain a Stage II approval, the following must be incorporated into the preliminary plans:

1. A vicinity map showing the major local highway intersections for new nursing home construction.

2. Site development plans that:

a. Show existing grades and proposed improvements as required by the schematic submission.

b. Provide building locating dimensions.

c. Provide site elevations for both the 100 year flood elevations and hurricane category 3 surge inundation elevations if the project involves the construction of a new facility or is a new addition of a wing or floor to an existing facility.

d. Provide the location of the fire protection services water source to the building.

3. Architectural Plans that include:

a. Floor plans, 1/8-inch scale minimum, showing door swings, windows, casework and millwork, fixed equipment and plumbing fixtures. Indicate the function of each space.

b. A large-scale plan of typical new bedrooms with a tabulation of gross and net square footage of each bedroom. Tabulate the size of the bedroom window glass.

c. Typical large-scale interior and exterior wall sections to include typical rated fire and fire/smoke partitions and a typical corridor partition.

d. All exterior building elevations.

e. Equipment which is not included in the construction contract but which requires mechanical or electrical service connections or construction modifications must be identified to assure its coordination with the architectural, mechanical and electrical phases of construction.

f. If the project is located in an occupied facility, preliminary phasing plans indicating how the project is to be separated from all occupied areas.

4. Life safety plans that include:

a. Single-sheet floor plans showing fire and smoke compartmentation, all means of egress and all exit signs. Additionally, dimension the longest path of travel in each

smoke compartment to the door(s) to the adjoining compartment, calculate the total area of the smoke compartment in square feet, and tabulate exit inches.

b. All sprinklered areas, fire extinguishers, fire alarm devices and pull station locations.

c. If the project is an addition or conversion of an existing building, fully developed life safety plans.

d. If the project is a renovation in an existing building, life safety plans of the floor being renovated and the required exit egress floor(s).

e. When demolition or construction in and around occupied buildings is to be undertaken, a life safety plan indicating temporary egress and detailed phasing plans indicating how the area(s) to be demolished or constructed is to be separated from all occupied areas.

5. Mechanical engineering plans that include:

a. Single-sheet floor plans with a one-line diagram of the ventilating system with relative pressures of each space. Provide a written description and drawings of the anticipated smoke control system, passive or active, and a sequence of operation correlated with the life safety plans.

b. The general location of all fire and smoke dampers, all duct smoke detectors and firestats.

c. If the building is equipped with fire sprinklers, the location of the sprinkler system risers and the point of connection for the fire sprinkler system. State the method of design for the existing and new fire sprinkler systems.

d. The locations of all plumbing fixtures and other items of equipment requiring plumbing services and/or gas services.

e. The locations of any fume, radiological or chemical hoods.

f. The locations of all medical gas outlets, piping distribution risers, terminals, alarm panel(s), low pressure emergency oxygen connection, isolation/zone valve(s), and gas source location(s).

g. The locations and relative size of major items of mechanical equipment such as chillers, air handling units, fire pumps, medical gas storage, boilers, vacuum pumps, air compressors and fuel storage vessels.

h. The locations of hazardous areas and the volume of products to be contained therein.

i. The location of fire pump, stand pipes, and sprinkler riser(s).

6. Electrical Engineering Drawings that include:

a. A one-line diagram of normal and essential electrical power systems showing service transformers and entrances, switchboards, transfer switches, distribution feeders and over-current devices, panel boards and step-down transformers. The diagram must include a preliminary listing and description of new and existing, normal and emergency loads, preliminary estimates of available short-circuit current at all new equipment and existing equipment serving any new

equipment, short-circuit and withstand ratings of existing equipment serving new loads and any new or revised grounding requirements.

b. Fire alarm zones and correlate with the life safety plan.

7. Outline specifications are to include a general description of the construction, including construction classification and ratings of components, interior finishes, general types and locations of acoustical material, floor coverings, electrical equipment, ventilating equipment and plumbing fixtures, fire protection equipment, and medical gas equipment.

8. Whenever an existing building is to be converted to a health care facility, the general layout of spaces of the existing structure must be submitted with the preliminary plans for the proposed facility.

9. Whenever additions, modifications, alterations, renovations, and refurbishing to an existing building is proposed, the general layout of spaces of the existing facility must be submitted with the preliminary plans.

(12) Stage III, Construction Documents.

(a) The Stage III, construction documents must be an extension of the Stage II, preliminary plan submission and must provide a complete description of the contemplated construction. Construction documents must be signed, sealed, dated and submitted for written approval to the Office of Plans and Construction by a Florida registered architect and Florida registered professional engineer. These documents must consist of work related to civil, structural, mechanical, and electrical engineering, fire protection, lightning protection, landscape architecture and all architectural work. At a minimum, and in addition to the requirements for Stage II submission, the following must be incorporated into the construction documents:

1. Site and civil engineering plans that shall indicate building and site elevations, site utilities, paving plans, grading and drainage plans and details, locations of the two fire hydrants utilized to perform the water supply flow test, and landscaping plans.

2. Life safety plans for the entire project.

3. Architectural plans.

(a) Typical large-scale details of all typical interior and exterior walls and smoke walls, horizontal exits and exit passageways.

(b) Comprehensive ceiling plans that show all utilities, lighting fixtures, smoke detectors, ventilation devices, sprinkler head locations and fire-rated ceiling suspension member locations where applicable.

(c) Floor/ceiling and roof/ceiling assembly descriptions for all conditions.

(d) Details and other instructions to the contractor on the construction documents describing the techniques to be used to seal floor construction penetrations to the extent necessary to prevent smoke migration from floor to floor during a fire.

4. Structural engineering plans, schedules and details.

5. Mechanical engineering plans to include fire and smoke control plans. Show all items of owner furnished equipment requiring mechanical services. Provide a clear and concise narrative control sequence of operations for each item of mechanical equipment including but not limited to air conditioning, heating, ventilation, medical gas, plumbing, and fire protection and any interconnection of the equipment of the systems. Mechanical engineering drawings must depict completely the systems to be utilized, whether new or existing, from the point of system origination to its termination. Provide a tabular schedule giving the required air flow (as computed from the information contained on the ventilation rate table) in cubic feet per minute (cfm) for supply, return, exhaust, outdoor, and ventilation air for each space listed or referenced by note on the ventilation rate table as shown on the architectural documents. The schedule must also contain the HVAC system design air flow rates and the resulting space relative pressures. The schedule or portion of the schedule, as applicable, must be placed in the specifications or in the drawing set containing the spaces depicted.

6. Fire protection plans, where applicable, that must include the existing system as necessary to define the new work.

7. Electrical engineering plans that must describe complete power, lighting, alarm, communications and lightning protection systems and power system study.

8. A power study that must include a fault study complete with calculations to demonstrate that over-current devices, transfer switches, switchboards, panel boards, motor controls, transformers and feeders are adequately sized to safely withstand available phase-to-phase and phase-to-ground faults. The study must also include an analysis of generator performance under fault conditions and a coordination study resulting in the tabulation of settings for all over-current device adjustable trips, time delays, relays and ground fault coordination. This must be provided for all new equipment and existing equipment serving any new equipment. Power studies for renovations of existing distribution systems must include only new equipment and existing equipment upstream to the normal and emergency sources of the new equipment. Renovations involving only branch circuit panel boards without modifications to the feeder shall not require a full power study; instead, the power study shall be limited to the calculation of new and existing loads of the branch circuit panel.

9. A complete set of specifications for all work to be undertaken.

a. All project required contractor supplied testing and/or certification reports must be submitted in type written format, on standard forms, reviewed and accepted by the Engineer of Record prior to presenting to the Agency for review.

b. The specifications shall require a performance verification test and balance air quantity values report for a minimum of two operating conditions for each air handling unit system. One operating condition shall be with the specified air filters installed in the minimum pressure drop or clean state. The second operating condition is to be at the maximum pressure drop and/or dirty state. The air quantities reported are acceptable if they are within ten percent of the design value and the space relative pressures are maintained. This requirement shall apply to any air-handling unit affected by the construction to be performed.

10. Well coordinated construction documents. It is specifically required that in the case of additions to existing institutions, the mechanical and electrical, especially existing essential electrical systems and all other pertinent conditions must be a part of this submission.

11. Signed, sealed and dated subsequent addenda, change orders, field orders and other documents altering the above submitted for advance written approval from the Office of Plans and Construction.

(13) All submissions will be acted upon by the Agency within 60 days of the receipt of the initial payment of the plan review fee. The Agency will either approve or disapprove the submission and shall provide a listing of deficiencies in writing. Each subsequent resubmission of documents for review on the project will initiate another 60-day response period. If the Agency does not act within 60 days of receipt of a submission, the submission will be considered approved. However, all deficiencies noted by the Agency must still be satisfactorily corrected before final approval may be obtained for the project from the Agency.

(14) Additions or revisions that substantially change the original scope or the project or are submitted by different design professionals, will be required to be submitted as a new project.

(15) Record drawings. Within 60 days after final approval of the project has been obtained from the Agency, the licensee and the Office of Plans and Construction must be provided with a complete set of legible record drawings showing all of the construction, fixed equipment and the mechanical and electrical systems as installed. These drawings must include the life safety plans. If no drawings are received within this time frame, only the construction document and project file will be retained for up to five years.

Specific Authority 400.011 FS. Law implemented 400.151 FS. History—New _____.

59A-4.150 Geriatric Outpatient Nurse Clinic.

(1) Definitions:

~~(a) Advanced Registered Nurse Practitioner — a person who holds a current active license to practice professional nursing and a current Advanced Registered Nurse Practitioner certificate issued by the Florida State Board of Nursing.~~

~~(a)(b) Appropriate Resources – those service providers who provide most effectively and efficiently the specific services needed by the geriatric patient.~~

~~(e) Agency for Health Care Administration—AHCA.~~

~~(b)(d) Geriatric Outpatient Nurse Clinic – a treatment room or rooms site in a nursing home utilized treatment room for the provision of health care to geriatric patients on an outpatient basis which is staffed by a registered nurse, advanced registered nurse practitioner (ARNP), or by a physician’s assistant.~~

~~(c)(e) Geriatric Patient – any patient who is 60 years of age or older.~~

~~(f) Nursing Facility— a facility licensed under Part I of Chapter 400, F.S.~~

~~(g) Physician’s Assistant— a person who holds a current certificate issued by the Florida State Board of Medical Examiners of Florida State Board of Osteopathic Medical Examiners, to serve as a physician’s assistant to function in the dependent relationship with the supervising physician. (Sections 458.135(2)(d); 459.151(2)(d), F.S.)~~

~~(d)(h) Pre-established Protocols – a statement prepared by or with the responsible or attending physician defining the extent and limits of the medical services provided by the registered nurse. Such protocols are to be reviewed at periods not to exceed one year, to be dated and signed by the physician, and to be kept readily available.~~

~~(i) Professional Standards of Practice those measurements or guides for practice developed and/or endorsed by the respective professional disciplines.~~

~~(j) Registered Dietitian one who meets the standards and qualifications established by the Committee on Professional Registration of the American Dietetic Association and is currently registered with the American Dietetic Association.~~

~~(k) Registered Nurse— a person who holds a current active license to practice professional nursing issued by the Florida State Board of Nursing. (Section 464.071, F.S.)~~

~~(e)(4) Responsible Physician – the licensed physician delegated by the supervising physician as responsible for the services rendered by the physician’s assistant or ARNP in the absence of the supervising physician.~~

~~(f)(m) Routine Health Care – the provision of preventive care, detection of health problems, referral for medical care, and management of chronic illness within medical prescriptions.~~

~~(g)(n) Substantive Change – when the patient’s condition changes to such an extent that a change in treatment and/or medication orders is indicated or when pre-established protocols are not applicable.~~

~~(h)(o) Supervising Physician – the licensed physician assuming responsibility and legal liability for the services rendered by the physician’s assistant or ARNP. (Sections 458.135(2)(e); 459.151(2), (3), F.S.)~~

(i) Treatment Room – the room or suite of rooms set aside for the examination and care of patients.

(2) Applications.

(a) ~~The nursing home licensee must submit a letter to the local county Public Health Department and to the Agency's Long Term Care Unit AHCA by the operator of a currently licensed nursing home~~ stating intent to establish a geriatric outpatient nurse clinic in compliance with ~~Chapter 400, F.S., Chapter 77-401, Laws of Florida, and applicable the rules pertaining to these chapters.~~ A copy of ~~the said letter~~ must shall be sent to the Health Program Office of the Department of Health and Rehabilitative Services by the local county Public Health Department unit. This letter must shall be sent at least sixty (60) days prior to the anticipated date of establishment of the clinic. The Director ~~of the County Public Health Department Unit~~ shall provide specific recommendations for operation of the clinic when transmitting the letter.

(b) The Agency AHCA shall ascertain compliance with all applicable laws, rules, regulations, and codes during the inspection and ~~by letter notify the operator of compliance or non-compliance.~~

(c) Receipt of the letter of notification stating compliance shall constitute authority to operate a geriatric outpatient nurse clinic within the nursing home facility.

(d) Application for renewal of authority to operate a geriatric outpatient nurse clinic must shall be submitted in the manner described above at the same time the application for the nursing home relicensure is submitted.

(e) Suspension or revocation of the nursing home license automatically suspends or revokes authority to operate the geriatric outpatient nurse clinic.

~~(f) A Certificate of Need issued by the Agency required by Sections 381.493 through 381.497, F.S., is a pre-requisite to establish a geriatric outpatient nurse clinic.~~

(3) Treatment Rooms and Access Areas.

(a) Plant maintenance and housekeeping must shall be in accordance with Rule 59A-4.049, F.A.C.

(b) Every nursing home licensee facility conducting a geriatric outpatient nurse clinic must shall:

1. Use an existing treatment room exclusively for the examination and treatment of patients.

2. Store supplies and equipment in such a manner that safeguards patients and staff from hazards.

3. Have a waiting area that does not interfere with regular in-patient functions.

4. Provide clinic patients with the most direct route to and from the treatment room.

(4) Administration.

(a) The business and administrative management of the geriatric outpatient nurse clinic must shall be under the management control of the nursing home facility administrator. This must shall include, but not be limited to, maintenance of the following written records.

1. Clinic financial records identifying all income by source and describe all expenditures by category in such a manner as to be suitable by community recognized procedure.

2. An accident and incident record, containing a clear description of each accident and any other incident hazardous or deviant behavior of a patient or staff member with names of individuals involved, description of medical and other services provided, by whom such services were provided and the steps taken to prevent recurrence.

3. Personnel records for each clinic employee and/or contractual provider. These records must will be kept updated and include current Florida license and certificate numbers. Original application for the position, references furnished and an annual performance evaluation must shall be included.

4. A record of personnel policies, including statement of policies affecting personnel and a job description for each person providing clinic services.

5. Clinic Schedule.

6. Compliance with requirements of Title VI of the Civil Rights Act of 1964.

(b) The provision of health services through geriatric outpatient nurse clinics must shall be under the direct management control of the registered nurse, ARNP or physician's assistant providing those services. Management control of the provision of health services must shall contain the following:

1. Assurance that all health services are provided according to legal, ethical and professional practice standards to protect the health, safety and well-being of the patients.

2. Maintenance and confidentiality of clinical records for each patient as required in this rule, Chapter 400, Part II, F.S., and applicable state and federal regulations relating to patient records.

3. Responsibility for development and periodic review of written policies and protocols governing patient care, including emergency procedures.

4. Responsibility for development and periodic review of patient referral system.

5. Responsibility for the administration and handling of drugs and biologicals as required in this rule, Chapter 400, Part II, F.S., and applicable state and federal regulations relating to patient records these Rules.

6. Maintenance of an individual and cumulative clinic census record.

7. Coordination of patient care with the attending physician and other community health and social agencies and/or facilities.

8. Maintenance of a safe, sanitary clinic environment.

(5) Fiscal Management.

(a) There ~~must shall~~ be a recognized system of accounting used to accurately reflect business details of the clinic operation and services kept separate from the nursing home's facility fiscal records.

(b) A reasonable fee, based on cost of operation and services, may be charged for clinic services rendered.

(c) Personnel involved in operating and/or providing clinic services ~~must shall~~ not:

1. Pay any commission, bonus, rebate or gratuity to any organization, agency, physician, employee or other person for referral of any patients to the clinic.

2. Request or accept any remuneration, rebate, gift, benefit, or advantage of any form from any vendor or other supplier because of the purchase, rental, or loan, of equipment, supplies or services for the resident, client and/or patient.

(6) Personnel Policies.

(a) Staff in the geriatric outpatient nurse clinic ~~must will~~ be governed by their personnel standards ~~Personnel Standards~~ in ~~r~~Rules and ~~r~~Regulations governing nursing homes ~~Nursing Homes~~ and related health care facilities ~~Related Health Care Facilities~~. ~~Rule 59A-4.157, F.A.C.~~

(b) Staff in the geriatric outpatient nurse clinic ~~must shall~~ be qualified and sufficient in numbers to perform the necessary services.

(c) Services of this clinic ~~must will~~ in no way reduce the minimum staffing standards for in-patient care.

(d) Staff in the geriatric outpatient clinic may be regularly employed or serve on a contractual basis.

(7) Personnel Functions and Responsibilities.

(a) ~~The registered nurse, ARNP or physician assistant staffing the geriatric outpatient clinic must:~~ Registered Nurse ~~(Sections 464.021(2)(a)1., 2., F.S.)~~

1. Be responsible ~~The nurse shall have the responsibility~~ for eliciting and recording a health history, observation and assessment nursing diagnosis, counseling and health teaching of patients and the maintenance of health and prevention of illness.

2. Provide ~~The nurse shall provide~~ treatment for the medical aspects of care according to pre-established protocols or physician's orders.

3.2. Note ~~The nurse shall note~~ findings and activities on the clinical record.

4.3. Provide ~~The nurse shall provide~~ progress reports to the attending physicians about patients under the physician's care when there is a substantive change in the patient's condition, there are deviations from the plan of care, or at least every sixty (60) days.

(b) ~~The Advanced Registered Nurse Practitioner (Section 464.003(3)(e), F.S.)~~

1. ~~The Advanced Registered Nurse Practitioner shall perform the functions outlined for the Registered Nurse, and in addition:~~

~~Provide additional services dependent upon the certification authority of the Advanced Registered Nurse Practitioner by the Florida State Board of Nursing.~~

2. ~~The Advanced Registered Nurse Practitioner shall note findings and activities on the clinical record.~~

(e) ~~The Physician's Assistant (Sections 458.347(3); 459.022, F.S.)~~

1. ~~The physician's assistant shall perform health care tasks delegated by the supervising or responsible physician.~~

2. ~~The physician's assistant shall note findings and activities on the clinical record.~~

(8) Patient Eligibility Criteria.

(a) Acceptance of patients and discharge policies ~~must shall~~ include but not be limited to the following:

(b) Patients ~~must shall~~ be accepted for clinic services on self-referral for nursing care, or upon a plan of treatment established by the patient's attending physician.

(c) Patients ~~The patients~~ with an attending physician will be held responsible for providing the clinic with a written medical plan of treatment reviewed and signed by their physician ~~at least sixty (60) days~~.

(d) When services are to be terminated, the patient ~~must is~~ ~~to~~ be notified of the date of termination and the reason for termination that ~~must shall~~ be documented in the patient's clinical record. ~~A plan shall be developed for a~~ Referrals must be made for any continuing care required indicated.

(9) Patient's Rights.

(a) The nursing home licensee must facility shall adopt, implement and make public a statement of the rights and responsibilities of the clinic patients and ~~must shall~~ treat such patients in accordance with the provisions of the said statement. This statement ~~must shall~~ be conspicuously posted and available to clinic patients in pamphlet form. The statement ~~must ensure shall insure~~ each patient the following:

1.(b) The right to have private communication with any person of his or her choice.

2.(e) The right to present grievances on behalf of himself, herself, or others to the facility's staff or administrator, to government officials, or to any person without fear of reprisal, and to join with other patients or individuals to work for improvements in patient care.

3.(d) The right to be fully informed in writing, prior to at the time of admission and during his or her attendance, of fees and services not covered under Title XVIII or Title XIX of the Social Security Act or other third party reimbursement agents.

4.(e) The right to be adequately informed of his or her medical condition and proposed treatment unless otherwise indicated in the written medical plan of treatment by the physician, and to participate in the planning of all medical

treatment, including the right to refuse medication and treatment, unless otherwise indicated in the written medical plan of treatment by the physician, and to know the consequences of such actions.

~~5.(f)~~ The right to receive adequate and appropriate health care consistent with established and recognized practice standards within the community and with rules as promulgated by the Agency AHCA.

~~6.(g)~~ The right to have privacy in treatment and in caring for personal needs, confidentiality in the treatment of personal and medical records.

~~7.(h)~~ The right to be treated courteously, fairly, and with the fullest measure of dignity and to receive a written statement of the services provided by the nursing home licensee facility.

~~(i) The right to freedom of choice in selecting a nursing home.~~

~~1. Each nursing home shall post a copy of the statement required by subsection (1) so that it is clearly evident.~~

~~(b)2-~~ Any violation of the patient's rights set forth in this section shall constitute grounds for action by the Agency under the provisions of Section 400.102, F.S.

(10) The scope Scope of services Services of the geriatric outpatient nurse clinic must include:

~~Geriatric Outpatient Nurse Clinic~~

- (a) Observation of signs and symptoms.
- (b) Assessment of health status/progress.
- (c) Nursing diagnosis and plan of care.
- (d) Nursing care of patients and counseling to maintain health and prevent disease, including diet counseling.
- (e) Health instruction to control progression of disease and/or disability and self care measures.
- (f) Administration of medication and treatment as prescribed by a person licensed in this state to prescribe such medications and treatment.
- (g) Provision of progress reports to the attending physician.
- (h) Referral for additional services as needed.
- (i) Follow-up on a regular basis by communication with the patient, the patient's physician, and other agencies or persons to which referrals were made.

(j) When staffed by an ARNP Advanced Registered Nurse Practitioner advanced-registered nurse or physician's assistant Physician's Assistant, additional services may be provided dependent upon their respective certification authority. (Sections 458.347, 459.022, 464.003(3)(c), F.S.)

(11) Clinical Records.

(a) The clinic must shall maintain a clinical record for every patient receiving health services that contain the following:

1. Identification data including name, address, telephone number, date of birth, sex, social security number, clinic case number if used, next of kin or guardian and telephone number, name and telephone number of patient's attending physician.

2. Assessment of problems.

3. A hHealth cCare pPlan including diagnosis diagnose, type, and frequency of services and when receiving medications and medical treatments, the medical treatment plan and dated signature of the physician or designee health professional licensed in this state to prescribe such medications and treatments.

4. Clinical notes, signed and dated by staff providing service.

- a. Progress notes with changes in the patient's condition.
- b. Services rendered with progress reports.
- c. Observations.
- d. Instructions to the patient and family.
- e. Referrals made.
- f. Consultation reports.
- g. Case conferences.
- h. Reports to physicians.

i. Termination summary which must include:

- (I) Date of first and last visit.
- (II) Total number of visits by discipline.
- (III) Reason for termination of service.
- (IV) Evaluation of achievements of previously established goals at time of termination.
- (V) Condition of patient on discharge.

j. Clinical records must shall be confidential. Information may be released by the nurse, ARNP or physician's assistant responsible for clinical services only in accordance with state and federal regulations related to patient records and confidentiality.

~~(I) When permission is granted in writing by the patient or guardian.~~

~~(H) To those persons or agencies with a legitimate professional need or regulatory authority pursuant to Section 455.241, F.S.~~

~~(HH) When so ordered by the courts.~~

(12) Medications. The clinic must shall have policies and procedures for the administration of medications by health care professionals acting within the scope of practice defined by laws and rules of the Department of Health and the Department of Professional Regulation which must shall include, ~~for example,~~ the following:

(a) All prescriptions for medications must shall be noted on the patient's record, and include the date, drug, dosage, frequency, method or site of administration, and the authorized health care professional's signature.

(b) All verbal orders for medication or medication changes ~~must shall~~ be taken by the clinic registered nurse, ARNP or physician's assistant. Such orders must be in writing and signed by the authorized health care professional within eight (8) days and added to the patient's record.

(c) The clinic registered nurse, ARNP or physician's assistant ~~must shall~~ record and sign for each medication administered, by drug, dosage, method, time and site on patient's record.

(d) An emergency plan for reversal of drug reaction to include the nursing home licensee's pro re nata (P.R.N. or "as needed") facility's PRN standing orders for medications available in the emergency drug medication kit.

(e) If there is not a separate emergency drug medication kit in the clinic, the nursing home licensee's facility's emergency drug medication kit ~~must shall~~ be immediately accessible for use in the outpatient clinic.

(f) A drug storage system that includes:

1. Prescribed medications for individual outpatients may be retained in the clinic. These medications ~~must shall~~ be stored separately from those of the nursing home in-patients for preventive measures and treatment of minor illnesses.

2. Multi-dose containers ~~must shall~~ be limited to medications or biological commonly prescribed for preventive measures and treatment of minor illnesses.

3. A list ~~must shall~~ be kept of patients receiving medication from multi-dose medication containers.

Specific Authority ~~381.493-381.497, 400.141(3), 400.23(2) FS. Law Implemented 400.33, 400.141, 400.333 FS. History—New 4-27-78, Formerly 10D-29.71, 10D-29.071, 59A-4.071, Amended 2-6-97, _____.~~

59A-4.165 Nursing Home Guide.

(1) Pursuant to Section 400.191 F.S., the Agency shall provide information to the public in consumer-friendly printed and electronic formats (hereafter collectively the "Guide") to assist consumers and their families in comparing and evaluating nursing home facilities.

(2) The format of the printed Guide is shown in the "Nursing Home Guide Performance Measures Algorithm 2000" document, dated July 2000, incorporated by reference herein.

(3) The format of the electronic Guide will be the same as the printed Guide, but with the addition of the following:

(a) The ability to search for a nursing home facility electronically.

(b) Details of each deficiency ~~which deficiencies~~ the nursing home facility has been cited for over the time period specified in Section 400.191, F.S. past 45 months.

(4) The data provided in the Guide shall include the following:

(a) General guidance about when a nursing home is the appropriate choice of care.

(b) General guidance about selecting a nursing home.

(c) Contact information such as phone numbers and web sites where questions can be answered, and further information obtained.

(d) A listing of all nursing home facilities in the State of Florida, including hospital based skilled nursing units. This listing shall include for each nursing home facility the following:

1. Name;

2. Address;

3. Voice and fax phone numbers;

4. Web address of facility;

5. A recognition if the nursing home licensee facility has been awarded a Gold Seal;

6. The current licensee;

7. Which calendar year the current licensee became the licensee;

8. Whether the licensee is a for-profit, or non-profit entity, and whether or not the nursing home facility is part of a retirement community;

9. Any corporate or religious affiliations;

10. The number of private, semi-private, and total beds at the nursing home facility;

11. The lowest daily charge for a semi-private room;

12. The payment forms accepted;

13. Any special services or amenities, or recreational programs provided;

14. Any non-English languages spoken by the administrator or staff of the nursing home facility; and

15. A summary of the deficiencies found at the nursing home facility over the time period specified in Section 400.191, F.S., a 45-month period prior to the publication of the Guide. The summarization procedure is discussed in detail below.

(5) The Guide will employ a procedure for summarizing the deficiencies as follows:

(a) All deficiencies cited over the most recently available time period as specified in Section 400.191, F.S., 45-month period prior to the publication of the Guide will be collected.

(b) Each citation will be assigned points based on the type of deficiency and its assigned severity and scope. For those nursing homes facilities that are not federally certified, each citation will be assigned points based on the type of deficiency and its assigned class. Nursing homes Facilities that are federally certified have their deficiencies recorded as F-Tags and K-Tags. Nursing homes Facilities that are not federally certified receive N-Tags instead of F-Tags and K-Tags. For the non-federally certified nursing homes facilities the findings supporting each N-Tag shall be read by the Agency to determine which F-Tag or K-Tag each of the cited N-Tags is

equivalent to. The points assigned to an N-Tag shall be those that would be assigned to the equivalent F-Tag or K-Tag, if the nursing home facility were federally certified.

(c) A score for a nursing home facility will be computed by summing the points of all of its citations, and then dividing this sum by the number of ~~annual~~ recertification surveys conducted at the facility in the same ~~45 month~~ period as in paragraph (a) above. For those nursing homes facilities that are not federally certified, the number of ~~annual~~ licensure surveys will be used in place of the number of ~~annual~~ recertification surveys.

(d) For federally certified nursing homes facilities, the above computations will reflect any changes resulting from the Informal Dispute Resolution process, or administrative or appellate proceedings; inasmuch as the federal Centers for Medicare and Medicaid Services Health Care Financing Administration concurs with such changes.

(e) The scores for the freestanding nursing facilities will be ranked within each region. The regions are defined in the "Nursing Home Guide Performance Measures Algorithm," document, dated July 2000, incorporated by reference herein.

(f) Ranks for the hospital based skilled nursing units will be assigned the same rank as the freestanding nursing home facility in the same region with an equal or next lower score.

(g) These ranks shall be presented numerically and/or symbolically in the Guide.

(h) (b) through (g) shall be repeated for subsets of the citations. These subsets are discussed in the "Nursing Home Guide Performance Measures Algorithm," document, dated July 2000, incorporated by reference herein.

(i) Nursing homes Facilities that are federally certified have their deficiencies recorded as F-Tags and K-Tags. Nursing homes Facilities that are not federally certified receive N-Tags instead of F-Tags and K-Tags. For the non-federally certified nursing homes facilities the findings supporting each N-Tag shall be read by the Agency to determine which F-Tag or K-Tag each of the cited N-Tags is equivalent to. The sub-setting of the tags in paragraph (h) for non-certified facilities shall be accomplished by using these equivalent F-Tags and K-Tags.

(j) The documents incorporated by reference may be obtained from the Agency for Health Care Administration, Managed Care and Health Quality Division, 2727 Mahan Dr., MS 33, Tallahassee, FL 32308.

(6) The electronic version of the guide will be available at <http://ahcaxnet.fdhc.state.fl.us/nhcguide/> ~~www.fdhc.state.fl.us~~ and www.floridahealthstat.com.

Specific Authority 400.191(6) FS. Law Implemented 400.191 FS. History—New 2-15-01, Amended.

59A-4.166 Nursing Home Consumer Satisfaction Survey.

~~(1) Pursuant to Section 400.0225, F.S., the Agency or its contractor shall conduct consumer satisfaction surveys of all nursing homes and skilled nursing units of hospitals in the state. These nursing homes and skilled nursing units shall hereafter be referred to as "nursing facilities".~~

~~(2) The Agency or its contractor will survey family members and guardians of residents of these nursing facilities by way of mail surveys. This will require each nursing facility to provide to the Agency or its contractor, upon request, the names and addresses of at least one family member or guardian for each resident.~~

~~(3) The Agency or its contractor will interview residents of these facilities in person. This will require each nursing facility to provide to the Agency or its contractor, upon request, a list of all residents, along with each resident's room number, and each resident's birth date.~~

~~(4) The Agency or its contractor shall conduct these surveys and interviews at each nursing facility at least annually.~~

~~(5) The specific protocol for conducting these surveys and interviews is shown in the "Nursing Home and Skilled Nursing Unit Resident and Family Member Survey Project" document, dated July 2000, incorporated by reference herein.~~

~~(6) Only data summarized to the level of the facility may be released.~~

~~(7) The documents incorporated by reference may be obtained from the Agency for Health Care Administration, Managed Care and Health Quality Division, 2727 Mahan Dr., Tallahassee, FL 32308.~~

Specific Authority 400.0225 FS. Law Implemented 400.0225 FS. History—New 2-15-01, Repealed.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

59G-4.003

RULE TITLE:

Medicaid Providers Who Bill on the UB-04

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, UB-04, March 2007. The Department of Health and Human Services, Centers for Medicare and Medicaid, replaced the UB-92 claim form with the UB-04 claim form effective March 2007. The handbook contains the instructions for the new claim form. The effect will be to incorporate by reference in rule the Florida Medicaid Provider Reimbursement Handbook, UB-04, March 2007.

SUBJECT AREA TO BE ADDRESSED: Medicaid Providers Who Bill on the UB-04.

SPECIFIC AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: Monday, April 2, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Catherine McGrath, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7326, mcgrathc@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.003 Medicaid Providers Who Bill on the UB-04.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service-specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper UB-04 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, UB-04, March 2007, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbook may be obtained by calling the Medicaid fiscal agent at (800)377-8216.

(2) The following forms that are included in the Florida Medicaid Provider Reimbursement Handbook, UB-04, are incorporated by reference: in Chapter 1, the UB-04 CMS-1450 (03-07), one page double-sided; and in Chapter 2, the State of Florida, Florida Medicaid Authorization Request, PA01 04/2002, one page; Medically Needy Billing Authorization, CF-ES 2902, June 2003, one page; State of Florida, Sterilization Consent Form, SCF 7/94, one page; State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2001, one page; State of Florida, Abortion Certification Form, AHCA-Med Serv Form 011, August 2001, one page. All the forms are available from the Medicaid fiscal agent by calling (800)289-7799 or from its website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Medicaid Forms.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History—New

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.330
RULE TITLE: Non-Emergency Medical Transportation Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference into rule the Florida Medicaid Non-Emergency Medical Transportation Services Coverage and Limitations Handbook, May 2007. The handbook includes the policies for the provision of non-emergency transportation services through a contracted vendor. The effect will be to incorporate by reference into rule the Florida Medicaid Non-Emergency Medical Transportation Services Coverage and Limitations Handbook, May 2007.

This Notice of Rule Development replaces the Notice of Rule Development that was published in the Florida Administrative Weekly, Vol. 31, No. 48, on December 2, 2005.

SUBJECT AREA TO BE ADDRESSED: Transportation Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

DATE AND TIME: Monday, April 2, 2007, 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Doug Harper, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, 922-7305, harperg@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.330 Non-Emergency Medical Transportation Services.

(1) This rule applies to all entities which provide non-emergency medical transportation services to Florida Medicaid recipients.

(2) All non-emergency medical transportation services providers who provide transportation to Medicaid recipients must comply with the provisions of the Florida Medicaid Non-Emergency Medical Transportation Services Coverage; and Limitations and Reimbursement Handbook, May 2007 July 1997, incorporated by reference. The handbook is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and

then on Handbooks. A paper copy of the handbook may be obtained by calling the Medicaid fiscal agent Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented ~~409.902, 409.905, 409.907,~~ 409.908, 409.9081, ~~409.910, 409.913~~ FS. History—New 1-1-77, Amended 10-1-77, 1-27-81, 8-28-84, Formerly 10C-7.45, Amended 4-13-93, Formerly 10C-7.045, Amended 1-7-98, 12-18-05, 7-23-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.002	Application Requirements
61D-14.005	Occupational License Requirements for Individual Persons
61D-14.006	Occupational License Application Requirements for Business Entities
61D-14.008	Occupational License Renewal Application
61D-14.010	Identification of the Occupational License Applicant

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in these rules are: Clarify requirements for applicant bond and specify the requirement for applicants to provide additional information with application including all administrative, civil or criminal proceedings initiated by any government, federal or state agency and provide copies of complaints, pleadings and final orders in Rule 61D-14.002, F.A.C. Specify that each applicant include the date of birth, race and gender of all relatives over the age of 21 living in the same household as the applicant and copies of any final orders or judgments relative to the applicant in Rule 61D-14.005, F.A.C. Clarify the types of business entities that require licensing. Additional qualifications necessary for certain applicants, and specify the requirement for applicants to provide copies of all court and/or administrative records regarding denial, suspension or revocation of any government issued license, permit or certificate and provide copies of the applicable license, permit or certificate and of all court and/or administrative records in Rule 61D-14.006, F.A.C. Specify the requirement of applicant to disclose any administrative, civil or criminal action that has occurred since the issue of the current license and provide copies of complaints, pleadings, final orders and judgments entered as a result of any administrative, civil or criminal proceeding in Rule 61D-14.008, F.A.C. Specify how applicant may establish his/her identity, removing the requirement for driver’s license or identification card to contain eye color and changing paragraph (g) to specify the use

of passports recognized by the Immigration and Customs Enforcement (ICE) rather than using the acronym “ICE” in Rule 61D-14.010, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a), (b), (f), 551.104(4), 551.107(4)(a), (d), 551.118 FS.

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:	RULE TITLE:
61D-14.007	Business Occupational License Requirements for an Independent Testing Laboratory

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Require that applicants for independent test laboratory license file an affidavit with license application attesting that applicant and employees of the applicant have no ownership or financial interest in any slot machine licensee or slot machine licensee owned business in subsection (2) of Rule 61D-14.007, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a), (b), (c), 551.107 FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.020
 RULE TITLE: Excluded Persons

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is: An update to the rule outlining the division and licensee’s procedure to excluded persons contained in Rule 61D-14.020, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.112, 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(g), (i), 551.112, 551.118 FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.023
 RULE TITLE: Slot Machine Doors and Compartments

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Specify the required locks for the slot machine’s cabinet external door and the maintenance of a master key for the external door in Rule 61D-14.023, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (e), (i) FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.036
 RULE TITLE: Slot Tournament

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is: Provide rules to govern the institution and management of slot machine tournaments at licensed facilities.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e) FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.038
 RULE TITLE: Percentage Payout and Odds

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Specify that the minimum theoretical payout percentage is to be maintained at all times pursuant to the testing frequency required in Rule 61D-14.038, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (h) FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.040
 RULE TITLE: Game Cycle, Payment of Credits by Ticket Printer, and Ticket Redemption

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Add language specifying that a slot machines ticket validation system should either be able to identify duplicate tickets or be incapable of authorizing payment on a wagering instrument that has been previously paid in subsection (2) of Rule 61D-14.040, F.A.C. Remove the limitation phrase “by redeeming all credits” from subsection (3) in Rule 61D-14.040, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (i) FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.041
 RULE TITLE: Randomness Requirements and Game Play Auditing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Specify that slot machines may not display any letter, word, message, symbol, or gaming outcome, however briefly, which offers the player “false hope” of a winning outcome and certification requirements for manufacture and licensed certification laboratory submission for state approval in Rule 61D-14.041, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (g) FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.042
 RULE TITLE: Accounting and Occurrence Meter Specifications

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Specify that metering requirements for the credit out meter can be met by summing the credit out, machine paid external bonus payout, and machine paid progressive payout meters. AFT fund transfers will also be permitted. The designation of the door meter has been modified to specify that the door of interest is the slot machine door and reference to the drop door has been removed in Rule 61D-14.042, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (g) FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:	RULE TITLE:
61D-14.044	Identification of Program Storage Media, and Slot Machine Technical Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Specify that programs used are not rewritable in subsection (2) of Rule 61D-14.044, F.A.C. Remove the external check in favor of type III game internal check algorithm using Internal Checksum or Cyclic Redundancy Check (CRC) in subsection (3) of Rule 61D-14.044, F.A.C. Specify the requirement that before a slot machine may be cleared after a failed authentication has occurred, the supervising attendant must enter the time and date of the failure in a permanent record in subsection (4) of Rule 61D-14.044, F.A.C. Specify the requirement of and the procedures to be enacted if “complete and continuous” access to the facility based computer system is lost for a period longer than 90 minutes, and remove requirement for slot machines to maintain an internal record of RAM and ROM errors in subsection (11) of Rule 61D-14.044, F.A.C. Specify that authentication errors or RAM or ROM errors will require the game to cease play and illuminate the tower light in subsection (12) of Rule 61D-14.044, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (f) FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:	RULE TITLE:
61D-14.047	Facility Based Monitoring System and Computer Diagnostics

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Require slot machine to not be enabled to play following errors until the control program is authenticated in Rule 61D-14.047, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(d), (e), (i), 551.104(4)(f) FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
 61D-14.048 Facility Based Monitoring System
 Required Reports

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Specify the required daily reports required of the facility and additional definition of information data required in specified reports.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(d), (e), (i), 551.104(4)(f) FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.: RULE TITLES:
 61D-14.053 Key Controls
 61D-14.063 Court Rooms

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in these rules are: Specify the required documentation to be included in the log system of access to any secure key in Rule 61D-14.053, F.A.C. Specify that a metal detector shall be used as outlined in the facility internal controls to inspect persons exiting the count room in Rule 61D-14.063, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(b), (d), (e), (g), (i), 551.104 (4)(h) FS.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
 61D-14.075 Jackpot and Credit Meter Payouts
 Not Paid Directly From the Slot
 Machine

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The rule addresses the following subject matter area: Specify procedures to verify jackpot payouts and conditions under which jackpot payment of \$25,000 or more shall be paid.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(d), (g), (i) FS.

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

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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 BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.079
RULE TITLE: Resolution of Jackpot Disputes

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The rules address the following subject matter areas: Specify allowances and requirements for resolution of jackpot disputes under Rule 61D-14.079, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(d), (e) 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: April 2, 2007, 9:00 a.m. – 4:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-14.087
RULE TITLE: Response to Division Reports and Audits

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Specify reporting frequency and responses required of licensees to variance reports to include details required of variance and proposed corrective action.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(d), (g), 551.104(8) 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 DATE: April 2, 2007, 9:00 a.m. – 4:00 p.m.

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

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

contacting: Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.096	Requirement for Movement of All Slot Machines and/or Slot Machine Components
61D-14.097	Slot Machine Licensee Responsibility – Control of Slot Machine(s) Movement
61D-14.098	Slot Machine Seal

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: Specify slot machine licensee responsibility in the movement of slot machines into, out of and within the state for stated purposes in Rule 61D-14.096, F.A.C.; specify requirements imposed on all slot machine licensees for control of slot machines shipped by them in Rule 61D-14.097, F.A.C.; and specify the use of regulatory seals uniquely identifying slot machines that have been properly shipped into and received in the state under Rule 61D-14.098, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (e), (i) 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: April 2, 2007, 9:00 a.m. – 4:00 p.m.

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

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:	RULE TITLE:
61D-15.001	Incorporated and Approved Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The rule addresses the following subject matter areas: Revise form number DBPR PMW-3400 to require applicants to include a complete set of fingerprints and the completed form DBPR PMW-3460. In addition, add the authorization for the release of information and include a requirement for the applicant’s training plan for the Compulsive or Addictive Gambling Prevention Program. Create form for the annual renewal of slot machine licenses numbered as DBPR PMW-3405 and titled Permitholder Renewal Application for Annual Slot Machine License Renewal. Revise form number DBPR PMW-3410 by removing “NAPRA checked” and “Other Gaming Jurisdiction checked” check boxes under the section titled “For Division Use Only.” Revise form number DBPR PMW-3420 to include a “Testing Laboratory” check box under the section titled “Type of Slot Machine Business License(s) you are applying for:” and include the price of fees for each license type under section titled “Number of Years.” Under the section titled “To be completed by all applicants” replace the section for an alternate phone number with a section for a fax number. Remove the “NAPRA checked” and “Other Gaming Jurisdiction checked” check boxes under the section titled “For Division Use Only.” Revise instructions regarding submission and maintenance of form DBPR PMW-3430, entitled Business Entity Internal Control Information. Designate form DBPR PMW-3435, entitled Affidavit of Truth, to accompany form number DBPR PMW-3430 pursuant to Rule 61D-14.060, F.A.C. Revise form DBPR PMW-3440, entitled Professional or Business Employee Supplemental Information, to include in the section titled “Personal Data” the applicant’s sex, color of eyes, hair color, height, weight and a description of any distinguishing features including scars or tattoos. Citizenship and passport

information has also been added to the form. Remove "NAPRA checked" and "Other Gaming Jurisdiction checked" check boxes under the section titled "For Division Use Only" on form number DBPR PMW-3450. Revise form number DBPR PMW-3460 to have section titled "Attest Statement" include a separate area for permitting the release of criminal information and an area for permitting regulatory agencies to release information. Designate form number DBPR PMW-3470, entitled Surety Bond for Florida Slot Machine Licensee, for the purposes of requiring licensees to obtain a surety bond in order to receive a license. Designate form number DBPR PMW-3900, entitled Slot Machine and Component Application for Movement, to track the movements of slots into, out of and within the state of Florida, pursuant to Proposed Rules 61D-14.096, 61D-14.097 and 61D-14.098, F.A.C. Designate form number DBPR PMW-3910, entitled Slot Machine and Component Movement Record, in order to accurately record the movements of slots into, out of and within the state of Florida, pursuant to Proposed Rules 61D-14.096, 61D-14.097 and 61D-14.098, F.A.C. Update form number DBPR PMW-3660, entitled Slot Operations Monthly Remittance Report, to remove column for total credits in and total credits out, add day of week and provide updated formula for computation. Update form number DBPR PMW-3670, entitled Slot Operations Cumulative Monthly Remittance Report, to remove column for total credits in and total credits out, and provide updated formula for computation.

SPECIFIC AUTHORITY: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145 FS.

LAW IMPLEMENTED: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145, 559.79(2) FS.

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DATE AND TIME: April 2, 2007, 9:00 a.m. – 4:00 p.m.

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-6.001
 RULE TITLE: Renewal of Active License
 PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the provision of the rule that allows pro bono services to be credited toward continuing education requirement.

SUBJECT AREA TO BE ADDRESSED: Deletion of language that allows pro bono services to be credited toward continuing education requirement for renewal of active licenses.

SPECIFIC AUTHORITY: 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), 491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-9.001
 RULE TITLE: Requirements for Client Records
 PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify how long a notice should be published prior to destruction of client records.

SUBJECT AREA TO BE ADDRESSED: Publication of a notice prior to client records being destroyed.

SPECIFIC AUTHORITY: 456.058, 491.004(5), 491.0148 FS.
 LAW IMPLEMENTED: 456.058, 491.009(2)(s), 491.0148 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-11.007
 RULE TITLE: Definition of "Licensed Clinical Social Worker, or the Equivalent, Who is a Qualified Supervisor"

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the provision of the rule that a licensee disciplined within the last 10 years is not eligible to serve as a qualified supervisor because of the conflict with Rule 64B4-5.009, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Definition of licensed clinical social worker or equivalent, who is a qualified supervisor.

SPECIFIC AUTHORITY: 491.004(5), 491.005(1)(c) FS.

LAW IMPLEMENTED: 491.005(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-21.007
 RULE TITLE: Definition of "a Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who is a Qualified Supervisor"

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the provision of the rule that a licensee disciplined within the last ten years is not eligible to serve as a qualified supervisor because of the conflict with Rule 64B4-5.009, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Definition of a licensed marriage and family therapist with at least five years experience or the equivalent, who is a qualified supervisor.

SPECIFIC AUTHORITY: 491.003(3), 491.004(5), 491.005(3)(c) FS.

LAW IMPLEMENTED: 491.005(3)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-31.007
 RULE TITLE: Definition of a "Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor"

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the provision of the rule that a licensee disciplined within the last the years is not eligible to serve as a qualified supervisor because of the conflict with Rule 64B4-5.009, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The definition of a licensed mental health counselor or the equivalent who is a qualified supervisor.

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.005(4)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-7.001
 RULE TITLE: Application for Physicist-in-Training
 PURPOSE AND EFFECT: To establish standards of practice for medical physicists and physicists-in-training.
 SUBJECT AREA TO BE ADDRESSED: Definitions.
 SPECIFIC AUTHORITY: 483.901(6)(a) FS.
 LAW IMPLEMENTED: 483.901(6)(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: 64D-3.046
 RULE TITLE: Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12, and Adult Education Classes

PURPOSE AND EFFECT: The Bureau of Immunization proposes an amendment to update forms and guidelines that are incorporated by reference.
 SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are updated forms and guidelines.
 SPECIFIC AUTHORITY: 1003.22, 381.003 FS.
 LAW IMPLEMENTED: 1003.22, 381.003 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: March 22, 2007, 10:00 a.m. (EDT)
 PLACE: 2585 Merchants Row Blvd., Room 135Q, Tallahassee, FL 32399-1719

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, 2585 Merchants Row Blvd., Room 210N, Tallahassee FL 32399-1719

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64D-3.046 Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten through 12, and Adult Education Classes.

- (1)(a) Immunization and Documentation Requirements.
- (b) A student may attend a public or non-public school, grades preschool through 12 or an adult education class if younger than 21, if prior to admittance, attendance or transfer, they present one of the following for inspection for validity by an authorized school official:

1. DH Form 680, Florida Certification of Immunization (January 2007) (~~July 2004~~), incorporated by reference, available from the Department of Health (DOH) county health departments (CHD) or physicians' offices.

2. Documentation of receipt of or exemption from must be noted for the following immunizations: diphtheria, tetanus, pertussis, poliomyelitis, measles (rubeola), rubella, mumps, varicella and hepatitis B. The manner and frequency of administration of the immunizations shall conform to recognized standards of medical practice.

(2) Specific immunization requirements by grade, in addition to those in paragraph (1)(a), which must be documented prior to admittance, attendance or transfer:

(a) Preschool – Completion of Haemophilus influenzae type b vaccination.

(b) Preschool or kindergarten effective with the 2001/2002 school year – completion of varicella vaccination. Each subsequent year thereafter, the next highest grade will be included in the requirement, so that students transferring into Florida schools are added to the varicella immunized cohort.

- 1. 7th Grade – Completion of a tetanus-diphtheria booster.
- 2. Additional Documentation Requirements for Exemptions.
- 3. For exemption from the rubeola immunization the practitioner must include with

DH Form 680, Florida Certification of Immunization, incorporated by reference in subsection 64D-3.046(1), F.A.C., documentation on their own stationery of the physician's request for exemption, asserting that the student had an illness comprised of a generalized rash lasting three or more days, a fever of 101 degrees Fahrenheit or greater, a cough, and/or coryza, and/or conjunctivitis and, in the physician's opinion, has had the ten-day measles (rubella) or serologic evidence of immunity to measles.

(c) Forms are to be fully executed by a practitioner licensed under Chapters 458, 459, 460, F.S., or their authorized representative (where permitted in the particular certification) per instructions for the appropriate school year, as provided in DH Form 150-615, Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes (March 2007), (~~July 2002~~), incorporated by reference, available online at: www.doh.state.fl.us/disease_ctrl/immune/schoolguide.pdf.

(d) Florida SHOTS (State Health Online Tracking System) Electronically Certified DH Form 680 produced by a CHD or a physician's office, as provided in subsection (7), may be utilized.

~~(e)(4)~~ DH Form 681, Religious Exemptions for Immunizations (English/Spanish/Haitian-Creole) (February 2002), incorporated by reference, available at DOH CHDs, must be issued and signed by the local county health department medical director or designee.

~~(f)(e)~~ Otherwise, required immunizations not performed must be accounted for under the Temporary or Permanent Medical Exemptions, DH Form 680, Florida Certification of Immunization, Parts B and C, incorporated by reference in subsection 64D-3.046(1), F.A.C.

(3) Documentation Requirements for Schools:

(a) The original of the form(s) required under subsection paragraph (1)(a) shall remain in the student's cumulative health record.

(b) Antigen doses by dates of immunization shall be transferred as data elements through the Florida Automated System for Transferring Education Records (FASTER).

(c) Compliance Reporting:

1. Each public and nonpublic school with a kindergarten and/or seventh grade shall submit an annual compliance report. The report shall be completed on DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade (January 2007), (~~November 1996~~), incorporated by reference, available at DOH CHDs. The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the CHD director/administrator no later than October 1 of each school year, where the data will be compiled on DH Form 685, Kindergarten and Seventh Grade Annual Report of

Compliance County Summary (November 2006), incorporated by reference, available at DOH CHDs; or electronically generated by the Department of Education.

2. After consultation with the Department of Education, the DOH shall require compliance reports from public and nonpublic schools and preschools for selected grades (K-12 and preschool) in special situations of vaccine-preventable disease outbreak control or identified need for monitoring through surveys for immunization compliance levels. Such reports shall include the status of all children who were attending school at the beginning of the school year. Reports shall be forwarded to the CHD director/administrator within a specified period, as determined by the DOH.

(4) Homeless, Transfers and Juvenile Justice – A temporary exemption to requirements of subsection (2) above, not to exceed 30 days, may be issued by an authorized school official for any of the following, consistent with the definitions in Section 1003.01, F.S.:

(a) A homeless child.

(b) A transfer student.

(c) A student who enters a juvenile justice education program or school.

(5) Notwithstanding subsection (2), the Department may:

(a) Designate any required immunization as unnecessary or hazardous, according to recognized standards of medical practice.

(b) Upon determination that a shortage of vaccine exists, approve issuance of temporary medical exemption with extended expiration dates by practitioners or authorized school officials until such time as, in the DOH's opinion, vaccine will be available in sufficient quantity for such deferred vaccinations to be completed.

(6) Florida SHOTS Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by submitting a Florida SHOTS Notification and Opt Out Form to the DOH. The form, either a DH Form 1478 (English) or DH Form 1478S (Spanish) or DH Form 1478H (Haitian-Creole), incorporated by reference, is available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The immunization records of children whose parents choose to opt out will not be shared with other entities that are allowed by law to have access to children's immunization records via authorized access to Florida SHOTS.

(7) Florida SHOTS Private Provider Participation – Any healthcare practitioner licensed in Florida under Chapter 458, 459 or 464, F.S., may request authorization to access Florida SHOTS by filling out a DH Form 1479, Authorized Private Provider User Agreement for Access to Florida SHOTS (January 2007), (~~November 2000~~), incorporated by reference, available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The

DH Form 1479 will be returned to the DOH for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

(8) Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DH Form 2115, Authorized School and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS (January 2007), (~~November 2000~~), incorporated by reference, available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719.

The DH Form 2115 will be returned to the DOH for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

Specific Authority 381.0011(13), 381.003(1),(2), 381.005(2), 1003.22 FS. Law Implemented 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS. History—New 11-20-06, Amended _____.
Editorial Note: Formerly 10D-3.88, 10D-3.088 and 64D-3.011.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69V-40.001	Definitions
69V-40.002	Adoption of Forms
69V-40.008	Fees and Commissions
69V-40.015	Payment of Guaranty Fund Claims
69V-40.020	Changes of Address
69V-40.021	Fictitious Name Registration
69V-40.022	Quarterly Report Filing Requirements
69V-40.027	Mortgage Broker Pre-licensing Education Requirement
69V-40.0271	Professional Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives
69V-40.028	Permit for Mortgage Business School
69V-40.0281	Mortgage Business Schools Prohibited Practices and Advertising/Publicity
69V-40.029	Mortgage Business School Permit Renewal

69V-40.031	Application Procedure for Mortgage Broker License
69V-40.043	Mortgage Broker License Renewal and Reactivation
69V-40.051	Application Procedure for Mortgage Brokerage Business License
69V-40.053	Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation
69V-40.058	Application Procedure for Mortgage Brokerage Business Branch Office License
69V-40.099	Amendments, Change of Name, Change of Entity and Change in Control or Ownership
69V-40.100	Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender
69V-40.105	Branch Office License for Transfer in Ownership or Control of Saving Clause Mortgage Lender
69V-40.156	Third-party Fee Accounts
69V-40.160	Principal Brokers
69V-40.165	Branch Brokers
69V-40.170	Books and Records
69V-40.177	Mortgage Brokerage and Lending Transaction Journal
69V-40.200	Application Procedure for Mortgage Lender License
69V-40.205	Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation
69V-40.220	Application Procedure for Correspondent Mortgage Lender License
69V-40.225	Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation
69V-40.240	Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office License
69V-40.242	Principal Representative
69V-40.265	Mortgage Brokerage and Lending Transaction Journal
69V-40.270	Financial Guaranty in Lieu of Uniform Single Audit
69V-40.285	Noninstitutional Investor Funds Account

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to chapter 494, Florida Statutes, relating to mortgage brokering and mortgage lending. The

proposed rules implement and reflect the statutory changes, which pertain to the licensing and regulation of mortgage brokers, mortgage broker businesses, and mortgage lenders.

SUBJECT AREA TO BE ADDRESSED: Mortgage Brokering and Mortgage Lending.

SPECIFIC AUTHORITY: 215.405, 494.0011, 494.0016, 494.0029, 494.0031, 494.0032, 494.0033, 494.0034, 494.0035, 494.0036, 494.0061, 494.0062, 494.0064, 494.0065, 494.0076 FS.

LAW IMPLEMENTED: 120.595, 120.60, 120.695, 494.001, 494.0011, 494.0016, 494.0017, 494.0025, 494.0029, 494.00295, 494.0031, 494.0032, 494.0033, 494.0034, 494.0035, 494.0036, 494.0038, 494.0039, 494.00331, 494.00311, 494.004, 494.0041, 494.0042, 494.0043, 494.0061, 494.0062, 494.064, 494.065, 494.066, 494.0067, 494.0072 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.001 Definitions.

The definitions provided in Section 494.001, F.S., and the following defined terms, shall apply to this rule chapter and shall serve as the Office of Financial Regulation's interpretation unless the language of the rule indicates to the contrary:

(1) through (10) No change.

~~(11) "Moral Turpitude" shall be defined as follows: "Moral turpitude involves duties owed by persons to society as well as acts contrary to justice, honesty, principle or good morals." This includes, but is not limited to, theft, extortion, use of the mail to obtain property under false pretenses, tax evasion, and the sale of (or intent to sell) controlled substances.~~

~~(11)(12) For purposes of Rules 69V-40.100, 69V-40.200, 69V-40.220, and 69V-40.242, F.A.C.:~~

(a) "Operate" shall mean to exercise power or influence over the business operations.

(b) "Exercise" shall mean the discharge of an official duty or function.

(c) "Control" shall mean to have the influence and power to make decisions for the business.

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.001, 494.004(1), 494.0041(2)(a), (i), 494.0043, 494.0061(2), (8), 494.0062(2), (11), 494.0067(5), 494.0072(2)(i) FS. History-Revised 9-23-65, Renumbered from 3-3.01 to 3D-40.01 on 9-8-75, Formerly 3D-40.01, Amended 12-7-89, 6-23-91, 8-24-92, 2-11-93, 11-17-93, 4-14-94, 9-7-94, 5-14-95, 7-25-96, 12-12-99, 12-8-02, Formerly 3D-40.001, Amended.

69V-40.002 Adoption of Forms.

(1) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapter 69V.001-290, F.A.C.:

(a) Application for Mortgage Brokerage Business and Lender License, Form OFR-494-01, revised 3/1/2007;

(b) Application for Branch Office License, Form OFR-494-02, revised 3/1/2007;

(c) Application for Licensure as a Mortgage Broker, Form OFR-494-03, revised 3/1/2007;

(d) Application for a Mortgage Business School Permit, Form OFR-494-04, revised 3/1/2007;

(e) Mortgage Brokerage and Mortgage Lending Act Surety Bond, Form OFR-494-05, revised 3/1/2007;

(f) Mortgage Lender License Renewal and Reactivation Form, Form OFR-494-06, revised 3/1/2007;

(g) Mortgage Broker License Renewal and Reactivation Form, Form OFR-494-07, revised 3/1/2007;

(h) Quarterly Report Form, Form OFR-494-08, revised 3/1/2007;

(i) Mortgage Brokerage Deposit Account Form, Form OFR-494-09, revised 3/1/2007;

(j) Mortgage Brokerage Transaction and Lending Journal, Form OFR-494-10, revised 3/1/2007;

(k) Calculation of Aggregate Value of Mortgage Loans Serviced, Form OFR-494-11, revised 3/1/2007;

(l) Non-Institutional Investor's Funds Account Form, Form OFR-494-12, revised 3/1/2007.

(m) FL921050Z, Florida Fingerprint Card, revised 3/1/2007.

(2) All forms adopted by this rule are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida, 32399-0376.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0041, 494.0042 FS. History-New

69V-40.008 Fees and Commissions.

(1) A mortgage brokerage business shall state in each contract for services the total fee to be received. The total fee shall not exceed the maximum as prescribed in subsection 494.0042(2), F.S.

(2)(a) In determining the total mortgage brokerage fee, all compensation for the following services, by whatever name called, shall be included:

1. Arranging for a conditional mortgage loan commitment between a borrower and a lender;
2. Taking an application, assembling information and preparing all paperwork and documentation necessary for a conditional mortgage loan commitment;
3. Reviewing, analyzing, and evaluating a borrower's financial statements, income, and credit history; and
4. Incidental services utilized in arranging for and procuring a conditional loan commitment, such as, courier services, express mailings, and long distance telephone charges, except as provided in subparagraph (3)(a)12., below.
5. Premiums and other charges for insurance written in connection with a loan, except as provided in subsection (5) below.

(b) The total mortgage brokerage fee shall include all compensation for the services described in paragraph (2)(a), whether or not the compensation is to be received by the licensee, a co-broker, an affiliate, or an independent third party.

(c) A good faith estimate does not supplant or substitute for the agreement required by Section 494.0038(1), Florida Statutes.

(3) through (10) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0041, 494.0042 FS. History—Revised 9-23-65, Amended 9-1-67, 5-8-68, Renumbered from 3-3.08 to 3D-40.08 on 9-8-75, Amended 9-29-75, 4-27-77, Joint Administrative Procedures Committee Objection Filed—See FAW Vol. 2, No. 19, May 7, 1976, Joint Administrative Procedures Committee Objection Withdrawn—See FAW Vol. 3, No. 30, July 29, 1977, Amended 7-6-78, 2-5-80, 8-17-83, Formerly 3D-40.08, Amended 1-5-87, 5-24-89, 8-24-92, Formerly 3D-40.008, Amended _____.

69V-40.015 Payment of Guaranty Fund Claims.

~~(1)(a) Subsequent to the expiration of two (2) years from the date the first complete and valid notice was received by the Office of Financial Regulation, the Office of Financial Regulation shall determine which claims have met the conditions prescribed in former subsection 494.042(2) and Section 494.043, F.S.~~

~~(b)1. The Office of Financial Regulation shall use the following formula for claims that have satisfied the requirements of former Sections 494.042 and 494.043, F.S., prior to the expiration of two years from the date the first complete and valid notice was received by certified mail by the Office of Financial Regulation:~~

~~2. The ratio of the Aggregate Amount to the Total Claim Amount shall never exceed one hundred (100) percent.~~

~~(2)(a) After taking into account claims that have satisfied the requirements of former subsection 494.042(2) and Section 494.043, F.S., prior to the expiration of two years from the date the first complete and valid notice was received by certified mail by the Office of Financial Regulation, the Office of Financial Regulation shall pay Individual Claim Amounts which have satisfied former subsection 494.042(2) and Section~~

~~494.043, F.S., in the order that certified mail notices required by former subsection 494.043(1)(e) or 494.043(2), F.S., were filed with the Office of Financial Regulation.~~

~~(b) The total amount of all claims paid shall not exceed the applicable Aggregate Amount.~~

~~(3) Claims filed by persons as tenants by the entirety shall be treated as the claim of one eligible claimant with respect to payment from the fund.~~

~~(4) Obtaining a lien pursuant to the Florida Enforcement of Foreign Judgments Act, Sections 55.501-509, F.S., shall be deemed to satisfy the requirements of obtaining a judgment from a Florida court of competent jurisdiction codified in former subsection 494.042(2), F.S., and former subsection 494.043(1)(a), F.S.~~

~~(5)(a) In the event that the licensee or registrant is subject to bankruptcy proceedings, in order to obtain payment from the fund, all claimants file with the Office of Financial Regulation a copy of such claimant's proof of claim by certified mail as required by former subsection 494.043(2), F.S.~~

~~(b) In the event that a claimant complies with former subsection 494.043(1)(e), F.S., and thereafter the licensee or registrant becomes subject to the provisions of the bankruptcy code, the former subsection 494.043(1)(e), F.S., notice shall be used to determine:~~

~~1. The date the two-year period referred in former subsection 494.044(1), F.S., expires; and~~

Aggregate Amount	Individual	Amount
Total Claim	x Claim	= of
Amount	Amount	Payment

~~2. The priority of payments with respect to such claimant should such claimant fail to satisfy the statutory requirements for payments prior to the expiration of the two-year period referred in former subsection 494.044(1), F.S.~~

~~(6) Any person who has met all requirements of former Section 494.042, F.S., and former Section 494.043, F.S., shall assign such right, title, and interest in the judgment, to the extent of their recovery from the fund to the Office of Financial Regulation using the Mortgage Brokerage Guaranty Fund Assignment, Form OFR-MBGF 002, effective 6-23-91, which is hereby incorporated by reference, available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(7) Payment or disbursement from the fund shall be in accordance with Section 216.331, F.S., and shall be paid by warrant to any person who has been determined by a Florida court of competent jurisdiction to have suffered monetary damages as a result of any violation of this chapter by a licensee or registrant.~~

~~(8) In the event that sufficient funds are not available to pay claims which have been approved for payment, guaranty fund payments shall be made in the order that such claims were~~

~~filed with the Office of Financial Regulation; provided that, claims approved by final order which have been appealed or are otherwise subject to further pending proceedings shall not be considered until such appeal or other proceedings have been completed.~~

Specific Authority 494.0011(2) FS. Law Implemented 494.0017 FS. History--New 6-23-91, Amended 11-17-93, 7-25-96, Formerly 3D-40.015, Repealed _____.

69V-40.020 Changes of Address.

~~All licensees shall notify the Office of Financial Regulation of any change of address in writing to the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

Specific Authority 494.0011(2) FS. Law Implemented 494.0031, 494.0032, 494.0033, 494.0034, 494.0036, 494.0039, 494.0061, 494.0062, 494.0064, 494.0065, 494.0066, 494.0067 FS. History--New 10-1-91, Amended 8-24-93, 7-25-96, 12-12-99, Formerly 3D-40.020, Repealed _____.

69V-40.021 Fictitious Name Registration.

No ~~mortgage business school, mortgage brokerage business or lender person~~ having a license or permit pursuant to Chapter 494, F.S., will be permitted to use a fictitious name unless they have provided evidence to the Office of Financial Regulation that such fictitious name is duly registered with the Florida Secretary of State, pursuant to Section 865.09, F.S.

Specific Authority 494.0011(2) FS. Law Implemented 494.0029(2)(e), 494.0031(3)(e), 494.0041(2)(q), 494.0072(2)(q), 865.09 FS. History--New 8-7-97, Formerly 3D-40.021, Amended _____.

69V-40.022 Quarterly Report Filing Requirements.

(1) through (2) No change.

(3) The report ~~shall~~ may be filed electronically on Form OFR-MX-QR-E by accessing the Office of Financial Regulation's website at www.dbf.state.fl.us/flofr.com or the report may be filed on Form OFR-MX-QR in a typed format. ~~Forms OFR-MX-QR and OFR-MX-QR-E are hereby incorporated by reference and are available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) Any person may petition for a waiver of the requirement of electronic filing of quarterly reports by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the quarterly report in a paper format. Such petitions are timely filed if received by the office by the quarterly report filing deadline.

(b) Any person granted a waiver pursuant to paragraph (3)(a) above will be provided a copy of Form OFR-MX-QR.

(4) All reports, ~~written or electronic,~~ shall be filed with received by the Office of Financial Regulation ~~in Tallahassee~~ within thirty (30) days after the last day of each calendar

quarter. If the 30th day falls on a weekend or official holiday such reports will be considered timely filed ~~received~~ on the next business day.

(5) If a correct initial report or correct quarterly report thereafter is not timely received (incidental and isolated clerical errors or omissions shall not be considered a violation) as required by subsection 494.004(6), F.S., or subsection 494.0067(9), F.S., the penalty shall be the issuance of a "notice of noncompliance" for the first offense. Any subsequent finding of a violation of this rule shall be a fine of \$500. The penalty for any intentional violations of this rule shall be a fine of \$500 and suspension of the license.

Specific Authority 494.0011(2), 494.004(7)(6), 494.0067(9) FS. Law Implemented 494.0011(2), 494.004(7)(6), 494.0067(9) FS. History--New 11-7-00, Formerly 3D-40.022, Amended _____.

69V-40.027 Mortgage Broker Pre-licensing Education Requirement.

(1) through (3) No change.

(4) For the purpose of this rule "hour" shall mean 60 minutes of class time, of which 50 minutes shall be instruction, with a maximum of 10 minutes of break per hour.

(5) Schools shall be responsible for determining that the student attending or completing the continuing education course is the actual person scheduled to complete the class or session.

(6)(4) Within five (5) days of completion of each twenty-four (24) hour mortgage broker course, each the school shall submit to the Office of Financial Regulation the full name of the student, the social security number of each student, the school's name, the school's license number, if applicable, and the completion date a typed list of all students who successfully completed the course. In lieu of the typed list, the Each school shall may submit the required information on list on a 3.5" diskette, by e mail, or by accessing the Office of Financial Regulation's website at www.flofr.com/dbf.state.fl.us. The list shall include the full name of the student, the social security number of each student, the school's name, the school's license number, and the completion date. Each mortgage business school shall maintain student completion records for at least three (3) years from the completion dates.

(7)(5) An instructor of a school who teaches a pre-licensing course that teaches the 24 hours of pre-licensing education may use the course toward the satisfactory completion of the pre-licensing education requirement.

Specific Authority 494.0011(2), 494.0016 FS. Law Implemented 494.0016, 494.00295, 494.0033 FS. History--New 7-5-92, Amended 11-5-95, 11-24-97, 8-22-99, 12-9-01, Formerly 3D-40.027, Amended _____.

69V-40.0271 Professional Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives.

(1) ~~Effective October 1, 2001, All~~ persons licensed as a mortgage broker shall satisfactorily complete fourteen (14) hours of professional continuing education (~~“continuing education”~~) covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 69V-40, F.A.C.

(2) ~~Effective October 1, 2002, The~~ principal representative, ~~and each~~ loan originators, ~~and associates~~ of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause shall satisfactorily complete fourteen (14) hours of professional continuing education covering primary and subordinate financing transactions and appropriate laws and regulations governing such transactions. The course of study shall include at least four (4) hours on the laws in Chapter 494, F.S., and the rules in Chapter 69V-40, F.A.C.

(3) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage Business School or an accredited college, university, community college, or area vocational-technical school in this State which offers the fourteen (14) hour professional continuing education course(s). Qualifying hours of at least 4 hours may be obtained by attending training courses covering the provisions of Chapter 494, F.S., and Chapter 69V-40, F.A.C., that are conducted by the Office of Financial Regulation or its Regional Offices.

(4) For the purpose of this rule, the following definitions will apply:

(a) “Hour” shall mean 60 minutes of class time, of which 50 minutes shall be instruction, with a maximum of 10 minutes of break per hour.

(b) “School” shall mean any duly permitted and accredited Mortgage Business School and any accredited college, university, community college, or area vocational-technical school in this State, which offers the fourteen (14) hour professional continuing education course.

(c) “Student” shall mean all persons licensed as a mortgage broker, the principal representative, and loan originators of a mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause.

(d) “Good Cause” means an incident or occurrence which is beyond the control of the student and which prevents attendance.

Examples of good cause include, but are not limited to, disabling accident, illness, call to military duty, or declared national emergency.

(5) The fourteen (14) hours of professional continuing education can be taken in one or more courses at one or more schools.

(6) Schools shall not issue certificates of completion to students who do not attend or complete the scheduled hours for any professional continuing education course.

(a) Schools shall be responsible for determining that the student attending or completing the professional continuing education course is the actual person scheduled to complete the class or session.

(b) At the discretion of the school, students may miss a class or session and attend a make-up class or session to complete the attendance requirements upon showing good cause.

(c) The school may hold makeup classes or sessions to accommodate the student.

(7) An instructor of a school who teaches a professional continuing education course may use the course toward the satisfactory completion of the professional continuing education requirement.

(8) Neither students nor instructors may earn professional continuing education credit for attending or instructing at any subsequent offering of the same professional continuing education course during any two (2) year period.

~~(9) The continuing education requirements are waived for the license renewal of the mortgage broker, for the biennial license period in which the individual became licensed as a mortgage broker.~~

~~(10) The continuing education requirements for the principal representative are waived for the license renewal of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause, for the biennial license period in which the principal representative completes the 24 hours of classroom education in accordance with Rule 69V 40.027, F.A.C., and also passed a written test in accordance with Rule 69V 40.025, F.A.C., in order to qualify to be designated as a principal representative.~~

~~(9)(11)~~ The professional continuing education courses may be offered through classroom instruction, electronic transmission (“Internet”), or distance education (“correspondence course”).

~~(10)(12)~~ The professional continuing education courses taught by using the Internet and correspondence courses shall have:

(a) Course subject matter, assignment work, scholastic standards and other related requirements substantially similar to the course offered by classroom instruction, having due regard however, to the different methods of presentation.

(b) Shall provide students with instructions on how to contact an instructor to answer inquiries. The school shall also disclose to the student when the instructor will be available, however the instructor shall respond within 2 business days to the student's inquiries.

(c) When the course is in the form of a video tape or CD-Rom, the presentation must be of a quality that permits the student to view and listen to the presentation without interfering with the learning process.

~~(11)(13)~~ Within five (5) days of completion of each professional continuing education course, each permitted the school shall submit to the student a certificate of completion indicating successful completion of the course, and the number of hours that course consisted of. Within five (5) days of completion of each professional continuing education course, each permitted school shall submit to the Office of Financial Regulation the full name and mortgage broker license number or social security number of each student, the school's name and license number, the number of hours completed by the student, and the completion date for individuals licensed as mortgage brokers. Each permitted school shall submit the required information on the Office of Financial Regulation's website at www.flofr.com. The schools are not to submit copies of the continuing education requirement certificates to the Office of Financial Regulation. Each mortgage business school shall maintain all student course completion records for at least ~~four~~ ~~three (4)(3)~~ years from the completion dates.

(12) All electronically transmitted courses shall require that the time spent attending electronically transmitted professional education courses is equal to the number of qualifying hours awarded to participants for course attendance. Before allowing a course participant to complete a course and receive a certificate or course completion, the course provider shall ensure that the course participant has:

(a) Logged the required number of hours for the particular timed module;

(b) Completed a test that comprehensively covers the course content for the particular timed module; and

(c) Correctly answered all test questions for the particular timed module.

(13) All distance education course participants shall successfully complete a test that comprehensively covers content in order to receive a certificate of course completion. Distance education providers shall not provide answers to test questions to course participants and shall not issue a certificate of course completion to any course participant who has failed to correctly answer at least 75 percent of the total test questions.

Specific Authority 494.0011(2), 494.00295(3) FS. Law Implemented 494.0016, 494.0029, 494.00295, 494.0034, 494.0064, 494.0067 FS. History— New 12-9-01, Formerly 3D-40.0271, Amended _____.

69V-40.028 Permit for Mortgage Business School.

(1) Application Process. Each person, school, or institution desiring to obtain a permit for a Mortgage Business School shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Business School Permit, Form OFR-494-04MBS-101, ~~revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(b) A nonrefundable application fee of \$500 ~~which shall be the permit fee for the annual period beginning October 1 of each year or any part thereof.~~

(c) A \$400 nonrefundable accreditation fee ~~which shall be for the annual period beginning October 1 of each year or any part thereof.~~

(d) for schools teaching the 24-hour pre-licensing course, all training materials that the applicant plans to distribute to course participants including a copy of all teaching aids, such as flash cards, hand-outs, audio/video materials, computer disks/cd's, and any computer based training.

(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within thirty (30) days from the date of the request. Failure to respond to the request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application ~~may~~ shall be denied pursuant to subsection 120.60(1), F.S.

(3) Amendments to Pending Applications. If the information contained in any application for a permit for a Mortgage Business School or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-04. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office. Requests to make changes which are material to the application may be deemed by the Office to be grounds for denial and a new application, accompanied by the appropriate filing fees, may be required.

~~(4)(3)~~ Withdrawal of Application. An application may be withdrawn if the applicant submits a written request for same that is approved by the Office of Financial Regulation before the application is approved or denied. Withdrawals will be deemed effective upon receipt by the Office.

~~(5)(4)~~ Refunds. If the application is withdrawn or denied, all fees are non-refundable the application fee is nonrefundable. The accreditation fee shall be refunded when the application is withdrawn prior to a decision being rendered by the Office of Financial Regulation.

~~(6)~~(5) Valid Period of Permit. Upon approval of an application, a permit will be issued for the remainder of the annual license period, which ends each September 30th. The permit will be valid for this period unless the Office of Financial Regulation takes administrative action against it or unless the permit is terminated by the holder.

(7) Form OFR-494-04 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0029(1), (3)(b) FS. Law Implemented 120.60(1), 494.0029 FS. History—New 11-5-95, Amended 8-22-99, 12-9-01, Formerly 3D-40.028, Amended _____.

69V-40.0281 Mortgage Business Schools Prohibited Practices and Advertising/Publicity.

(1) The following practices are prohibited from being used in any publicity or advertising done by mortgage business schools and will be considered a violation of subsections 494.0029(2)(~~3~~)(c) and (d), F.S.:

(a) Making any reference or comparison to another school (named or unnamed).

(b) Any type of guarantee of non-measurable outcomes, such as, but not limited to, "satisfaction guaranteed."

(c) Any claim to being the only, largest, best, less expensive, or other such comparison.

(d) Any claim or reference as to a school's knowledge of the State of Florida Mortgage Broker Test questions and answers.

(2) No change.

(3) Pass/Fail Ratio as used in subsection 494.0029(2)(~~3~~)(f), F.S., shall be defined as any reference to how a student or any group of students performed on the State Mortgage Broker Examination. No reference shall be made to any comparative superlatives such as, but not limited to, "excellent passing ratio" or "better than average results."

(4) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0029, 494.00295 FS. History—New 8-14-97, Amended 12-9-01, Formerly 3D-40.0281, Amended _____.

69V-40.029 Mortgage Business School Permit Renewal.

(1) Each active Mortgage Business School permit shall be renewed for the annual period beginning October 1 of each year upon submission of the following:

(a) A permit renewal fee of \$500. ~~and a completed renewal form, Form OFR-MBS-202, Mortgage Business School Renewal Form, revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

(b) A recertification accreditation fee of \$400 for the school; and

(c) For schools teaching the 24-hour pre-licensing course, all training materials that the applicant plans to distribute to course participants including a copy of all teaching aids, such as flash cards, hand-outs, audio/video materials, computer disks/cd's, and any computer based training.

(2) Renewal fees shall be sent directly to the Office of Financial Regulation or may be paid electronically by the following the applicable instructions on the Office of Financial Regulation's website at www.flofr.com. The Office of Financial Regulation shall deem a renewal received upon receipt of the requisite fees and training materials at such time as it has been dated stamped by the Cashier's Office of the Department of Financial Services or the date the renewal process has been completed on the Office's website. All renewal fees and training materials must be received by September 30 of the year in which the permit expires. If September 30 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received.

~~(3)(2)~~ Failure to submit the fees and training materials ~~renewal form~~ required in subsection (1) prior to October 1 or each renewal year shall automatically result in the permit becoming expired. After the license has expired, there is no provision for reinstatement. A new application for a permit must be submitted as described in Rule 69V-40.028, F.A.C.

Specific Authority 494.0011(2), 494.0029(1), (3)(b) FS. Law Implemented 494.0029 FS. History—New 11-5-95, Amended 8-22-99, 12-9-01, Formerly 3D-40.029, Amended _____.

69V-40.031 Application Procedure for Mortgage Broker License.

(1) Each person desiring to obtain licensure as a mortgage broker shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Licensure as a Mortgage Broker, Form OFR-494-03MB-101, ~~revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. The application must be completed and signed within thirty (30) days prior to receipt by the Office;~~

(b) The statutory nonrefundable application fee required by Section 494.0033, F.S., which shall be the fee for the biennial period beginning September 1 of each odd-numbered year or any part thereof;

(c) A completed fingerprint card (FL921050Z) mailed to the Office of Financial Regulation, 200 East Gaines St, Tallahassee, Florida, 32399-0376 accompanied by a \$23 nonrefundable processing fee; and

(d) A \$47 nonrefundable fingerprint card processing fee; and

(e) A non-refundable examination fee of \$43 for each mortgage broker examination, upon implementation of electronic testing in this state; and

(f)(4) Evidence that the applicant has completed the mortgage broker education requirements of subsection 494.0033(3), F.S.; and

(g) Has passed the mortgage broker examination as defined in Rule 69V-40.025, F.A.C.

(2) Request for Additional Information. Any request for additional information, including a passing score on the Mortgage Broker Examination, will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application ~~may shall~~ be denied pursuant to Section 120.60(1), F.S.

(3) Amendments to Pending of Applications. If the information contained in an Application for Licensure as a Mortgage Broker or any amendment thereto becomes inaccurate for any reason ~~before the applicant becomes licensed,~~ the applicant shall file an amendment ~~be responsible for correcting such the inaccurate information within thirty ten (30)(10) days of the change on Form OFR-494-03 occurring by following the procedures set forth in this subsection.~~ An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application ~~or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee(s), may be required.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(5) Refunds. If the application is withdrawn or denied, the application fee, examination fee(s), and fingerprint processing fee are nonrefundable.

(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

~~(7) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(7) All applications, fees, data and forms required, except the fingerprint card, to be filed under this rule shall be filed electronically at www.flofr.com. An application and fees submitted electronically on the Office's website shall be considered received on the date the Office issues a confirmation of submission and payment to the applicant via the Office's website. A confirmation is issued by the Office upon successful submission of an application and payment of all fees.

(8) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format.

(9) Form OFR-494-03 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 215.405, 494.0011(2), 494.0033(2) FS. Law Implemented 120.60(1), 494.0033 FS. History--New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, 8-22-99, 12-12-99, 12-11-03, Formerly 3D-40.031, Amended.

69V-40.043 Mortgage Broker License Renewal and Reactivation.

(1) Each active mortgage broker license shall be renewed for the biennial period beginning September 1 of each odd-numbered year upon submission of the statutory renewal fee required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and a completed renewal form. ~~Form OFR-494-07MB-103, Mortgage Broker License Renewal and Reactivation Form, revised 10/01, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) A mortgage broker license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be reactivated within two (2) years after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and submission of a completed reactivation form. If August 31 of the year is on a

Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) A mortgage broker license that is not renewed within two (2) years after becoming inactive shall expire.

(4) The Office of Financial Regulation shall not renew or reactivate a mortgage broker license if the minimum continuing education requirements are not satisfied prior to the renewal or reactivation.

(5) The licensee is responsible for maintaining copies of the certificate of completion for all continuing education courses completed and shall supply them to the Office of Financial Regulation upon request.

(6) All applications, fees, data and forms required to be filed under this rule shall be filed electronically at www.flofr.com.

(7) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format. In the event the payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

(8) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment.

(9) Form OFR-494-07 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.001(3), 494.00295, 494.00331(1), 494.0034 FS. History--New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, 12-12-99, 2-5-01, 12-9-01, Formerly 3D-40.043, Amended _____.

69V-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) Each person desiring to obtain licensure as a mortgage brokerage business shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for ~~Licensure as a Mortgage Brokerage Business and Lender License~~, Form OFR-494-01~~MB-201~~, revised 10/01, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) The statutory, nonrefundable application fee required by Section 494.0031, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(c) Evidence that the applicant's designated principal broker has been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., for at least one year, or has demonstrated to the satisfaction of the Office of Financial Regulation that the designated principal broker has been actively engaged in a mortgage-related business for at least one year.

(d) For the purpose of this rule, examples of "actively engaged in a mortgage-related business" shall include, but are not limited to, the following positions that are engaged in the origination, underwriting, closing, and servicing of mortgage loans: loan originator, loan underwriter, officer, or director of a mortgage lender or correspondent mortgage lender; mortgage loan officer of a financial institution; mortgage broker in another state; loan closer for a title insurance company or agency; loan representative, loan underwriter, officer, or director of a private mortgage insurance company; and regulator that is directly responsible for the examination, investigation, or regulation of mortgage companies from this state, another state, or a federal government agency.

(2) Each ultimate equitable owner of 10% or greater interest, designated principal broker, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, ~~the chief executive officer,~~ and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from, Form OFR-494-01~~MBB-BIO-1~~ (revised 10/99), to the Office of Financial Regulation along with a \$47~~23~~ nonrefundable processing fee. ~~Form OFR MBB-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(a) Any entity that is a wholly owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).~~

~~(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the operation of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.~~

~~(a)(e) If any ultimate equitable owner of 10% or greater interest, designated principal broker, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, the individual owner, director, control person, member, partner, joint venturer, of the applicant or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).~~

~~(b)(d) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a~~

different type of license under Chapter 494, F.S., unless there has been a change of control of 2550% or more of the ownership interest or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c)(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application may ~~shall~~ be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in an Application for Licensure as a Mortgage Brokerage Business or in any amendment thereto becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall file an amendment be responsible for correcting such the inaccurate information within thirty (30) ten (10) days of the change on Form OFR-494-01 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all the application fees are is nonrefundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

(8) Restoration of Civil Rights.

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(8) Form OFR-494-01 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 215.405, 494.0011(2), 494.0031(2) FS. Law Implemented 494.0031, 494.0035 FS. History—New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-11-03, Formerly 3D-40.051, Amended _____.

69V-40.053 Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation.

(1) Each active mortgage brokerage business license shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0032, F.S., and a completed renewal form. Form OFR-MB-707, Mortgage Brokerage Business License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) A mortgage brokerage business license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0032, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) Each active mortgage brokerage business branch office license shall be renewed in conjunction with the mortgage brokerage business license renewal upon submission of the statutory renewal fee required by Section 494.0032, F.S., and a completed renewal form. Form OFR-MB-708, Mortgage Brokerage Business Branch Office License Renewal and Reactivation Form, revised 10/99, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(4) A mortgage brokerage business branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive branch office license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required

by Section 494.0032, F.S., ~~and submission of a completed reactivation form.~~ If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) A mortgage brokerage business license and branch office license that is not renewed within six months after the end of the biennial period automatically expires.

(6) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment. Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the internet.

(7) All applications, fees, data and forms required to be filed under this rule shall be filed electronically at www.ofr.com.

(8) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format. In the event the renewal payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

Specific Authority 494.0011(2), 494.0032(2), ~~(3)~~, 494.0036(2) FS. Law Implemented 494.001(7), 494.0011(2), 494.0031(1), 494.0032, 494.0036 FS. History—New 11-2-86, Amended 2-8-90, 10-1-91, 12-12-99, 11-1-00, 2-5-01, Formerly 3D-40.053, Amended _____.

69V-40.058 Application Procedure for Mortgage Brokerage Business Branch Office License.

(1) Every mortgage brokerage business which conducts mortgage brokerage business in this state from a branch office shall apply to the Office of Financial Regulation for a license to operate a branch office by submitting the following:

(a) A completed Application for ~~Mortgage Brokerage Business Branch Office License, Form OFR-494-02MB-301, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) The statutory, nonrefundable license fee required by Section 494.0036, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year of any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application may ~~shall~~ be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in an Application for Mortgage Brokerage Business Branch Office License or in any amendment thereto becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall file an amendment be responsible for correcting such the inaccurate information within thirty (30) ten (10) days of the change on Form OFR-494-02 occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office its receipt for filing. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all the license fees are ~~is~~ nonrefundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

(8) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0036(2) FS. Law Implemented 494.0036 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 8-22-99, 12-12-99, Formerly 3D-40.058, Amended _____.

69V-40.099 Amendments. Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed as a mortgage broker, mortgage brokerage business, mortgage lender, ~~or~~ correspondent mortgage lender, or permitted mortgage business school which

~~proposes to change its name, form of business organization, or any other information contained in any initial application form or any amendment thereto, must file an amendment pursuant to Sections 494.004(6) and 494.0067(4), F.S., not later than thirty-days (30) after the effective date of the change on Form OFR-494-01 for Mortgage Brokerage Businesses and Lenders, Form OFR-494-04 for Mortgage Business Schools, and Form OFR-494-02 for Branch Offices, changes her or his name of record, as filed with the initial application for licensure, or any subsequent change on file and acknowledged by the Office of Financial Regulation thereafter, shall notify the Office of Financial Regulation, in writing, of the name change and shall provide documentation authorizing such name change within thirty (30) days of the date effecting such change. Any licensee pursuant to Sections 494.0061 or 494.0062, F.S., shall additionally provide a completed surety bond, on Form OFR-494-05ML 444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, which is hereby incorporated by reference (effective 10/91), executed in the new name of the licensee as documented by the requirements of this subsection. The form is available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Name changes pursuant to this subsection shall not involve any change in controlling interest of the licensed entity.~~

(2) Each licensed mortgage brokerage business, mortgage lender, or correspondent mortgage lender which proposes to change any personnel described in Sections 494.004 and 494.0067, F.S., listed in any initial application or any amendment thereto must file an amendment not later than thirty-days (30) prior to the effective date of the change or within two (2) business days after the date the licensee first received notice of the change on Form OFR-494-01 for Mortgage Brokerage Businesses and Lenders. In the event the change in personnel in Sections 494.004 and 494.0067, F.S., listed in any initial application or any amendment thereto results in the addition of anyone referenced in this subsection, such persons must comply with subsections 494.0031(2)(c) & (d), 494.0061(2)(g) & (h), 494.0062(2)(g) & (h), or 494.0065(5)(e) & (f), F.S. unless such person has previously complied with an entity currently licensed under this chapter the entity licensed with the Office of Financial Regulation shall file a new application for licensure pursuant to Section 494.0031, 494.0061, or 494.0062, F.S. Application forms are available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(3) ~~Applications for licensure as~~ Any person or persons, who directly or indirectly, seeks to own, control, or hold with power to vote, or holds proxies representing 50 percent or greater of any class of equity securities or ultimate equitable ownership of a mortgage brokerage business, mortgage lender or correspondent mortgage lender required as a result of an acquisition of a controlling interest in a licensee pursuant to Subsection 494.004(6) & 494.0067(4), F.S., must be filed in a

~~timely manner as to allow the Office to complete its review of the application prior to the effective date of the acquisition, but no later than thirty (30) days prior to the date of such acquisition. Such applications must be filed in accordance with shall file a new application for licensure pursuant to Section 494.0031, 494.0061, or 494.0062, F.S., prior to the effective date of the change in ownership or control interest.~~

(4) Any person who is subjected to the requirements of subsection (2) or (3) herein, and who seeks to own, control, or hold power to vote of a mortgage lender licensed pursuant to the Saving Clause, Section 494.0065, F.S., is subjected to the net worth requirements as specified in subsection 494.0065(1)(a)2., F.S., when reapplying for licensure as required in subsections (2) and (3) above. An application for licensure under this subsection shall be submitted in accordance with Rule 69V-40.100, F.A.C.

(5) ~~The office shall waive the requirement for a licensee to file a new application pursuant to subsections 494.004(6) & 494.0067(4), F.S.:~~

~~(a) when a person or group of persons proposing to purchase or acquire a controlling interest in a licensee has previously filed the information with the Office required in subsections 494.0031(2)(c) & (d), 494.0061(2)(g) & (h), 494.0062(2)(g) & (h), or 494.0065(5)(e) & (f), F.S., with a mortgage brokerage business or lender currently licensed to the office, provided that such person is currently affiliated with the mortgage brokerage business or lender licensee; or~~

~~(b) when the acquirer is currently licensed with the office as a mortgage broker, mortgage brokerage business or lender.~~

~~(6) If the requirement to file a new application for a change in controlling interest is waive pursuant to subsection (5) of this rule, the licensee must file an amendment as prescribed in subsection (2) of this rule to report the change in controlling interest.~~

~~(5) Restoration of Civil Rights:~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

~~(6) Upon approval of an application, a letter informing the applicant of the Office of Financial Regulation's intent to approve the application will be sent to the applicant's mailing address as indicated on the application. Upon the Office of Financial Regulation's receipt of the original license issued to the former owners, notification that the change in ownership or control has been finalized and the effective date of closing, a license will be issued, effective the later of the date of closing or the date of notice of intent to approve, for the remainder of~~

~~the biennial licensure period. Failure to respond to the Office of Financial Regulation's notice of intent to approve within thirty (30) days of the date of that letter will result in the application being withdrawn.~~

(6) Form OFR-494-01, Form OFR-494-03, Form 494-04, and Form 494-05 are incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 494.0031, 494.0061, 494.0062, 494.0065 FS. History—New 1-10-93, Amended 5-14-95, 9-3-95, 12-12-99, 11-1-00, Formerly 3D-40.099, Amended _____.

69V-40.100 Application Procedure for Transfer Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person who seeks to obtain a controlling ownership or voting interest in a mortgage lender licensed pursuant to the saving clause shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Brokerage and Lender License application form Change in Ownership or Control of Saving Clause Mortgage Lender, Form OFR-494-01 MLST, revised 9/02, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) A nonrefundable application fee of \$500, which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) If principal representative testing is required pursuant to subsection 494.0065(4)(c)2, Florida Statutes, a non-refundable examination fee of \$43 for each mortgage broker examination of the principal representative, upon implementation of electronic testing in this state;

(d)(e) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, then an audited statement from the previous fiscal year end is acceptable.

(e)(d) Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 1, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.~~ Each mortgage lender applicant pursuant to the saving clause transfer shall include as part of the application a

statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, the chief executive officer and each director, control person, member, partner, or joint venturer of an entity applying for licensure as a mortgage lender licensed pursuant to the savings clause, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, Form OFR-ML-BIO-1 (revised 10/99), to the Office of Financial Regulation along with a \$~~4723~~ nonrefundable processing fee. ~~Form ML-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) Any entity that is a wholly owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).

(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.

(a)(e) If the individual owner, director, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, principal representative, control person, member, partner, or joint venturer or ~~chief executive officer~~ holds an active mortgage broker's license with the Office of Financial Regulation, he or she is exempt from the provisions of subsection (2).

(b)(d) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 2550% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c)(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond to the request within ninety (90) days from the date of request shall be construed by the Office

of Financial Regulation as grounds for denial for failure to complete the application and the application may shall be denied pursuant to subsection 120.60(1), F.S.

(4) ~~Amendments to Pending of Applications. If the information contained in any application for a license for a Saving Clause Mortgage Lender or in any amendment thereto, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-01. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office. Requests to make changes which are material to the application may be deemed by the Office to be grounds for denial and a new application, accompanied by the appropriate filing fees, may be required.~~

~~(a) An applicant shall notify the Office of Financial Regulation within ten (10) days of the occurrence of any change in the information reported on the application.~~

~~(b) An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within (30) days from its receipt for filing. Otherwise the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.~~

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all the application fees are is nonrefundable.

~~(7) Upon approval of an application, a letter informing the applicant of the Office of Financial Regulation's intent to approve the application will be sent to the applicant's mailing address as indicated on the application. Upon the Office of Financial Regulation's receipt of the original MLS license issued to the former owners, notification that the change in ownership or control has been finalized and the effective date of closing, a license will be issued effective, the later of the date of closing or the date of notice of intent to approve, for the remainder of the biennial licensure period. Failure to respond~~

~~to the Office of Financial Regulation's notice of intent to approve within thirty (30) days of the date of that letter will result in the application being withdrawn.~~

(7) Form OFR-494-01 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0061(3), (8), (10), 494.0065(3) FS. Law Implemented 120.60, 494.001(30)(29), 494.0061(1), (3), (8), 494.0065 FS. History—New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.100, Amended _____.

69V-40.105 Branch Office License for Transfer Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person applying for a transfer change in ownership or control of a saving clause mortgage lender, who also wishes to operate branch offices of that saving clause mortgage lender shall apply to the Office of Financial Regulation for a license to operate each branch office by submitting the following:

(a) A completed Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License. Form OFR-~~494-02~~ML-222B, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(b) The statutory, nonrefundable license fee required by Section 494.0066, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application may shall be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in any application for a license for a branch office of a Savings Clause Mortgage Lender or any amendment thereto, becomes inaccurate for any reason, the application shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-494-02. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within (30) days from receipt of the application by the Office its receipt for filing. Otherwise the application may be amended only with prior written permission from the Office of Financial

Regulation. Requests to make changes which are material to the application ~~or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, the application fee is nonrefundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial period.

(8) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 494.0065, 494.0066 FS. History--New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, Formerly 3D-40.105, Amended _____.

69V-40.156 Third-party Fee Accounts.

(1) All third-party fees and refundable application fees received by a mortgage brokerage business shall immediately be deposited in a segregated account in a federally insured financial institution located in Florida. The account shall be in the name of the mortgage brokerage business and shall provide for withdrawal of funds without notice. The account shall be used exclusively for third-party fees and refundable application fees. The licensee shall maintain an updated and accurate record of account activity on Form ~~OFR-494-09MX-999, Mortgage Brokerage Deposit Account Form (effective 12/91), which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375,~~ or on a format which is substantially similar to Form ~~OFR-494-09MX-999.~~

(2) through (5) No change.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.695, 494.0038(5), 494.0041(2)(e), 494.0068(3), 494.0072(2)(e) FS. History--New 12-3-91, Amended 7-25-96, 12-12-99, Formerly 3D-40.156, Amended _____.

69V-40.160 Principal Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the principal broker and the individual designated shall accept responsibility by completing the Principal Broker/Representative Designation section of, Form ~~OFR-494-01MB-PB, effective 10/91, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) Upon any change of principal broker, the licensee and the newly designated principal broker shall amend ~~complete~~ the Principal Broker/Representative Designation section of, Form ~~OFR-494-01MB-PB~~ pursuant to subsection 69V-40.099(1), F.A.C. Form ~~OFR-494-01MB-PB~~ shall be maintained at the principal office of the mortgage brokerage business, ~~and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to the Office of Financial Regulation's website at www.dcf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.~~ Anyone being designated as a principal broker ~~on or after October 1, 2004,~~ must have been actively licensed as a mortgage broker pursuant to Section 494.0033, F.S., for at least one year, or has demonstrated to the satisfaction of the Office of Financial Regulation that the designated principal broker has been actively engaged in a mortgage-related business for at least one year, as defined in Rule 69V-40.051, F.A.C.

(3) The penalty for failure to maintain the Principal Broker/Representative Designation section of Form ~~OFR-494-01MB-PB~~ shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain the Principal Broker/Representative Designation section of Form ~~OFR-494-01MB-PB~~ is intentional, the penalty shall be a fine of \$5,000.

(4) Each ~~licensee principal broker~~ shall notify the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375 in writing, within thirty (30) days, of the termination or resignation of a principal broker status.

Specific Authority 494.0011(2), 494.0035 FS. Law Implemented 120.695, 494.0011(2), 494.0016, 494.0035 FS. History--New 10-7-91, Amended 7-25-96, 12-12-99, 12-9-01, Formerly 3D-40.160, Amended _____.

69V-40.165 Branch Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the branch broker of the branch office, and the individual shall accept such responsibility by completing the Branch Broker/Employee in Charge section of ~~Designation, Form OFR-494-02MB-BB (effective 10/91), which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) Upon any change of Branch Broker, the licensee and the newly designated branch broker shall complete the Branch Broker/Employee in Charge section of ~~Designation, Form OFR-494-02MB-BB~~ pursuant to subsection 69V-40.099(1), F.A.C. Form ~~OFR-494-02MB-BB~~ shall be maintained at the applicable branch office of the mortgage brokerage business, ~~and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to~~

~~the Office of Financial Regulation's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.~~

(3) The penalty for failure to maintain Form OFR-494-02~~MB-BB~~ shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation OFR-494-02~~MB-BB~~ is intentional, the penalty shall be a fine of \$5,000.

(4) Each licensee ~~branch broker~~ shall notify the Office of Financial Regulation in writing, within thirty (30) days, of termination or resignation of a branch broker status.

Specific Authority 494.0011(2), 494.0035(2) FS. Law Implemented 120.695, 494.0011(2), 494.0016, 494.0035(2) FS. History--New 10-7-91, Amended 7-25-96, 12-12-99, 12-9-01, Formerly 3D-40.165, Amended _____.

69V-40.170 Books and Records.

(1) No change.

(2)(a) A licensee may maintain required books, accounts, and records at a location other than the principal place of business. The licensee must notify the Office of Financial Regulation in writing prior to said books, accounts, and records being maintained in any place other than the designated principal place of business. Such notification shall be submitted to the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(b) The notification shall include confirmation by the licensee that the proposed storage facilities are a building of stationary construction wherein the books, accounts, and records will be kept in a secured location under conditions, which will not lead to the damage or destruction of the records.

(3) through (6) No change.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented ~~120.595~~, 494.0016, 494.0041(2) FS. History--New 2-16-92, Amended 7-25-96, 12-12-99, 1-16-03, Formerly 3D-40.170, Amended _____.

69V-40.177 Mortgage Brokerage and Lending Transaction Journal.

(1) No change.

(2) The journal shall be maintained in a format which is substantially similar to Form OFR-494-10~~MX-888~~, Mortgage Brokerage and Lending Transaction Journal, revised 7-25-96, ~~which is hereby incorporated by reference and is available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(3) through (4) No change.

(5) Form OFR-494-10 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.695, 494.0016, 494.0041 FS. History--New 2-16-92, Amended 7-25-96, 12-12-99, Formerly 3D-40.177, Amended _____.

69V-40.200 Application Procedure for Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a mortgage lender shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Brokerage Business and Licensure as a Mortgage Lender License, Form OFR-494-01~~ML-222~~, revised 09/02, ~~which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) The statutory, nonrefundable fee required by Section 494.0061, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) If principal representative testing is required pursuant to subsection 494.006(8), Florida Statutes, a non-refundable examination fee of \$43 for each mortgage broker examination of the principal representative, upon implementation of electronic testing in this state;

~~(d)(e)~~ Audited financial statements documenting a minimum net worth of \$250,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

~~(e)(d)~~ A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form OFR-494-05~~ML-444~~, Mortgage Brokerage and Mortgage Lending Act Surety Bond, ~~effective 10-1-91, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(f)(e) Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.~~ Each mortgage lender applicant shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, ~~principal representative, the chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer,~~ and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary ~~from~~ Form OFR-494-01ML-BIO-1 (revised 10/99), to the Office of Financial Regulation along with a \$4723 nonrefundable processing fee. ~~Form OFR ML BIO 1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(a) ~~Any entity that is a wholly owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).~~

(b) ~~For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.~~

(a)(e) ~~If any ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, or the individual owner, director of the applicant, or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).~~

(d) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25.50% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond to the request within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application may ~~shall~~ be denied pursuant to subsection 120.60(1), F.S.

(4) Amendments to Pending ~~of~~ Applications. If the information contained in an Application for Licensure as a Mortgage Lender or in any amendment thereto becomes

inaccurate for any reason ~~before the applicant becomes licensed,~~ the applicant shall file an amendment ~~be responsible for correcting such the inaccurate information within thirty (30) ten (10) days of the change on Form OFR-494-01ML-222 occurring by following the procedures set forth in this subsection.~~ An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office ~~its receipt for filing.~~ Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application ~~or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all fees are the fee is nonrefundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

~~(8) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(8) Form OFR-494-01 and Form 494-05 are incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 215.405, 494.0011(2), 494.0061(3), (8), (10) FS. Law Implemented 120.60, 494.001(29), 494.0061 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.200, Amended _____.

69V-40.205 Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation.

(1)(a) Each active mortgage lender license and mortgage lender license pursuant to the saving clause shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed

renewal form. Form OFR-494-06~~ML-R~~, Mortgage Lender License Renewal and Reactivation Form, ~~revised 7/1/2004, and Form OFR-ML-RS, Mortgage Lender License Pursuant to Saving Clause Renewal and Reactivation Form, revised 7/1/2004,~~ are hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(b) In lieu of submitting audited financial statements, the licensee shall certify that it has continuously maintained the net worth requirements of:

1. \$25,000 or more imposed by Section 494.0065, F.S.; or
2. \$250,000 or more imposed by Section 494.0061, F.S.

Upon request of the Office, the licensee shall provide a copy of its most recent audited financial statements that substantiate its net worth.

(2) A license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) Each active mortgage lender branch office license shall be renewed in conjunction with the mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., ~~and a completed branch office license renewal form. Form OFR-ML-RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 7/1/2004, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(4) A mortgage lender branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., ~~and submission of a completed license reactivation form.~~ If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) A mortgage lender license and branch office license that is not renewed within six months after the end of the biennial period automatically expires.

(6) All applications, fees, data and forms required to be filed under this rule shall be filed electronically at www.flofr.com.

(7) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the applications, fees, data and form in paper format. In the event the payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida. Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet. The licensee shall certify that it has continuously maintained the net worth requirements of Section 494.0061 or 494.0065, F.S.

(8) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment.

(9) Form OFR-494-06 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0064(2), 494.0065(3) FS. Law Implemented ~~494.001(4), 494.0011(2), 494.0061(1), 494.0064, 494.0065~~ FS. History—New 10-1-91, Amended 9-3-95, 8-5-96, 12-12-99, 11-1-00, 2-5-01, Formerly 3D-40.205, Amended 11-9-04,

69V-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a correspondent mortgage lender shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Mortgage Brokerage Business and Licensure as a Correspondent Mortgage Lender License, Form OFR-494-01~~CL-333, revised 09/02, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;~~

(b) The statutory, nonrefundable fee required by Section 494.0062, F.S., which shall be the fee for the biennial period beginning September 1 of each even numbered year or any part thereof;

(c) If principal representative testing is required pursuant to subsection 494.0062(11), Florida Statutes, a non-refundable examination fee of \$43 for each mortgage broker examination of the principal representative, upon implementation of electronic testing in this state;

(d)(e) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within

three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

~~(e)(d)~~ A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form OFR-494-05ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

~~(f)(e)~~ Designate a principal representative who shall operate and exercise control over the licensee's business. ~~Beginning October 2, 2001, the principal representative must have completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and must also have passed a written test in accordance with Rule 69V-40.025, F.A.C., prior to the application being approved. If the designated principal representative holds an active mortgage broker license with the Office of Financial Regulation and was licensed as a mortgage broker on or after July 1, 1992, he or she will have satisfied the 24-hour classroom education and testing requirements of this section.~~ Each correspondent mortgage lender applicant shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, each the chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary ~~from~~ Form OFR-494-01CL-BIO-1 ~~(revised 10/99)~~, to the Office of Financial Regulation along with a \$4723 nonrefundable processing fee. ~~Form OFR-CL-BIO-1 is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(a) Any entity that is a wholly owned subsidiary of a state or federally approved financial institution is exempt from the provisions of subsection (2).~~

~~(b) For purposes of this rule, "chief executive officer" means the person primarily responsible for the overall activities of the business, and a "financial institution" means a state or federal association, bank, trust company, international bank agency, or credit union.~~

~~(a)(e)~~ If the individual principal representative, owner, director, or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).

~~(b)(d)~~ If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 2550% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(e) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within ninety (90) days from the date of the request. Failure to respond within ninety (90) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application may ~~shall~~ be denied pursuant to subsection 120.60(1), F.S.

(4) Amendments to Pending of Applications. If the information contained in an Application for Licensure as a Correspondent Mortgage Lender or in any amendment thereto, becomes inaccurate for any reason ~~before the applicant becomes licensed~~, the applicant shall file an amendment ~~be responsible for~~ correcting such the inaccurate information within thirty (30) ten (10) days of the change on Form OFR-494-01 ~~occurring by following the procedures set forth in this subsection~~. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office ~~its receipt for filing~~. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application ~~or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received~~ may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all fees are the fee is nonrefundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

~~(8) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(8) Form OFR-494-01 and Form OFR-494-05 are incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 215.405, 494.0011(2), 494.0062(3), (8), (11), (13) FS. Law Implemented 494.0062 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.220, Amended 11-9-04,_____.

69V-40.225 Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation.

(1)(a) Each active correspondent mortgage lender license shall be renewed for the biennial period beginning September 1 of each even numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., and a completed renewal form. ~~Form OFR-494-06CL-R, Correspondent Mortgage Lender License Renewal and Reactivation Form, revised 7/1/2004, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(b) In lieu of submitting audited financial statements, the licensee shall certify that it has continuously maintained the net worth requirements of \$25,000 or more imposed by Section 494.0062, F.S. Upon request of the Office, the licensee shall provide a copy of its most recent audited financial statements that substantiate its net worth.

(2) A correspondent mortgage lender license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(3) Each active correspondent mortgage lender branch office license shall be renewed in conjunction with the correspondent mortgage lender license renewal upon submission of the statutory renewal fee required by Section 494.0064, F.S., ~~and a completed branch office license renewal form. Form OFR-ML-RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Renewal and Reactivation Form, revised 7/1/2004, is hereby~~

~~incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(4) A correspondence mortgage lender branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation late fees required by Section 494.0064, F.S., ~~and submission of a completed license reactivation form.~~ If August 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

(5) A correspondent mortgage lender license and branch office license that is not renewed within six (6) months after the end of the biennial period automatically expires.

(6) All applications, fees, data and forms required to be filed under this rule shall be filed electronically at www.flofr.com. Renewal via the Internet. In lieu of filing the paper version of any of the foregoing renewal forms, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet. The licensee shall certify that it has continuously maintained the net worth requirements of Section 494.0062, F.S.

(7) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the applications, fees, data and form in paper format. In the event the payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

(8) A renewal fee filed electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment.

(9) Form OFR-494-06 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0064(2) FS. Law Implemented ~~494.001(7)~~, 494.0011(2), 494.0062(1), 494.0064 FS. History—New 10-1-91, Amended 9-3-95, 7-25-96, 12-12-99, 11-1-00, 2-5-01, Formerly 3D-40.225, Amended 11-9-04,_____.

69V-40.240 Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office License.

(1) Every mortgage lender or correspondent mortgage lender which conducts mortgage lending business in this state from a branch office shall apply to the Office of Financial Regulation for a license to operate a branch office by submitting the following:

(a) A completed Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License, Form OFR-494-02ML-222B, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) The statutory, nonrefundable license fee required by Section 494.0066, F.S., which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in subsection 494.001(7), F.S.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application may ~~shall~~ be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending ~~of~~ Applications. If the information contained in an Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License or in any amendment thereto, becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall file an amendment ~~be responsible for~~ correcting such the inaccurate information within thirty (30) ten (10) days of the change on Form OFR-494-02 ~~occurring by following the procedures set forth in this subsection~~. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office ~~its receipt for filing~~. Otherwise the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application or to the Office of Financial Regulation's evaluation of the application filed at any time after the application has been received may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, the license fee is nonrefundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial period.

(8) Form OFR-494-02 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 494.0066 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 8-22-99, 12-12-99, Formerly 3D-40.240, Amended.

69V-40.242 Principal Representative.

(1) ~~Effective October 1, 2001;~~ Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall designate a principal representative who operates and exercises control over the business and the individual so designated shall accept responsibility by completing the Principal Broker/Representative Designation section of; Form OFR-494-01ML/CL-PR, revised 09/02, ~~which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause shall maintain the a Principal Broker/Representative Designation section of Form; OFR-494-01ML/CL-PR, revised 09/02, which includes a statement notifying the licensee that the principal representative is required by statute to operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(3) Upon any change of principal representative, the licensee and the newly designated principal representative shall amend complete the Principal Broker/Representative Designation section of; Form OFR-494-01ML/CL-PR, revised 09/02 pursuant to subsection 69V-40.099(1), F.A.C. Form OFR-494-01ML/CL-PR, revised 09/02, shall be maintained at the principal office of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the saving clause, ~~and a copy shall be mailed to the Office of Financial Regulation at the above address or electronically transmitted to the Office of Financial Regulation's website at www.dbf.state.fl.us on the Internet within thirty (30) days of said designation or change in designation.~~ If principal representative testing is required pursuant to subsections 494.0061(8), 494.0062(11), 494.0065(4)(c)2., Florida Statutes, a non-refundable examination fee of \$43 for each mortgage broker examination of the principal representative, upon implementation of electronic testing in this state;

~~(4) Anyone being designated as a principal representative or any change in the principal representative after October 1, 2001, must submit evidence that he or she was originally licensed as a mortgage broker pursuant to Section 494.0033, F.S., on or after July 1, 1992, or has completed 24 hours of classroom education in accordance with Rule 69V-40.027, F.A.C., and has passed a written test in accordance with Rule 69V-40.025, F.A.C.~~

~~(4)(5) The penalty for failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01ML/CL-PR shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a fine of \$500. In cases where the failure to maintain the Principal Broker/Representative Designation section of Form OFR-494-01ML/CL-PR is intentional, the penalty shall be a fine of \$5,000.~~

~~(5)(6) Each licensee principal representative shall notify the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399- 03765 in writing, within thirty (30) days, of the termination or resignation of its his or her principal representative status.~~

Specific Authority 494.0011(2), 494.0016(4), 494.0061(1), (3), (8), 494.0062(3), (11) FS. Law Implemented 120.60, 120.695, 494.001(29), 494.0016(1), 494.0061, 494.0062, 494.0067, 494.0072 FS. History—New 1-27-02, Amended 12-8-02, Formerly 3D-40.242, Amended _____.

69V-40.265 Mortgage Brokerage and Lending Transaction Journal.

(1) Each mortgage lender or correspondent mortgage lender shall maintain a Mortgage Brokerage and Lending Transaction Journal, which shall include, at least, the following information:

- (a) Name of applicant;
- (b) Date applicant applied for the mortgage loan;
- (c) Disposition of the mortgage loan application. The journal shall indicate the result of the lending transaction. The disposition of the transaction shall be categorized as one of the following: loan funded, loan denied, or application withdrawn.
- (d) Name of lender, if applicable.

(2) The journal shall be maintained on Form OFR-494-10MX-888, Mortgage Brokerage and Lending Transaction Journal, or a form substantially similar. ~~Form OFR-MX-888 (revised 7-25-96) is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(3) In lieu of maintaining Form OFR-494-10MX-888, each mortgage lender or correspondent mortgage lender may maintain the Home Mortgage Disclosure Act loan/application register, Form FR HMDA-LAR, found at 12 C.F.R., part 203,

Appendix A, if all lending transactions are recorded on this form. The form is hereby incorporated by reference. The effective date of the form is 1-10-93.

(4) through (5) No change.

(6) Form OFR-494-10 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0016(4) FS. Law Implemented 120.695, 494.0016, 494.0072(2) FS. History—New 1-10-93, Amended 7-25-96, 12-12-99, Formerly 3D-40.265, Amended _____.

69V-40.270 Financial Guaranty in Lieu of Uniform Single Audit.

(1) A mortgage lender which services an aggregate value of less than \$7.5 million dollars in outstanding mortgage loans and elects to provide a fidelity bond, financial guaranty bond, fidelity insurance, or other financial guaranty providing protection against theft, loss or other illegal diversion of funds in lieu of the single line audit required shall have such financial guaranty in full force and effect by the lender's first fiscal year end. The financial guaranty shall designate the Office of Financial Regulation as the recipient of the amount of the financial guaranty.

(2) A mortgage lender electing to provide a financial guaranty in lieu of the single line audit shall document (monthly) the aggregate value of mortgage loans serviced on Form OFR-494-11MX-887, Calculation of Aggregate Value of Mortgage Loans Serviced or a form substantially the same. ~~Form OFR-MX-887, Calculation of Aggregate Value of Mortgage Loans Serviced, effective 2-16-92, is incorporated by reference and available by writing, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~ The lender shall maintain work-papers substantiating the aggregate value documented.

(3) The minimum amount of the financial guaranty for each fiscal year shall be determined by calculating the amount of payments (including payoffs) received monthly by the servicer for the previous twelve (12) month period, then averaging the three (3) highest months. A lender electing to provide a financial guaranty in lieu of the single line audit shall document (monthly) the amount serviced on Form OFR-494-11MX-887.

(4)(a) The penalty for failure to maintain adequate documentation as required in subsections (2) and (3), shall be a \$1,000 fine and a two (2) year probation with the condition that a single line audit be initiated within thirty (30) days.

(b) A lender that has elected to provide a financial guaranty in lieu of the single line audit and increases the aggregate value of mortgages serviced above the \$7,500,000 threshold shall immediately notify the Office of Financial Regulation and initiate a single line audit within sixty (60) days.

(c) A mortgage lender licensee which services loans without a single line audit or sufficient financial guaranty shall be fined \$1,000 and the license shall be revoked.

(5) For purposes of Section 120.695, F.S., a violation of the above rule shall not be considered a minor violation.

(6) Form OFR-494-11 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2), 494.0076(2)(b) FS. Law Implemented 120.695, 494.0072, 494.0076 FS. History--New 2-16-92, Amended 7-25-96, 12-12-99, Formerly 3D-40.270, Amended.

69V-40.285 Noninstitutional Investor Funds Account.

(1) All money received by a mortgage lender or correspondent mortgage lender from a noninstitutional investor for disbursement at a mortgage loan closing shall be deposited in a trust account in a federally insured financial institution within seven business days of receipt of the funds unless otherwise directed, in writing, by the noninstitutional investor. Such trust account may be used for more than one noninstitutional investor's funds. Noninstitutional funds may not be commingled with the licensee's operating account or funds. The account shall be in the name of the mortgage lender or correspondent mortgage lender and shall provide for withdrawal of funds without notice. The licensee shall maintain an updated and accurate record of account activity on ~~Form OFR-494-12MX-555, (effective 8/92), which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375,~~ or on a format which is substantially similar to Form OFR-MX-555.

(2) In lieu of depositing noninstitutional investor money into a trust account the mortgage lender or correspondent mortgage lender may have noninstitutional investor money intended for mortgage loan closings deposited with and disbursed by an attorney licensed in this state or by a title company duly licensed in this state if such title company is not owned, controlled or affiliated with the licensee.

(3) The administrative penalty for failure to comply with this rule shall be \$500. Incidental and isolated clerical errors or omissions shall not be considered a violation of this rule. The penalty for intentional or repeat violations of this rule shall be a \$500 fine and suspension or revocation.

(4) For the purposes of Section 120.695, F.S., a violation of the above rule shall not be considered a minor violation.

(5) Form OFR-494-12 is incorporated by reference in subsection 69V-40.002(1), F.A.C.

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.0043, 494.0073 FS. History--New 8-24-92, Amended 7-25-96, 12-12-99, Formerly 3D-40.285, Amended.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69V-50.055	Application Procedure for Motor Vehicle Retail Installment Seller License
69V-50.058	Motor Vehicle Retail Installment Seller Branch Office License
69V-50.070	Motor Vehicle Retail Installment Seller and Motor Vehicle Retail Installment Seller Branch Office License Renewal and Reactivation

PURPOSE AND EFFECT: Rules 69V-50.055, 69V-50.058, and 69V-50.070, F.A.C., pertaining to the licensure and renewal process for motor vehicle retail installment sellers are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Motor Vehicle Retail Sales Finance Act (Part I, Chapter 520, Fla. Stat.) that are contained in Chapter 2006-213, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Licensure of Motor Vehicle Retail Installment Sellers.

SPECIFIC AUTHORITY: 520.03, 520.994 FS.

LAW IMPLEMENTED: 120.60, 520.03, 520.94 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-50.055 Application Procedure for Motor Vehicle Retail Installment Seller License.

~~(1) Each person desiring to obtain licensure as a motor vehicle retail installment seller shall apply to the Office of Financial Regulation by submitting the following:~~

~~(a) A completed Application for Motor Vehicle Retail Installment Seller License, Form OFR-HV-1, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

~~(b) The statutory, non-refundable application fee required by Section 520.03, F.S., which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(1), F.S.~~

~~(3) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.~~

~~(4) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(5) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~(6) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction is directly related to the operation of a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 520.03(2), 520.994(5) FS. Law Implemented 120.60(1), 520.03(2) FS. History-New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-50.055, Repealed _____.

69V-50.058 Motor Vehicle Retail Installment Seller Branch Office License.

~~(1) Every motor vehicle retail installment seller which conducts business in a branch office shall apply for a license to operate a branch office on Form OFR-HV-2, Application for Motor Vehicle Retail Installment Seller Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399 0375. Any office or location shall be deemed to be a branch office if the name or advertising of a motor vehicle retail installment seller shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address. If a motor vehicle retail installment seller has more than one location in the same county, only one license is required for that county.~~

~~(2) The statutory, non-refundable application fee for an initial branch office license required by Section 520.03, F.S., shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

~~(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.~~

Specific Authority 520.03(2), 520.994(5) FS. Law Implemented 120.60(1), 520.03(2) FS. History-New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-50.058, Repealed _____.

69V-50.070 Motor Vehicle Retail Installment Seller and Motor Vehicle Retail Installment Seller Branch Office License Renewal and Reactivation.

~~(1) Each active motor vehicle retail installment seller and motor vehicle retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd numbered year upon receipt of the statutory renewal fee required by Section 520.03, F.S., and the renewal/reactivation notice, Form OFR-MV-3, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399 0375.~~

~~(2) If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, and a reactivation fee equal to the renewal fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.~~

~~(3) A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier office in Tallahassee, Florida.~~

~~(4) In the event the payment is received in a paper format, the received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(5) Engaging in a retail installment transaction as defined in Section 520.02(15), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.~~

~~(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(7) If December 31 of the year is on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.~~

Specific Authority 520.03(2), (3), 520.994(5) FS. Law Implemented 520.03(2), (3), 520.994(5) FS. History--New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-50.070, Repealed _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69V-60.060	Application Procedure for Retail Installment Seller License
69V-60.065	Retail Installment Seller Branch Office License
69V-60.070	Retail Installment Seller and Retail Installment Seller Branch Office License Renewal and Reactivation

PURPOSE AND EFFECT: Rules 69V-60.060, 69V-60.065, and 69V-60.070, F.A.C., pertaining to the licensure and renewal process for retail installment sellers are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Retail Installment Sales Finance Act (Part II, Chapter 520, Fla. Stat.) that are contained in Chapter 2006-213, Laws of Florida. SUBJECT AREA TO BE ADDRESSED: Licensure of Retail Installment Sellers.

SPECIFIC AUTHORITY: 520.32, 520.994 FS.

LAW IMPLEMENTED: 520.32, 520.994 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-60.060 Application Procedure for Retail Installment Seller License.

~~(1) Each person desiring to obtain licensure as a retail installment seller shall apply to the Office of Financial Regulation by submitting the following:~~

~~(a) A completed Application for Retail Installment Seller License, Form OFR HR 1, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

~~(b) The statutory, non-refundable application fee required by Section 520.32, F.S., which shall be the fee for the biennial period beginning January 1 of each odd numbered year or any part thereof.~~

~~(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.~~

~~(3) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.~~

~~(4) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(5) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~(6) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction directly related to the operation of a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 520.32(2), 520.994(5) FS. Law Implemented 520.32(2) FS. History--New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-60.060, Repealed _____.

69V-60.065 Retail Installment Seller Branch Office License.

(1) Every retail installment seller which conducts business in a branch office shall apply for a license to operate a branch office on Form OFR-HR-2, Application for Retail Installment Seller Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Any office or location shall be deemed to be a branch office if the name or advertising of a retail installment seller shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location or advertised address.

(2) The statutory, non refundable application fee required by Section 520.32, F.S., for an initial branch office license shall be for the biennial period beginning January 1 of each odd numbered year or any part thereof.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty five (45) calendar days from the date of the request. Failure to respond to the request within forty five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.

(5) Refunds. If the application is withdrawn or denied, the license fee is non refundable.

(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 520.32(2), 520.994(5) FS. Law Implemented 520.32(2) FS. History--New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96,12-8-99, Formerly 3D-60.0065, Repealed _____.

69V-60.070 Retail Installment Seller and Retail Installment Seller Branch Office License Renewal and Reactivation.

(1) Each active retail installment seller and retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd numbered year, upon receipt of the statutory renewal fee required by Section 520.32, F.S., and the renewal/reactivation notice, Form OFR-RS-3, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.

(3) A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier's office in Tallahassee, Florida.

(4) The received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier's office in Tallahassee, Florida.

(5) Engaging in a retail installment transaction as defined in Section 520.31(13), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.

(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.

(7) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 520.32(2), (3), 520.994(5) FS. Law Implemented 520.32(2), (3), 520.994(5) FS. History--New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-60.070, Repealed _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69V-70.050	Application Procedure for Sales Finance Company License
69V-70.055	Sales Finance Company Branch Office License
69V-70.060	Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation

PURPOSE AND EFFECT: Rules 69V-70.050, 69V-70.055, and 69V-70.060, F.A.C., pertaining to the licensure and renewal process for sales finance companies are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Installment Sales Finance Act (Part III, Chapter 520, Fla. Stat.) that are contained in Chapter 2006-213, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Licensure of Sales Finance Companies.

SPECIFIC AUTHORITY: 520.52, 520.994 FS.
 LAW IMPLEMENTED: 520.52, 520.994 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-70.050 Application Procedure for Sales Finance Company License.

(1) Each person desiring to obtain licensure as a sales finance company shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Sales Finance Company License, Form OFR HI 1, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399 0375; and

(b) The statutory, non-refundable application fee required by Section 520.52, F.S., which shall be the fee for the biennial period beginning January 1 of each odd numbered year or any part thereof.

(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(3) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.

(4) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.

(5) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

(6) Restoration of Civil Rights.

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction directly related to operating a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 520.52(2), 520.994(5) FS. Law Implemented 520.52(2) FS. History—New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-70.050, Repealed _____.

69V-70.055 Sales Finance Company Branch Office License.

(1) Every sales finance company which conducts business in a branch office shall apply for a license to operate a branch office on Form OFR HI 2, Application for Sales Finance Company Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399 0375. Any office or location shall be deemed to be a branch if the name or advertising of a sales finance company shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address.

(2) The statutory, non-refundable application fee for an initial branch office license required by Section 520.52, F.S., shall be the fee for the biennial period beginning January 1 of each odd numbered year or any part thereof.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.

(5) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.

(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 520.52(2), 520.994(5) FS. Law Implemented 520.52(2) FS. History—New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-70.055, Repealed.

69V-70.060 Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation.

~~(1) Each active sales finance company and sales finance company branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year, upon receipt of the statutory renewal fee required by Section 520.52, F.S., and the renewal/reactivation notice, Form OFR-SF-3, revised 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(2) If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.~~

~~(3) A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(4) The received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier office in Tallahassee, Florida.~~

~~(5) Engaging in a business as a sales finance company as defined in Section 520.31(16), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.~~

~~(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(7) If December 31 of the year is on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.~~

Specific Authority 520.52(2), (3), 520.994(5) FS. Law Implemented 520.52(2), (3), 520.994(5) FS. History—New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-70.060, Repealed.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69V-80.003	Completion Certificates
69V-80.015	Application Procedure for Home Improvement Finance Seller License
69V-80.050	Home Improvement Finance Seller and Home Improvement Finance Seller Branch Office License Renewal and Reactivation
69V-80.060	Home Improvement Finance Seller Branch Office License

PURPOSE AND EFFECT: Rules 69V-80.015, 69V-80.050, and 69V-80.060, F.A.C., pertaining to the licensure and renewal process for home improvement finance sellers are repealed. New rules pertaining to the licensure and renewal process for these persons are being proposed under Rule Chapter 69V-85, F.A.C. The new rules will reflect and implement the changes to The Home Improvement Sales and Finance Act (Part IV, Chapter 520, Fla. Stat.) that are contained in Chapter 2006-213, Laws of Florida. A new rule is created to implement the completion certificate required by Section 520.81, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Licensure of Home Improvement Finance Sellers.

SPECIFIC AUTHORITY: 520.81, 520.994, 520.63 FS.

LAW IMPLEMENTED: 520.81, 520.994, 520.63 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-80.003 Completion Certificates.

The completion certificate required by Section 520.81, F.S., Form OFR-520-03, is hereby incorporated by reference and available on the Office's website at www.flofr.com.

Specific Authority 520.81(2), 520.994(5) FS. Law Implemented 520.81 FS. History—New.

69V-80.015 Application Procedure for Home Improvement Finance Seller License.

~~(1) Each person desiring to obtain licensure as a home improvement finance seller shall apply to the Office of Financial Regulation by submitting the following:~~

~~(a) A completed Application for Home Improvement Finance Seller License, Form OFR HC 1, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375; and~~

~~(b) The statutory non refundable application fee required by Section 520.63, F.S., which shall be the fee for the biennial period beginning January 1 of each odd numbered year or any part thereof.~~

~~(2) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty five (45) calendar days from the date of the request. Failure to respond to the request within forty five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.~~

~~(3) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.~~

~~(4) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(5) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

~~(6) Restoration of Civil Rights.~~

~~(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of a retail installment business, the applicant shall provide evidence of restoration of civil rights.~~

~~(b) If one's civil rights have been restored and the conviction directly related to the operation of a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

Specific Authority 520.63(2), (3), 520.994(5) FS. Law Implemented 520.63(2) FS. History—New 4-13-88, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-80.015, Repealed _____.

69V-80.050 Home Improvement Finance Seller and Home Improvement Finance Seller Branch Office License Renewal and Reactivation.

(1) Each active home improvement finance seller and home improvement finance seller branch office license shall be renewed for the biennial period beginning January 1 of each odd numbered year, upon receipt of the statutory renewal fee required by Section 520.63, F.S., and the renewal/reactivation

~~notice, Form OFR-HI-3, effective 10/99, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(2) If the Office of Financial Regulation has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.~~

~~(3) A renewal notice and fee shall be considered submitted when received in the Office of Financial Regulation's cashier office in Tallahassee, Florida.~~

~~(4) The received date shall be the date stamped on the notice when received by the Office of Financial Regulation's cashier's office in Tallahassee, Florida.~~

~~(5) Acting as "home improvement finance seller" as defined in Section 520.61(13), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person to disciplinary action.~~

~~(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(7) If December 31 of the year is on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.~~

Specific Authority 520.63(2), (3), 520.994(5) FS. Law Implemented 520.63(2), (3), 520.994(5) FS. History—New 4-13-88, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99, 12-25-00, Formerly 3D-80.050, Repealed _____.

69V-80.060 Home Improvement Finance Seller Branch Office License.

(1) Every home improvement finance seller which conducts home improvement business in a branch office shall apply for a license to operate a branch office on Form OFR HC 2, Application for Home Improvement Finance Seller Branch Office License, revised 10/99, which is hereby incorporated by reference and available from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. Any office or location shall be deemed to be a branch office if the name or advertising of a home improvement finance seller shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address.

~~(2) The statutory, non-refundable applicant fee for an initial branch office license required by Section 520.63, F.S., shall be for the biennial period beginning January 1 of each odd numbered year or any part thereof.~~

~~(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1), F.S.~~

~~(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn.~~

~~(5) Refunds. If the application is withdrawn or denied, the license fee is non-refundable.~~

~~(6) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.~~

Specific Authority 520.63(2), 520.994(5) FS. Law Implemented 520.63(2) FS. History—New 4-13-88, Amended 5-9-90, 11-11-90, 8-9-95, 7-10-96, 9-29-96, 12-8-99, Formerly 3D-80.060, Repealed _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NOS.:	RULE TITLES:
69V-85.002	Application Forms, Fees, Procedures and Requirements
69V-85.003	Branch Application Forms, Fees, Procedures and Requirements
69V-85.004	Renewal Fees, Deadlines and Requirements
69V-85.005	Amendments, Change of Name, Change of Entity and Change in Control or Ownership
69V-85.200	Definition of Moral Turpitude

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to chapter 520, Florida Statutes, relating to retail installment sales. The proposed rules implement and reflect the statutory changes, which pertain to the licensing and regulation of persons under The Motor Vehicle Retail Sales Finance Act, The Retail Installment Sales Act, The Installment Sales Finance Act, and The Home Improvement Sales and Finance Act.

SUBJECT AREA TO BE ADDRESSED: Retail Installment Sales.

SPECIFIC AUTHORITY: 520.03, 520.32, 520.99, 520.52, 520.63, 520.994 FS.

LAW IMPLEMENTED: 520.02, 520.03, 520.31, 520.32, 520.99, 520.52, 520.61, 520.63, 520.994 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-85.002 Application Forms, Fees, Procedures and Requirements.

(1) Each person desiring to obtain licensure under Chapter 520 shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Installment Seller or Sales Finance License, Form OFR-520-01, revised 3/1/2007, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376; and

(b) The statutory, non-refundable application fee required by Sections 520.03, 520.32, 520.52, and 520.63, F.S., as applicable, which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(2) Each ultimate equitable owner of 10% or greater interest, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure, shall submit a completed Biographical Summary from Form OFR-520-01, to the Office of Financial Regulation. Form OFR-520-01 is incorporated by reference in subsection 69V-85.002(1), F.A.C.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application may be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending Applications. If the information contained in an Application for Licensure as a Retail Installment Seller, Form OFR-520-01, becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-520-01. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required. Form OFR-520-01 is incorporated by reference in subsection 69V-85.002(1), F.A.C.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all fees are non-refundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 520.03(2), 520.32(2), 520.52(2), 520.63(2), 520.994(5) FS. Law Implemented 520.03(2), 520.32(2), 520.52(2), 520.63(2) FS. History—New _____.

69V-85.003 Branch Application Forms, Fees, Procedures and Requirements.

(1) Every licensee under Chapter 520 which conducts business in a branch office shall apply for a license to operate a branch office on Form OFR-520-02, Application for Branch Office License, revised 3/1/2007, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. Any office or location shall be deemed to be a branch office if the name or advertising of a licensee shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address. If a motor vehicle retail installment seller licensed under Section 520.03, F.S., has more than one location in the same county, only one license is required for that county.

(2) The statutory, non-refundable application fee for an initial branch office license required by Sections 520.03, 520.32, 520.52, and 520.63, F.S., as applicable, shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(3) Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) calendar days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application and the application may be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending Applications. If the information contained in an Application for Retail Installment Seller Branch Office License becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-520-02. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required. Form OFR-520-02 is incorporated by reference in subsection 69V-85.003(1), F.A.C.

(5) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

(6) Refunds. If the application is withdrawn or denied, all fees are non-refundable.

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 520.03(2), 520.32(2), 520.52(2), 520.63(2), 520.994(5) FS. Law Implemented 520.03(2), 520.32(2), 520.52(2), 520.63(2) FS. History—New _____.

69V-85.004 Renewal Fees, Deadlines, and Requirements.

(1) Each active license and each active branch office license issued under Chapter 520 shall be renewed for the biennial period beginning January 1 of each odd-numbered year upon receipt of the statutory renewal fee required by Sections 520.03, 520.32, 520.52, and 520.63, F.S., as applicable.

(2) If the Office of Financial Regulation has not received the renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal

fee and reactivation fee equal to the renewal fee. A license that is not reactivated within six (6) months after becoming inactive automatically expires.

(3) A renewal fee submitted electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of your renewal payment.

(4) In the event the payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

(5) All fees required to be filed under this rule shall be filed electronically at www.flofr.com.

(6) Any person may petition for waiver of the requirement of electronic submission of fees by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format.

(7) If December 31 of the year is on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 520.03(3), 520.32(3), 520.52(3), 520.63(2), 520.994(3) FS. Law Implemented 520.02(17), 520.03(1), 520.03(3), 520.31(15), 520.31(18), 520.32(1), 520.32(3), 520.52(1), 520.52(3), 520.61(18), 520.61(1), 520.63(3) FS. History--New _____.

69V-85.005 Amendments, Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed under Chapter 520, F.S., which proposes to change its name, form of business organization, or any other information contained in any initial application form or any amendment thereto, must file an amendment pursuant to Section 520.999, F.S., not later than thirty-days (30) after the effective date of the change on: Application for Installment Seller or Sales Finance License, Form OFR-520-01 and Application for Branch Office License, Form OFR-520-02. The forms are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. Name changes pursuant to this subsection shall not involve any change in controlling interest of the licensed entity.

(2) Each licensee under Chapter 520, F.S., which proposes to change any personnel described in Sections 520.03, 520.32, 520.52, and 520.63, F.S., listed in any initial application or any amendment thereto must file an amendment not later than thirty-days (30) prior to the effective date of the change or within two (2) business days after the date the licensee first received notice of the change on Application for Installment Seller or Sales Finance License, Form OFR-520-01 and

Application for Branch Office License, Form OFR-520-02. In the event the change in personnel in Section 520.999, F.S., listed in any initial application or any amendment thereto results in the addition of anyone referenced in this subsection, such persons must comply with Section 520.999, F.S. unless such person has previously complied with Section 520.999, F.S. with an entity currently licensed under this chapter.

(3) Applications for licensure under Chapter 520 required as a result of an acquisition of a controlling interest in a licensee pursuant to subsection 520.999(2), F.S., must be filed in a timely manner as to allow the Office to complete its review of the application prior to the effective date of the acquisition, but not later than thirty (30) days prior to the date of such acquisition. Such applications must be filed in accordance with Sections 520.03, 520.32, 520.52, and 520.63, F.S.

(4) The office shall waive the requirement for a licensee to file a new application pursuant to subsection 520.999(2), F.S.:

(a) when a person or group of persons proposing to purchase or acquire a controlling interest in a Chapter 520, F.S., licensee has previously filed the information with the Office required in Sections 520.03, 520.32, 520.52 and 520.63, F.S., with a licensee to the office, provided that such person is currently affiliated with the licensee; or

(b) when the acquirer is currently licensed with the office under Chapter 520, F.S.

(5) If the requirement to file a new application for a change in controlling interest is waived pursuant to subsection 4 of this rule, the licensee must file an amendment as prescribed in subsection 2 of this rule to report the change in controlling interest.

(6) Forms OFR-520-01 and OFR-520-02 are incorporated by reference in subsections 69V-85.002(1) and 69V-85.003(1), F.A.C.

Specific Authority 520.99, 520.994(5) FS. Law Implemented 520.99 FS. History--New _____.

69V-85.200 Definition of Moral Turpitude.

The following definition of "moral turpitude" shall apply in all licensing and enforcement actions under Chapter 520, F.S. This definition shall serve as the Office of Financial Regulation's interpretation of the term "moral turpitude" as used in paragraphs 520.995(3)(b) and (c), F.S.:

"Moral turpitude" shall be defined as follows: "Moral turpitude involves duties owed by persons to society as well as acts contrary to justice, honesty, principle or good morals." This includes, but is not limited to, theft, extortion, use of the mail to obtain property under false pretenses, tax evasion, and the sale of (or intent to sell) controlled substances."

Specific Authority 520.994(5) FS. Law Implemented 520.995(3)(b), (c) FS. History--New 8-9-95, Formerly 3D-85.200, Repealed _____.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

<p>RULE NOS.:</p> <p>69V-160.024</p> <p>69V-160.030</p> <p>69V-160.031</p> <p>69V-160.032</p>	<p>RULE TITLES:</p> <p>Names and Addresses of Corporate Officers</p> <p>Application Procedure for Consumer Finance License</p> <p>Consumer Finance License Renewal and Reactivation</p> <p>Amendments, Change of Name, Change of Entity, and Change in Control or Ownership</p>
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PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 516, Florida Statutes, relating to consumer finance. Among other things, Chapter 2006-213, Laws of Florida, amends provisions concerning the licensing and regulation of consumer finance companies. The proposed rules implement and reflect the statutory changes.

SUBJECT AREA TO BE ADDRESSED: Consumer Finance.

SPECIFIC AUTHORITY: 516.22(1), 516.23(3), 516.031, 516.03(1), 516.05, 516.23(3) FS.

LAW IMPLEMENTED: 516.03(1), 516.05, 516.07, 516.01, 516.02(1), 516.05(4), 516.05(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-160.024 Names and Addresses of Corporate Officers. ~~A licensee constituted in the corporate form shall furnish the Office of Financial Regulation the name and address of each officer of its corporation and when any officer of the corporation is changed, the Office of Financial Regulation shall immediately be notified of the change and the name and address of any new officer or officers.~~

Specific Authority 20.05(5), 516.22(1) FS. Law Implemented 516.12(1)(2), 516.05(2)(a), 516.07(1)(c) FS. History—Amended 10-20-73, Renumbered 3-2-24 to 3D-160.24 on 8-11-75, Readopted 9-1-75, Formerly 3D-160.24, 3D-160.024, Repealed _____.

69V-160.030 Application Procedure for Consumer Finance License.

(1) Each person desiring to apply for licensure as a consumer finance company shall submit the following to the Office of Financial Regulation:

(a) A completed Application for Consumer Finance License, Form OFR-516-01 ~~CF-304~~, revised 3/1/2007 ~~40/99~~, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375;

(b) The statutory, non-refundable investigation fee required by Section 516.03, F.S.;

(c) The statutory, non-refundable biennial license fee required by Section 516.03, F.S., ~~which is refundable upon denial of licensure;~~ and

(d) ~~Evidence Documentation~~ that the applicant has liquid assets of at least \$25,000.00 for the operation of the consumer finance company. For the purposes of this rule "Evidence" means documentation from an insured financial institution that the liquid assets are on deposit with the institution.

(2) Each ultimate equitable owner of 10% or greater interest, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a consumer finance company, shall submit a completed Biographical Summary from Form OFR-516-01, to the Office of Financial Regulation.

~~(3)(2)~~ Request for Additional Information. Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application by the Office of Financial Regulation. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Office of Financial Regulation as grounds for denial for failure to complete the application, and the application may ~~shall~~ be denied pursuant to Section 120.60(1), F.S.

(4) Amendments to Pending Applications. If the information contained in an Application for Licensure as a Consumer Finance Company becomes inaccurate for any reason, the applicant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-516-01. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from receipt of the application by the Office. Otherwise, the application may be amended only with prior written permission from the Office of Financial Regulation. Requests to make changes which are material to the application may be deemed by the Office of Financial Regulation to be grounds for denial, and a new application, accompanied by the appropriate filing fees, may be required.

~~(5)(3)~~ Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Office of Financial

Regulation by submitting a written request that the application be withdrawn. Withdrawals will be deemed effective upon receipt by the Office.

~~(6)(4) Refunds. If the application is withdrawn or denied, all fees are non-refundable the investigation fee is non-refundable. If the application is withdrawn or denied, the license fee is refundable.~~

~~(5) If one's civil rights have been restored and the conviction did not directly relate to the consumer finance industry, the applicant shall provide evidence of restoration of civil rights. If one's civil rights have been restored and the conviction is directly related to the consumer finance industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.~~

(7) Upon approval of an application, a license will be issued for the remainder of the biennial licensure period.

Specific Authority 516.22(1), 516.23(3), 516.031, FS. Law Implemented 516.03(1), 516.05(1), 516.07 FS. History—New 12-18-88, Amended 5-9-90, 10-1-95, 1-5-00, Formerly 3D-160.030, Amended _____.

69V-160.031 Consumer Finance License Renewal and Reactivation.

(1) Each active consumer finance license will be renewed for the biennial period beginning January 1 of every odd-numbered year, upon submission of the statutory renewal fee and renewal notice to the Office of Financial Regulation. ~~Form OFR-CF-3 (effective 10/99), Consumer Finance License Renewal, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2) If the Office of Financial Regulation has not received the renewal fee prior to January 1 of the renewal year, the license shall revert from active to inactive status. ~~Failure to return the renewal notice and fee prior to January 1 of the renewal year shall automatically result in the license becoming inactive.~~ The inactive license may be reactivated within six (6) months after becoming inactive upon payment of the biennial license fee; and payment of the reactivation fee which is a fee equal to the biennial license fee; ~~and return of the reactivation notice.~~

(3) A renewal fee submitted electronically on the Office's website shall be considered received on the date the Office issues a confirmation of payment to the licensee via the Office's website. A confirmation is issued by the Office upon successful submission of a renewal payment. Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.

(4) In the event the payment is received in a paper format, the received date shall be the date stamped on the payment when received by the Department of Financial Services' Cashier's Office in Tallahassee, Florida.

(5) All renewal fees required to be filed under this rule shall be filed electronically at www.flofr.com.

(6) Any person may petition for waiver of the requirement of electronic submission of applications, fees, data and forms by filing a petition pursuant to Rule 28-106.301, Florida Administrative Code. Such petition shall demonstrate a technological or financial hardship that entitles the person to file the application, fees, data or form in a paper format.

~~(7)(4) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.~~

Specific Authority 516.03(1), 516.22(1), 516.23(3) FS. Law Implemented 516.03(1), 516.05(1), (2) FS. History—New 12-13-88, Amended 1-5-00, 12-25-00, Formerly 3D-160.031, Amended _____.

69V-160.032 Amendments, Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed under Chapter 516, F.S., which proposes to change its name, form of business organization, or any other information contained in any initial application form or any amendment thereto, must file an amendment pursuant to Section 516.05, F.S., not later than thirty-days (30) after the effective date of the change on: Consumer Finance Application, Form OFR-516-01. The form is available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. Name changes pursuant to this subsection shall not involve any change in controlling interest of the licensed entity.

(2) Each licensee under Chapter 516, F.S., which proposes to change any personnel described in Section 516.03, F.S., listed in any initial application or any amendment thereto must file an amendment not later than thirty-days (30) prior to the effective date of the change or within two (2) business days after the date the licensee first received notice of the change on Consumer Finance Application, Form OFR-516-01. In the event the change in personnel in Section 516.03, F.S., listed in any initial application or any amendment thereto results in the addition of anyone referenced in this subsection, such persons must comply with Section 516.03, F.S. unless such person has previously complied Section 516.03, F.S., with an entity currently licensed under this chapter.

(3) Applications for licensure under Chapter 516 required as a result of an acquisition of a controlling interest in a licensee pursuant to subsection 516.05(5), F.S., must be filed in a timely manner as to allow the Office to complete its review of the application prior to the effective date of the acquisition,

but not later than thirty (30) days prior to the date of such acquisition. Such applications must be filed in accordance with Section 516.03, F.S.

(4) The office shall waive the requirement for a licensee to file a new application pursuant to subsection 516.05(5), F.S.:

(a) when a person or group of persons proposing to purchase or acquire a controlling interest in a Chapter 516, F.S., licensee has previously filed with the Office the information required in Section 516.03, F.S., with the licensee to the office, provided that such person is currently affiliated with the licensee; or

(b) when the acquirer is currently licensed with the office under Chapter 516, F.S.

(5) If the requirement to file a new application for a change in controlling interest is waived pursuant to subsection 4 of this rule, the licensee must file an amendment as prescribed in subsection (2) of this rule to report the change in controlling interest.

(6) Form OFR-516-01 is incorporated by reference in subsection 69V-160.030(1), F.A.C.

Specific Authority 516.05(4), 516.05(5), 516.23(3) FS. Law Implemented 516.01, 516.02(1), 516.05(4), 516.05(5) FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-2.0010
RULE TITLE: Educational Facilities

PURPOSE AND EFFECT: This rule is amended to incorporate the 2007 State Requirements for Educational Facilities and to remove at the Joint Administrative Procedures Committee’s request, other codes and specifications from the rule. The removal of the codes and specifications do not affect educational facilities as they are still enforceable by law.

SUMMARY: This rule is amended to adopt the 2007 State Requirements for Educational Facilities.

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

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

SPECIFIC AUTHORITY: Section 1(a) Article IX, State Constitution; 1001.02(1), 1013.02(2), 1013.37 FS.

LAW IMPLEMENTED: 1(a) Article IX, State Constitution; 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1031.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS.

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

DATE AND TIME: April 17, 2007, 8:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Spessard Boatright, Director, Office of Educational Facilities, Department of Education, 325 West Gaines Street, Suite 1054, Tallahassee, Florida 32399-0400, (850)245-0494

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-2.0010 Educational Facilities.

~~State Board of Education Commissioner of Education~~ requirements adopted pursuant to Chapter 120, Florida Statutes, to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 1013, Florida Statutes, are contained in Section 423 of the Florida Building Code and the Department of Education publications titled “State Requirements for Educational Facilities, 2007,” ~~1999 Volume I — Process,” “2005 Addendum to State Requirements for Educational Facilities Volume 1,” and “2006 Addendum to State Requirements for Educational Facilities”~~ which ~~is are~~ hereby incorporated by reference and made a part of this rule to become effective with the effective date of the amended rule. All educational and ancillary facilities constructed by a school board or community college board shall comply with “State Requirements for Educational Facilities, 2007, ~~1999 Volume I — Process,” “2005 Addendum to State Requirements for Educational Facilities, Volume I,” and “2006 Addendum to State Requirements for Educational Facilities,”~~ the Florida Building Code (FBC), including Section 423, and the Florida Fire Prevention Code (FFPC). The FBC shall supersede any other code adopted by a board, or any other building code or ordinance, for the construction of educational and ancillary facilities and plants whether at the local, county, or state level rule.

(1) In addition to ~~“State Requirements for Educational Facilities, 1999 Volume I,” “2005 Addendum to State Requirements for Educational Facilities, Volume I,” and “2006 Addendum to State Requirements for Educational Facilities”~~ all, or the specific portions cited, of the following building codes are hereby incorporated by reference and made a part of this rule. If there should be conflicting requirements between these codes and ~~“State Requirements for Educational Facilities, 1999 Volume I,” “2005 Addendum to State Requirements for~~

~~Educational Facilities, Volume I,” “2006 Addendum to State Requirements for Educational Facilities” the more, or most stringent requirement shall apply.~~

~~(a) AHERA. Asbestos Hazard Emergency Response Act, 40 CFR, Part 763, as revised July 1, 1995.~~

~~(b) AISC. American Institute of Steel Construction Allowable Stress Design (Manual of Steel Construction), as adopted by the Florida Building Commission in Rule 9B-3.047, F.A.C.~~

~~(c) ANSI. American National Standards Institute. References to ANSI standards as adopted by the Florida Building Commission in Chapter 35 of the Florida Building Code.~~

~~(d) ASHRAE. American Society of Heating, Refrigeration, and Air Conditioning Engineers.~~

~~(e) ASTM. American Society for Testing Materials. References to ASTM standards shall be the edition as adopted by the Florida Building Commission in Chapter 35 of the Florida Building Code.~~

~~(f) DOT AASHTO, American Association of State Highway and Transportation Officials, “Standard Specification for Highway Bridges, 17th Edition (2002)” and “Bridge Design Specifications, 3rd Edition (2004)” Sections 3.3.2, 3.14.1, 11, and 13, and Table 3.4.1-1 as modified by the Florida Department of Transportation (DOT) in “Structures Design Guidelines” Jan. Jul., January 2006 Revision (Topic Number 625-020-150-c) and DOT “Drainage Manual” Chapter 4, as required by the structure type and as incorporated by reference in subsection 14-15.002(2), F.A.C.~~

~~(g) FEMA. Federal Emergency Management Agency. Rules and Regulations 44 CFR, Parts 59 and 60, revised as of October 1, 2002, for flood plain criteria governing insurability of facilities constructed in flood plain.~~

~~(h) Florida Building Code (FBC), as adopted by the Florida Building Commission in Rule 9B-3.047, F.A.C.~~

~~(i) NEC. National Electrical Code, as adopted by the Florida Building Commission in Section 2701.1 of the Florida Building Code.~~

~~(j) NFPA. National Fire Protection Association, as adopted by the Florida Fire Prevention Code in State Fire Marshal Rules 69A-60.002 through 69A-60.005, F.A.C., NFPA 101, and other NFPA codes as applicable. Exceptions are NFPA 101 Sections 14.2.2.5 “Horizontal Exits” and 14.2.2.7 “Exit Passageways” and where NFPA codes are exceeded by these State Requirements.~~

~~(k) OSHA. Occupational Safety and Health Administration, U.S. Department of Labor, 29 CFR as Revised July 1, 2005.~~

~~(l) Chapter 69A, F.A.C., as adopted by the Division of State Fire Marshal.~~

~~(m) TMS. The Masonry Society Standards, 2005; TMS 402-02.~~

~~(1)(2) Copies of the publications “State Requirements for Educational Facilities, 2007” 1999 Volume I,” “2005 Addendum to State Requirements for Educational Facilities”, and “2006 Addendum to State Requirements for Educational Facilities” are available from the Office of Educational Facilities, Florida Department of Education, Room 1054, 325 West Gaines Street, Tallahassee, Florida 32399-0400, at a cost to be determined by the Commissioner, but which shall not exceed actual cost or from the Department of Education’s website at <http://www.firn.edu/doe/edfacil> in pdf format. Copies of the codes listed in subsection (1) of this rule are available from the publisher whose location and address are available from the Office of Educational Facilities. These listed codes are readily available to the public upon request at the cost established by the publisher.~~

~~(3) All documents incorporated by reference in this rule are effective as they read on the date of the effective date of this rule.~~

Specific Authority Section 1(a) Article IX, State Constitution; 1001.02(1), 1013.02(2), 1013.37 FS. Law Implemented 1(a) Article IX, State Constitution; 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1031.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS. History—New 10-30-94, Amended 4-28-97, Formerly 6A-2.0111, Amended 1-5-00, Formerly 6-2.001, Amended 8-22-05, 7-2-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Spessard Boatright, Director, Office of Educational Facilities

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

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 proposed rule amendment is to adopt changes to selected subject area competencies and skills. These changes are incorporated by reference through the adoption of the document, Competencies and Skills Required for Teacher Certification in Florida, Twelfth Edition. In addition, the rule specifies the effective date for implementation of the new competencies and skills.

The effect of these changes is that the updated competencies and skills for the subject area examinations will be available to examination candidates and the examinations will be updated to include these competencies and skills.

SUMMARY: References and the effective date are changed for the new edition of the Competencies and Skills Required for Teacher Certification in Florida, Twelfth Edition. Changes to competencies and skills for subject area content examinations are implemented with the specified date.

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

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

SPECIFIC AUTHORITY: 1012.56(8) FS.

LAW IMPLEMENTED: 1012.56(8) FS.

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

DATE AND TIME: 9:00 a.m., April 17, 2007

PLACE: 325 West Gaines Street, Suite 1514, Tallahassee, Florida 32399-0400

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) Scope. This rule governs the written examinations for teacher certification. Additional requirements for certification are specified in Chapter 6A-4, F.A.C.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Before July 21, 2007, the general knowledge competencies and skills as contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Eleventh Edition." Beginning with the July 21, 2007 ~~2006~~ test administration, the general knowledge competencies and skills as contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twelfth Eleventh Edition." Copies of these publications may be obtained from Florida Teacher Examinations, Department of Education, 325 West Gaines

Street, Tallahassee, Florida 32399, at a price to be established by the Commissioner not to exceed actual cost.

2. Before July 21, 2007 ~~October 21, 2006~~, the professional education test competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Eleventh Tenth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 21, 2007 ~~October 21, 2006~~, the professional education test competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twelfth Eleventh Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)1. of this rule from Florida Teacher Examinations, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 at a price to be established by the Commissioner not to exceed actual cost, and

3. Before July 21, 2007 ~~22, 2006~~, the subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Eleventh Tenth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning July 21, 2007 ~~22, 2006~~, the subject area competencies and skills, with the exception of Elementary Education K-6, Prekindergarten/Primary PK-3, and Reading K-12, contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Twelfth Eleventh Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)1,2, of this rule.

4. Before October 21, 2006, the subject area competencies and skills for Elementary Education K-6, Prekindergarten/Primary PK-3, and Reading K-12, contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Tenth Edition" which is hereby incorporated by reference and made a part of this rule. Beginning October 21, 2006, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Eleventh Edition" which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)2. of this rule.

(d) through (15) No change.

Specific Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, 5-24-05, 5-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Cornelia Orr
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 10, 2006

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.019
RULE TITLE: Children and Spouses of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships

PURPOSE AND EFFECT: The purpose of the rule amendment is to include spouses of deceased or disabled veterans as eligible for scholarships. The effect is a rule which is expanded pursuant to Section 295.01, Florida Statutes, to include spouses.

SUMMARY: Section 295.01, Florida Statutes, was amended to expand eligibility for scholarships through the Children of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships program to include spouses. The rule is amended to reflect this change.

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

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

SPECIFIC AUTHORITY: 1001.02(1), 295.01(3), 295.02 FS.

LAW IMPLEMENTED: 1009.5385, 1009.42, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 295.02, 295.03, 295.04, 295.05 FS.

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

DATE AND TIME: April 17, 2007, 8:30 a.m.
PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Antworth, Director, State Scholarships and Grants, Department of Education, Office of Student Financial Assistance, 1940 N. Monroe Street, Suite 70, Tallahassee, Florida 32399-0400, (850)410-5185

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-20.019 Children and Spouses of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships.

(1) Eligibility criteria for awards. To receive aid, a student shall meet the provisions of Sections 1009.40, 1009.42, 295.01, 295.02, 295.03, 295.04, and 295.05, Florida Statutes, and Section 295.015, or 295.016, or 295.017, or 295.018, or 295.019, or 295.0195, Florida Statutes, and Rule 6A-20.001 and 6A-20.0371, F.A.C., and:

(a) Submit, for each academic year on or before April 1, Form FFAA-1, Florida Financial Aid for Students, as incorporated by reference in Rule 6A-20.020, FAC., and Form CDDV-1, Scholarships for Children and Spouses of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Certification Form. Form CDDV-1 is hereby incorporated by reference and made a part of this rule to become effective October 2002. A copy of Forms FFAA-1 and CDDV-1 may be obtained from the Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(6) Amount of award. The maximum amount of a scholarship shall be the amount of tuition and registration fees assessed the student at the end of regular registration, inclusive of the drop-add period. However, the amount of the scholarship in combination with other student aid shall not exceed the student's cost of education. A student who receives a Children and Spouses of Deceased or Disabled Veterans Scholarship, who is enrolled in nonpublic postsecondary institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average matriculation and fee calculation for full-time attendance at a public postsecondary education institution at the comparable level. A student enrolled part-time shall receive a reduced award by either one-half or three-fourths of the maximum award, depending on the level or fees assessed.

Specific Authority 1001.02(1), 295.01(3), 295.02 FS. Law Implemented 1009.5385, 1009.42, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 295.02, 295.03, 295.04, 295.05 FS. History--New 12-28-86, Amended 3-22-89, 5-16-90, 3-24-92, 10-18-94, 11-3-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Theresa Antworth, Director, State Scholarships and Grants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-3.2085
RULE TITLE: Department and Services

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-3.2085, Florida Administrative Code, consistent with provisions of Section 408.0361, Florida Statutes. This section includes standards for adult diagnostic cardiac catheterization services in hospitals, and provides for adoption of rules to establish a licensure process for adult interventional cardiology programs in Florida hospitals and to adopt standards for those programs.

SUMMARY: The proposed amendments to this rule establish standards for adult diagnostic cardiac catheterization services in hospitals and criteria for licensure of interventional cardiology programs in Florida hospitals.

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

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

SPECIFIC AUTHORITY: 408.0361(1) FS.

LAW IMPLEMENTED: 408.0361 FS.

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

DATE AND TIME: April 10, 2007, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 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: Jeffrey N. Gregg, Chief, Bureau of Health Facility Regulation, (850)922-0791. If you are 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: Jeffrey N. Gregg, Chief, Bureau of Health Facility Regulation, (850)922-0791

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.2085 Department and Services.

(1) through (12) No change.

(13) ~~Adult Inpatient Diagnostic Cardiac Catheterization Program. All licensed hospitals that establish adult diagnostic cardiac catheterization laboratory services under Section 408.0361, F.S., shall operate in compliance with the most recently published guidelines of the American College of Cardiology/American Heart Association regarding the operation of diagnostic cardiac catheterization laboratories. The applicable guideline, herein incorporated by reference, is the American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards: Bashore et al, ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214. Aspects of the guideline related to pediatric services or outpatient cardiac catheterization in freestanding non-hospital settings are not applicable to this rule. All licensed hospitals that establish an Adult Inpatient Diagnostic Cardiac Catheterization Program after July 1, 1997 pursuant to an exemption granted under Section 408.036(3)(n), F.S., shall comply with the provisions of the ACC/AHA Guidelines for Cardiac Catheterization and Cardiac Catheterization Laboratories JACC Volume 18, Number 5 of November 1, 1991, which establish the standards for Cardiac Catheterization and Cardiac Catheterization Laboratories, and which is hereby incorporated by reference, except as modified herein.~~

All such ~~exempted~~ licensed hospitals shall have a department, service or other similarly titled unit which shall be organized, directed and staffed, and integrated with other units and departments of the hospitals in a manner designed to assure the provision of quality patient care.

(a) Definitions. The following definitions shall apply specifically to all adult ~~inpatient~~ diagnostic cardiac catheterization programs, as described in this subsection 59A-3.2085(13), F.A.C.:

~~1.3.~~ "Diagnostic Cardiac Catheterization" means a procedure requiring the passage of a catheter into one or more cardiac chambers of the left and right heart, with or without coronary arteriograms, for the purpose of diagnosing congenital or acquired cardiovascular diseases, or for determining measurement of blood pressure flow; and also includes the selective catheterization of the coronary ostia with injection of contrast medium into the coronary arteries.

~~1.~~ "ACC/AHA" means the American College of Cardiology/American Heart Association.

~~2.~~ "JACC" means the Journal of the American College of Cardiology.

~~2.4.~~ "Adult ~~Inpatient~~" means a person ~~fifteen~~ eighteen years of age or older who has been admitted for bed occupancy for the purposes of receiving inpatient hospital services.

5. ~~“Annual Program Volume” means the total number of inpatient and outpatient admissions to the adult cardiac catheterization program, for the purpose of diagnostic cardiac catheterization, for a 12 month period. A single admission is equivalent to one patient visit to the cardiac catheterization program. Each patient visit shall be counted in determining the actual program volume regardless of whether the patient is an inpatient or outpatient at the hospital performing the procedure, or has been admitted as an inpatient or outpatient at another facility.~~

~~3.(b) Therapeutic Procedures. An adult diagnostic cardiac catheterization program established pursuant to an exemption granted under Section 408.0361 408.036(3)(n), F.S., shall not provide therapeutic services, such as balloon angioplasty percutaneous coronary intervention or stent insertion, intended to treat an identified condition or the administering of intra-coronary drugs, such as thrombolytic agents.~~

~~4.(e) Diagnostic Procedures. Procedures performed in the adult diagnostic cardiac catheterization laboratory shall include, for example, the following:~~

~~a.1. Left heart catheterization with coronary angiography and left ventriculography~~

~~b.2. Right heart catheterization~~

~~c.3. Hemodynamic monitoring line insertion~~

~~d.4. Aortogram~~

~~e.5. Emergency temporary pacemaker insertion~~

~~f.6. Transesophageal electric pacing~~

~~g.7. Myocardial biopsy~~

~~h.8. Trans-septal procedures~~

~~i.9. Intra-coronary ultrasound (CVIS)~~

~~j.10. Fluoroscopy~~

~~k.11. Hemodynamic stress testing~~

~~(d) Annual Program Volume. The minimum program volume for an adult diagnostic cardiac catheterization service shall be either 300 admissions during the 12 month period commencing 18 months after a program becomes operational, or 150 admissions by at least one physician who performed diagnostic cardiac catheterizations during that period, with a second physician with at least 100 admissions for adult diagnostic cardiac catheterization during the same period. The program volume standard shall be met during each subsequent 12 month period. An annual report of compliance with this requirement shall be forwarded to the Agency’s Certificate of Need Office.~~

~~(b)(e) Support Equipment. A crash cart containing the necessary medication and equipment for ventilatory support shall be located in each cardiac catheterization procedure room. A listing of all crash cart contents shall be readily available. At the beginning of each shift, the crash cart shall be checked for intact lock; the defibrillator and corresponding equipment shall be checked for function and operational capacity. A log shall be maintained indicating review.~~

(c) Radiographic Cardiac Imaging Systems. A quality improvement program for radiographic imaging systems shall include measures of image quality, dynamic range and modulation transfer function. Documentation indicating the manner in which this requirement will be met shall be available for the Agency’s review.

(d)(f) Physical Plant Requirements. Section 419.2.1.2, Florida Building Code, subsection 59A 3.081(53), F.A.C., contains the physical plant requirements for the adult diagnostic inpatient cardiac catheterization program.

(e)(g) Personnel Requirements. There shall be an adequate number of trained personnel available. At a minimum, a team involved in cardiac catheterization shall consist of a physician, one registered nurse, and one technician.

(f) Quality Improvement Program. A quality improvement program for the adult diagnostic cardiac catheterization program laboratory shall include an assessment of proficiency in coronary interventions, as described in the American College of Cardiology/American Heart Association Guidelines. Essential data elements for the quality improvement program include the individual physician procedural volume and major complication rate; the institutional procedural complication rate; relevant clinical and demographic information about patients; verification of data accuracy; procedures for patient, physician and staff confidentiality; a comparison of outcomes with benchmark data and the ability to risk-stratify patients. Documentation indicating the manner in which this requirement will be met shall be available for the Agency’s review.

(g)(h) Emergency Services. Cardiac catheterization programs in a hospital not performing open heart surgery shall have a written protocol for the transfer of emergency patients to a hospital providing open heart surgery, which is within thirty minutes travel time by emergency vehicle under average travel conditions.

1. All providers of adult diagnostic cardiac catheterization program services in a hospital not licensed as a Level II adult interventional cardiology provider shall have written transfer agreements developed specifically for diagnostic cardiac catheterization patients with one or more hospitals that operate a Level II adult interventional cardiology services program. Written agreements must be in place to ensure safe and efficient emergency transfer of a patient within 60 minutes. Transfer time is defined as the number of minutes between the acceptance of the patient by the physician in the receiving hospital and the patient’s arrival at the receiving hospital. Transfer and transport agreements must be reviewed and tested at least every 3 months, with appropriate documentation maintained. Each program shall be capable of providing immediate endocardiac catheter pacemaking in case of cardiac arrest and pressure recording for monitoring and evaluating

~~valvular disease, or heart failure. Documentation indicating the manner in which this requirement will be met shall be available for the Agency's review.~~

2. Patients at high risk for diagnostic catheterization complications shall be referred for diagnostic catheterization services to hospitals licensed as a Level II adult interventional cardiology services provider. For example, patients actively infarcting should be defined as high risk and be immediately transported to a hospital where on-site open-heart surgery is available. Hospitals not licensed as a Level II adult interventional cardiology services provider must have documented patient selection and exclusion criteria and provision for identification of emergency situations requiring transfer to a hospital with a Level II adult interventional cardiology services program. Documentation indicating the manner in which this requirement will be met shall be available for the Agency's review.

3. Each adult diagnostic cardiac catheterization program shall have the capability of rapid mobilization of its team 24 hours a day, 7 days a week. Documentation indicating the manner in which this requirement will be met shall be available for the Agency's review.

(h) Policy and Procedure Manual for Medicaid and Charity Care.

1. Each provider of adult diagnostic cardiac catheterization services shall maintain a policy and procedure manual, available for review by the Agency, which documents a plan to provide services to Medicaid and charity care patients.

2. At a minimum, the policy and procedure manual shall document specific outreach programs directed at Medicaid and charity care patients for adult diagnostic cardiac catheterization services.

~~(i) Each diagnostic catheterization program shall provide a minimum of 2 percent of its admissions to charity and Medicaid patients each year. An annual report of compliance with this requirement shall be forwarded to the Agency's Certificate of Need Office.~~

(i) Enforcement. Enforcement of these rules shall follow procedures established in Rule 59A-3.253, F.A.C.

(16) Level I Adult Interventional Cardiology Services.

(a) Licensure.

1. A hospital seeking a license for a Level I adult interventional cardiology services program shall submit a request to the Agency, signed by the chief executive officer of the hospital, attesting that, for the most recent 12-month period, the hospital has provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations or, for the most recent 12-month period, has discharged or transferred at least 300 inpatients with the principal diagnosis of ischemic heart disease (defined by ICD-9-CM codes 410.0 through 414.9).

2. The request shall attest to the hospital's intent and ability to comply with applicable ACC/AHA guidelines including guidelines for staffing, physician training and experience, operating procedures, equipment, physical plant and patient selection criteria.

3. The request shall attest to the hospital's intent and ability to comply with physical plant requirements regarding cardiac catheterization laboratories and operating rooms found Section 419.2.1.2, Florida Building Code.

4. The request shall also include copies of one or more written transfer agreements with hospitals that operate a Level II adult interventional cardiology services program, including written transport protocols to ensure safe and efficient transfer of an emergency patient within 60 minutes. Transfer time is defined as the number of minutes between the acceptance of the patient by the physician in the receiving hospital and the patient's arrival at the receiving hospital.

5. All providers of Level I adult interventional cardiology services programs shall operate in compliance with subsection 59A-3.2085(13), F.A.C., and the most recently published guidelines of the American College of Cardiology/American Heart Association regarding the operation of adult diagnostic cardiac catheterization laboratories and the provision of percutaneous coronary intervention (PCI).

6. The applicable guidelines, herein incorporated by reference, are the *American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards: Bashore et al, ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214. ACC/AHA/SCAI 2005 Guideline Update for Percutaneous Coronary Intervention A Report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention).*

7. Notwithstanding ACC/AHA guidelines to the contrary, all providers of Level I adult interventional cardiology services programs may provide elective PCI procedures. Aspects of the guidelines related to pediatric services or outpatient cardiac catheterization in freestanding non-hospital settings are not applicable to this rule.

8. Hospitals with Level I adult interventional cardiology services programs must renew their licenses at the time of the hospital licensure renewal, providing the information in 2. through 5. above. Failure to renew the hospital's license and/or the information in 2. through 5. above shall cause the license to expire.

(b) Staffing.

1. Each cardiologist shall be an experienced physician who has performed a minimum of 75 interventional cardiology procedures, exclusive of fellowship training and within the previous 12 months from the date of the exemption application.

2. Physicians with less than 12 months experience shall fulfill applicable ACC/AHA training requirements (reference ACC/AHA/SCAI 2005 Guideline Update for Percutaneous Coronary Intervention) prior to being allowed to perform emergency PCIs in a hospital that is not licensed for a Level II adult interventional cardiology services program.

3. The nursing and technical catheterization laboratory staff shall be experienced in handling acutely ill patients requiring intervention or balloon pump, based on previous experience in dedicated cardiac interventional laboratories at a hospital with a Level II adult interventional cardiology services program. They shall be skilled in all aspects of interventional cardiology equipment, and must participate in a 24-hour-per-day, 365 day-per-year call schedule.

4. A member of the cardiac care nursing staff who is adept in hemodynamic monitoring and Intra-aortic Balloon Pump (IABP) management shall be in the hospital at all times.

(c) Emergency Services.

1. A hospital provider of Level I adult interventional cardiology services program must ensure it has systems in place for the emergent transfer of patients with intra-aortic balloon pump (IABP) support to one or more hospitals licensed to operate a Level II adult interventional cardiology services program. Formalized written transfer agreements developed specifically for emergency PCI patients must be developed with a hospital that operates a Level II adult interventional cardiology program. Written transport protocols must be in place to ensure safe and efficient transfer of a patient within 60 minutes. Transfer time is defined as the number of minutes between the acceptance of the patient by the physician in the receiving hospital and the patient's arrival at the receiving hospital. Transfer and transport agreements must be reviewed and tested at least every 3 months, with appropriate documentation maintained.

(d) Policy and Procedure Manual for Medicaid and Charity Care.

1. Each provider of Level I adult interventional cardiology services shall maintain a policy and procedure manual, available for review by the Agency, which documents a plan to provide services to Medicaid and charity care patients.

2. At a minimum, the policy and procedure manual shall document specific outreach programs directed at Medicaid and charity care patients for Level I adult interventional cardiology services.

(e) Physical Plant Requirements.

Section 419.2.1.2, Florida Building Code, contains the physical plant requirements for adult cardiac catheterization laboratories operated by a licensed hospital.

(f) Enforcement.

1. Enforcement of these rules shall follow procedures established in Rule 59A-3.253, F.A.C.

2. The Agency shall use outcomes published on the "Florida Compare Care" website to establish priorities for appraisal visits of licensed Level I adult interventional cardiology providers. Providers with higher than expected risk-adjusted mortality rates on measures including "acute myocardial infarction mortality rate" and "acute myocardial infarction mortality rate, without transfer cases" will receive an appraisal visit by the Agency to review the operation of the Level I adult interventional cardiology services program.

3. Level I adult interventional cardiology services programs that fail to meet outcome standards or other provisions of this rule shall be given 15 days to develop a plan of correction that must be accepted by the Agency.

4. Failure of the hospital with a Level I adult interventional cardiology services program to make improvements specified in the plan of correction shall result in the revocation of the program license. The hospital may offer evidence of mitigation and such evidence could result in a lesser sanction.

(17) Level II Adult Interventional Cardiology Services.

(a) Licensure.

1. A hospital seeking a license for a Level II adult interventional cardiology services program shall submit a request to the Agency, signed by the chief executive officer of the hospital, attesting that, for the most recent 12-month period, the hospital has provided a minimum of a minimum of 1,100 adult inpatient and outpatient cardiac catheterizations, of which at least 400 must be therapeutic cardiac catheterizations, or, for the most recent 12-month period, has discharged at least 800 patients with the principal diagnosis of ischemic heart disease (defined by ICD-9-CM codes 410.0 through 414.9).

2. The request shall attest to the hospital's intent and ability to comply with applicable ACC/AHA guidelines including guidelines for staffing, physician training and experience, operating procedures, equipment and physical plant.

3. The request shall attest to the hospital's intent and ability to comply with physical plant requirements regarding cardiac catheterization laboratories and operating rooms found Section 419.2.1.2, Florida Building Code.

4. All providers of Level II adult interventional cardiology services programs shall operate in compliance with subsections 59A-3.2085(13) and 59A.2085(16), F.A.C. and the most recently published guidelines of the American College of Cardiology/American Heart Association regarding the operation of diagnostic cardiac catheterization laboratories, the provision of percutaneous coronary intervention (PCI) and the provision of coronary artery bypass graft surgery.

a. The applicable guidelines, herein incorporated by reference, are the American College of Cardiology/Society for Cardiac Angiography and Interventions Clinical Expert Consensus Document on Cardiac Catheterization Laboratory Standards: Bashore et al, ACC/SCA&I Clinical Expert Consensus Document on Catheterization Laboratory Standards, JACC Vol. 37, No. 8, June 2001: 2170-214; and

b. ACC/AHA/SCAI 2005 Guideline Update for Percutaneous Coronary Intervention A Report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention; and

c. ACC/AHA 2004 Guideline Update for Coronary Artery Bypass Graft Surgery: A Report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (Committee to Update the 1999 Guidelines for Coronary Artery Bypass Graft Surgery) Developed in Collaboration With the American Association for Thoracic Surgery and the Society of Thoracic Surgeons.

d. Aspects of the guideline related to pediatric services or outpatient cardiac catheterization in freestanding non-hospital settings are not applicable to this rule.

5. Hospitals with Level II adult interventional cardiology services programs must renew their licenses at the time of the hospital licensure renewal, providing the information in 2. through 4. above. Failure to renew the hospital's license and/or the information in 1. through 4. above shall cause the license to expire.

(b) Staffing.

1. Each cardiologist shall be an experienced physician who has performed a minimum of 75 interventional cardiology procedures, exclusive of fellowship training and within the previous 12 months from the date of the exemption application.

2. The nursing and technical catheterization laboratory staff shall be experienced in handling acutely ill patients requiring intervention or balloon pump, based on previous experience in dedicated cardiac interventional laboratories at a hospital with a Level II adult interventional cardiology services program. They shall be skilled in all aspects of interventional cardiology equipment, and must participate in a 24-hour-per-day, 365 day-per-year call schedule.

3. A member of the cardiac care nursing staff who is adept in hemodynamic monitoring and Intra-aortic Balloon Pump (IABP) management shall be in the hospital at all times.

(c) Policy and Procedure Manual for Medicaid and Charity Care.

1. Each provider of adult Level II adult interventional cardiology services shall maintain a policy and procedure manual, available for review by the agency, which documents a plan to provide services to Medicaid and charity care patients.

2. At a minimum, the policy and procedure manual shall document specific outreach programs directed at Medicaid and charity care patients for Level II adult interventional cardiology services.

(d) Physical Plant Requirements.

Section 419.2.1.2, Florida Building Code, contains the physical plant requirements for adult cardiac catheterization laboratories and operating rooms for cardiac surgery operated by a licensed hospital.

(e) Enforcement.

1. Enforcement of these rules shall follow procedures established in Rule 59A-3.253, F.A.C.

2. The Agency shall use outcomes published on the "Florida Compare Care" website to establish priorities for appraisal visits of licensed Level II adult interventional cardiology providers. Providers with higher than expected risk-adjusted mortality rates on measures including "acute myocardial infarction mortality rate" and "acute myocardial infarction mortality rate, without transfer cases" and "coronary artery bypass graft mortality rate" will receive an appraisal visit by the Agency to review the operation of the Level II adult interventional cardiology services program.

3. Level II adult interventional cardiology services programs that fail to meet outcome standards or other provisions of this rule shall be given 15 days to develop a plan of correction that must be accepted by the Agency.

4. Failure of the hospital with a Level II adult interventional cardiology services program to make improvements specified in the plan of correction shall result in the revocation of the program license. The hospital may offer evidence of mitigation and such evidence could result in a lesser sanction.

Specific Authority 395.1055, 395.3038, 395.401, 408.036, 408.0361(1) FS. Law Implemented 395.001, 395.1055, 395.1065, 395.3038, 395.401, 408.036, 408.0361, 957.05 FS. History--New 4-17-97, Amended 3-29-98, 8-23-99, 3-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jeffrey N. Gregg, Chief, Bureau of Health Facility Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Elizabeth Dudek, Deputy Secretary, Health Quality Assurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-79.001
 RULE TITLE: Developer, Filing

PURPOSE AND EFFECT: This rule amendment creates the Notice of Cooperative Incorporation/Recording Information form required by Section 719.1035(1), Florida Statutes. The developer, upon creation of a cooperative, is required to file recording information for the cooperative with the division prior to the conveyance of the cooperative property.

SUMMARY: This rule amendment addresses the filing of cooperative creation and recording information with the division.

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

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

SPECIFIC AUTHORITY: 719.1035(1), 719.501(1)(f) FS.

LAW IMPLEMENTED: 719.1035(1), 719.403(7), 719.502, 719.503, 719.504 FS.

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

DATE AND TIME: April 9, 2007, 10:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-79.001 Developer, Filing.
 (1) through (5) No change.

(6)(a) Upon recording the cooperative documents as defined in Section 719.1035(1), Florida Statutes, or recording amendments adding phases as defined in Section 719.403(7),

Florida Statutes, the developer or the association shall file the incorporation and recording information with the division within 30 working days on DBPR Form CP 6000-2, NOTICE OF COOPERATIVE INCORPORATION/RECORDING INFORMATION, incorporated in this rule and effective _____. You may request a copy of the form, as well as all forms referenced in these rules, by sending a written request to the Division of Florida Land Sales, Condominiums, and Mobile Homes at the Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.

(b)1. If you, the developer or the association, have not already filed and the division has not reviewed and approved the recorded documents under subsection (2) of this rule and Sections 719.502, 719.503 and 719.504, Florida Statutes, prior to recording, then you shall submit a complete copy of the recorded documents with DBPR Form CP 6000-2, NOTICE OF COOPERATIVE INCORPORATION/RECORDING INFORMATION; or

2. If the division has already reviewed and approved the recorded documents, then you, the developer or the association, shall only file the form.

Specific Authority 719.1035(1), 719.501(1)(f) FS. Law Implemented 719.1035(1), 719.403(7), 719.502, 719.503, 719.504 FS. History--New 1-8-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-16.009
 RULE TITLE: Examination and Reexamination

PURPOSE AND EFFECT: The Board proposes a rule amendment for review of the contractor category list and the modification for consistency within the rule.

SUMMARY: The Board proposed a rule amendment to add an area of competency for the contractor's examination and address the requirements for reexamination.

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

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

SPECIFIC AUTHORITY: 489.219(1), 489.108, 489.129(2) FS.

LAW IMPLEMENTED: 455.217, 489.109, 489.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G.W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.009 Examination and Reexamination.

(1)(a) The general areas of competency to be covered by the examination for general, building, residential, sheet metal, roofing, class A and B air conditioning, mechanical, commercial pool/spa, residential pool/spa, swimming pool/spa servicing, plumbing, underground utility and excavation, specialty structure, solar, pollutant storage, gypsum drywall, glass and glazing, and gas line contractors, and the relative weight to be assigned in grading each area tested shall be as specified in Rule 61G4-16.001, F.A.C.

(b) Reexamination.

1. A candidate who:

a. Fails to achieve a passing score on any of the tests referenced to in Rule 61G4-16.001, F.A.C., above; or

b. Fails to appear for a scheduled test shall be required to pay the reexamination fee as set forth in paragraph (3)(c) below.

2. A candidate shall be required to retake only the tests on which he or she failed to achieve a passing score or failed to appear to take when scheduled. However, a candidate must pass all tests within two years ~~three hundred sixty five (365) days~~ of the first attempt; after which time all past test scores of the candidate shall be considered invalid and he or she shall be required to take all parts of the test as specified in Rule 61G4-16.001, F.A.C. A candidate may take any specific part of the test no more than six times in the two year period.

3. A candidate who fails to achieve a passing score on the examination in whole or in part ~~on his or her first or second attempt~~ may submit an application to retake the certification examination to the examination vendor no less than thirty (30) days prior to the administration of the examination the candidate wishes to take provided he or she pays all appropriate fees as set forth in subsection (3) below.

(2) through (4) No change.

Specific Authority 455.217(2), 455.219(1), 489.108, 489.129(2) FS. Law Implemented 455.217, 489.109, 489.111 FS. History—New 2-25-93, Formerly 21E-16.009, Amended 10-17-93, 7-20-94, 11-25-97, 9-15-99, 4-26-00, 10-24-00, 2-6-03, 1-10-05, 11-3-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-24.005 RULE TITLE: Salon License Fee

PURPOSE AND EFFECT: To address fees.

SUMMARY: Raises the salon license application fee to \$50.00.

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

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

SPECIFIC AUTHORITY: 477.026, 477.026 FS.

LAW IMPLEMENTED: 477.026(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe, Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.005 Salon License Fee.

The salon license fee shall be fifty dollars (\$50.00). In addition, a non-refundable application fee of fifty ~~forty five~~ dollars (\$50.00) ~~(\$45.00)~~ shall be submitted with the salon license application.

Specific Authority 477.016, 477.026 FS. Law Implemented 477.026(1)(c) FS. History—New 11-2-80, Amended 5-3-82, 10-1-85, Formerly 21F-24.05, 21F-24.005, Amended 12-27-95,_____.

(Substantial rewording of Rule 61G16-5.004 follows: See Florida Administrative Code for present text.)

61G16-5.004 Application Evaluations.

(1) The determination of qualification for examination is a complex and subjective matter, therefore the Board has established the following guidelines which are generally applicable absent extraordinary evidence and documentation supporting a departure therefrom.

(2) In order to meet the prerequisites for examination for licensure as a professional geologist in Florida, an applicant is required to have graduated from a college or university with a major in geology or a related science acceptable to the Board. Each application is considered on an individual basis.

(a) A list of those related sciences previously determined to be acceptable is found in Rule 61G16-5.001, F.A.C.

(b) The applicant must also demonstrate satisfactory completion of a minimum of 30 semester hours of geological courses, 24 of those hours must be at the third or fourth year level or graduate level. A list of courses previously determined to be acceptable is found at Rule 61G16-5.002, F.A.C. No examination authorization will be granted anyone without documentation of having successfully passed these courses or their substantial equivalent. A degree in a related science without meeting these curricular requirements is insufficient to qualify one for examination for licensure.

(3) In addition, the Board has determined that an applicant is required to have at least seven (7) years of professional geological work experience.

(a) Geological experience obtained prior to meeting the educational requirements in subsection (2), above, is usually of a subprofessional nature. Such experience, if deemed acceptable and properly verified shall be awarded experience credit at 25% of the actual time spent. If the experience is obtained after the completion of 15 semester hours of geological courses, experience credit shall be awarded at up to 50% of actual time spent. In no event shall the total geological experience credit allowable prior to meeting the educational requirements in subsection (2), above, exceed 12 months.

(b) Experience must be progressive on geologic projects to indicate that it is of increasing quality and requiring greater responsibility.

(c) Two (2) years of experience are credited from the completion of the course work described in subsections (2), above, and

(d) The other five (5) years of experience should logically follow and constitute the application of the geologic education previously obtained.

(e) Experience should be gained under the supervision of a Professional Geologists, Professional Engineer qualified by education and experience to do the work being supervised, or "qualified geologists" as that term is defined in Section 492.102(5), Florida Statutes.

(f) No experience acquired while employed by and enrolled as a student in a college or university shall be counted unless it is demonstrated to the Board that the experience constituted responsible charge of geologic work. Teaching experience, to be creditable, must be in an accredited college or university and in the geological sciences.

(g) Full time: Geological work experience credit shall be granted on a month-for-month basis for those periods in which the applicant was engaged in responsible charge of geological work on a 40 hour per week, full time basis. Teaching 9 credit hours/semester, or the equivalent, of geological courses is considered full time.

(h) Part time: Periods in which the applicant was engaged in responsible charge of geological work on a part-time basis shall be credited toward the geological work experience requirements based on the percentage of full-time worked, provided the work is otherwise creditable.

Specific Authority 492.104, 492.105 FS. Law Implemented 492.105 FS. History—New 12-8-98, Amended 4-13-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Geologists

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Professional Geologists

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 17, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-3.004
RULE TITLE: Issuance of Registration or Certification

PURPOSE AND EFFECT: To establish standards for the issuance of certification.

SUMMARY: Standards for the issuance of certification are established.

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

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

SPECIFIC AUTHORITY: 475.613(2), 475.614, 475.6171 FS.

LAW IMPLEMENTED: 475.6171 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: Thomas O'Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.004 Issuance of Certification.

Any applicant requesting the issuance of his or her certification shall submit an application after completing the required education and experience components and shall submit to the Board the following in order for the applicant's certification to be issued:

(1) Have completed and submitted an application for certification in the manner prescribed by Rule 61J1-3.001, F.A.C., that demonstrates compliance with qualifications for certification as specified in Section 475.615, F.S.:

(2) Provide the Board with proof of successful completion of the education component as specified in Section 475.617, F.S. and as further defined in Rule 61J1-4.001, F.A.C. The education component completed by the applicant for certification must have conformed to the AQB's education criteria in effect at the time the applicant's education component was completed. Specifically, the education component completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's education criteria effective on January 1, 2003. Education completed on or after January 1, 2008, must comply with the AQB's education criteria in effect on January 1, 2008;

(3) Provide the Board with proof of completion of the experience component for certification as specified in Section 475.617, F.S., and as further defined in Rule 61J1-6.001, F.A.C. The experience component completed by the applicant for certification must have conformed to the AQB's experience criteria in effect at the time the applicant's experience component was completed. Specifically, the experience component must be completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's experience criteria effective on January 1, 2003. Experience completed on or after January 1, 2008, must comply with the AQB's experience criteria in effect on January 1, 2008; and

(4) Provide the Board with proof of passing a written examination as specified in Section 475.616, F.S., and as further defined by Rule 61J1-5.001, F.A.C., if a written examination is required. Examination results are only valid for a maximum period of 24 months from the exam date.

(5) Effective January 1, 2009, the education and experience for all applicants requesting appraiser certification must conform to the AQB's education and experience criteria effective January 1, 2008.

Specific Authority 475.613(2), 475.614, 475.6171 FS. Law Implemented 475.6171 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-210.200	Definitions
62-210.300	Permits Required
62-210.310	Air General Permits
62-210.920	Registration Forms for Air General Permits

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-210, F.A.C., to clarify and update rules that address requirements for bulk gasoline plants. The bulk gasoline plant permitting exemption is removed for new bulk gasoline plants. The requirements for operation under the bulk gasoline air general permit are amended to include submerged filling for existing plants, where currently required, and Stage I vapor recovery for new plants statewide. The Bulk Gasoline Plant Air General Permit Registration Form is amended to incorporate these changes. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-252 and 62-296, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule amendments revise and update requirements for bulk gasoline plant permitting exemptions and for the use of the Bulk Gasoline Plant Air General Permit.

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

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

SPECIFIC AUTHORITY: 403.061, 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.814 FS.

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

DATE AND TIME: Wednesday, April 11, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless the context ~~content~~ clearly indicates otherwise, have the following meanings:

(1) through (49) No change.

(50) “Bulk Gasoline Plant” – Any gasoline storage and distribution facility that ~~which~~ receives gasoline from bulk terminals by pipeline, ship, barge, or gasoline cargo tank trailer transport, stores it in tanks, and subsequently delivers dispenses it to resellers, farms, businesses, service stations, or other end users, and that ~~which~~ has an average annual average daily throughput of less than 20,000 gallons (75,700 liters), but more than 2000 gallons (7,570 liters) calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.

(51) “Bulk Gasoline Terminal” – Any gasoline storage and distribution facility that ~~which~~ receives gasoline from its supply sources primarily by pipeline, ship, ~~or~~ barge, or gasoline cargo tank and delivers gasoline to bulk gasoline plants or to commercial or retail accounts primarily by tanker truck or trailer, and that has an annual average daily throughput of equal to or more than 20,000 gallons (75,700 liters) of gasoline, calculated on the basis of the number of calendar days that the facility receives or distributes gasoline of actual operation.

(52) through (149) No change.

(150) “Gasoline Cargo Tank” – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

~~(151)(150)~~ “Gasoline Dispensing Facility” – Any stationary facility that site where gasoline is dispensed gasoline directly into the fuel tank of a ~~to~~ motor vehicle gasoline tanks from stationary storage tanks.

(151) through (294) renumbered (152) through (295) No change.

~~(296)(295)~~ “Submerged Filling” – The filling of a gasoline cargo tank or a stationary storage tank through an internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of gasoline cargo tanks or stationary storage tanks is included in this definition.

~~(a) Tank Trucks: Filling with a drop tube which extends within 6 inches of the bottom of the compartment or through a nozzle installed at or within 6 inches of the bottom.~~

~~(b) Service Station Underground Tanks: Filling with a drop tube or pipe which extends to within 6 inches of the tank bottom.~~

~~(c) Terminal or Bulk Plant Storage Tanks: Filling through an outlet located in accordance with API standard 650 welded steel tanks for oil storage; section 3.6.3 Shell nozzles, or otherwise located near the tank bottom to minimize splash.~~

(296) through (333) renumbered (297) through (334) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, 1-10-07, _____.

62-210.300 Permits Required.

(1) through (2) No change.

(3) No change.

(a) Categorical and Conditional Exemptions. Except as otherwise provided at subsection 62-210.300(3), F.A.C., above, the following facilities, emissions units, and pollutant-emitting activities shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C. The exemptions listed at subparagraphs 62-210.300(3)(a)23. through 36., F.A.C., are valid only if the owner or operator ensures that the conditions of exemption are met.

1. through 29. No change.

30. Bulk gasoline plants, provided:

a. The facility receives and distributes only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene;

b. The total storage capacity for gasoline at the facility does not exceed 100,000 gallons;

c. The facility shall not exceed a throughput rate (receive and distribute) of 1.3 million gallons of gasoline in any consecutive twelve (12) months; and

d. The facility is not subject to Rule 62-296.418, F.A.C. any unit specific applicable requirement; and

~~e. The facility is not subject to any volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.~~

31. through 37. No change.

(b) through (c) No change.

(4) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 6-21-01, 7-6-05, 2-2-06, 1-10-07, _____.

62-210.310 Air General Permits.

(1) through (3) No change.

(4) Air General Permits for Facilities Claiming Conditional Exemption from Title V Air Permitting.

(a) Air General Permit for Facilities Comprising a Bulk Gasoline Plants.

1. A facility comprising ~~a one (1) or more~~ bulk gasoline plants shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement other than any applicable provisions of Rule 62-296.418, F.A.C.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The facility shall receive and distribute only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.

b. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.

c. The facility shall not exceed a throughput rate (receive and distribute) of 6.0 million gallons of gasoline in any consecutive twelve (12) months.

d. The owner or operator shall maintain records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

e. The facility shall comply with all applicable provisions of Rule 62-296.418, F.A.C.

(b) through (f) No change.

(5) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New 1-10-07, Amended _____.

62-210.920 Registration Forms for Air General Permits.

The registration forms for use of air general permits provided at Rule 62-210.310, F.A.C., are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of the forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Air General Permit Registration Forms for Facilities Claiming Conditional Exemption from Title V Air Permitting.

(a) Bulk Gasoline Plant Air General Permit Registration Form (DEP Form No. 62-210.920(1)(a), Effective _____ ~~1-10-07~~).

(b) through (f) No change.

(2) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New 10-16-95, Amended 1-2-96, 3-21-96, 5-13-96, 8-15-96, 11-13-97, 5-25-98, 2-11-99, 6-21-01, 1-10-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

RULE TITLES:

62-252.200

Definitions

62-252.300

Gasoline Dispensing Facilities – Stage I Vapor Recovery

62-252.400

Gasoline Dispensing Facilities – Stage II Vapor Recovery

62-252.500

Gasoline Tanker Trucks or Trailers Form

62-252.900

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-252, F.A.C., to revise requirements for gasoline vapor control from gasoline dispensing facilities, and tanker trucks and trailers. The proposed rule would eliminate Stage II vapor recovery requirements for new and upgraded gasoline dispensing facilities in Miami-Dade, Broward and Palm Beach counties and phase out Stage II vapor recovery requirements for existing facilities in those counties. The proposed rule would also apply Stage I vapor recovery requirements statewide to new and upgraded gasoline dispensing facilities, and phase in Stage I vapor control requirements statewide for gasoline dispensing facilities. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-296, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule amendments address air pollution regulatory requirements statewide for gasoline dispensing facilities and tanker trucks and trailers.

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

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

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087 FS.

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

DATE AND TIME: Wednesday, April 11, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-252.200 Definitions.

The following words and phrases when used in this chapter shall, unless the context ~~content~~ clearly indicates otherwise, have the following meanings:

(1) through (2) No change.

(3) “Gasoline Cargo Tank” – A delivery tanker truck, trailer, or railcar that is loading or unloading gasoline.

~~(4)(3) “Gasoline Dispensing Facility” – Any stationary facility that dispenses gasoline directly into the fuel tank of a site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.~~

(4) through (8) renumbered (5) through (9) No change.

~~(10)(9) “Stage I Vapor Recovery System” – A system that captures and transfers gasoline vapors, which are generated by the transfer of gasoline from a gasoline cargo tank delivery vessel to a gasoline dispensing facility’s stationary storage tanks, into a vapor-tight gasoline cargo tank delivery vessel through direct displacement caused by the gasoline being loaded.~~

~~(11)(10) “Stage II Vapor Recovery System” – A system that captures and transfers gasoline vapors, which are generated during motor vehicle refueling, into a gasoline dispensing facility’s stationary storage tanks.~~

~~(12)(11) “Submerged Filling” – The filling of a gasoline cargo tank or a stationary storage tank through an internal fill pipe whose discharge is no more than six (6) inches from the bottom of the tank. Bottom filling of gasoline cargo tanks or stationary storage tanks is included in this definition.~~

~~The filling of a tanker truck or gasoline dispensing facility storage tank as follows:~~

~~(a) Tanker Truck: Filling with a drop tube which extends within six inches of the bottom of the compartment or through a nozzle installed at or within six inches of the bottom.~~

~~(b) Gasoline Dispensing Facility with Underground Tank: Filling with a drop tube or pipe which extends to within six inches of the tank bottom.~~

~~(c) Gasoline Dispensing Facility with Side Loaded Tank: Filling through a fill pipe which has its discharge opening completely submerged when the liquid level in the tank is 18 inches above the bottom of the tank.~~

~~(13)(12) No change.~~

Specific Authority 403.061 FS. Law Implemented ~~403.021, 403.031, 403.061, 403.087 FS.~~ History—Formerly 17-2.100, Amended 2-2-93, Formerly 17-252.200, Amended _____.

62-252.300 Gasoline Dispensing Facilities – Stage I Vapor Recovery.

(1) Applicability. ~~The emission limiting standards and control technology requirements as set forth in of this rule section shall apply to:~~

(a) All gasoline dispensing facilities with a monthly gasoline throughput of 20,000 gallons (75,700 liters) or more located in any area designated as a nonattainment area or air quality maintenance area for ozone under Rule 62-~~204.340 275~~, F.A.C.; ~~and~~

(b) All gasoline dispensing facilities which are subject to the Stage II vapor recovery requirements of Rule 62-252.400, F.A.C.;

~~(c) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that begin operation on or after August 1, 2007;~~

~~(d) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), or (c), F.A.C., and whose storage tanks are upgraded or replaced to meet the secondary containment requirements for integral piping in Rule 62-761.510, F.A.C., and are returned to operation on or after August 1, 2007; and~~

~~(e) All gasoline dispensing facilities in the state with a monthly throughput of 10,000 gallons (37,850 liters) or more that are not otherwise subject to this rule pursuant to paragraphs 62-252.300(1)(a), (b), (c), or (d), F.A.C.~~

(2) Prohibition. No owner or operator of ~~a any delivery vessel or~~ gasoline dispensing facility subject to the provisions of this section shall transfer or cause or allow the transfer of

gasoline from any gasoline cargo tank such delivery vessel into any stationary storage tank located at any such gasoline dispensing facility unless the stationary storage tank is equipped for submerged filling and the vapors displaced from the storage tank during filling are processed by a Stage I vapor recovery system in accordance with subsection Rule 62-252.300(3), F.A.C.

(3) Control Technology Requirements.

(a) The Stage I vapor recovery system required by this rule section subsection shall include one or more of the following control methods:

1. A vapor-tight line from the storage tank to the delivery vessel and a system that will ensure the vapor line is connected before gasoline can be transferred into the tank; or,

2. A system conforming with the equipment specifications of the U.S. Environmental Protection Agency EPA document, "Design Criteria for Stage I Vapor Control Systems – Gasoline Service Stations," dated November 1975, with the exception of Attachment A, hereby adopted and incorporated by reference which will not allow emissions of volatile organic compounds in the displaced vapor at a rate greater than 80 mg/liter of gasoline (4.7 grains/gallon) transferred.

(b) The Stage I vapor recovery system piping shall include pressure-vacuum vents and be leak-tight. The vapor-laden delivery vessel shall be subject to the following conditions:

1. The delivery vessel shall be designed and maintained to be vapor-tight at all times except for normal pressure vacuum venting as required by the Federal Department of Transportation or for maintenance, inspection, or gauging.

2. The vapor laden delivery vessel shall be refilled only at a bulk gasoline plant or terminal complying with Rule 62-296.509 or 62-296.510, F.A.C.

(4) Compliance Schedules. Any gasoline dispensing facility that becomes subject to the Stage I vapor recovery requirements of this rule by virtue of the 10,000-gallon Stage II applicability threshold of Rule 62-252.400, F.A.C., shall install a Stage I vapor recovery system no later than the date by which it must install a Stage II vapor recovery system pursuant to Rule 62-252.400, F.A.C.

(a) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(a), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(b) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(b), F.A.C., shall continue to operate and maintain their Stage I vapor recovery systems in compliance with this rule.

(c) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(c), F.A.C., shall install Stage I vapor recovery systems prior to beginning operation and thereafter operate and maintain such systems in compliance with this rule.

(d) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(d), F.A.C., shall install Stage I vapor recovery systems at the time of upgrade or replacement of the stationary storage tanks and thereafter operate and maintain such systems in compliance with this rule.

(e) Owners and operators of gasoline dispensing facilities subject to this rule pursuant to paragraph 62-252.300(1)(e), F.A.C., shall install Stage I vapor recovery systems by January 1, 2010, and thereafter operate and maintain such systems in compliance with this rule.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)11., Amended 2-2-93, Formerly 17-252.300, Amended _____.

62-252.400 Gasoline Dispensing Facilities – Stage II Vapor Recovery.

(1) Applicability.

(a) The control technology requirements set forth in this rule section shall apply to all gasoline dispensing facilities located in Broward, Miami-Dade and Palm Beach counties that which have dispensed 10,000 gallons (37,850 liters) or more of gasoline in any one month during or after 1991, unless the owner of any such facility demonstrates to the Department that it is an independent small business marketer of gasoline and has dispensed less than 50,000 gallons (189,250 liters) of gasoline in every month during and after 1991, or unless the facility is exempt from the control technology requirements of this rule pursuant to paragraph 62-252.400(1)(b), (c) or (d), F.A.C.

(b) Gasoline dispensing facilities at which the storage tanks or integral piping are upgraded or replaced to meet the secondary containment requirements of Rule 62-761.510, F.A.C., and are returned to operation on or after May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems after such upgrade or replacement.

(c) Gasoline dispensing facilities that have not been required to install Stage II vapor recovery systems through a variance issued by the Department prior to May 15, 2007, shall not be required to install, operate, test or maintain Stage II vapor recovery systems.

(d) Gasoline dispensing facilities that begin operation on or after May 15, 2007, shall not be required to install, operate, test, or maintain Stage II vapor recovery systems.

(2) Prohibition.

(a) No owner or operator of a gasoline dispensing facility subject to the provisions of this section shall transfer, allow the transfer, or provide equipment for the transfer of gasoline to a vehicular fuel tank unless the facility is equipped with a Stage II vapor recovery system that which complies with the control technology requirements of subsection Rule 62-252.400(3), F.A.C., and the system is properly used as designed during the transfer.

(b) Any gasoline dispensing facility that was required to have a Stage II vapor recovery system pursuant to this rule prior to May 15, 2007, shall operate and maintain the system through December 31, 2009, except as provided at paragraph 62-252.400(1)(b), F.A.C.

(c) Any gasoline dispensing facility that ceases to operate and maintain its Stage II vapor recovery system pursuant to the rule shall decommission the system in such a manner as to seal and eliminate all areas of possible liquid and vapor leakage.

(3) No change.

(4) Compliance Schedules.

(a) through (c) No change.

(d) Any gasoline dispensing facility that which commences construction or undertakes a significant modification after November 15, 1992, must install a Stage II vapor recovery system prior to dispensing 10,000 gallons or more in any one month, except as otherwise provided at subsection 62-252.400(1), F.A.C.

(5) through (8) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.024~~, 403.031, 403.061, 403.087 FS. History--New 2-2-93, Formerly 17-252.400, Amended 11-23-94,_____.

62-252.500 Gasoline Tanker Trucks or Trailers.

(1) Applicability. All gasoline tanker trucks or trailers are subject to the prohibitions of subsection Rule 62-252.500(2), F.A.C. In addition, all gasoline tanker trucks or trailers with a delivery-vessel capacity of more than 4,500 gallons are subject to the leak testing requirements of subsection Rule 62-252.500(3), F.A.C.

(2) Prohibitions.

(a) No gasoline tanker truck or trailer shall be filled at any bulk gasoline plant or bulk gasoline terminal required by the Department to have a vapor recovery system, unless the delivery vessel of the tanker truck or trailer is equipped to receive gasoline by means of submerged filling.

(b) No gasoline tanker truck or trailer shall be used to deliver gasoline to one or more gasoline dispensing facilities whose stationary storage tanks are equipped with subject to the Stage I vapor recovery systems control requirements of Rule 62-252.300, F.A.C., unless the tanker truck or trailer is equipped to dispense and receive gasoline by means of submerged filling. If the tanker truck or trailer is designed to receive displaced vapors from the stationary storage tank, the operator of such tanker truck or trailer shall ensure the vapor return line is completely connected before any gasoline is transferred to the storage tank, and the vapors displaced from the storage tanks during filling shall be processed by a vapor recovery system, if available, at a bulk gasoline plant or bulk gasoline terminal.

(c) The tanker truck or trailer shall be designed and maintained to be vapor-tight at all times except when undergoing maintenance, inspection, or gauging, or during normal pressure vacuum venting as may be otherwise required by the Federal Department of Transportation.

(3) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.024~~, 403.031, 403.061, 403.087 FS. History--Formerly 17-2.650(1)(c)3., 17-2.700(6)(c)2.d., Amended 2-2-93, Formerly 17-252.500, Amended 9-10-96,_____.

62-252.900 Form.

The form used by the Department in the gasoline vapor control program is adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, with the subject, title, and effective date. Copies of the form may be obtained by writing to the Department of Environmental Protection, Division of Air Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

~~(1)-~~ Gasoline Tanker Truck Leak Test Report. (DEP Form 62-252.900(1), Effective _____ September 10, 1996)

Specific Authority 403.061 FS. Law Implemented ~~403.024~~, 403.031, 403.061, 403.087 FS. History--New 2-2-93, Formerly 17-252.900, Amended 11-23-94, 9-10-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Joseph Kahn

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS:

62-296.418

62-296.509

RULE TITLES:

Bulk Gasoline Plants

Bulk Gasoline Plants

PURPOSE AND EFFECT: The proposed rule involves amendments to Chapter 62-296, F.A.C., to repeal the Reasonably Available Control Technology (RACT) requirements for bulk gasoline plants in seven counties and to create new control technology requirements for bulk gasoline plants statewide. This rulemaking is being conducted in conjunction with proposed amendments to Chapters 62-210 and 62-252, F.A.C., on the subject of gasoline vapor control.

SUMMARY: The proposed rule addresses control technology requirements for new bulk gasoline plants on a statewide basis. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061,403.087 FS.

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

DATE AND TIME: Wednesday, April 11, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Terri Long at terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-296.418 Bulk Gasoline Plants.

(1) The owner or operator of a bulk gasoline plant that has begun operation prior to August 1, 2007, is located in an area designated as a nonattainment area or air quality maintenance area for ozone under Rule 62-204.340, F.A.C., and has an average annual daily throughput of more than 2,000 gallons (7,570 liters) shall comply with the following requirements.

(a) Gasoline shall not be loaded into a stationary storage tank at the bulk gasoline plant unless the storage tank is equipped for submerged filling, and such equipment is used as designed.

(b) Gasoline shall not be loaded into a gasoline cargo tank at the bulk gasoline plant unless the gasoline cargo tank is equipped for submerged filling, and such equipment is used as designed.

(2) The owner or operator of a bulk gasoline plant that begins operation on or after August 1, 2007, at any location in the state and with any throughput rate shall comply with the following requirements.

(a) Gasoline shall not be loaded into a stationary storage tank at the bulk gasoline plant unless the storage tank is equipped for submerged filling, and such equipment is used as designed.

(b) Gasoline shall not be loaded into a gasoline cargo tank at the bulk gasoline plant unless:

1. The gasoline cargo tank is equipped for submerged filling, and such equipment is used as designed;

2. The loading rack is equipped with a vapor collection and control system designed to minimize emissions of vapors displaced from the gasoline cargo tank during product loading; and

3. The loading rack vapor collection and control system is designed and operated to prevent any vapors collected at the loading rack from passing to another loading rack.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History--New_____.

62-296.509 Bulk Gasoline Plants.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History--Formerly 17-2.650(1)(f)9., 17-296.509, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph Kahn

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF HEALTH

RULE NOS.:	RULE TITLES:
64-3.010	Definitions
64-3.020	Eligibility Criteria for Special Needs Shelters
64-3.030	Guidelines for Special Needs Shelter Staffing Levels
64-3.040	Definition of Special Needs Shelter Supplies and Equipment
64-3.050	Special Needs Shelter Registration
64-3.060	Addressing the Needs of Families
64-3.070	Pre-event Planning Activities
64-3.080	Service Reimbursement

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement Section 381.0303(3) and Section 381.0303(6), F.S. The statute establishes requirements for definitions, guidelines and standards related to persons with special needs, the registration process for persons with special needs, and special needs shelters.

SUMMARY: The proposed new rule defines a person with special needs including eligibility criteria for access to the special needs shelter. The rule identifies the service environment and the type of service the person with special needs should expect. The rule provides scalable guidelines for special need shelter staffing. The rule defines special needs

shelter and equipment and the responsibility of the person with special needs or his or her home medical equipment provider to ensure that his or her own life-sustaining or life-supporting equipment is brought to the special needs shelter. The rule specifies the registration information that should be gathered on all persons with special needs, which will be used for pre-event planning. The rule also specifies that the local emergency management and county health department share this information to determine appropriate placement for sheltering. Information from the unregistered person with special needs is gathered upon his or her arrival at the shelter. The rule makes allowances for families to shelter together. The rule requires the county health department to invite local health and medical stakeholders to participate in special needs shelter planning. The rule establishes how the health care practitioner and facilities may apply for reimbursement.

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

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

SPECIFIC AUTHORITY: 381.0303(3), (6) FS.

LAW IMPLEMENTED: 381.0303(3), (6) FS.

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

DATE AND TIME: April 11, 2007, 9:00 a.m. – 12:00 p.m.

PLACE: Building 4040, Room 301, 4040 Esplanade Way, Tallahassee, FL 32399-7000

Pursuant to the provisions of 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: Christie Brown, 4052 Bald Cypress Way, Bin C27, Tallahassee, FL 32399-1711, Phone Number: (850)245-4444, Extension: 3871 If you are 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: Christie Brown, 4052 Bald Cypress Way, Bin C27, Tallahassee, FL 32399-1711, Phone Number: (850)245-4444, Extension: 3871

THE FULL TEXT OF THE PROPOSED RULES IS:

64-3.010 Definitions.

(1) A person with special needs is someone, who during periods of evacuation or emergency, requires sheltering assistance, due to physical impairment, mental impairment, cognitive impairment, or sensory disabilities, that exceeds the basic level of care provided at a general population shelter, but

does not require the level of care provided at a skilled medical facility. A person with special needs is not a person residing in a facility required by state law to have an evacuation and emergency management plan for natural and man-made disasters.

(2) A caregiver is an individual who is familiar with the care requirements of the person with special needs, is capable of providing the level of care necessary to maintain the health of the person with special needs and has been identified by the person with special needs to be his or her caregiver.

(3) Special needs shelters are locations that are, in whole or in part, designated in pre-event planning activities as refuges that provide shelter to persons with special needs who have no other option for sheltering. These shelters have back-up generator power. Special needs shelter services are provided in an austere environment, with the intent of minimizing deterioration of pre-disaster levels of health.

Specific Authority 381.0303(6)(a) FS. Law Implemented 381.0303(6)(a) FS. History–New _____.

64-3.020 Eligibility Criteria for Special Needs Shelters.

(1) A person shall be eligible for access to a special needs shelter if they are a person with special needs.

(2) Special needs shelters may choose to accept persons with care needs that exceed the criteria stated in subsection 64-3.010(1), F.A.C.

(3) Determination as to the capacity (either in skills or assets) of the special needs shelter is made by the local emergency management agency and the county health department or their designees.

(4) Every reasonable effort shall be made to avoid admitting a person with a known communicable condition or a condition that requires airborne precautions.

Specific Authority 381.0303(6)(a) FS. Law Implemented 381.0303(6)(a) FS. History–New _____.

64-3.030 Guidelines for Special Needs Shelter Staffing Levels.

(1) The following is a guideline for special needs shelter staffing:

(a) Each special needs shelter should be staffed at a minimum with one registered nurse or advanced registered nurse practitioner on every shift during the sheltering event.

(b) The special needs shelter may be additionally staffed with one licensed medical practitioner per 20 persons with special needs per shift during the sheltering event.

(c) The special needs shelter may be additionally staffed with one unlicensed person per 20 persons with special needs per shift during the sheltering event.

(2) Staffing levels may require adjustment as the sheltering event warrants. Variables may include the stage of the sheltering event, acuity of the persons with special needs, presence of caregivers, or availability of volunteers.

Specific Authority 381.0303(6)(c) FS. Law Implemented 381.0303(6)(c) FS. History–New _____.

64-3.040 Definition of Special Needs Shelter Supplies and Equipment.

(1) Special needs shelter supplies and equipment are the items necessary to provide services in a special needs shelter during an evacuation or emergency to minimize deterioration of the person’s pre-disaster levels of health.

(2) The Department of Health maintains a list of recommended special needs shelter supplies and equipment. The list may be requested from the Department of Health, Office of Public Health Nursing, 4052 Bald Cypress Way, Bin #C27, Tallahassee, FL 32399-1711.

(3) The person with special needs or his or her home medical equipment provider will be required to ensure all life sustaining or life supporting equipment is available at the special needs shelter in accordance with Section 400.925(13) and Section 400.934(20)(a)1., F.S.

Specific Authority 381.0303(6)(d) FS. Law Implemented 381.0303(6)(d) FS. History–New _____.

64-3.050 Special Needs Shelter Registration.

(1) The entity registering a person with special needs for access to the special needs shelter will gather information on the person with special needs. The information items gathered will be used for pre-event planning and will include but not be limited to the following:

- (a) Full name.
- (b) Phone number and street address including the city and zip code.
- (c) Height and weight.
- (d) Primary language.
- (e) Emergency contact information for a local and non-local emergency point of contact including the name, relationship, and phone number.
- (f) Residence type and living situation, whether alone or with a relative or caregiver.

(g) Any type of medical dependence on electricity, such as oxygen concentrator, nebulizer, feeding pump, continuous positive airway pressure equipment, suction equipment, or medication requiring refrigeration.

(h) Any type of medical dependence on oxygen, including the type, rate, and mode of administration.

(i) Any assistance required with medications.

(j) Any cognitive impairment, mental health problems, psychiatric, or personality disorder such as Alzheimer’s disease, dementia, obsessive compulsive disorder, autism, conduct disorder, anxiety, or depression.

(k) Any sensory loss or impairment and any related assistive device.

(l) Any mobility impairment and any related assistive device.

(m) Any use of a trained service animal.

(n) Any type of incontinence.

(o) Any dependence on dialysis.

(p) Name and contact information for any other medical support providers, such as home health agency, hospice, nurse registry, home medical equipment provider, and dialysis center.

(q) A list of all medical conditions.

(r) A list of all medications.

(s) Any transportation needs.

(2) The registry application information of all persons with special needs will be provided to the county health department or the agency with the responsibility for the management of care in the special needs shelter at pre-determined intervals established jointly by the county emergency management agency and the county health department or the agency with the responsibility for the management of care in the special needs shelter.

(3) The county health department or the agency with the responsibility for the management of care in the special needs shelter will review the registry application information to determine if the applicant is appropriate to place in the special needs shelter during an evacuation or emergency. The county emergency management agency will be notified of the determination.

(4) The application information of all persons with special needs who are on the county emergency management agency’s special needs shelter list will be provided to the county health department or the agency with the responsibility for the management of care in the special needs shelter immediately prior to a sheltering event.

(5) Persons with special needs who are unregistered, but who arrive at the special needs shelter during a sheltering event, will be assessed at the activated special needs shelter point of intake, and assessed for appropriate shelter placement.

Specific Authority 381.0303(6)(e) FS. Law Implemented 381.0303(6)(e) FS. History–New _____.

64-3.060 Addressing the Needs of Families.

(1) The caregiver of a person with special needs who is eligible for admission to a special needs shelter, and all persons for whom he or she is the caregiver, will be allowed to shelter together in the special needs shelter.

(2) A person with special needs, who is also responsible for the care of individuals without special needs, will be allowed to shelter in the special needs shelter with the persons for whom he or she is the caregiver.

Specific Authority 381.0303(6)(f) FS. Law Implemented 381.0303(6)(f) FS. History–New _____.

64-3.070 Pre-event Planning Activities.

The local emergency management agency will be the lead agency in the coordination of integrated and comprehensive special needs shelter planning in cooperation with county health department, or locally designated ESF 8 Health and Medical lead agency, consistent with Appendix 8 (Health and Medical Services) of the State Comprehensive Emergency Management Plan. This planning process will seek to include, but not be limited to, the participation of Children’s Medical Services, hospitals, nursing homes, assisted living facilities, home health agencies, hospice providers, nurse registries, home medical equipment providers, oxygen providers, dialysis centers, and other health and medical emergency preparedness stakeholders in the pre-event planning activities to enhance the safety and well-being of persons with special needs before, during, and after a disaster.

Specific Authority 381.0303(6)(g) FS. Law Implemented 381.0303(6)(g) FS. History–New _____.

64-3.080 Service Reimbursement.

(1) Health care practitioners shall make reimbursement requests for services rendered under Section 381.0303(3)(a)1, consistent with Section 381.0303(3)(b), F.S. using the DOH form # DH 1989, 12/06, “Vendor Invoice for Special Needs Health Care Practitioner”, which is incorporated by reference. This document is available from the Department of Health, Bureau of Finance and Accounting, 4052 Bald Cypress Way, Bin # B01, Tallahassee, FL 32399-1729.

(2) Vendors shall make reimbursement requests for services rendered under Section 381.0303(3)(a)2, consistent with Section 381.0303(3)(b), F.S., using DOH form # DH 1990, 12/06, “Vendor Invoice for Services Rendered to Special Needs Clients Placed by the Multiagency Special Needs Shelter Discharge Planning Team”, which is incorporated by reference. This document is available from the Department of Health, Bureau of Finance and Accounting, 4052 Bald Cypress Way, Bin #B01, Tallahassee, FL 32399-1729. Reimbursement shall be at the Medicaid rate in effect the date the service, for which reimbursement is requested by the vendor, is rendered.

Specific Authority 381.0303(3)(a)2., 381.0303(6)(b) FS. Law Implemented 381.0303(3)(a)2., 381.0303(3)(b), 381.0303(6)(b) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christie Brown, R.N., Registered Nursing Consultant, Office of Public Health Nursing, Department of Health

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandra Schoenfisch, R.N., Ph.D., Acting Director, Office of Public Health Nursing, Department of Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-28.010
 RULE TITLE: Requirements for Board Approval of Continuing Education Programs

PURPOSE AND EFFECT: Approval of continuing education programs.

SUMMARY: Includes approval of designated association sponsored programs.

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

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

SPECIFIC AUTHORITY: 456.013(8), (9), 456.025(7), 456.036, 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(8), (9), 456.025(7), 456.036, 480.041 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.010 Requirements for Board Approval of Continuing Education Programs

(1) through (8) No change.

(9) The following courses, that meet the criteria for approval under this section, are approved by the Board:

(a) Organized and accepted courses of study offered by providers approved by the National Certification Board for Therapeutic Massage and Bodywork; ~~and~~

(b) Organized courses offered by a Board Approved Massage School;-

(c) Continuing education courses offered by or sponsored by the Florida Board of Massage Therapy;-

(d) Continuing education courses sponsored by the Florida State Massage Therapy Association; and

(e) Continuing education courses sponsored by the American Massage Therapy Association or the American Massage Therapy Association Florida Chapter.

Specific Authority 456.013(8), (9), 456.036, 480.035(7), 480.0415 FS. Law Implemented 456.013(8), (9), 456.025(7), 456.036, 480.0415 FS History–New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, 11-21-02, 10-12-03, 12-13-05, 7-5-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2007

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-4.001
RULE TITLE: Continuing Education Requirements
PURPOSE AND EFFECT: To update the rule
SUMMARY: The rule is amended to state the continuing education requirements in plain English including one hour relating to the transmission and prevention of HIV/AIDS.

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

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

SPECIFIC AUTHORITY: 456.013, 483.901(6)(a) FS.
LAW IMPLEMENTED: 456.013, 483.901(6)(a) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B23-4.001 Continuing Education Requirements.
(1) ~~The~~ For the purpose of renewing or reactivating a license, the licensee must complete demonstrate to the Department that he or she participated in at least 24 ~~twenty four (24)~~ hours of approved continuing education, including 1 hour relating to the transmission and prevention of HIV/AIDS and 2 of which two (2) hours ~~must be in a course relating to the prevention of medical errors for renewal or reactivation of the license pursuant to the requirements of Section 456.013, Florida Statutes.~~
(2) through (3) No change.

Specific Authority 456.013, 483.901(6)(a) FS. Law Implemented ~~381.0034~~, 456.013, 483.901(6)(a) FS. History–New 6-21-99, Amended 8-21-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Baker
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2007

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-6.001
RULE TITLE: Penalty Guidelines
PURPOSE AND EFFECT: To update the rule.
SUMMARY: Disciplinary penalty guidelines are provided for all violations of the practice act and violations of the applicable portions of Section 456.072, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.079(1), 483.901(6)(a) FS.
LAW IMPLEMENTED: 456.072, 456.079, 483.901(6)(a) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B23-6.001 Penalty Guidelines ~~Penalties~~.
(1) ~~Unless mitigating or aggravating factors are demonstrated when the Department finds an applicant or licensee whom it regulates under Chapter 483, Part IV, F.S., has committed any of the acts set forth in Section 483.901(6), F.S., it shall issue a final order imposing appropriate penalties based upon the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:~~
(a) ~~Practicing or attempting to practice medical physics with a license fraudulently obtained. In the case of an applicant, the Department shall deny the application. In the case of a licensee who has obtained or attempted to obtain a license by fraud, the Department shall impose a reprimand to revocation and a fine of \$250 to \$1,000, depending on the~~

~~severity of the fraud. In the case of a licensee who has practiced or attempted to practice, the Department shall impose a reprimand with or without a period of suspension and fine of \$500 to \$1,000.~~

~~(b) Using or attempting to use a license to practice medical physics that has been suspended. The Department shall impose a penalty of revocation.~~

~~(c) Selling or fraudulently obtaining or furnishing any diploma, license, or record of registration or aiding or abetting in the same. The Department in the case of a licensee shall impose a penalty ranging from suspension to revocation and a fine of \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.~~

~~(d) Making any willfully false oath or affirmation whenever an oath of affirmation is required by Chapter 483, Part IV, F.S. The Department in the case of a licensee shall impose a penalty ranging from probation to suspension and a fine of \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.~~

~~(e) Using any name, title, or phrase which would lead the public to believe that such person is engaging in the practice of medical physics, unless such person is licensed as a medical physicist in this State. The Department in the case of a licensee shall impose a penalty ranging from a reprimand to probation, and a fine from \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.~~

~~(f) Knowingly concealing information relative to a violation of Chapter 483, Part IV, F.S. The Department in the case of a licensee shall impose a penalty ranging from a reprimand to probation, and an administrative fine from \$250 to \$1,000. In the case of an applicant, the Department shall deny the application.~~

~~(1)(2) Unless mitigating or aggravating factors are present, demonstrated when the Department finds an applicant or licensee whom it regulates under Chapter 483, Part IV, F.S., has committed any of the acts set forth in Section 483.901(6), F.S., it shall issue a final order imposing appropriate penalties based on the severity and repetition of the violation offense within the ranges recommended in the following disciplinary guidelines. The identification of violations is descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, conditions of probation may be required following any period of suspension of the license. All listed violations provide sufficient grounds for denying a licensure application. A finding of financial benefit or self-gain related to the violation is grounds for requiring the subject to refund fees billed and collected from a patient or third party in addition to any other appropriate penalties. In addition to any other discipline imposed, the Department shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of the penalties provided herein, if~~

the violation is for fraud or making a false or fraudulent representation, the Department shall impose a fine of \$10,000 per count or offense.

(a) Section 483.901(6)(g)1. or 456.072(1)(h), F.S.: Attempting to obtain, obtaining or renewing a license to practice medical physics by bribery, by fraudulent misrepresentation, or through an error of the Department.

Bribery – from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. For a second or subsequent violation, revocation and a maximum fine of \$10,000.

Fraudulent misrepresentation – from six months probation and a fine of \$10,000 to a maximum of revocation and a fine of \$10,000. For a second or subsequent violation, revocation and a fine of \$10,000.

Department error – from a letter of concern and/or a fine of \$500, up to a maximum of suspension of license for one year, followed by two years of probation, and a fine of \$5,000. For a second or subsequent violation, from a minimum fine of \$5,000 to revocation. In the case of an applicant, the Department shall deny the application. In the case of a licensee, the Department shall revoke the license.

(b) Section 483.901(6)(g)2. or 456.072(1)(f), F.S.: Having a license to practice medical physics revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country – action consistent with the penalty guidelines for the violation had the violation occurred in the State of Florida. For a second or subsequent violation, action consistent with the penalty guidelines for a repeat violation had it occurred in Florida. In the case of a licensee, the Department shall impose a penalty ranging from reprimand to probation and a fine from \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.

(c) Section 483.901(6)(g)3. or 456.072(1)(c), F.S.: Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which is directly related to the practice of medical physics or the ability to practice medical physics – from a minimum fine of \$1,500 and six months probation to a maximum fine of \$5,000 and/or revocation. For a second or subsequent violation, from a minimum of one year of probation up to a maximum fine of \$10,000 and/or revocation of license. In the case of a licensee, the Department shall impose a penalty ranging from probation to revocation and a fine from \$500 to \$1,000, depending upon the nature of the offense and the substantiating evidence. In the case of an applicant, the Department shall deny the application.

(d) Section 483.901(6)(g)4. or 456.072(1)(g) or 456.072(1)(l), F.S.: Willful filing of a false report or impeding and/or inducing another to file a false report – from a minimum fine of \$3,000 and/or suspension of license for three months

followed by six months probation up to a maximum of revocation and/or a fine of \$7,500. For a second or subsequent violation, up to a maximum fine of \$10,000 and/or revocation.

~~(e)(d) Section 483.901(6)(g)5. or 456.072(1)(a). F.S.: Advertising or otherwise making representations in a manner which is false, deceptive or misleading – from a minimum fine of \$1,000 and a reprimand up to a maximum fine of \$7,500 and one year of probation. For a second violation, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$10,000 and/or six months suspension of license. For a third violation, a fine of up to \$10,000 and/or one year of suspension followed by two years probation up to a maximum fine of \$10,000 and/or revocation. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.~~

~~(e) Advertising, practicing or attempting to practice under a name other than one's own. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.~~

~~(f) Section 483.901(6)(g)6. or 456.072(1)(i). F.S.: Failing to report to the Department any person the licensee knows to be in violation of Chapter 456 or 483, Part IV, F.S., or the rules of the Department – from a minimum letter of concern and/or a fine of \$500 up to a maximum fine of \$1,000 and/or six months of probation. For a second or subsequent violation, a minimum of six months of probation and/or a fine of \$2,000 to a maximum fine of \$7,500 and/or revocation. The Department shall impose a penalty of a reprimand and a fine of \$250.~~

~~(g) Section 483.901(6)(g)7. or 456.072(1)(k). F.S.: Failing to perform any statutory or legal obligation placed upon a licensee – from a minimum fine of \$500 and a letter of concern up to a maximum fine of \$7,500 and/or two years of suspension followed by two years of probation. For a second violation, from a minimum fine of \$2,500 and six months of probation up to a maximum fine of \$10,000 and/or revocation. For a third or subsequent violation, up to a fine of \$10,000 and/or revocation.~~

~~(h)(e) Section 483.901(6)(g)8. or 456.072(1)(j). F.S.: Aiding, assisting, procuring, permitting or advising any unlicensed person to practice medical physics contrary to Chapter 483, Part IV, F.S., or the rules of the Department – from a minimum \$3,500 fine and/or one year of suspension followed by probation to a fine of \$7,500 and/or revocation of license. For a second or subsequent violation, from a fine of \$5,000 up to a maximum fine of \$10,000 and/or revocation. The Department shall impose a penalty of probation to suspension and a fine from \$500 to \$1,000. In the case of an applicant, the Department shall deny the application.~~

~~(h) Failing to perform any statutory or legal obligation placed upon a licensed medical physicist. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.~~

(i) Section 483.901(6)(g)9. or 456.072(1)(p). F.S.: Delegating professional responsibilities to a person when the delegating licensee knows or has reason to know that such person is not qualified by training, experience or licensure to perform them – from a minimum fine of \$1,500 and/or six months of probation up to a maximum fine of \$5,000 and suspension of license for two years followed by up to three years of probation. For a second or subsequent violation, from a minimum fine of \$3,000 and/or suspension of license for six months followed by one year of probation up to a maximum fine of \$10,000 and/or revocation. Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed medical physicist. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

(j) Section 483.901(6)(g)10. or 456.072(1)(o). F.S.: Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee has reason to know that the licensee is not competent to perform – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$5,000 and/or two years of probation. For a second or subsequent violation, from a minimum fine of \$2,500 and two years of probation up to a maximum fine of \$8,000 and/or revocation. Paying or receiving any commission, bonus, kickback, rebate or engaging in any split fee arrangement in any form whatsoever with a physician, organization, Department or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to hospitals, nursing homes, clinical laboratories, ambulatory surgical centers or pharmacies. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$500 to \$1,000.

(k) Section 483.901(6)(g)11. F.S.: Gross or repeated malpractice or the failure to practice medical physics at a level of care, skill, and treatment which is recognized by a reasonably prudent medical physicist as being acceptable under similar conditions and circumstances – from a minimum fine of \$1,000 up to a maximum fine of \$10,000 and/or revocation. For a second or subsequent violation, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and or revocation.

(l) Section 483.901(6)(g)12. F.S.: Judicially determined mental incompetency – from a minimum of voluntary relinquishment of license pending a judicial determination or suspension until a judicial determination that competency to practice has been restored to revocation.

~~(m) Section 483.901(6)(g)13. or 456.072(1)(z), F.S.: Practicing medical physics without reasonable skill and safety by reason of illness, or use of alcohol, drugs, narcotic, chemicals or any other type of material or as a result of any mental or physical condition – from a minimum of a referral to a Department approved impaired practitioner program or the Professionals Resource Network (PRN) for evaluation and/or treatment and two years of probation to a maximum of suspension of license until determined safe to practice followed by up to five years of probation. For a second or subsequent violation, from a \$750 fine, referral to PRN, and a minimum of two years probation to revocation.~~

~~(n) Section 483.901(6)(g)14. or 456.072(1)(b) or 456.072(1)(dd), F.S.: Violating any provision of chapter 483, Part IV, F.S. or chapter 456, or any rules adopted pursuant thereto – from a minimum fine of \$1,000 and/or a reprimand up to a maximum fine of \$5,000 and/or suspension of license for two years followed by two years of probation. For a second violation, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation. For a third or subsequent violation, from a minimum fine of \$7,500 and/or six months of suspension followed by two years of probation up to a maximum fine of \$10,000 and/or revocation.~~

~~(o)(k) Section 456.072(1)(m), F.S.: Making misleading, deceptive, untrue or fraudulent representations in the practice of medical physics or employing a trick or scheme in the practice of medical physics when such scheme or trick fails to conform to the generally prevailing standards of treatment in the community – from a minimum six months of probation to a maximum suspension of license for one year followed by two years of probation and a \$10,000 fine per count or violation. For a second or subsequent violation, from a minimum of two years of probation to revocation and a fine of \$10,000 per count or violation. The Department shall impose a penalty ranging from probation to suspension and a fine from \$500 to \$1,000.~~

~~(l) Soliciting patients either personally or through an agent. The Department shall impose a penalty ranging from reprimand to probation and a fine of \$500.~~

~~(m) Failing to prepare written or electronic records detailing the content of the professional service(s) provided. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.~~

~~(p)(n) Section 456.072(1)(n), F.S.: Exercising influence on the patient or client in such a manner as to exploit the patient or client for financial gain of the licensee or of a third party – from a minimum fine of \$1,000 and/or one year of probation to a maximum fine of \$10,000 and/or revocation. For a second or subsequent violation, from a minimum two years probation and a fine of \$2,500 to a fine of \$10,000 and/or revocation. The Department shall impose a penalty ranging from probation to suspension and a fine from \$500 to \$1,000.~~

~~(o) Performing professional services when knowing such services have not been duly authorized by the patient or client or his legal representative. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$500.~~

~~(p) Practicing medical physics without reasonable skill and safety by reason of illness, or use of alcohol, drugs, narcotic, chemicals or any other type of material or as a result of any mental or physical condition. The Department shall impose a penalty of suspension until such time as the licensee demonstrates rehabilitation followed by probation under such terms and conditions as set by the Department and a fine from \$250 to \$500. If the individual is an applicant, the Department shall deny the application.~~

~~(q) Section 456.072(1)(q), F.S.: Violating a lawfully issued order or subpoena – from a minimum fine of \$1,000 and a letter of concern to a maximum fine of \$8,000 and suspension of license for up to two years followed by two years of probation. For a second or subsequent violation, from a minimum fine of \$2,000 and/or two years of probation to a fine of \$10,000 and revocation. Gross or repeated malpractice or the failure to practice medical physics at a level of care, skill, and treatment which is recognized by a reasonably prudent medical physicist as being acceptable under similar conditions and circumstances. The Department shall impose a penalty ranging from probation to revocation and a fine from \$250 to \$1,000, depending on the severity of the offense.~~

~~(r) Section 456.072(1)(r), F.S.: Interfering with an investigation, inspection, or disciplinary proceeding – from a minimum fine of \$800 and/or one year of probation to a maximum fine of \$10,000 and/or revocation. For a second or subsequent violation, a minimum fine of \$2,500 and two years probation to a maximum fine of \$10,000 and/or revocation. Performing any procedure which, by prevailing standards of medical physics practice in the community, would constitute experimentation on human subjects without first obtaining full, informed, and written consent. The Department shall impose a penalty ranging from probation to suspension and a fine from \$500 to \$1,000.~~

~~(s) Section 456.072(1)(e), F.S.: Failing to comply with the educational course requirements of HIV/AIDS – from providing proof of compliance and a minimum fine of \$500 and a letter of concern to a maximum fine of \$1,500 and up to three years of probation. For a second or subsequent violation, from a minimum fine of \$1,000 to a maximum fine of \$5,000 and up to three months of suspension followed by two years of probation. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform. The Department shall impose a penalty ranging from an administrative fine of \$1,000 and one year of probation, up to a maximum of revocation or denial of the license.~~

(t) Section 456.072(1)(t), F.S.: Failing to identify to a patient not in certain facilities that the practitioner is licensed as a medical physicist – from a letter of apology and/or a minimum fine of \$250 to a maximum fine of \$500 and/or six months probation. For a second or subsequent violation, from a fine of \$500 and a reprimand to a fine of \$1,000 and/or up to one year probation. Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience or licensure to perform them. The Department shall impose a penalty ranging from reprimand to probation and a fine from \$250 to \$1,000.

(u) Section 456.072(1)(v), F.S.: Engaging or attempting to engage in sexual misconduct – from a reprimand and/or fine of \$1,000 to a maximum fine of \$10,000 and referral for evaluation and assistance and/or revocation. For a second or subsequent violation, from a fine of \$5,000, referral for evaluation and/or six months suspension followed by one year of probation to a fine of \$10,000 and revocation. Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate or preclude another licensee from lawfully advertising his services. The Department shall impose a penalty of reprimand to probation and a fine from \$250 to \$500.

(v) Section 456.072(1)(x), F.S.: Failing to report a conviction or plea, regardless of adjudication, within 30 days – from a minimum letter of concern and/or fine of \$250 to a maximum fine of \$3,000 and/or up to two years of probation. For a second or subsequent violation, a reprimand and fine of \$500 up to a maximum fine of \$5,000 and three months suspension followed by two years probation. Fraud, deceit, or misconduct in the practice of medical physics. The Department shall impose a penalty ranging from probation to revocation and a fine from \$500 to \$1,000.

(w) Section 456.072(1)(aa), F.S.: Testing positive for any drug on any preemployment or employer-ordered drug screening – from a minimum of a referral to a Department approved impaired practitioner program or PRN for evaluation and treatment and two years of probation to a maximum of suspension of license until determined safe to practice followed by up to five years of probation. For a second or subsequent violation, from a \$750 fine, referral to PRN, and a minimum of two years probation to revocation. Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. The Department shall impose a penalty ranging from probation to revocation and a fine from \$250 to \$500.

(x) Section 456.072(1)(bb), F.S.: Performing or preparing for or attempting services on the wrong patient, wrong site, wrong procedure, or an unauthorized procedure or one that is

medically unnecessary or unrelated to patient's condition – from a minimum fine of \$1,000 and a reprimand to a maximum fine of \$9,000 and/or three months suspension followed by two years probation. For a second or subsequent violation, from a minimum fine of \$5,000 and a year of probation to a fine of \$10,000 and/or revocation. Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting to performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them. The Department shall impose a penalty of probation to revocation and a fine from \$500 to \$1000.

(y) Section 456.072(1)(ee) or 456.072(1)(ff), F.S.: Intentionally submitting an “upcoded” bill or claim or a bill or claim for payment of services not rendered – from reimbursement and a fine of \$1,000 and/or a year of probation to a maximum fine of \$10,000 and/or revocation. For a second or subsequent offense, a fine of \$2,000 and a year of probation to a maximum fine of \$10,000 and/or revocation. Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. The Department shall impose a penalty of reprimand to suspension and a fine from \$250 to \$500.

(z) Section 456.072(1)(hh), F.S.: Being terminated from a treatment program for impaired practitioners without good cause- from suspension of license until determined safe to practice and/or reinstatement in the program to revocation. The same penalty would apply for a second or subsequent violation.

(2) Any or all of the following conditions may be imposed as terms of probation:

- (a) Restitution of the costs of probation.
- (b) Restitution to patient(s) or third party payor(s).
- (c) Affidavit of understanding laws and rules.
- (d) Department access to all business records.
- (e) Continuing education classes beyond those required for biennial renewal.
- (f) Attendance or participation in specific training and/or classes.
- (g) Direct or indirect supervision by a Department-approved monitor.
- (h) Restitutions on practice.
- (i) Submission of reports by licensee, monitor, and or supervisor or employer at a frequency determined by the Department.
- (j) Community service.
- (k) Urine, blood, and hair testing.
- (l) Other appropriate conditions related to the committed violation.

Specific Authority 456.079(1), 483.901(6)(a) FS. Law Implemented 456.072, 456.079, 483.901(6)(a) FS. History–New 7-15-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe Baker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2007

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-211.320 RULE TITLE: Curriculum Standards for Special Designation

PURPOSE AND EFFECT: The rule adds Professional Property Insurance Adjuster (PPIA) and Certified Claims Adjuster (CCA) as special designations for curriculum standards as established by the rule in accordance with the new legislation.

SUMMARY: The PPIA and CCA designations are added to the existing Accredited Claims Adjuster (ACA) and Professional Claims Adjuster (PCA) designations which relieve an insurance adjuster applicant of the examination requirement imposed by Section 626.221, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 626.221 FS.

LAW IMPLEMENTED: 626.221 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: Friday, April 13, 2007, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Hazel Muhammad, (850)413-5460. If you are 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: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5460

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), Florida Statutes, the Department of Financial Services establishes the following curriculum standards:

- (1) No change.
- (2) For designation as an Accredited Claims Adjuster (ACA), ~~or~~ Professional Claims Adjuster (PCA), or Professional Property Insurance Adjuster (PPIA) from the HurriClaim Training Academy, or Certified Claims Adjuster (CCA) from the Association of Property and Casualty Claims Professionals, the requirement is at least 40 course hours:

- (a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History–New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Amended 1-17-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-149.002 RULE TITLE: Scope and Applicability

PURPOSE AND EFFECT: Rule 69O-149.002 is being amended to adopt the recent National Association of Insurance Commissioners (NAIC) interstate compact standard for defining incidental for accelerated death benefits.

SUMMARY: If the cost of an accelerated death benefit is incidental, less than 10% of the cost of the contract as a whole, the accelerated rider would not be subject to the health standards. These include such riders as accelerated long-term care and accelerated death benefits due to heart or other critical conditions. The standard provides for the formula to be used to meet the test.

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

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

SPECIFIC AUTHORITY: 624.308(1), 627.410(6)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.402, 627.410(1), (2), (6), (7), 627.411(1)(e), (2), 627.6515(2)(a), 627.6699 FS.

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

DATE AND TIME: April 11, 2007, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-149.002 Scope and Applicability.

(1) through (5) No change.

(6) Pursuant to the provisions of Section 627.410(6)(b), F.S., rate filings required by Rule 690-149.003, F.A.C. and ARC filings required by Rule 690-149.007, F.A.C., are not required to be made ~~for the following~~; however, the rating standards contained in this Part I and applicable statutes shall continue to apply as if the rate schedules were required to be filed for approval:

(a) ~~Annually rated group health insurance policies as defined by Section 627.652(1), F.S., including blanket insurance as defined by Section 627.659, F.S., issued in this state that provide availability of coverage only to groups with 51 or more employees/members.~~

~~(b) This filing exemption does not apply to franchise policies issued pursuant to Section 627.663, F.S.~~

~~(c) This filing exemption does not apply to stop-loss policy forms, unless the policy is issued only to employers with 51 or more employees.~~

~~(7)(a)(b) Forms that provide for the acceleration of the benefits of a life insurance policy that are incidental to the total life insurance coverage are not subject to the annual rate or ARC filing requirements of Section 627.410, F.S., or these rules. The insurer is required to submit an actuarial demonstration with the initial filing for approval demonstrating such incidental compliance.~~

~~(b) The acceleration is considered incidental if the value of the accelerated benefit is less than 10 percent of the total value of the benefits provided by the life insurance coverage. These values shall be measured as: ~~a. The present values of the benefits determined as of the date of issue, determined according to the formula (NSP2-NSP1)/NSP1, applied over a range of underwriting classes and plans at which the benefit is being made available, is not in any case greater than 10%, where;~~~~

~~1. NSP1 and NSP2 are determined using an effective annual interest rate of 6%.~~

~~2. NSP1 is the net single premium for the base policy benefits assuming there is no accelerated death benefit.~~

~~3. NSP2 is the net single premium for the base policy benefits assuming that the full death benefit is paid at time of death or the occurrence of the non-death accelerated death benefit trigger.~~

~~b. The relationship between the premiums if the premiums are separable and fixed at issue.~~

~~(c) If a separate premium or cost of insurance (COI) charge is the only charge being charged for the accelerated benefit provided, the ratio of the present value of the accelerated benefit premiums or COI charges over the life of the policy to the present value of the policy premiums or COI charges exclusive of any riders, does not exceed 10%, the present values shall be determined using an effective annual interest rate of 6%.~~

~~(d) Upon request of the Office, the insurer shall provide an actuarial demonstration that the accelerated death benefit continues to meet these standards. If it is determined that the accelerated death benefit fails to comply with these standards, the provisions of these rules shall apply.~~

Specific Authority 624.308(1), 627.410(6)(b) FS. Law Implemented 624.307(1), 627.402, 627.410(1), (2), (6), (7), 627.411(1)(e), (2), 627.6515(2)(a), 627.6699 FS. History—New 7-1-85, Formerly 4-58.02, 4-58.002, Amended 4-18-94, 4-9-95, 10-27-02, Formerly 4-149.002, Amended 5-18-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Monica Rutkowski, Director, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 6, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: January 12, 2007

Section III Notices of Changes, Corrections and Withdrawals

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.071	Durable Medical Equipment and Medical Supply Services Provider Fee Schedules

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. 32, No. 49, December 8, 2006 issue of the Florida Administrative Weekly.

This is the second notice of change on the proposed rule. The first Notice of Change was published in Volume 33, Number 9, March 2, 2007, issue of the Florida Administrative Weekly. These changes are in response to written comments received before the public hearing. The rule incorporates by reference the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, January 2007. The following procedure codes were added to the fee schedule: E2601, E2602, E2603, E2604, E2605, E2606, E2607, E2608, E2611, E2612, E2613, E2614, E2615, E2616, E2618, and E2619.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-4.190	Independent Laboratory Services
59G-4.230	Physician Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 51, December 22, 2006 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee and comments received at the public hearing. On 2-11-07, Rule 59G-4.230

was amended to incorporate by reference the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007. We corrected the rule text to reflect this amendment will incorporate by reference update January 2007 to the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2007. We also corrected the last sentence of the rule text to state papercopies of the handbooks may be obtained by calling Provider Enrollment, not Provider Inquiry.

The amendment to Rule 59G-4.190, Independent Laboratory Services, incorporates by reference update January 2007 to the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook. The following changes were made to the handbook.

On Page 2-5, we replaced Preconception Genetic Carrier Screening Laboratory Testing Covered Services and Prenatal Genetic Carrier Screening Laboratory Testing Covered Services with the following:

“Covered Services: Medicaid reimburses for preconception and prenatal genetic carrier screening laboratory tests that are accepted by the American College of Medical Genetics and that can be billed using Healthcare Common Procedure Coding System (HCPCS) procedure codes. The laboratory testing method must be considered to be a proven method for the identification of a genetically-linked inheritable disease (i.e., the genotypes to be detected by a genetic test must be shown by scientifically valid methods to be associated with the occurrence of a disease, and the observations must be independently replicated and subject to peer review).”

“Service Requirements: Preconception and prenatal genetic carrier screening laboratory tests must be ordered by a licensed healthcare practitioner authorized within the scope of his practice to order genetic carrier screening laboratory tests. The laboratory must maintain requests for the specific laboratory tests on file with copies of the report of the test results. The recipient must be eligible for Medicaid on the date of service.”

Under DNA-Based Preconception and Prenatal Genetic Laboratory Services Limitations, we deleted the reference to the specific molecular diagnostic codes (83890-83912) and “up to a maximum of six probes of primer pairs per recipient.”

On Page 2-6, we deleted Documentation Required for Preconception or Prenatal Genetic Carrier Screening Laboratory Testing, Preconception or Prenatal Genetic Carrier Screening Laboratory Testing Genetic Carrier Screening Services Exclusions, Accepted Clinical Laboratory Methods for Preconception or Prenatal Genetic Carrier Screenings. We repaginated the pages so that Limitations will begin on Page 2-6.

On Page 2-7 (was page 2-8 in the Proposed Rulemaking version of the handbook), Duplicate Billing Not Allowed, 3rd bullet, we added the following to the last sentence, “unless it is for a separate and distinct test for the same recipient on the same day of service.”

We corrected the Table of Contents for the handbook and on Page 2-1 to note that Limitations are now on Page 2-6 and Exclusions are on Page 2-7.

The amendment to Rule 59G-4.230, Physician Services, incorporates by reference update January 2007 to the Florida Medicaid Physician Services Coverage and Limitations Handbook. The following changes were made to the handbook.

On Page 2-91, Infectious Agent Antigen Detection by Nucleic Acid, we added the following to the last sentence, “unless it is for a separate and distinct test for the same recipient on the same day of service.”

On Page 2-92, we replaced Preconception Genetic Carrier Screening Laboratory Testing Covered and Prenatal Genetic Carrier Screening Laboratory Testing Covered Services with the following:

“Covered Services: Medicaid reimburses for preconception and prenatal genetic carrier screening laboratory tests that are accepted by the American College of Medical Genetics and that can be billed using Healthcare Common Procedure Coding System (HCPCS) procedure codes. The laboratory testing method must be considered to be a proven method for the identification of a genetically-linked inheritable disease (i.e., the genotypes to be detected by a genetic test must be shown by scientifically valid methods to be associated with the occurrence of a disease, and the observations must be independently replicated and subject to peer review).”

“Recipient Eligibility for Preconception and Prenatal Genetic Carrier Screening Laboratory Testing: Medicaid reimburses for preconception and prenatal genetic carrier screening laboratory testing services for the prospective or expecting mother and father when the following criteria are met:

- The person being tested has a direct risk factor, based on family history or ethnicity analysis, for the development of a genetically-linked inheritable disease.
- To determine the person’s risk of passing on a particular genetic mutation in X-linked and autosomal-recessive conditions to their off-spring.
- The person being tested is eligible for Medicaid on the date of service.”

On Page 2-93, DNA-Based Preconception and Prenatal Genetic Laboratory Services Limitations, we deleted the reference to the specific molecular diagnostic codes (83890-83912) and “up to a maximum of six probes of primer pairs per recipient.”

Under Documentation Required for Preconception or Prenatal Genetic Carrier Screening Laboratory Testing, we deleted the first sentence, “Prior authorization is not required

for preconception or prenatal genetic carrier screening laboratory testing.” We deleted “However” from the second sentence.

We deleted Preconception or Prenatal Genetic Carrier Screening Laboratory Testing Genetic Carrier Screening Services Exclusions and Accepted Clinical Laboratory Methods for Preconception or Prenatal Genetic Carrier Screenings.

We repaginated the pages so that Pediatric Critical Services now begin on Page 2-94 and corrected the Table of Contents for the handbook and on Page 2-1.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.280	Rural Health Clinic Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 5, February 2, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee. The rule amendment incorporates by reference the Florida Medicaid Rural Health Clinic Services Coverage and Limitations Handbook, January 2007. The following change was made to the handbook.

On Page 2-31, Transvaginal Ultrasound, first sentence, we replaced “well documented” with “documented on the ultrasound report as a separate identifiable procedure.” The sentence now reads, “A transvaginal ultrasound is billable in addition to other obstetrical ultrasounds if medical necessity for this additional ultrasound is documented on the ultrasound report as a separate identifiable procedure with findings that is submitted with the claim.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NOS.:	RULE TITLES:
62B-49.006	Fees
62B-49.008	Permit Modifications
62B-49.011	Time Limits on Permits and Authorizations
62B-49.013	General Conditions

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. 32, No. 40, October 6, 2006 issue of the Florida Administrative Weekly.

The present changes are made in response to written comments received from the Joint Administrative Procedures Committee.

THE TEXT OF THE PROPOSED RULE CHANGES IS:

62B-49.006 Fees.

(1) Each application for a joint coastal permit, except those applications filed by the U.S. Army Corps of Engineers, shall be accompanied by the full application fee which is based on the sum of fees required in Rules 62-4.050, 62-312.060, 62-343.070, 62B-41.0085, 18-21.008, 18-21.009 and 18-21.010, F.A.C. Refer to the Department's Bureau of Beaches and Coastal Systems web page for an automated fee calculation tool. ~~If requested, the processing fee shall be waived for state agencies established pursuant to Chapter 20, F.S.~~ Severance and lease fees shall be paid prior to receipt of notice to proceed. Fees assessed pursuant to these rules are not refundable, except fees received for an activity that is exempt and fee payments in excess of the amount required by these chapters.

(2) through (3) No change.

Specific Authority 161.0535, 161.055, 373.427 FS. Law Implemented 161.0535, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98, _____.

62B-49.008 Permit Modifications.

(1) through (2) No change.

~~(3) Applications for major modifications shall be accompanied by the full application fee, calculated and submitted according to Rule 62B-49.006, F.A.C.~~

~~(3)(4) Minor modifications are design changes that are not expected to increase the potential for adverse impact or have a significantly different environmental impact than the authorized activity. Applications for minor modifications shall be accompanied by the full application fee, calculated and submitted according to Rule 62B-49.006, F.A.C.~~

(4) Applications for major and minor modifications shall be accompanied by the full application fee, calculated and submitted according to Rule 62B-49.006, F.A.C.

(5) through (7) No change.

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.0535, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98, _____.

62B-49.011 Time Limits on Permits and Authorizations.

(1) Permits shall expire five years from the date of issuance unless a shorter period of time is requested by the applicant, the time period is limited by law or rule, as in the case of experimental coastal construction, pursuant to Rule

62B-41.0075, F.A.C., where the permit duration is limited to three years, or the permit authorizes an operation and maintenance phase pursuant to Section 373.416, F.S. and Rules 62-312, 62-330 and 62-343, F.A.C. If requested by an applicant, the Department shall issue a permit and an authorization; for a longer term reasonably expected to be necessary for completion of the construction upon reasonable assurance that:

(a) through (b) No change.

(2) Permits and authorizations for maintenance of inlets in accordance with Section 161.142, F.S., that have an adopted inlet management plan, and permits and authorizations for beach nourishment that maintain a previously authorized beach restoration template and that are consistent with the statewide strategic beach management plan pursuant to Chapter 161.161, F.S., shall may be issued for periods up to ten (10) years, unless a shorter duration is requested by the applicant or the Department determines that a shorter duration is necessary to avoid or minimize environmental impacts (pursuant to Section 161.041, F.S.), or a shorter duration is requested by the applicant.

(3) through (6) No change.

(a) Documentation that Sufficient justification as to why the authorized construction could not be completed within the allotted period;

(b) through (c) No change.

(7) through (12) No change.

Specific Authority 161.055, 373.427 FS. Law Implemented 120.60, 161.041, 161.055, 161.161, 373.413(3), 373.427, F.S. History—New 10-12-95, Amended 2-19-98, _____.

62B-49.013 General Conditions.

(1) through (2) No change.

Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 371.421(2), 373.427, 872.02 FS. History—New 2-19-98, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.830
 RULE TITLE: Standards of Practice – Drug Therapy Management

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31 No. 17, April 29, 2005 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Office of Domestic Violence Program

RULE CHAPTER NO.: 65H-2
 RULE CHAPTER TITLE: Batterer Intervention Program Certification Minimum Standards

RULE NOS.:	RULE TITLES:
65H-2.001	Purpose
65H-2.002	Definitions
65H-2.003	Program Application Requirements
65H-2.004	Program Requirements
65H-2.005	Program Curriculum
65H-2.006	Facilitator Eligibility
65H-2.007	Assessor Application Requirements
65H-2.008	Assessment Requirements
65H-2.009	Assessor Eligibility
65H-2.010	Trainer Requirements
65H-2.011	Conflicts of Interest
65H-2.012	Monitoring

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. 32, No. 29, (July 21, 2006) issue of the Florida Administrative Weekly. These changes are being made to address changes requested by the Joint Administrative Procedures Committee (JAPC).

Rule Numbers 65H-2.003, Application for Certification, 65H-2.005, Program Content, 65H-2.007, Assessment Requirements, 65H-2.008, Assessor Eligibility, 65H-2.009, Trainer Requirements, 65H-2.010, Monitoring, and 65H-2.011, Conflicts of Interest, were renumbered and re-titled to read as follows:

65H-2.003	Program Application Requirements
65H-2.005	Program Curriculum
65H-2.007	Assessor Application Requirements
65H-2.008	Assessment Requirements
65H-2.009	Assessor Eligibility
65H-2.010	Trainer Requirements
65H-2.011	Conflicts of Interest
65H-2.012	Monitoring

While this revision created an additional rule section, it does not substantively change the content of the proposed rule.

Rule 65H-2.002 has been amended to add the following definitions:

(12) "Equality Wheel" means a graphically designed tool that illustrates the dynamics of a equal, violence-free partnership."

(20) "Power and Control Wheel" means a graphically designed tool that illustrates the overall pattern of abusive and violent behaviors used by batterers to establish and maintain control over their partners."

Rule 65H-2.003 has been amended to read as follows:
Program Application Requirements.

(1) Application.

(a) Application for initial certification or for renewal of certification shall be made on Form CF 831, Batterer Intervention Program Certification Application, January 2007,

which is incorporated by reference. Form CF 831 may be obtained from the Office of Certification and Monitoring or on the department's website at www.dcf.state.fl.us/domesticviolence by clicking on the link for the Batterer Intervention Program. The individual owner, or the designated representative of a corporation or partnership shall complete the application.

(b) All program locations within a judicial circuit are included in the application and application fee. A separate application and application fee shall be submitted for each judicial circuit where branch or satellite offices are located.

(c) The initial application will not be considered complete until the department's Office of Certification and Monitoring receives the program's policy and procedure manual, as set forth in rule, all forms and informational brochures used by the program, educational, experiential, and training documentation for each direct service staff, and Form CF 1649D, Declaration of Good Moral Character, January 2007, which is incorporated by reference, for each direct service staff. Thereafter, this information must be updated and maintained in such a form as to permit review for rule compliance by authorized department staff or department-authorized agents.

(d) A completed Form CF 831, Batterer Intervention Program Certification Application, January 2007, must be submitted to the department's Office of Certification and Monitoring at least 30 days prior to the expiration to ensure that a lapse of certification does not occur.

(2) Fees.

(a) A non-refundable application fee of \$300 will be assessed per applicant for initial certification and \$150 for renewal of certification, which shall be submitted with the application, Form CF 831. Submission of an application and application fee does not ensure approval for state certification.

(b) If the program does not renew its certification within 30 days after the expiration date, the certification shall be considered suspended and all interested parties notified by the Department. To renew a suspended certification, the provider shall be assessed the initial \$300 certification application fee.

(3) Certification.

(a) Certification is for one (1) year and may be renewed annually upon submission of Form CF 831, Batterer Intervention Program Certification Application, January 2007, and the department's satisfaction that all minimum standards have been met as required in rule and in statute. Certification shall be rejected or suspended for failure to comply with any of the requirements detailed in rule or in statute.

(b) Certification is issued in the name of the owner, corporation or partnership of the program. Certification is non-transferable and valid only for the program and location or locations named in the certificate.

(c) The Department issued certificate or a copy thereof shall be displayed within public view at all program locations.

(4) Change of Location of Service. If the provider wishes to change a program's location of service or open additional locations within the circuit where certified, the provider shall notify the department, in writing, at least 30 days prior to the change. If the provider wishes to open an additional program or programs in a circuit where the program is not currently certified, the provider shall submit an initial application and application fee for certification.

Rule 65H-2.004 has been amended to read as follows:

To qualify for certification, a batterer intervention program shall meet and comply with minimum standards as set forth herein and in statute, which include the following.

(1) Community Collaboration and Coordination. To be effective in protecting victims and their children, as outlined in Section 741.32(1), F.S., the program must coordinate its efforts within the community, particularly with the local justice system, social service agencies, including the domestic violence centers, and state and local governments.

(2) Personnel.

(a) The provider must have zero tolerance for domestic violence on the part of their employees. The provider must be as vigorous in their response to suspected crimes on the part of their own employees as they are to all other domestic violence crimes. However, the provider shall also uphold their duty to the employee in terms of providing employee assistance; preventing harm to self or family; and continuing employment where appropriate, safe, and within the provider agency guidelines and statute.

(b) All direct service personnel employed or contracted by a provider shall be required to undergo security background investigations as a condition of employment and continued employment. Background investigations shall be a level 1 screening as defined in Section 435.03, F.S., and shall include local criminal records checks through local law enforcement agencies, and statewide criminal records checks through the Florida Department of Law Enforcement, Division of Criminal Justice Information Services (CJIS), including a check for registered sex offenders/sexual predators, and injunctions for protection against domestic violence. The local law enforcement screening shall also be conducted for the employee's or contractor's previous address if she or he has lived in the current jurisdiction less than one (1) year. Such background investigations shall be conducted at the expense of the employing agency.

(c) All direct service staff employed or contracted by a certified provider shall complete annually, as a condition of employment and continued employment, Form CF 1649D, Declaration of Good Moral Conduct, January 2007, which is incorporated by reference.

(d) A provider shall not employ an individual who has been a perpetrator of domestic violence or subject of an injunction for protection against domestic violence unless the

applicant has successfully completed a batterer intervention program certified by the department and remained violence free for minimum period of five (5) years.

(e) A provider shall not hire an individual under any form of community supervision including probation, pre-trial diversion, or parole.

(f) A provider may employ an otherwise disqualified individual, except as stipulated in paragraphs (2)(d)-(e) above, if the applicant can provide documentation that she or he has not been convicted of any of the disqualifying offenses for a minimum period of five (5) years.

(g) The provider shall terminate the employment or contract of any direct service staff convicted or found guilty, regardless of adjudication, or having entered a plea of nolo contendere, to any disqualifying offense and notify the department's Office of Certification and Monitoring of the termination within 72 hours.

(h) The provider shall ensure that direct service staff employed or contracted by the program meets all moral conduct, educational, experiential, and training requirements as required by rule.

(i) The provider shall notify the department's Office of Certification and Monitoring, in writing, of any replacements in direct service staff and forward copies of their credentials prior to hiring for approval by the department.

(3) Fees. Programs shall be self-supporting and funded with fees from the program participant as payment for intervention. The program shall establish a method of payment for program fees and provisions to accept indigent clients into the program. Payment for services is important to the participant taking responsibility for the act of violence, however, programs shall not decline the admittance of a batterer based on the ability to pay. A program shall not collect from a participant that portion of the program fee that is exempted by Section 741.325(6), F.S.

(b) The program shall collect a \$30 participant fee from each participant for attendance at each 29-week program and submit to the department's Office of Certification and Monitoring as provided for in subparagraph 65H-2.004(10)(d)2., F.A.C.

(c) The batterer shall not be allowed to participate in a program or be formally assessed until payments of the appropriate fees are made in accordance with the established program policy.

(4) Intake/Enrollment.

(a) A list of certified programs compiled and updated by the department's Office of Certification and Monitoring will be provided to the batterer by the referral source, which may be accessed at the department's website. The program selected by the batterer shall perform the intake/enrollment, which shall include:

1. An explanation of program fees, rules, regulations and expectations.

2. Completion of Form CF 832, Participant Enrollment, January 2007, which is incorporated by reference.

3. Completion of Form CF 833, Program Contract, January 2007, which is incorporated by reference.

4. Completion of Form CF 843, Participant Fee Payment Agreement, January 2007, which is incorporated by reference, and

5. Provision of the department's list of certified assessors.

(b) The program shall not accept a participant who has been or is currently enrolled in another certified batterer intervention program unless approval to change programs is obtained, in writing, from the referral source, probation and parole, if applicable, and the previous program director.

(c) Services shall not be denied to any person because of ethnicity, national origin, religion, age or disability. This non-discrimination clause shall be included in the program's policy and procedure manual.

(5) Orientation. The program shall conduct an orientation session prior to the start of the intervention with a minimum time period of one (1) hour and 30 minutes, excluding breaks. An outline of the orientation shall be given to each participant and a signed statement acknowledging attendance shall be placed in the participant's file. The orientation shall include:

(a) Definition of domestic violence as defined by subsection 741.315(8), F.S..

(b) Domestic violence statistics.

(c) Introduction of the power and control wheel and equality wheel as defined in Rule 65H-2.002, F.A.C..

(d) Overview of program rules, regulations, and expectations, and

(e) Outline of program content showing the dynamics of power and control, the effects of abuse on the victim, children and others, gender roles, socialization, and nature of the violence.

(6) Assessments. The provider shall ensure that only those assessors certified by the departments Office of Certification and Monitoring conduct the psychosocial evaluations required in rule.

(7) Group Sessions.

(a) The provider shall use a psychoeducational group model that incorporates power and control dynamics in the program curriculum.

(b) The program shall be a minimum of 29 weeks in length and include a minimum of 24 weekly group sessions. Each session shall be for a time period of one (1) hour and 30 minutes, excluding breaks.

(c) The program shall maintain a maximum group size of 24 participants with two (2) facilitators or 15 participants with one (1) facilitator. The minimum group size shall be three (3) members.

(d) The program shall accept new members into the group on an ongoing basis.

(e) The program shall ensure that all participants in the group are the same gender.

(f) The program conducting a non-English speaking group shall have a facilitator who is fluent in that language.

(g) The program shall use interpreters only when there are no approved facilitators within the local area who are fluent in the language of one or more of the participants. The program must insure that a person who serves in the role of interpreter be duly qualified to interpret. Interpreters must not have a familial or personal relationship with the participant. A list of qualified interpreters may be found through the local court or from the Florida State Courts' website at <http://www.flcourts.org> by clicking on the link for the Court Interpreters Program.

(h) The program shall ensure weekly group sessions are not suspended or cancelled for a period of more than one week.

(8) Victim Notification.

(a) The program shall notify the victim, in writing, within three (3) business days of the batterer's enrollment in the program. The letter shall be dated and include contact information for the local certified domestic violence center, law enforcement, probation or parole, if applicable, and the state attorney's office. The letter shall include information on the goals and objectives of the certified batterer intervention program and advise the victim that information disclosed by the victim to program staff is not privileged communication as defined in Section 90.5036, F.S. The letter shall include a copy of *A Partner's Guide to Batterer Intervention Program Classes for Men*, which shall be furnished to the program by the department.

(b) The program shall notify the victim, in writing, within three (3) business days of the batterer's discharge from the program. The letter shall be dated and include the reason for discharge: completion, termination, or transfer. The letter shall include contact information for the local certified domestic violence center, law enforcement, probation or parole, if applicable, and the state attorney's office.

(c) The program shall keep copies of all notification letters to the victim in the batterer's file. Letters shall not disclose the physical address or any other contact information for the victim.

(9) Discharge Criteria.

(a) There are three categories of discharge from a certified program:

1. Completion indicates that the participant has completed the assessment performed by a certified assessor, has been in compliance with the program's rules and contract, participated in the group at an acceptable level as determined by the facilitator, and paid required fees, both to the provider and the department.

2. Termination indicates the participant is inappropriate for the program according to the screening criteria outlined in rule as determined by a certified assessor or the program, or has not successfully met the requirements of the program as specified in the contract or program rules, and

3. Transfer indicates the participant has relocated to another program with the approval of the referral source, and the outgoing and incoming program directors. Each participant requesting transfer of credit must obtain a letter of referral from the previous program and present it to the new program prior to receiving any credit(s) for weeks completed. The referral letter shall include attendance dates at intake/enrollment, orientation, and group sessions, as well as the date of each absence and the date each absence was made up.

(b) When a participant is discharged from the program, the provider shall complete the following:

1. Document the reason(s) for discharge for placement in the participant's file.

2. Inform the victim, referral source, and probation and parole, if applicable, in writing, of the discharge within three (3) business days, and

3. Submit the participant's completed enrollment form, CF 832, to the department no later than the tenth (10th) day of the subsequent month after discharge. Incomplete forms will not be accepted by the Department and will be returned to the provider for completion.

(10) Record Keeping and Reporting Requirements.

(a) General Requirements. A provider shall maintain complete and accurate records regarding the program, personnel and program participants at the program's office. Records shall be made available for review during the hours of operation to authorized department staff or its authorized department agents. Copies of required records are acceptable for documentation.

(b) Personnel Records. The provider shall maintain complete and accurate records on each direct service staff employed or contracted by the program, which shall contain the following signed and dated information:

1. Name, address, home phone number, and date of birth.

2. Proof of identity, in the form of a copy of a government issued photo identification.

3. Proof of employment history check and security background investigations.

4. Job description.

5. A resume or employment application.

6. Documentation of required education and work experience.

7. Documentation of required training and annual continuing education.

8. For individuals licensed under Chapters 490 and 491, F.S., a signed privacy act statement acknowledging confidentiality of information received.

9. Receipt of the program's policy and procedure manual, and

10. Form CF 1649D, Declaration of Good Moral Conduct, January 2007, renewed annually.

(c) Program Participant Records. The provider shall maintain individual files on each program participant and retain the records for a minimum of five (5) years from the date of discharge. Files shall include the following signed and dated information:

1. Proof of identity, in the form of a government issued photo identification.

2. Copy of the court order and police report, if applicable.

3. Financial assessment.

4. Completed form CF 832, Participant Enrollment, January 2007, which is incorporated by reference.

5. Completed form CF 833, Contract for Participation, January 2007, in a Certified Batterer Intervention Program, which is incorporated by reference.

6. Completed assessment by a Department certified assessor.

7. Completed Form CF 843, Participant Fee Payment Agreement, January 2007.

8. Record of attendance at orientation and groups with the dates of each session attended, missed and made up.

9. Record of payment of all fees, including dates and amounts.

11. Copy of non-compliance reports, if any, to the referral source and probation and parole, if applicable, and 10. Copies of all notification letters to the victim. Letters shall be dated and shall not disclose the physical address or any other contact information for the victim.

12. Copy of the discharge report to the referral source and probation and parole, if applicable.

(d) Reporting and Fee Remittance.

1. The provider shall submit by the tenth (10th) day of each month to the department's Office of Certification and Monitoring the completed Form CF 832, Participant Enrollment Form, January 2007, for each program participant discharged during the preceding month.

2. The provider shall submit a provider check no later than the tenth (10th) day of each month for the total amount of the participant fees collected during the preceding month to the department's Office of Certification and Monitoring. Provider checks are to be made payable to the Florida Department of Children and Families.

(11) Health Insurance Portability and Accountability Act (HIPPA). Where applicable, the provider shall comply with the Health Insurance Portability and Accountability Act (HIPPA) pursuant to 42 U.S.C. 132d, as well as all regulations promulgated under 45CFR Parts 160, 162 and 164.

(12) Electronic Communication. The department's primary communication with providers will be electronic. Providers shall have the capability to access the Internet and to electronically submit certification documentation as may be required by the department. Providers shall maintain a functional email address with the capability of receiving attachments and provide that address to the department.

(13) Operating Policies and Procedures Manual.

(a) The provider shall maintain written policies and procedures that direct the operation of the batterer intervention program as required by rule that include the following:

1. Mission Statement and Philosophy,
2. Days and Hours of Operation and Group Schedules,
3. Intake/Enrollment Procedure,
4. Orientation and Curriculum Outline,
5. Recording Keeping and Reporting Procedures,
6. Fee Collections and Remittance Procedure,
7. Acceptance of Indigent Participants Policy and Procedure,
8. Non-discrimination Policy,
9. Accessibility to Persons with Disabilities Policy and Procedure,
10. Duty to Warn and Reporting of Criminal Behavior Policy and Procedure,
11. Reporting of Enrollment and Discharge Information to Referral Source and Probation and Parole, if applicable, Policy and Procedure,
12. Personnel Policy, which shall include policies and procedures for the following: equal employer opportunity; code of professional ethics and moral conduct; confidentiality; non-fraternization; conflict of interest; violence free life style; drug free workplace; sexual harassment, and domestic violence in the workplace.

(b) The program's operating policies and procedures manual shall be submitted with the certification application to the Office of Certification and Monitoring to ensure compliance with minimum standards as set forth in rule and in statute.

Rule 65H-2.006 has been amended to read as follows:

(3) Facilitator Continuing Education Training.

(a) Each facilitator shall complete annually a minimum of 12 hours of continuing education. The training must contribute to the advancement, extension or enhancement of the facilitator's skills and knowledge related to domestic violence. Training shall comply with the program standards as required in Rule 65H-2.005, F.A.C., and include information in any of the following areas as they pertain to intimate partner violence: current law; evaluation and intervention with families; victimization, effects on children, dating violence, intervention and prevention, alcohol evaluation and treatment; and the power and control model.

(b) Documentation for all continuing education training must be updated and maintained in the facilitator's personnel file for review by authorized department staff or department authorized agents during the department's on-site monitoring or mailed to the Office of Certification and Monitoring upon the department's request.

Rule 65H-2.007 (formerly included in Rule 65H-2.003) has been amended to read as follows:

Assessor Application Requirements.

(1) Application.

(a) Application for initial certification or for renewal of certification shall be made on Form CF 840, Assessor Certification Application, January 2007, which is incorporated by reference. Form CF 840 may be obtained from the Office of Certification and Monitoring or on the department's website at www.dcf.state.fl.us/domesticviolence by clicking on the Batterer Intervention Program link.

(b) The initial application will not be considered complete until the Office of Certification and monitoring receives a copy of the applicant's educational, experiential, and training documentation, Form CF 1649D, Declaration of Good Moral Character, January 2007, and the assessment tool. Thereafter, this information must be updated and maintained in the personnel file for review by authorized department staff or department authorized agents during the department's on-site monitoring or mailed to the Office of Certification and Monitoring upon the department's request.

(c) A completed application for renewal of annual certification must be submitted to the department's Office of Certification and Monitoring at least 30 days prior to the expiration date to ensure that a lapse of certification does not occur.

(2) Fees.

(a) A non-refundable application fee of \$100 will be assessed per applicant for initial certification and \$75 for annual renewal of certification, which shall be submitted with the application. Submission of an application and application fee does not ensure state certification by the department.

(b) If the program does not renew its certification within 30 days after the expiration date, the certification shall be considered suspended. To renew a suspended certification, the provider shall be assessed the initial \$100 application fee.

(3) Certification.

(a) Certification is for one (1) year and may be renewed annually upon the submission of department's satisfaction that all minimum standards have been met as required in rule and in statute. Certification shall be rejected or suspended for failure to comply with the requirements detailed in rule or in statute.

(b) Certification is valid only for the person named in the department issued certificate and is non-transferable.

(c) The certificate issued by the department or a copy thereof, shall be displayed at the location or locations of service within public view.

Rule 65H-2.009 (formerly Rule 65H-2.008), has been amended to read as follows:

(2) Assessor Continuing Education Training.

(a) As a condition of annual certification renewal, each assessor shall complete annually a minimum of 12 hours of continuing education. The training must contribute to the advancement, extension or enhancement of the assessor's skills and knowledge related to the assessment of a batterer. Training shall comply with the program standards as required in Rule 65H-2.005, F.A.C., and include information in any of the following areas as they pertain to intimate partner violence: current law; evaluation and intervention with families; victimization, effects on children, dating violence, intervention and prevention, alcohol evaluation and treatment; and the power and control model.

(b) Confirmation of the completed 12 hours of training shall be included in the annual renewal application. No credit will be given for trainings that do not meet the standards as stipulated in rule.

(c) Documentation for all continuing education training must be updated and maintained in the personnel file for review by authorized department staff or department authorized agents during the department's on-site monitoring or mailed to the Office of Certification and Monitoring upon the department's request.

Rule 65H-2.012 (formerly Chapter 65H-2.010) has been amended to read as follows:

(7) Failure to successfully complete the corrective action plan will result in suspension of a program's certification, unless the department finds that the failure to successfully complete the corrective action plan is due to extraordinary circumstances beyond the provider's reasonable control. However, the department may suspend a program's certification immediately without allowing a corrective action in cases of recurring violations or inappropriate intervention approaches as set forth in rule and in statute.

Forms CF 831 Batterer Intervention Program Certification Application, January 2007; referenced in Rule 65H-2.003, F.A.C., CF 840, Assessor Certification Application, January 2007, referenced in Rule 65H-2.007, F.A.C., and CF 1649D Declaration of Good Moral Conduct, January 2007, have been modified to remove the notarization requirements.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-6.0022	Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements
68A-6.003	Facility and Structural Caging Requirement for Class I, II and III Wildlife
68A-6.004	Standard Caging Requirements for Captive Wildlife
68A-6.007	Possession, Transportation, Exhibition and Caging Venomous Reptiles of Concern; Prohibited Reptile Species
68A-6.0071	Record Keeping and Reporting Requirements
68A-6.0072	Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 1, January 5, 2007 issue of the Florida Administrative Weekly.

68A-6.0022 Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements.

(1) No change.

(2) No permit shall be required to possess the following wildlife for personal use, unless possession of a species is otherwise regulated by other rules of the Commission:

(a) Reptiles; or amphibians (nonvenomous, unprotected)

(b) through (v) No change.

(3) No change.

(4) No permit shall be issued to any person to possess Class III wildlife for exhibition, sale or personal use unless such person can ~~provide documentation of the following~~ meet the following requirements:

(a) No change

(b) Application for permits to possess Class III wildlife for personal use shall include the satisfactory completion of a questionnaire developed by the Commission that assesses the applicant's knowledge of general husbandry, nutritional, and behavioral characteristics. Such information shall be documented on the Personal Use Application and Questionnaire form FWCDLE 621 (01/07), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits.

(c) Applicants for permits to possess capuchin, spider, or woolly monkeys shall meet the age, experience and examination requirements for authorization to possess Class II wildlife.

~~(d)(e)~~ No change.

~~(e)(d)~~ No change.

(5) Qualification requirements for a permit to possess Class I or Class II wildlife:

~~(a)~~ All applicants shall qualify for permits as follows:

~~(a)1-~~ Age Requirement: Applicants to possess Class I or Class II wildlife shall be at least 18 years of age.

~~(b)2-~~ Applicants shall not have been convicted of any violation of captive wildlife regulations; or venomous reptile or reptile of concern regulations involving unsafe housing of wildlife or that could potentially endanger the public; any violation offense involving the illegal commercialization of wildlife;; any violation offenses involving cruelty to animals;; or any violation involving importation of wildlife within three (3) years of the date of application.

~~(c) 3-~~ Experience Requirement for Class I permits:

~~1.a-~~ Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1000 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological order (except ratites which shall be in the same biological sub-order), which are substantially similar in size, characteristics, care and nutritional requirements to the species for which the permit is sought.

~~2.b-~~ For purposes of demonstrating compliance, applicants shall submit documentation of such experience, including:

~~a.I-~~ A description of the specific experience acquired.

~~b.II-~~ The dates the experience was obtained and the specific location(s) where acquired.

~~c.III-~~ References of no less than two (2) individuals, no more than one of which may be a relative of the applicant, having personal knowledge of the applicant's stated experience, one of which must be licensed by the commission for wildlife of the same family and the same or higher class for which the applicant is seeking authorization.

~~d-~~ Additional documentation may include records of prior permits for the keeping of captive wildlife, employment records, and any other competent documentation of the requisite experience.

~~3.e-~~ Documented educational experience in zoology or other relevant biological sciences, obtained at the college or technical school level or above, may substitute for up to six months or 500 hours of the required experience.

4. Providing false information to document the applicant's experience, by the applicant or any reference, is prohibited as provided in Sections 837.012 and 837.06, F.S.

~~(d)4-~~ Experience and examination requirements for Class II permits:

~~1.a-~~ Applicants may qualify for a permit for Class II wildlife by documenting one year of experience (to consist of no less than 1000 hours) as defined in subparagraph ~~68A-6.0022(5)c.1-4. 68A-6.0022(5)(a)3.a-e.,~~ above. If the applicant is unable to document such experience, as an alternative, the applicant may take a written examination. The successful completion of a written examination for the particular species or family, administered by the Division of Law Enforcement, together with the documentation of not less than 100 hours of substantial practical experience (with documentation and compliance procedures as noted in ~~68A-6.0022(5)(c)1.-4. 68A-6.0022(5)(a)3-~~ above) in the care, feeding, handling and husbandry of the species or family for which the permit is sought may be substituted for the one-year/1,000-hour requirement. Upon receipt of an application, the Commission shall notify the applicant of the time and place of the next examination. Applicant scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

~~2.b-~~ The above requirements shall not apply to applicants for permits to possess ostriches, rheas, emus, cassowaries or coyotes when possessed for purposes other than public exhibition or personal use.

5. Facility Requirements:

~~a-~~ Applicants for permits to possess wildlife in captivity ~~shall specify the location of the facility at which captive wildlife shall be maintained, and such facility shall be inspected and approved by the Commission prior to issuance of the permit.~~

~~b-~~ In order to assure public safety, Class I and Class II wildlife shall only be kept in appropriate neighborhoods and, accordingly, facilities that house such wildlife shall meet the requirements of this rule subsection. Compliance with these requirements is a necessary condition for licensure. For purposes of this subsection, a "facility" means the site at which Class I or Class II carnivores are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures is not prohibited by county ordinance and, if within a municipality, municipal ordinance.

~~c-~~ Notwithstanding any other requirements of this rule, facilities licensed prior to the effective date of this section may sell or transfer their interests, including their approved classification(s) of wildlife, (excluding licenses) to other qualified investor or owners for possession, and such facility may remain in the same location. New or prospective owners shall be qualified to receive the classifications of wildlife applied for and shall complete applications for licenses to receive same. The transfer shall not occur until a final on site inspection is conducted by Commission personnel and the license is approved and issued. Other than facilities meeting the requirements of sub sub subparagraph ~~68A-6.0022(5)(a) 5.b.(I), F.A.C.,~~ Class I wildlife shall not be possessed in

multi-unit dwellings or in any premises consisting of less than one-quarter-acre of land area. Other than facilities meeting the requirements of Rule 68A-6.0022(5)(a)5.b.(H), F.A.C., Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with private entrance, exit, and yard area.

(I) Additional facility requirements for Class I Carnivores (lions, tigers, leopards, snow leopards, jaguars, and bears):

(A) The facility shall not be constructed on less than five (5) contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the Commission as a condition of granting said license.

(B) The facility shall have a "buffer zone" of not less than 35 feet between the caging and the facility property line.

(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2-gauge chain link, or equivalent, to prevent escape from the property of any wildlife that may escape the primary caging.

(H) Additional facility requirements for the following Class II carnivores: cougars; panthers, clouded leopards, and Class II Canidae:

(A) The facility shall not be constructed on less than two and one half (2 1/2) contiguous acres of property owned or leased by the applicant. If leased, the lease shall be for a term of not less than one year from the date of application and such lease is subject to initial and annual review and approval by the Commission as a condition of granting said license.

(B) The facility shall contain a "buffer zone" of not less than 35 feet between the caged wildlife and the facility property line.

(C) The cages of the facility shall be bounded by a fence of not less than eight (8) feet in height, constructed of not less than 11 1/2-gauge chain link, or equivalent, or, as an alternative, a fence of not less than six (6) feet in height, with a 2-foot, 45-degree, inward angle overhang. The inward angle fencing and vertical fencing shall be constructed of 11 1/2-gauge chain link or equivalent. This fencing is to prevent escape from the property of any wildlife that may escape from primary caging.

(D) The above requirements shall be effective July 1, 2000, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After July 1, 2000, those licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements herein. Requests to upgrade wildlife classification authorization shall be considered new applications for license purposes.

(6) Except as otherwise provided, applicants for permits to possess wildlife in captivity shall specify the location of the facility at which the wildlife shall be kept or possessed. Prior to the issuance of a permit for Class I, Class II, or Class III capuchin, spider or woolly monkeys such facility shall be inspected and approved by Commission personnel prior to the issuance of the permit.

(7) Disaster and Critical Incident Plans:

Applicants for permits to possess wildlife in captivity shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (02-06), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts. Part A of form FWCDLE 619 shall be submitted at the time of initial application or renewal; and Part B shall be retained on file at the facility location and be made available for inspection upon request of Commission personnel.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History—New 7-1-90, Amended 7-1-90, 7-1-91, 2-1-98, Formerly 39-6.0022, Amended 4-30-00, 1-1-08.

68A-6.003 Facility and Structural Caging Requirement for Class I, II and III Wildlife.

(1) In addition to the standard caging requirements set forth in Rule 68A-6.004, F.A.C., Class I and Class II animals shall be caged in accordance with the following requirements:

~~(a) A fence sufficient to deter entry by the public, which shall be a minimum of five (5) feet in height, shall be present around the premises wherein Class I or Class II animals are housed or exercised outdoors.~~

~~(a)(b) All cages or enclosures of Class I and Class II wildlife, and Class III capuchin, spider and woolly monkeys, animals except paddocks, approved open air habitats, or outdoor reptile enclosures shall be equipped with a safety entrance. A safety entrance is defined as a protected, secure area that can be entered by a keeper that prevents animal escape and safeguards the keeper, or a device that can be activated by a keeper that prevents animal escape and safeguards entry. Such entrances shall include: A double-door mechanism, interconnecting cages, a lock-down area, or other comparable devices, subject to Commission approval, that will prevent escape and safeguard the keeper. Safety entrances shall be constructed of materials that are of equivalent strength as that prescribed for cage construction for that particular species.~~

~~(b)(e) No change.~~

(2) In order to assure public safety, the facilities for the housing of Class I and Class II wildlife shall meet the requirements of this rule. Compliance with these requirements is a necessary condition for licensure. For the purposes of this rule, a "facility" means the site at which Class I or Class II wildlife are kept or exhibited. Applicants shall submit documentation verifying that the construction of the facility, its cages and enclosures are not prohibited by county ordinance and, if within a municipality, municipal ordinance.

(a) Notwithstanding other requirements of this rule, facilities licensed pursuant to this section may be transferred through will, trust or probate proceedings to a lawful heir and such facilities may remain in the same location. Said heir must be qualified to receive the classifications of wildlife applied for and shall complete applications for licenses to receive same. The transfer shall not occur until a final on-site inspection is conducted by Commission personnel and the license is approved and issued.

(b) Facility requirements:

1. Property ownership/lease:

a. The facility shall be constructed on property owned or leased by the applicant. If leased the lease shall be for a term of not less than one (1) year from date of application. Such lease shall be subject to initial and annual review and approval by the commission as a condition of said lease.

b. If the property is leased, the lessee must have exclusive rights to occupy, possess and use the property with no restrictions that could prevent the lessee from adhering to the eligibility requirements for licensure with no other in holdings or easements.

c. The existence of any such lease restrictions or termination of the lease shall result in the denial or revocation of the license or permit.

2. Land area:

a. Class I wildlife: The facility shall not be constructed on less than five (5) acres.

b. Class II wildlife: The facility shall not be constructed on less than two and one-half (2 1/2) acres.

c. The total facility shall not be comprised of more than two (2) parcels of land whether leased, owned or a combination of leased or owned parcels. If more than one parcel, the adjacent parcels must have a minimum of 100 feet common linear boundary.

3. Buffer zones:

The facility shall contain a "buffer zone" of not less than thirty-five (35) feet between the caged wildlife and the facility property line.

4. Perimeter fencing:

a. Class I wildlife: The cages of the facility shall be bounded by a fence of not less than eight (8) feet high.

b. Class II wildlife: The cages of the facility shall be bounded by a fence of not less than eight (8) feet high, or as an alternative, a fence of not less than six (6) feet high, with a 2-foot, 45 degree, inward angle overhang.

c. All vertical fencing and inward angle overhang fencing of the perimeter fence shall be constructed of 11 1/2 gauge chain link or equivalent.

5. Zoning:

Facilities housing the following Class I wildlife may not be located on property within an area zoned solely for residential use. Changes in zoning subsequent to the issuance of the license or permit shall not be disqualifying provided the license is maintained in a current and valid status.

a. Primates (all listed species)

b. Cats (all listed species)

c. Bears (family *Ursidae*)

d. Elephants (family *Elephantidae*)

e. Rhinoceros (family *Rhinocerotidae*)

f. Hippopotamuses (family *Hippopotamidae*)

g. Cape Buffalos (*Syncerus caffer caffer*)

(c) Exemptions:

The following Class I and Class II wildlife are exempt from the facility requirements as listed above:

1. Permits authorizing possession of infants only including:

a. Class I or Class II carnivores until they reach 25 pounds or six (6) months of age, which ever comes first, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis:

b. Class I and II primates until they reach the age of twelve (12) months, provided written documentation is available to verify the age of the animal, the animal is marked or otherwise identifiable, and the animal is provided space for exercise on a daily basis.

2. Crocodylians four (4) feet in length or less.

3. Cats: Ocelots (*Leopardus pardalis*), Servals (*Leptailurus serval*), Caracals (*Caracal caracal*), Bobcats (*Lynx rufus*), African golden cats (*Profelis aurata*), Temminck's golden cats (*Profelis temmincki*), and Fishing cats (*Prionailurus viverrina*).

4. Non-human primates: Uakaris (*genus Cacajao*), Bearded sakis (*genus Chiropotes*), and Guenons (*genus Cercopithecus*) not including De Brazza's monkey (*Cercopithecus neglectus*), Blue monkey (*Cercopithecus mitis*), Preuss's monkey (*Cercopithecus preussi*) or any other non-human primate of the genus *Cercopithecus* which exceeds the normal adult weight of fourteen (14) pounds.

(d) Any Class I or Class II wildlife exempt from meeting the facility requirements of this rule must meet the following:

1. Class I wildlife shall not be possessed in any multi-unit dwellings or on any premises consisting of less than one quarter acre of land area.

2. Class II wildlife shall not be possessed in multi-unit dwellings unless the dwelling in which they are housed is equipped with private entrance, exit and yard area.

3. A fence sufficient to deter entry by the public, which shall be a minimum of five (5) feet in height, shall be present around the premises wherein Class I or Class II animals are housed or exercised outdoors.

(e) The above requirements shall be effective January 1, 2008, but shall not apply to those facilities licensed to possess captive wildlife species prior to that date. After January 1, 2008, those licensees that desire to expand their inventory to include a family of Class I or Class II species not previously authorized at their facility location shall comply with the requirements here in. Requests to upgrade wildlife classification authorizations shall be considered new applications for license purposes.

~~(3)(2)~~ No change.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History—New 8-1-79, Amended 6-21-82, Formerly 39-6.03, Amended 6-1-86, 7-1-90, 7-1-92, 2-1-98, Formerly 39-6.003, Amended 1-1-08.

68A-6.004 Standard Caging Requirements for Captive Wildlife.

(1) through (3) No change.

(4) Carnivores and Certain Omnivores with Similar Requirements:

(a) through (n) No change.

(o) Rhinos.

1. No change.

2. Access to a shelter shall be provided ~~at all times~~.

(p) No change.

(q) Reptiles and amphibians.

1. Reptiles.

In addition to requirements for this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the species. The environment or devices shall be non-injurious, and may include, but are not limited to ambient temperature, hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a non-injurious substrate, including but not limited to gravel, newspaper, processed wood shavings, rocks, sand, or indoor-outdoor carpet. Arboreal species of snakes or lizards shall be provided with a perch of sufficient height to allow for such specimen to perch or bask without any portion of its body or tail touching the floor, sides or roof of the enclosure. Enclosure sizes for all snakes or lizards shall be based on the total length of the longest specimen in the enclosure.

a. Snakes and glass lizards.

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well-being of the species. The environment or devices shall be noninjurious, and may include, but are not limited to hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a noninjurious substrate such as newspaper, processed wood shavings, rocks, sand or indoor-outdoor carpet. Such substrate shall be disposed of or sanitized at intervals sufficient to insure the health of the animal(s). Enclosure sizes for all snakes and glass lizards shall be based upon the length of the longest specimen in the enclosure.~~

(I) Snakes, except as otherwise provided, and glass lizards:

For up to two specimens, a cage or enclosure having a perimeter equal to the length of the longest specimen, the width of the cage shall be ten inches or not less than 30 ~~20~~ percent of the length of the longest specimen which ever is greater, and shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

(II) Blood pythons or large constrictors that exceed 12 feet upon maturity: Boas, pythons, or anacondas

1. Specimens up to 5 feet in length.

For up to two specimens, a cage or enclosure 2.5 feet by 1 foot. For each additional specimen increase perimeter by 10 percent. Constrictors of this size possessed for exhibition or sale are exempt from this minimum cage requirement but shall meet the requirements as indicated for snakes and glass lizards.

2. Specimens 5 feet to 12 feet in length.

For up to two specimens, a cage or enclosure with a perimeter equal to 1.25 times the length of the longest specimen. The width of the cage shall not be less than 30 percent of the length of the longest specimen and shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

3. Specimens greater than 12 feet in length.

For up to two specimens, a cage or enclosure with a perimeter equal to the length of the longest specimen. The width of the cage shall not be required to exceed 3 feet. For each additional specimen, increase perimeter by 10 percent.

b. Lizards (other than glass lizards).

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to ensure the well-being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to hot rocks, artificial lights, natural sunlight and heat strips. Each enclosure shall be provided with a noninjurious substrate, such as gravel, newspaper, processed wood shavings, rocks, sand, or indoor-outdoor carpet. Such substrate shall be disposed of or sanitized at intervals sufficient to insure the health of the animal(s).~~

(I) Lizards up to 6 inches in length. For one or two animals, a cage or enclosure 12 inches by 8 inches, 6 inches high. For each additional animal, increase enclosure size by 1 inch in length and width.

(II) Lizards 7 to 12 inches in length.

For one or two animals, a cage or enclosure 20 inches by 10 inches, 12 inches high. For each additional animal, increase cage or enclosure size by 2 inches in the length and width.

(III) Lizards 13 to 24 inches in length.

For one or two animals, a cage or enclosure 30 inches by 12 inches, 12 inches high. For each additional animal, increase cage or enclosure size by 3 inches in length and width.

(IV) Lizards 25 to 36 inches in length.

For one or two animals, a cage or enclosure ~~48~~ ~~36~~ inches by ~~16~~ ~~12~~ inches, ~~20~~ ~~16~~ inches high. For each additional animal, increase cage or enclosure size by 10 inches or 25 percent in length and width.

(V) Lizards 37 inches to 6 feet in length.

For one or two animals, a cage or enclosure 6 feet by 3 feet, 4 feet high. For each additional animal, increase cage or enclosure size by 25 percent of the original floor area.

(VI) Lizards over 6 feet in length.

For one or two animals, a cage or enclosure 9 feet by 6 feet, 4.5 feet high. For each additional animal, increase the size of the cage or enclosure by 25 percent of the original floor area.

c. Turtles, Tortoises and box turtles.

Each enclosure for turtles, tortoises and box turtles shall have a pool of water. The pool area shall equal no less than two (2) times the shell width by two (2) times the shell length. For turtles, other than tortoises and box turtles, such pool shall allow submersion of the largest turtle. For soft-shelled turtles, a non-abrasive pool bottom is required. Enclosure and pool sizes for all turtles, tortoises and box turtles shall be based upon the size of the largest specimen in the enclosure.

(I)e- Turtles (other than tortoises and box turtles):

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to artificial lights and natural sunlight. Each enclosure shall be provided with a noninjurious substrate, such as gravel, rocks or sand. Each enclosure shall have a pool of water that will allow submersion of the largest turtle. For soft-shelled turtles, a non-abrasive pool bottom is required.~~

~~Enclosure sizes for all turtles shall be based upon the size of the largest specimen in the enclosure.~~

For one or two turtles, an enclosure with an area at least 5 times the shell length by 2 times the shell width. A dry resting area equal to the size of the shell of the largest turtle shall be provided. For each additional animal, increase original floor area and pool area by 10 percent.

(I)d- Tortoises and box turtles:

~~In addition to requirements of this section, each enclosure shall be provided with an environment or devices that allow for temperature regulation necessary to insure the well-being of the species. The environment and devices shall be noninjurious, and may include, but are not limited to artificial lights and natural sunlight. Each cage shall be provided with a noninjurious substrate, such as gravel, rocks, newspaper, sand or indoor-outdoor carpet. Such substrate shall be kept clean. Enclosure sizes for all tortoises and box turtles shall be based upon the size of the largest specimen in the enclosure.~~

For one or two tortoises or box turtles, an enclosure with a floor area 10 times the shell size of the largest specimen in the enclosure. For additional animals, the combined area covered by all their bodies shall not exceed 50 percent of enclosure area.

e. through f. renumbered d. through e. No change.

(r) No change.

(5) Effective date: All cage and enclosure requirements in this rule shall not take effect until January 1, ~~2008~~ ~~2000~~, ~~for those licensed or permitted prior to December 31, 1997.~~

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.921, 372.922 FS. History-New 8-1-79, Amended 6-22-80, 6-4-81, Formerly 39-9.03, Amended 6-21-82, Formerly 39-6.04, Amended 5-10-87, 4-13-88, 7-1-90, 9-1-90, 4-14-92, 2-1-98, Formerly 39-6.004, Amended 1-1-08.

68A-6.007 Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern; Prohibited Reptile Species.

(1) Any person who keeps, possesses, exhibits or sells poisonous or venomous reptiles shall comply with Sections 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 327.921, F.S., and the provisions of this rule.

(2) Any person who keeps, possesses, exhibits or sells reptiles of concern shall comply with Sections 372.921, 372.922, F.S., and the provisions of this rule. The following reptiles, including any subspecies or hybrids thereof, are designated as reptiles of concern:

(a) Indian or Burmese python (*Python molurus*)

(b) Reticulated python (*Python reticulatus*)

(c) African rock python (*Python sebae*)

(d) Amethystine or Scrub python (*Morelia amethystinus*)

(e) Green anacondas (*Eunectes murinus*)

(f) Nile monitor (*Varanus niloticus*)

(3) General qualifications:

Applicants for authorization to possess venomous reptiles or reptiles of concern shall:

(a) Be at least 18 years old at the time of application.

(b) Not have been convicted of any violation of venomous reptile or reptile of concern or captive wildlife regulations involving unsafe housing of wildlife or that could potentially

endanger the public; any violation involving the illegal commercialization of wildlife; any violation involving cruelty to animals; or any violation involving importation of wildlife within three (3) years of the date of application.

(c) Shall specify the location of the facility at which the venomous reptiles or reptiles of concern shall be maintained. Facilities for venomous reptiles shall be inspected and approved by Commission personnel prior to the issuance of the permit and placement of animals at the facility location.

(4) Experience requirements:

Applicants for authorization to possess venomous reptiles or reptiles of concern shall meet the following experience requirements.

(a) Venomous reptiles: Any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1,000 hours) in the care, feeding, handling and husbandry of the species or other species within the same biological family which are similar in characteristics and care to the species for which the permit is sought. For the purposes of demonstrating compliance, applicants shall submit documentation of such experience including:

a. A description of the specific experience acquired.

b. The dates the experience was obtained and the specific location(s) where acquired.

c. References of no less than two (2) individuals, no more than one of which may be a relative of the applicant, having personal knowledge of the applicant's stated experience, one of which must be licensed by the commission for venomous reptiles of the same family for which the applicant is seeking authorization.

d. Additional documentation may include records of prior permits for the keeping of venomous reptiles, employment records, and any other competent documentation of the requisite experience.

2. If the applicant is unable to document such experience, as an alternative the applicant may take a written examination. The successful completion of a written examination for the particular species or family, administered by the Division of Law Enforcement, together with the documentation of not less than 500 hours of substantial practical experience in the care, feeding, handling and husbandry of the species or family for which the permit is sought may be substituted for the one year/1,000-hour requirement. Applicants scoring at least 80 percent correct on the examination shall be deemed as meeting the examination requirement for the particular species or family.

3. Providing false information to document the applicant's experience, by the applicant or any reference, is prohibited as provided in Sections 837.012 and 837.06, F.S.

(b) Reptiles of concern: On or after January 1, 2008, any person or entity not currently permitted to possess reptiles of concern must qualify for a permit by including with the application a satisfactorily completed questionnaire developed by the Commission that assesses the applicant's knowledge of general husbandry, nutritional, and behavioral characteristic of the reptile of concern to be possessed.

(5) Facility requirements:

All persons licensed to keep, possess, or exhibit venomous reptiles or reptiles of concern shall provide safe, secure and proper housing for said reptiles in cases, cages, pits or enclosures. It shall be unlawful for any person whether licensed or not to keep, possess, or exhibit any venomous reptile or reptile of concern in any manner not approved as safe, secure and proper by the Florida Fish and Wildlife Conservation Commission. Venomous reptiles or reptiles of concern shall be kept in cages, cases, pits or enclosures of the following specifications:

(a) Cage may be constructed of a variety of materials including: plate glass of at least one-quarter inch thickness, break-resistant plastic of similar strength, concrete reinforced with wire, sheet metal, molded fiberglass, plywood or interlocking lumber that has been treated to be impervious to moisture and is not less than one-half inch in thickness, or other materials which provide equivalent stability and security against escape and unauthorized intrusion. Cages and doors to cages shall be sealed. The doors of each cage shall be securely locked by a device operated by a key, combination, key card or other locking device approved by the commission to prevent unauthorized intrusion.

(b) A room or out building may contain venomous reptiles or reptiles of concern in cages that are not locked provided that such a room or out building is locked by a device operated by a key, combination, key card or other locking device approved by the Commission to prevent unauthorized intrusion, is inaccessible to unauthorized personnel, is constructed and maintained as to be escape-proof, and has been inspected and approved as conforming to these rules by Commission personnel prior to use. Any out building so used must be of strong construction with concrete or other suitable flooring and securely anchored to the ground. Such building shall be clearly posted at point of entry with a sign stating "Danger-Venomous Reptiles" or in the instance of nonvenomous reptiles of concern a sign stating "Danger-Dangerous Reptiles."

(c) Outdoor open-topped enclosures:

1. For venomous reptiles native to the United States, the floors of outdoor cages shall be of concrete or masonry construction at least two inches in thickness. Sides shall be of similar construction, at least eight inches in thickness, or strength equivalent, with a minimum height of four feet above the floor of the enclosure. Outdoor enclosures need not have concrete or masonry flooring if the enclosure meets the following additional specifications:

a. The enclosure shall have concrete or masonry walls, at least eight inches in thickness, or strength equivalent.

b. The enclosure shall have footers made of concrete, or strength equivalent, extending not less than three feet below the grade level, outside the perimeter.

c. The corners of enclosure shall be designed or guarded to prevent the escape of reptiles by climbing.

d. All landscaping of the enclosure shall be arranged to insure that vegetation or other structures do not allow for the escape of reptiles.

2. Entrance doors shall be kept securely locked on all outdoor enclosures to prevent escape and unauthorized intrusion and the enclosure shall be equipped with barriers to prevent visitors from falling into enclosures that are constructed below ground level.

3. For venomous reptile species and reptiles of concern not native to the United States, all outdoor enclosures shall be topped with close-meshed wire or an equivalent barrier to provide additional security.

4. Enclosures shall meet the minimum standard caging size requirements as specified in Rule 68A-6.004, F.A.C.

5. Facilities housing venomous reptiles shall maintain bite or exposure protocols for the species of venomous reptiles possessed and have a visible cage enclosure identification system identifying the venomous reptiles housed or maintained on the premises.

a. Bite or Exposure Protocol:

Facilities or premises where venomous reptiles are housed or maintained shall have posted on the premises a venomous reptile bite protocol. Such protocol shall include: identification of the species by common and scientific name, emergency contact information, type of antivenin required for treatment of bites or exposures from the species housed or maintained, a plan of action to be taken in the event of a bite or exposure, and location of antivenin if stored on premises. In lieu of antivenin on premises contact information shall be provided for an antivenin bank or medical facility that maintains antivenin for the species possessed. Such protocol shall be clearly visible and posted in the room, building or other structure and in close proximity to where venomous reptiles are housed or maintained.

b. Cage Enclosure Identification System:

Each cage or enclosure housing venomous reptiles shall be clearly marked with a card or sign clearly stating "Danger Venomous Reptile" and identifying the species contained therein by common and scientific name. Such card or sign shall be clearly visible. A card or sign shall accompany the venomous reptile when it is removed from the cage or enclosure for handling or transport purposes.

(d) Facilities with one or more licensee at the same facility location may not commingle their respective live venomous reptile or reptile of concern inventories. All cages or enclosures

must be clearly identified or visibly marked with the name of the licensee or other identifier to facilitate inventory inspections.

(6) Inspection:

Venomous reptiles or reptiles of concern held in captivity are subject to inspection by commission personnel. Commission personnel shall determine whether the said reptiles are securely, properly and safely housed. In the event that the reptiles are not safely housed, commission personnel shall report the situation in writing to the person possessing or exhibiting such reptiles. Failure of the possessor or exhibitor to correct the situation within 30 days after such written notice shall be grounds for revocation of the license or permit.

(7) No person except the licensee or his or her authorized employee shall open any cage, pit, or other container which contains venomous reptiles.

(8) Transporting:

Any person transporting venomous reptiles shall comply with Section 372.90, F.S., and the provisions of this rule. Venomous reptiles shall be placed in a stout closely woven cloth sack, tied or otherwise secured. In lieu of a stout closely woven cloth sack, the venomous reptile may be contained in a trap or box of solid construction which is locked or otherwise secured. The sack, trap or box shall then be placed in a box. The box shall be of strong material in solid sheets, except for small air holes which shall be screened. Boxes containing venomous reptiles shall be prominently labeled "Danger-Venomous Reptiles."

(9) Disaster and Critical Incident Plans:

Applicants for permits to possess venomous reptiles or reptiles of concern in captivity shall document in writing a course of action to be taken in preparation for disasters or critical incidents. Such course of action shall be documented on the Captive Wildlife Critical Incident/Disaster Plan form FWCDLE 619 (02-06), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. This form shall consist of two parts. Part A of form FWCDLE 619 shall be submitted at the time of initial application or renewal; and Part B shall be retained on file at the facility location and be made available for inspection upon request of Commission personnel.

(10) All species of snakes commonly known as sea snakes or sea kraits, belonging to the families *Elapidae*, *Hydrophiidae* or *Laticaudidae* are prohibited from being imported or possessed, except under the provisions of Section 370.081(4), F.S.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.92, 372.921, 372.922 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 372.92, 372.921, 372.922 FS. History-New 1-1-08.

68A-6.0071 Record Keeping and Reporting Requirements.

(1) Any person who possesses any live venomous reptile or reptile of concern shall have a permit issued in accordance with Section 372.86, 372.921, or 372.922, F.S., and comply with the provisions of this rule, 68A-6.007, and if applicable Rule 68A-6.0072, F.A.C.

(a) Record Keeping:

Possessors shall maintain an accurate record of all changes in inventory including births, deaths, acquisitions, sales and transfers of all venomous reptiles or reptiles of concern. Such records shall be kept on the licensed premises on a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (12-06), which is adopted and incorporated herein by reference. Forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or at www.myfwc.com/permits. Such records shall be open to inspection upon request by commission personnel.

1. Records of births or deaths shall include the date of the birth or death; and the quantity and species of each birth or death. For the purposes of this section "birth" shall be defined as the initial hatch or live birth date for the clutch.

2. Records of acquisition shall include the date of acquisition; quantity and species of reptiles acquired; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, for each specimen; name and complete address of supplier; and license identification number of supplier where applicable.

3. Records of sale or transfer shall include the date of sale or transfer; quantity and species of reptiles sold or transferred; method of identification and unique passive integrated transponder (PIT tag) number, if applicable, of each specimen sold or transferred; and the license identification number of the recipient where applicable.

(b) Reporting:

1. Persons exhibiting or selling live venomous reptiles or reptiles of concern in accordance with Section 372.86 or 372.921, F.S., shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (12-06), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of license and six months thereafter.

2. Persons possessing any live venomous reptile in accordance with Section 372.86, F.S., or any live reptile of concern in accordance with Section 372.922, F.S., for personal use shall complete a Captive Wildlife Inventory-Reptile form, FWCDLE 620IV-R (12-06), and submit same to Florida Fish and Wildlife Conservation Commission, Division of Law

Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, upon annual renewal of license and upon any instance of inventory change.

3. Persons operating in accordance with Rule 68A-6.0011, F.A.C., are exempt from these reporting requirements.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.92, 372.921, 372.922 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 372.92, 372.921, 372.922 FS. History—New 1-1-08.

68A-6.0072 Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape.

(1) Any person who keeps or possesses for personal use any live venomous reptile not indigenous to Florida, in accordance with Section 372.86, F.S., or any live reptile of concern, in accordance with Section 372.922, F.S., must permanently identify such reptile.

(a) Live venomous reptiles not indigenous to Florida shall be permanently identified by photographic identification or with a unique passive integrated transponder (PIT tag).

(b) Live reptiles of concern shall be permanently identified with a unique passive integrated transponder (PIT tag).

(c) Records of identification including PIT tag number where applicable, along with information about the specimen being identified (species, specimen name or number, gender, and age) must be maintained in the possessors records for as long as the specimen is possessed.

(2) For photographic identification the photograph of the specimen must include sufficient distinguishing characteristics (marks, scars, and patterns, ect.) to enable that particular specimen to be distinguished from other specimens of the same species.

(3) Passive integrated transponder (PIT tag) identification shall consist of the implementation of a unique PIT tag under the specimen's skin in a manner to maintain the PIT tag permanently in place.

(a) For snakes implementation shall be in specimens with a two (2) inch or greater diameter. The PIT tag shall be implanted in the back one-third (1/3) of the snake, forward of the anal plate.

(b) For lizards implementation shall be in the body cavity in close proximity to and forward of a rear leg or in a rear leg.

(c) The requirement pertaining to the location of the PIT tag implementation shall not apply to specimens implanted prior to acquisition of the animal or prior to the effective date of this rule.

(4) Any person authorized to possess any venomous reptile not indigenous to Florida or reptile of concern must report any escapes to the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement immediately upon discovery of escape.

(5) Effective Date:

All permanent identification requirements in this rule shall not take effect until July 1, 2008, for any live venomous reptile not indigenous to Florida or any reptile of concern possessed prior to January 1, 2008.

PROPOSED EFFECTIVE DATE: January 1, 2008.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.92, 372.921, 372.922 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.86, 372.87, 372.88, 372.89, 372.90, 372.901, 372.91, 372.92, 372.921, 372.922 FS. History–New 1-1-08.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-9.007	Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 1, January 5, 2007 issue of the Florida Administrative Weekly.

68A-9.007 Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing. Special-use permits, short-term use permits, and fees for such permits are hereby established as follows:

- (1) through (3) No change.
- (4) The Commission establishes short-term permits and fees as follows:
 - (a) Tenoroc Fish Management Area.
 - 1. through 3. No change.
 - 4. The following persons are excluded from the management area permit or short-term use permit requirements:

- ~~a. Users of the Commission shooting range.~~
- ~~a.b. Persons participating in Commission-sponsored meetings or activities.~~
- ~~b.e. Persons exempt from management area permit requirements by Section 372.562, F.S. Users exempt from the fishing license requirement by Section 370.0605(5), Florida Statutes (1996 Supp.).~~

- (b) through (c) No change.
- (d) To facilitate certain recreational activities including, but not limited to, public shooting ranges, camping, and paddling, short-term permit fees may be established and administered through negotiated contracts with private vendors in accordance with Chapter 278, F.S. Such short-term permit fees established in this manner, shall be required in lieu of an annual management area permit or other short-term use permits.

PROPOSED EFFECTIVE DATE: July 1, 2007.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History–New 9-15-96, Amended 1-9-97, 6-1-97, 4-12-98, 4-15-99, Formerly 39-9.007, Amended 7-1-00, 5-13-02, 7-1-06, 8-22-06, 7-1-07.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.:	RULE TITLE:
69B-211.320	Curriculum Standards for Special Designation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 9, March 2, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER07-10	<i>Cars & Cash™</i> Promotion

SUMMARY OF THE RULE: The Department of the Lottery will conduct a “Cars & Cash” game between March 5, 2007 and April 15, 2007, in which cash prizes and Ford vehicles will be awarded.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-10 Cars & Cash™ Promotion.

(1) Cars & Cash is a limited time lottery game that will be sold through Florida Lottery terminals from March 5, 2007 through April 15, 2007. Players who purchase a \$5 Cars & Cash ticket will have the opportunity to win Cars & Cash prizes. The total number of prizes to be awarded is:

- 42 Ford Vehicles
- 6 Grand Prizes of \$250,000
- Over 30,000 – \$50 Instant Winners

The actual number of instant prizes awarded and the odds of winning any prize in Cars & Cash will depend upon the number of Cars & Cash tickets sold during the game period. Cars & Cash tickets cannot be cancelled.

(2) Instant Win Prizes.

(a) Players who purchase a Cars & Cash ticket can instantly win prizes of \$50 cash. If a ticket is an instant cash winner, the terminal will play a special ‘Car Horn’ tune and an audio message that “You’re A Winner,” and a Cash Prize Coupon for \$50 will automatically print after issuance of the Cars & Cash ticket. Tickets winning a Cash Prize Coupon will contain a Lottery “Prize Alert” symbol and a message that the ticket holder is an instant winner. Should any issues arise concerning the transaction and/or prize, it is the player’s responsibility to seek resolution of these issues with the retailer and the Lottery prior to leaving the retail location.

(b) Winners may redeem Cash Prize Coupons instantly for \$50 at any Florida Lottery retailer but must retain the Cars & Cash ticket for the weekly drawing. Cash Prize Coupons must be claimed by June 14, 2007.

(3) Weekly Drawing Prizes.

<u>DRAW #</u>	<u>DRAW DATE</u>	<u>FROM TICKET NUMBERS ISSUED BETWEEN</u>
<u>1</u>	<u>Sun, March 11</u>	<u>Mon, March 5 – Sun, March 11, 8:00 p.m. ET</u>
<u>2</u>	<u>Sun, March 18</u>	<u>Mon, March 12 – Sun, March 18, 8:00 p.m. ET</u>
<u>3</u>	<u>Sun, March 25</u>	<u>Mon, March 19 – Sun, March 25, 8:00 p.m. ET</u>
<u>4</u>	<u>Sun, April 1</u>	<u>Mon, March 26 – Sun, April 1, 8:00 p.m. ET</u>
<u>5</u>	<u>Sun, April 8</u>	<u>Mon, April 2 – Sun, April 8, 8:00 p.m. ET</u>
<u>6</u>	<u>Sun, April 15</u>	<u>Mon, April 9 – Sun, April 15, 8:00 p.m. ET</u>

(c) A total of 48 prizes will be awarded in the Cars & Cash drawings. In each of the six Cars & Cash weekly drawings, eight numbers will be drawn to award a total of eight prizes. The first number drawn will win \$250,000. The 2nd through 8th numbers drawn will win a vehicle of the winner’s choice – a Ford Mustang V6 Convertible, Ford F150 4X2 SS S/C truck or Ford Escape Hybrid SUV. One vehicle will be awarded to each of the seven winners. The 2007 model year will be awarded if it is still in production at the time the prize is claimed; if not, the 2008 model year will be awarded. The right to claim a prize cannot be assigned to another person or entity. Any warranties and guarantees on the vehicles are those of the manufacturer only.

(d) Federal income tax withholding will be deducted from the \$250,000 prize. Florida sales tax and transfer fees on the vehicles will be paid by the Florida Lottery, as well as federal income tax withholding for the value of the prize vehicles. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner.

(d) A cash option of \$30,500 is available to winners in lieu of a vehicle. Federal income tax withholding will be deducted from the cash prize. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner.

(e) The Florida Lottery reserves the right to award a cash prize of \$30,500 in lieu of a vehicle if, for reasons beyond the control of the Lottery, a vehicle is not available for award to a player electing to receive such prize. Federal income tax

(a) Each Cars & Cash ticket will contain a unique ticket number that will be automatically entered into a Cars & Cash weekly drawing. Cars & Cash tickets will automatically print from the terminal with ticket numbers issued in sequential order as they are sold around the state. Each Cars & Cash ticket will contain only one ticket number. Players cannot select their own ticket numbers.

(b) A random computerized drawing from among all Cars & Cash ticket numbers issued during the weekly sales period will be held each Sunday throughout the game period, for a total of six drawings. Each Cars & Cash ticket will be good for only one weekly drawing. The draw date will be displayed on the Cars & Cash ticket. The overall odds of winning a prize in a Cars & Cash drawing will depend on the number of tickets sold during the weekly sales period. The weekly draw schedule shall be as follows:

withholding will be deducted from a cash prize awarded under this provision. Any additional federal, state and/or local taxes or other fees are also the responsibility of the winner.

(f) Winning Cars & Cash tickets must be validated within 180 days from the date of the drawing. The player must submit the winning ticket for payment at the appropriate Florida Lottery office, as required by the Lottery’s rule governing payment of prizes. Information about procedures for filing a claim can be obtained on the Lottery’s Web site at flalottery.com or by calling (850)487-7777 (TDD (850)487-7784). Cars & Cash tickets are the only valid receipts to redeem a prize.

(g) The Florida Lottery will post the weekly draw results on Sunday at approximately 10:30 p.m. on the Lottery’s Web site at www.flalottery.com.

(4) Procedures for Claiming a Ford Vehicle Prize.

(a) Prior to receipt of a Ford vehicle, the claimant must complete a Florida Lottery Release Form DOL-400. Release Form DOL-400 Revised 3/07, is incorporated herein by reference and may be obtained from the Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939. Upon the Lottery’s receipt of the winner’s executed Florida Lottery Release Form, the Florida Lottery will notify the fulfillment company, which will arrange for delivery of the vehicle to the designated authorized Ford dealership from which the winner will take possession of his or her vehicle prize. The designated dealership will be as near the winner’s place of residence as is practicable. The winner must

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER07-12
 RULE TITLE: Instant Game Number 682, 24 KARAT GOLD

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 682, "24 KARAT GOLD," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-12 Instant Game Number 682, 24 KARAT GOLD.

(1) Name of Game. Instant Game Number 682, "24 KARAT GOLD."

(2) Price. 24 KARAT GOLD lottery tickets sell for \$2.00 per ticket.

(3) 24 KARAT GOLD 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 24 KARAT GOLD lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The legend is as follows:

PLAY AREA

(6) Determination of Prizewinners.

(a) A ticket having three or more "24K" symbols in the play area shall entitle the claimant to the corresponding prize in

the "PRIZE LEGEND" area. A ticket having a "WIN\$50" symbol in the "PLAY AREA" shall entitle the claimant to a prize of \$50.

(b) The prizes are: TICKET, \$3, \$5, \$10, \$25, \$50, \$100, \$500, \$1,000 and \$24,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a value of \$2.00, except as follows. A person who submits by mail a 24 KARAT GOLD lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(7) The estimated odds of winning, value, and number of prizes in Instant Game Number 682 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 42 POOLS OF TICKETS PER POOL
TICKET	\$2 TICKET	8.33	907,200
\$3	\$3	15.00	504,000
\$5	\$5	15.00	504,000
\$10	\$10	50.00	151,200
\$25	\$25	150.00	50,400
\$50 (MONEYBAG)	\$50	327.27	23,100
\$50	\$50	3,600.00	2,100
\$100	\$100	1,894.74	3,990
\$500	\$500	36,000.00	210
\$1,000	\$1,000	180,000.00	42
\$24,000	\$24,000	3,780,000.00	2

(8) The estimated overall odds of winning some prize in Instant Game Number 682 are 1 in 3.52. 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.

(9) For reorders of Instant Game Number 682, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) By purchasing a 24 KARAT GOLD lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(11) Payment of prizes for 24 KARAT GOLD lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 3-2-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: March 2, 2007

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER07-13
 RULE TITLE: Instant Game Number 685, CROCODILE CASH

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 685, "CROCODILE CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:


53ER07-13 Instant Game Number 685, CROCODILE CASH.

(1) Name of Game. Instant Game Number 685, "CROCODILE CASH."

(2) Price. CROCODILE CASH lottery tickets sell for \$1.00 per ticket.

(3) CROCODILE CASH 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 CROCODILE CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 THO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 THELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN	20 TENTY				

(5) The "CROC NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 THO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 THELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN	20 TENTY				

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

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	
TICKET	ONE	THO	FIVE	TEN	
\$20.00	\$25.00	\$50.00	\$100	\$500	\$1,000
THENTY	THY FIVE	FIFTY	ONE HUN	FIVE HUN	ONE THOU

(7) The legends are as follows:

YOUR NUMBERS CROC NUMBER

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches the number in the "CROC NUMBER" play area shall entitle the claimant to the corresponding prize

shown for that number. A ticket having a "WIN" symbol in the "PLAY AREA" shall entitle the claimant to a prize of \$25. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500 and \$1,000.

(b) A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a CROCODILE CASH lottery ticket that entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 685 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 56 POOLS OF TICKETS PER POOL
TICKET	\$1 TICKET	1 IN	180,000
\$1	\$1	10.00	1,008,000
\$2	\$2	15.00	672,000
\$1 x 5	\$5	30.00	336,000
\$5	\$5	50.00	201,600
(\$1 x 2) + (\$2 x 4)	\$10	75.00	134,400
\$10	\$10	150.00	67,200
		300.00	33,600

\$1 + (\$2 x 2) + (\$5 x 4)	\$25	1,800.00	5,600
\$5 + (\$10 x 2)	\$25	1,800.00	5,600
\$25 "MONEYBAG"	\$25	450.00	22,400
(\$5 x 2) + (\$10 x 4)	\$50	3,000.00	3,360
\$25 x 2	\$50	4,500.00	2,240
\$50	\$50	9,000.00	1,120
\$25 x 4	\$100	180,000.00	56
(\$5 x 2) + \$10 + (\$20 x 4)	\$100	180,000.00	56
\$100	\$100	180,000.00	56
\$500	\$500	180,000.00	56
\$1,000	\$1,000	504,000.00	20

(10) The estimated overall odds of winning some prize in Instant Game Number 685 are 1 in 4.04. 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 685, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a CROCODILE CASH lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for CROCODILE CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History--New 3-2-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE: March 2, 2007

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER07-14
RULE TITLE: Instant Game Number 684, DOUBLE LUCKY 7's

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 684, "DOUBLE LUCKY 7's," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-14 Instant Game Number 684, DOUBLE LUCKY 7's.

(1) Name of Game. Instant Game Number 684, "DOUBLE LUCKY 7's."

(2) Price. DOUBLE LUCKY 7's lottery tickets sell for \$2.00 per ticket.

(3) DOUBLE LUCKY 7's 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 DOUBLE LUCKY 7's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) Games 1-10 play symbols and play symbol captions are as follows:

1 **2** **3** **4** **5** **6** **7**
ONE TWO THREE FOUR FIVE SIX SEVEN

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

TICKET \$1.00 \$2.00 \$5.00 \$10.00
TICKET ONE TWO FIVE TEN
\$25.00 \$50.00 \$100 \$500 \$1,000 \$15,000
THY FIVE FIFTY ONE HUN FIVE HUN ONE THO FTN THOU

(6) The legends are as follows:

GAME 1 GAME 2 GAME 3 GAME 4 GAME 5
GAME 6 GAME 7 GAME 8 GAME 9 GAME 10

(7) Determination of Prizewinners.

(a) There are ten games on a ticket. A ticket having a "SEVEN" symbol in a game area shall entitle the claimant to the corresponding prize shown. A ticket having two "SEVEN" symbols in a game area shall entitle the claimant to double the corresponding prize shown.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, \$1,000 and \$15,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a

prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a DOUBLE LUCKY 7's lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 684 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>1 IN</u>	<u>NUMBER OF WINNERS IN 42 POOLS OF</u>
<u>TICKET</u>	<u>\$2 TICKET</u>	<u>8.33</u>	<u>180,000</u>
<u>\$2</u>	<u>\$2</u>	<u>37.50</u>	<u>TICKETS PER POOL</u>
<u>\$2 x 2</u>	<u>\$4</u>	<u>50.00</u>	<u>907,200</u>
<u>\$1 + (\$2 x 2)</u>	<u>\$5</u>	<u>37.50</u>	<u>201,600</u>
<u>\$5</u>	<u>\$5</u>	<u>37.50</u>	<u>151,200</u>
<u>\$1 + (\$2 x 2) + \$5</u>	<u>\$10</u>	<u>150.00</u>	<u>201,600</u>
<u>\$5 (TWO 7's)</u>	<u>\$10</u>	<u>50.00</u>	<u>50,400</u>
<u>\$10</u>	<u>\$10</u>	<u>150.00</u>	<u>151,200</u>
<u>\$5 x 5</u>	<u>\$25</u>	<u>150.00</u>	<u>50,400</u>
<u>\$5 x 10</u>	<u>\$50</u>	<u>1,200.00</u>	<u>6,300</u>
<u>\$25 (TWO 7's)</u>	<u>\$50</u>	<u>600.00</u>	<u>12,600</u>
<u>\$50</u>	<u>\$50</u>	<u>1,200.00</u>	<u>6,300</u>
<u>\$10 x 10</u>	<u>\$100</u>	<u>9,000.00</u>	<u>840</u>
<u>\$50 (TWO 7's)</u>	<u>\$100</u>	<u>3,600.00</u>	<u>2,100</u>
<u>\$100</u>	<u>\$100</u>	<u>9,000.00</u>	<u>840</u>
<u>\$100 (TWO 7's)</u>	<u>\$200</u>	<u>22,500.00</u>	<u>336</u>
<u>\$500 (TWO 7's)</u>	<u>\$1,000</u>	<u>180,000.00</u>	<u>42</u>
<u>\$1,000</u>	<u>\$1,000</u>	<u>180,000.00</u>	<u>42</u>
<u>\$15,000</u>	<u>\$15,000</u>	<u>1,890,000.00</u>	<u>4</u>

(9) The estimated overall odds of winning some prize in Instant Game Number 684 are 1 in 3.79. 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.

(10) For reorders of Instant Game Number 684, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a DOUBLE LUCKY 7's lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for DOUBLE LUCKY 7's lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 3-2-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: March 2, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

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

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on March 1, 2007, South Florida Water Management District (District) received an Amended Petition for Waiver from Michael Moore and Anna Nicole Wellens, Application Number 06-0926-1 for utilization of Works or Lands of the District known as the Hillsboro Canal, Broward County, for the proposed construction of a dock and fence and to allow an existing shed on a concrete pad and coconut palms and shrubs to remain within the right of way at the rear of 129 N.W. 7th Court, in Section 36, Township 47 South, Range 42 East. The petition seeks relief from subsections 40E-6.011(4) and (6), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities and structures within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff, (561)682-6320 or e-mail at kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business

on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406. Attn: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN that on March 1, 2007, South Florida Water Management District (District) received a Petition for Waiver from Broward County Water and Wastewater Services, Application Number 07-0124-2, for utilization of Works of Lands of the District known as North New River Canal, Broward County for installation of proposed guardrailings; Section 13, Township 50 South, Range 41 East. The petition seeks relief from subsection 40E-6.011(4) and (6), F.A.C., which governs placement of above-ground permanent and semi-permanent encroachments (guardrailings) within the Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff, (561)682-6320 or email at kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of the publication notice. To be considered, comments must be received by end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN that on February 23, 2007, South Florida Water Management District (District) received a petition for waiver from Helen W. (Watkins) Washington, Application No. 07-0223-2, for utilization of Works or Lands of the District known as the C-7 Canal, Miami-Dade County, for an existing utility storage shed located 25' from top of bank to remain along the south right of way of C-7 canal, Section 34, Township 52 South, Range 41 East. The petition seeks relief from subsections 40E-6.011(4) and (6), F.A.C., which governs the placement of permanent and/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 may be obtained from Kathie Ruff at (561)682-6320 or e-mail at kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on March 2, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Chickie's on the Run located in Tampa. The above referenced F.A.C.

addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on March 6, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Chris Catering Service located in Palmetto. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on two Mobile Food Dispensing Vehicles.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on March 2, 2007, the Division of Hotels and Restaurants received a Petition for an emergency variance for subsection 61C-4.010(7), Florida Administrative Code, from Encore Tea Room and Cafe located in Punta Gorda. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of 42.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on March 5, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Lunch's Best located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 23, 2007, the Division of Hotels and Restaurants received a Petition for a routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Upper Crust Café located in Plantation. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of 24.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 9, 2007, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for an Emergency Petition for Variance from Rules 300.8d and 300.8g, A.S.M.E. 17.1, 2000 edition with, Rule 61C-5.001 Elevators, Dumbwaiters, Escalators, Moving Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts, as adopted by Chapter 3001.2, 2004 Florida Building Code, requiring a minimum 43 inches of clear area from the top of the elevator car to the bottom of the lowest point in the hoistway overhead when the car is at its maximum upward travel. The petition was received from Lee Rigby of Vertical Assessments, for the following location: Cypress Trail Condominiums in West Palm Beach, Florida (Petition VW 2007-032) license numbers 86287 through 86291.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on March 1, 2007, the Division of Hotels and restaurants, Bureau of Elevator Safety, received a petition for Variance from Rules 2.20.1, and 2.20.9 and 2.24.2, A.S.M.E. 17.1S, supplement to the 2004 Edition with Rule 61C-5.001 Elevators, Dumbwaiters, Escalators, Moving Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require steel ropes and non welded terminations, from Tim Hawthorne of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Melbourne Beach Hilton, in Melbourne (petition number VW 2007-043).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on March 1, 2007, the Board of Accountancy, received a petition for Marc Berger, seeking a variance from subsection 61H1-33.006(2), Florida Administrative Code, and the requirement that required continuing professional education hours have been completed in the 24 months immediately preceding the date of an application for reactivation.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN that on February 27, 2007, the Department of Environmental Protection, received a petition for the Town of Inglis to be eligible as a program sponsor for a

second construction grant under paragraph 62-552.370(1)(e), F.A.C. The petition requested a waiver from the paragraph 62-552.370(1)(e), F.A.C., which allows an entity to be a program sponsor only one time for a construction grant for a financially disadvantaged community. The petition has been assigned OGC File # 07-0337. Written comments must be received no later than 14 days from the date of publication of this notice from the person below.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Department of Environmental Protection, Bureau Water Facilities Funding, Mail Station 3505, 2600 Blair Stone Rd., Tallahassee, Florida 32399-2400; Attn: Craig Diltz, telephone (850)245-8371.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on January 31, 2007, the Board of Medicine, received a petition for Oscar Klein, M.D., seeking a waiver from Rules 64B8-8.0011 and 8.0021, F.A.C., with regard to probation imposed by Board order.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN that on February 19, 2007, the the Electrolysis Council, received a petition for a waiver or variance of subsection 64B8-52.003(5), F.A.C., by Terri L. Hartsfield with respect to the continuing education hours limitation that only 10 of the 20 hours required be in the form of approved home study courses.

A copy of the Petition for Variance or Waiver may be obtained by contacting: For a copy of the petition, contact: Susie Love, Executive Director, at the above address or telephone (850)245-4444.

NOTICE IS HEREBY GIVEN that on March 6, 2007, the Board of Nursing, received a petition for Variance or Waiver filed on March 6, 2007 on behalf of Kelly Matthews-Maxon. Pursuant to Chapter 28-104, F.A.C. and Section 120.542, F.S., Petitioner seeks a waiver of the provisions of Rule 64B9-3.002, entitled "Qualifications for Examination." Specifically, the Petitioner requests that for reasons described in the Petition, the Board waive the requirement for an applicant formerly convicted of a felony to have his or her civil rights restored before being allowed to take the nursing examination administered by the Board.

This Petition will be considered by the Board at it's April 2007 meeting.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN that on January 16, 2007, the Board of Nursing has issued an order.

The Board of Nursing has issued an Order on the Petition for Variance or Waiver, which was filed on June 29, 2006 by Mary Carol Antonelli, R.N. The Notice of Petition for Variance or Waiver was published in Vol. 32, No. 29, of the July 21, 2006, Florida Administrative Weekly. The Petitioner requested that on the basis of principles of fairness, as described in the Petition, the Board waive the requirement for National Certification under Rule 64B9-4.002, entitled "Requirements for Certification," as a condition for the Petitioner to be licensed as an ARNP in the State of Florida. The Board of Nursing considered the Petition at its meeting held on October 12, 2006, in Miami, Florida. The Board's Order, filed on January 16, 2007, approved the Petition for Variance or Waiver, finding that the petition is in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code and that the purpose of the underlying statute has been met.

A copy of the Order may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN that on February 28, 2007, the Board of Physical Therapy Practice, received a petition for Sofia Suarez, seeking a variance or waiver of paragraph 64B17-3.001(5)(d), F.A.C., and the requirement that an applicant provide evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 89 on the TOEFL.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, or by telephone at (850)245-4373, ext. 3480. Comments on this petition should be filed with the Board of Physical Therapy Practice within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on February 27, 2007, the Board of Physical Therapy Practice, received a petition for Terry Buckley, seeking a variance or waiver of Rule 64B17-3.003, F.A.C., and the requirement that an applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists by or on the fifth attempt, regardless of the jurisdiction through which the examination is taken, is precluded from licensure.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, or by telephone at (850)245-4373, ext. 3480. Comments on this petition should be filed with the Board of Physical Therapy Practice within 14 days of publication of this notice.

NOTICE OF CORRECTION – The Department of Health hereby provides this correction to a Notice of receipt by the Department of a Petition for Variance from subparagraph 64E-16.007(2)(a)2., F.A.C., from Gary Gilliam, on behalf of ECOLOTEC, published in the February 16, 2007 issue of the Florida Administrative Weekly, Vol. 33, No. 7. The previously published notice inadvertently stated that the petition was received by the Department on February 2, 2007; the correct date of receipt was January 23, 2007.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on February 14, 2007, the Department of Children and Family Services, received a petition for Emergency Waiver of Rule 65C-15.017, F.A.C. from Clay & Baker Kids Net, Inc. and Janna Ware, assigned Case No. 07-004W. Rule 65C-15.017, F.A.C., governs the educational and work experience requirements of Persons operating or employed by a licenses child-placing agency.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of the Agency Clerk, Dept. of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700

NOTICE IS HEREBY GIVEN that on February 7, 2007, the the Department of Children and Family Services, received a petition for Waiver of Rule 65E-9.003, F.A.C., from Citrus Health Network, Inc. assigned Case No. 07-003W which relates to residential treatment centers for children and adolescents which specify llicensure standards for admission; length of stay; program and staffing; discharge and discharge planning; treatment planning; seclusion, restraint and timeout; rights of patients; use of psychotropic medications; and standards for operation of such centers.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of the Agency Clerk, Dept. of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: April 3, 2007, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set

forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 27, 2007, 10:00 a.m.

PLACE: This meeting will be held via teleconference call. DCA-RAG Building, 500 S. Bronough St., 3rd Floor, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting between the Department of State and The Citizens of Florida Arts, Inc. to conduct the business of the Citizens of Florida Arts, Inc. and to act on any business brought before the Board.

Instructions for TeleConference Call Participation

1. Join the teleconference by dialing the ReadyTalk phone number: 1(866)740-1260. This is a toll-free call.
2. Enter the 7-digit access code: 2456470 (You will be placed on hold until the Chairperson starts the meeting)

*If you have problems joining the conference or if you need technical assistance, please contact the ReadyTalk Customer Care Line: 1(800)843-9166 or you may contact Patricia Warren with the Division of Cultural Affairs, (850)245-6470.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure a verbatim recording of the

proceedings in order to provide a record for judicial review. To request special aids or services, contact Division staff (Morgan Lewis) at least 72 hours prior to the above stated meeting at (850)245-6356 or Text Telephone 711.

A copy of the agenda may be obtained by contacting Ms. Patricia Warren, (850)245-6467.

For more information, you may contact Ms. Patricia Warren, (850)245-6467.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 22, 2007, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Commission on the Status of Women Foundation, Inc. Board.

DATE AND TIME: March 28, 2007, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Task Force.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300 Fax (850)921-4131.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131.

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 27, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: Collins Building, Room 138, 107 W. Gaines Street, Tallahassee, Florida. Toll Free Dial-in Telephone Number: 1(888)808-6959, Conference Code: 1021731236

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the monthly meeting of this Council, created by Section 16.615, Florida Statutes. The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the agenda may be obtained by contacting: Rick Nuss, Chief, Bureau of Criminal Justice Programs at (850)414-3300.

Pursuant to the provisions of 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 Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services**, Pest Control Enforcement Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: May 1, 2007, 10:00 a.m.

PLACE: Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

A copy of the agenda may be obtained by contacting: Mr. Michael J. Page, Chief of The Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301, (850)921-4177.

For more information, you may contact: Mr. Michael J. Page, Chief of The Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301, (850)921-4177.

The **Department of Agriculture and Consumer Services** announces a public meeting of the Florida Amusement Device and Attraction Advisory Committee at which all persons are

invited. This meeting will be conducted by teleconference at the place and time indicated and coordinated by the Department of Agriculture and Consumer Services.

DATE AND TIME: Wednesday, March 28, 2007, 10:30 a.m.

PLACE: The Conner Building, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting of the Florida amusement ride device and attraction advisory committee.

A copy of the agenda may be obtained by writing to: Robert Jacobs, Bureau Chief, Bureau of Fair Rides Inspection, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650, (850)488-9790.

Pursuant to the American with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Robert Jacobs, (850)488-9790. If you are hearing or speech impaired please contact the agency by calling the State of Florida TDD line at 1(800)955-8771.

The **Florida State Fair Authority** announces a meeting of the Executive Committee to which all interested persons are invited.

DATE AND TIME: Wednesday, April 4, 2007, 10:00 a.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301 North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the address above or at (813)627-4221.

DEPARTMENT OF EDUCATION

The **Office of Early Learning** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 26, 2007, 10:00 a.m. – 5:00 p.m.; March 27, 2007, 9:00 a.m. – 1:00 p.m.

PLACE: Hilton Garden Inn, 3333 Thomasville Rd., Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Voluntary Prekindergarten (VPK) Curriculum Approval Committee Training.

The Florida Department of Education announces the March training of the VPK Curriculum Approval Committee. The Committee will receive training on how to evaluate instructional materials submitted for consideration by publishers in April of 2007.

A copy of the agenda may be obtained by contacting: Department of Education, Office of Early Learning, (850)245-0445.

Pursuant to the provisions of 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 Education, Office of Early Learning at (850)245-0445. If you are 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 Department of Education, Office of Early Learning at (850)245-0445

The public is invited to the meetings of the Facilities Committee and the Budget Committee of the **Board of Governors**, State University System of Florida.

DATE AND TIME: March 28, 2007, 3:00 p.m. – 5:00 p.m.

PLACE: Smathers Library East, University of Florida, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Debt Management Policies: UWF, FSU, NC, UNF, FAMU; Authorize release of funds from the University Concurrence Trust Fund in accordance with the Campus Development Agreement between the Florida A & M University Board of Trustees and the City of Tallahassee; 2008-09 Fixed Capital Outlay Budget Guidelines; Amend 2007-08 Fixed Capital Outlay Legislative Budget Request; 2008-09 Operating Budget Guidelines; Approve 2007-08 Operating Budgets for Auxiliary Facilities with Bond Covenants requiring Approval; Discussion of acquisition/construction of a statewide Coastal Ocean Research Vessel for the Florida Institute of Oceanography; and other matters related to the Facilities Committee and the Budget Committee of the Board of Governors.

Copies of the agendas may be obtained from Board of Governors website <http://www.flbog.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to Committee meetings and the regular meeting of the **Board of Governors** of the State University System of Florida. The following Committees will meet: Audit, Economic Development, and Academic Affairs/Strategic Planning. The regular meeting of the Board will follow.

DATE AND TIME: March 29, 2007, 8:00 a.m. – 5:00 p.m.

PLACE: Smathers Library East, University of Florida, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Change in the annual submission of required Financial Reports from DOE to BOG; State Universities Audit Council: Report on Best Practices for Audit Committees and Internal Auditors; 2005-06 Update on Completed Financial Statement Audits; Discussion of performance measures: Targeted degrees; Compilation of doctoral degrees; Final action on Regulations: Academic Program Authorization, Academic Program Termination, Limited Access, Exception to the 120 Credit Hour Requirement for Baccalaureate Programs, Academic Program Review, Academic Learning Compacts; Review Regulations proposed for Notice; Approve degree programs: DPT at FIU, UCF, UNF, and the DNP at UNF; Discussion of Limited Access Programs; Status Report on Forward by Design project; Approve debt management policies for UWF, FSU, NC, UNF, and FAMU; Authorize release of funds from University Concurrency Trust Fund, FAMU; 2008-09 Fixed Capital Outlay and Operating Budget Guidelines; Amend 2007-08 Fixed Capital Outlay Legislative Budget Request; Approve Operating Budgets for Auxiliary Facilities with Bond Covenants requiring Approval; Consideration of acquisition/construction of a statewide Coastal Ocean Research Vessel for the Florida Institute of Oceanography; Discussion of Medical Education, including LCME accreditation and update on UCF and FIU new medical schools; Ratification of the appointment of a new President, FAMU; Best Practices report from the Council of Administrative and Financial Affairs; Legislative Report; Update on lawsuit, Floridians for Constitutional Integrity, Inc., et al.; action items brought forward from Board Committees; and other matters pertaining to the Board of Governors.

Copies of the agendas may be obtained from: Board of Governors website <http://www.flbog.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to a meeting of the **Board of Governors** of the State University System of Florida.

DATE AND TIME: March 30, 2007, 9:00 a.m. – 10:00 a.m.

PLACE: By Telephone Conference Call, 1605 Turlington Building, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of matters of interest to the Board of Governors being discussed by the 2007 Florida Legislature; and other matters pertaining to the Board of Governors.

A copy of the agenda may be obtained from: Board of Governors website <http://www.flbog.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The Direct Support Organization of the Florida **Division of Blind Services** announces the following Board of Directors meeting to which all interested persons are invited.

DATE AND TIME: March 21, 2007, 1:00 p.m. – 4:30 p.m.

PLACE: Blind Services Foundation, 4700 Millenia Boulevard, Suite 175, Orlando, Florida 32839, (407)210-6607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Gil Robinson, 4700 Millenia Blvd, Suite 175, Orlando, Florida 32839, (407)210-6607.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the individual listed above no later than three working days prior to the meeting. If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meeting, the person will need a record of the proceedings.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: March 26-28, 2007, 8:00 a.m. – completion

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida, (904)827-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: March 26, 2007

8:00 a.m. Meeting of the Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee

9:00 a.m. Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Sandcastle Real Estate Office, 201 108th Avenue, Treasure Island; Gables CitiTower, 999 Ponce de Leon Boulevard, Coral Gables; The Cameo Theater, 1445 Washington Avenue, Miami Beach; Congo River Golf, East Colonial Drive, Orlando.

1:00 p.m. Meeting of the Accessibility Technical Advisory Committee.

1:00 p.m. Meeting of the Structural Technical Advisory Committee and Workshop on Exposure C.

March 27, 2007

8:00 a.m. Meeting of the Energy Technical Advisory Committee.

8:00 a.m. Meeting of the Fire Technical Advisory Committee.
1:00 p.m. Meeting of the Education Program Oversight Committee.
2:00 p.m. Meeting of the TAC and POC Chairs.
3:30 p.m. Meeting of the Plenary Session of the Florida Building Commission.
Review and approval of the Agenda.
Review and approval of the February 6-7, 2007 Minutes and Facilitator's Report.
Consideration of requests for waiver from accessibility code requirements: Sandcastle Real Estate Office, 201 108th Avenue, Treasure Island; Gables CitiTower, 999 Ponce de Leon Boulevard, Coral Gables; The Cameo Theater, 1445 Washington Avenue, Miami Beach; Congo River Golf, East Colonial Drive, Orlando.
Consideration of Applications for Product and Entity Approval.
Consideration of Legal Issues and Petitions for Declaratory Statement
Second Hearing:
DCA06-DEC-287 by Phillip Stoller of Perma-Column, Inc.
DCA06-DEC-294 by Joseph R. Webster of Atlantic Windows & Doors, Inc.
DCA06-DEC-300 by Thomas E. Miller, PE, President, Structural Engineering and Inspections,
DCA07-DEC-002 by Kari Hebrank of 4th Floor Advocacy
DCA07-DEC-011 by Billy Tyson, CBO, of Clemmons Rutherford & Associates, Inc.
First Hearing:
DCA06-DEC-299 by Grant Tolbert of Hernando County Development Services
DCA07-DEC-012 by Bob Littleton of Hillsborough County
DCA07-DEC-016 by James M. Nicholas, PA
DCA07-DEC-017 by Robert S. Fine of Greenberg Traurig
DCA07-DEC-019 by Orlando Velez of GSC
DCA07-DEC-020 by Ed Riley of Fire Districts of Collier County
DCA07-DEC-028 by Lee S. Rigby of Vertical Assessment Association
DCA07-DEC-031 by Robert Lattin for Rapallo LLC
DCA07-DEC-034 by Don Blalock, of Quickbrick USA LLC
DCA07-DEC-038 by Ed Riley, Fire Districts of Collier County
DATE AND TIME: March 28, 2006, 8:30 a.m.
Meeting of the Plenary Session of the Florida Building Commission continued.
Chair's Discussion of Issues and Recommendations.
Review and Update of Commission Workplan
Supplemental Rule Development Workshop on Chapter 9B-72, Product Approval
Supplemental Rule Development Workshop on Rule 9B-3.004, Florida Building Commission

Supplemental Rule Development Workshop on Rule 9B-3.050, Florida Building Commission
Rule Development Workshop on Chapter 9B-7, Florida Building Commission
Rule Adoption Hearing on Rule 9B-3.047, Florida Building Code, Wind-Borne Debris Protection
Legislative Session Update
Report on the Energy Efficiency and Moisture Control in the Florida Environment Symposium
Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Energy TAC Report; Fire TAC and Joint Fire TAC/Fire Code Advisory Council Reports; Structural TAC Report; Education POC Report; Product Approval/Prototype Buildings/Manufactured Buildings POC Report
Commission Member Comments and Issues
General Public Comment
Review Committee Assignments and Issues for the May 7-9, 2007 Commission Meeting.
Summary Review of Meeting Work Products
Adjourn.

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, Florida 32399-2100, (850)487-1824, Fax (850)414-8436, or go to the web site at www.floridabuilding.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax (850)414-8436, or go to the web site at www.floridabuilding.org

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: April 10, 2007, 9:00 a.m.

PLACE: IBHS, 4775 East Fowler Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Window Labeling Workgroup.

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, Florida 32399-2100, (850)487-1824, Fax (850)414-8436, or go to the web site at www.floridabuilding.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 hours before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 2007, 12:30 a.m. – until completion of business

PLACE: Department of Transportation, Burns Building, Executive Suite, 5th Floor, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications, interviews and selection of 3 nominees for gubernatorial appointment to the position of Secretary of the Florida Department of Transportation

A copy of the agenda may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105 or viewing the website at www.ftc.state.fl.us

For more information, you may contact Cathy Goodman, (850)414-4105.

The **Department of Transportation**, Florida's Turnpike Enterprise announces a hearing to which all persons are invited.

DATE AND TIMES: April 17, 2007, Open House, 6:00 p.m. – 7:00 p.m.; Formal Presentation, 7:00 p.m.

PLACE: Sanford Civic Center, 401 East Seminole Boulevard, Sanford, FL 32771 (NOTE: In the event that severe weather or other unforeseen conditions cause the hearing to be postponed, it will be held on the alternate date of May 1, 2007 at the same time and location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to view the maps and material on display and to express their views concerning the location, conceptual design, and social, economic and environmental effects of the proposed project Financial Project ID Number: 417545-1, Seminole Expressway Widening Project Development and Environment (PD&E) Study from the Orange County line (MP 38) to the Rinehart Road Interchange (MP 54). Right of way acquisition is anticipated for this project. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

A copy of the agenda may be obtained by contacting: Mr. Henry Pinzon, P.E., Project Manager, at Florida's Turnpike Enterprise by calling (407)264-3803, or by writing to Mr. Henry Pinzon, P.E., Florida's Turnpike Enterprise, Post Office Box 613069, Ocoee, Florida 34761-3069, or by e-mail henry.pinzon@dot.state.fl.us.

This hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being noticed and held in accordance with Section 339.155, Florida Statutes, Chapter 120, Florida Statutes, and is also consistent with the Americans with Disabilities Act of 1990. This hearing is in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended.

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.

Pursuant to the provisions of 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: Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact Ms. Catherine Bradley, P.E., Project Development Engineer, Florida's Turnpike Enterprise by calling (407)264-3802, or by writing to Ms. Bradley at Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, or by e-mail catherine.bradley@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Catherine Bradley, P.E., Project Development Engineer, at Florida's Turnpike Enterprise by calling (407)264-3802, or by writing to Ms. Bradley at Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, or by e-mail catherine.bradley@dot.state.fl.us.

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

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

The **Department of Environmental Protection**/Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 25, 2007, 6:00 p.m.

PLACE: Gulf County Court House, Robert M. Moore Administration Building, Commission Board Room, 1000 Cecil G. Costin Sr. Blvd., Port St. Joe, FL 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public meeting is to receive public comment on the draft St. Joseph Bay Aquatic Preserve Management Plan.

A copy of the draft plan will be available for viewing starting March 26, 2007, at www.aquaticpreserves.org.

A copy of the agenda may be obtained by contacting Aquatic Preserve Manager, Kim Wren, (850)653-8063.

Pursuant to the provisions of 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 Aquatic Preserve Manager, Kim Wren, (850)653-8063. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**/Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 30, 2007, 6:00 p.m.

PLACE: Manatee Convention Center, Terra Ceia Room, One Haben Blvd., Palmetto, FL 34221

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public meeting is to receive public comment on the draft Terra Ceia Aquatic Preserve Management Plan.

A copy of the draft plan will be available for viewing starting March 30, 2007, at www.aquaticpreserves.org.

A copy of the agenda may be obtained by contacting Aquatic Preserve Manager, Randy Runnels, (941)721-2068.

Pursuant to the provisions of 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 Aquatic Preserve Manager, Randy Runnels, (941)721-2068. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 21, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Rd., Bldg. C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blairstone Rd., Bldg. C, Tallahassee, Florida 32399-2450.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least Five days before the workshop/meeting by contacting: Florida Parole Commission, 2601 Blairstone Rd., Bldg. C, Tallahassee, Florida, (850)488-1293, Suncom 278-1293. If you are 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 Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 28, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Rd., Bldg. C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blairstone Rd., Bldg. C, Tallahassee, Florida 32399-2450

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least Five days before the workshop/meeting by contacting: Florida Parole Commission, 2601 Blainstone Rd., Bldg. C, Tallahassee, Florida 32399-2450, (850)488-3417. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 4, 2007, 6:00 p.m.

PLACE: Del Tura Country Club, Gran Via, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 060698-SU – Joint Application for Authority to Transfer Facilities of Del Tura Phase I, LLC, d/b/a Del Tura Utilities and Certificate No. 298-S to North Fort Myers Utility, Inc., Request for Cancellation of Certificate No. 298-S, Amendment of Certificate No. 247-S, and Limited Proceeding for Authority to Charge Customers of Del Tura Utilities its Authorized Rates, Fees and Charges, in Lee County.

PURPOSE: To permit customers to give testimony regarding the joint application for authority to transfer the wastewater facilities from Del Tura Utilities to North Fort Myers Utilities, Inc., and for North Fort Myers Utility, Inc., to be allowed to charge the Del Tura customers the rates that North Fort Myers Utility, Inc., charges its current customers. One or more Commissioners of the Florida Public Service Commission may attend and participate in this 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, (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are 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 **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 5, 2007, 6:00 p.m.

PLACE: Old City Hall, 510 Green Street, Key West, Florida 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket Number 070041-SU – Application for limited proceeding rate increase in Monroe County by Key Haven Utility Corporation. The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments to the Public Service Commission staff regarding the proposed rate increase, and to ask questions or make comments on other issues. Commission staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the utility may also be in attendance. At the beginning of the meeting, procedures will be established for the order of comments. The Public Service Commission staff will have sign-up sheets, and customers will be called in the order that they sign up to speak. One or more of Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

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, (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Division of the Commission Clerk and Administrative Services 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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: Division of the Commission Clerk and Administrative Services 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or at (850)413-6770 or Lorena Holley, Office of the General Counsel, (850)413-6193.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Council on State Agency Inspectors General** announces a public meeting to which all persons are invited.

DATE AND TIME: March 27, 2007, 10:00 a.m. – 12:00 Noon

PLACE: The Capitol, Room 2103 Media Conference Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The primary objectives of this eleventh meeting of the Council will be continuing business of the Council's legislative mandate.

For more information, you may contact: Melinda Miguel, Chief Inspector General, The Capitol, Room 2103, Tallahassee, FL 32399, (850)922-4637.

REGIONAL PLANNING COUNCILS

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 21, 2007, 10:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075 to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing to: Ruth Little, Administrative Assistant, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting www.ecfrpc.org.

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 28, 2007, 10:30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, ext. 33.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 12, 2007, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendments for Tamarac; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing to: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council at (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, March 29, 2007, 10:30 a.m. (Eastern Time), 9:30 a.m. (Central Time)

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424 or calling (850)674-4571. If special

accommodations at the meeting are required because of a disability or impairment, please contact Council Offices at (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** Property Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 22, 2007, 10:00 a.m.

PLACE: Board Room, 800 N. W. 33 Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Attendance by SFRTA Committee Members may be in person or via conference telephone.

A copy of the agenda may be obtained by contacting the Executive Office at (954)788-7915.

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.

Pursuant to the provisions of 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 Executive Office, (954)788-7915. If you are 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 Executive Office, (954)788-7915.

The **South Florida Regional Transportation Authority** Governing Board announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 23, 2007, 9:30 a.m.

PLACE: Board Room, 800 N. W. 33 Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Attendance by South Florida Regional Transportation Authority Board Members may be in person or via conference telephone.

A copy of the agenda may be obtained by contacting the Executive Office at (954)788-7915.

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.

Pursuant to the provisions of 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 Executive Office at (954)788-7915. If you are 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 Executive Office at (954)788-7915.

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 27, 2007, 9:00 a.m.

PLACE: 7601 Highway 301 North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Committee Meetings, Board Meeting, and Public Hearing: Conduct Committee Meetings and Governing Board meeting. A closed attorney-client session will be held during the lunch break.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: March 28, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Governing Board Room, Tampa Service Office, 7601 Highway 301 North, Tampa, Florida 33637-6759

GENERAL SUBJECT MATTER TO BE CONSIDERED: The District is meeting with its Advisory Committees to discuss Proposed Rule 40D-2.091, Publications Incorporated by Reference, regarding consumptive use permit criteria and conditions applicable to water use applicants in the Central Florida Coordination Area. The Central Florida Coordination Area includes Polk, Orange, Osceola and Seminole counties, southern Lake County, and the City of Cocoa's public supply service in Brevard County.

One or more members of the Governing Board may attend.

A copy of the agenda may be obtained by contacting: Karen Lloyd, Assistant General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 33604-6899, (352)796-7211 or 1(800)423-1476, extension 4651.

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 2 days before the meeting by contacting Dianne Lee, (352)796-7211, ext. 4658, TDD only: 1(800)231-6103.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: March 30, 2007, 9:30 a.m. – 12:00 Noon

PLACE: Laurel Manor Recreation Center, 1985 Laurel Manor Drive, The Villages, Florida 32162

GENERAL SUBJECT MATTER TO BE CONSIDERED: Whether to establish all or portions of Marion and Sumter counties a water use caution area. Rule 40D-2.801, Water-Use Caution Areas.

One or more members of the Governing Board of the Southwest Florida Water Management District or the St. Johns River Water Management District may attend.

A copy of the agenda may be obtained by contacting: Miki Renner, AICP, Planning Manager, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 33604-6899, (352)796-7211 or 1(800)423-1476, extension 4413.

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 2 days before the meeting by contacting Dianne Lee, (352)796-7211, ext. 4658, TDD only 1(800)231-6103.

The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 30, 2007, 11:45 a.m.

PLACE: Quorum Hotel, 700 North Westshore Boulevard, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards Luncheon: 15th Annual Tampa Bay Regional Planning Council's Future of the Region Awards.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

The **South Florida Water Management District** announces a telephone conference call to which all persons are invited.

Conference Call Meeting in Preparation for Kissimmee Basin Modeling and Operations Study (KB MOS) Modeling Peer Review

DATE AND TIME: March 27, 2007, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Building B1, Egret Conference Room, 3301 Gun Club Rd., West Palm Beach, Florida 33406, Meeting ID number – 6613; This is a

teleconferenced meeting. You may call into the teleconference by dialing either of the following telephone numbers: (561)682-6700; 1(866)433-6299; You will be prompted to dial the meeting ID number associated with the meetings above.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The South Florida Water Management District has selected three experts to participate in a peer review panel to evaluate the KB MOS models and modeling framework. The intent of the Conference Call Meetings is to allow the panel of experts to discuss their comments and recommendations on the Kissimmee Basin Modeling and Operations Study Peer Review.

A copy of the agenda may be obtained by contacting: The agendas for the conference call meetings will be posted seven (7) days before the meeting and can be accessed at the KB MOS website link: https://my.sfwmd.gov/portal/page?_pageid=2294,4946313,2294_4947316:2294_11158145&_dad=portal&_schema=PORTAL or by contacting Bridgett Tolley at 1(800)250-4250, ext. 3806.

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.

Pursuant to the provisions of 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 Bridgett Tolley at 1(800)250-4250, ext. 3806. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: March 30, 2007, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Rules 40E-21.521 Phase I Moderate Water Shortage; 40E-21.531 Phase II Severe Water Shortage; 40E-21.541 Phase III Extreme Water Shortage; 40E-21.551 Phase IV Critical Water Shortage, amendments concerning management of available water supplies during drought conditions particularly in light of the U.S. Army Corps of Engineers' anticipated modification to the Lake Okeechobee regulation schedule.

A copy of the agenda may be obtained by contacting: Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (561)682-6299 or (800)432-2045, ext. 6299, email: jsluth@sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Clerk of the South Florida Water Management District, (800)432-2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Peter Kwiatkowski, P.G., South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-24680, (800)432-2045, ext. 6257 or (561)682-6257, email: pkwiat@sfwmd.gov; Beth Ross, Senior Specialist Attorney, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

The **South Florida Water Management District** announces a telephone conference call to which all persons are invited.

Conference Call Meetings in Preparation for Kissimmee Basin Modeling and Operations Study (KB MOS) Modeling Peer Review

DATE AND TIME: April 3, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID number – 5912. SFWMD, 3301 Gun Club Road, Building B1, Egret Conference Room, West Palm Beach, FL 33406

DATE AND TIME: April 10, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID number – 6250. SFWMD, 3301 Gun Club Road, Building B1, Egret Conference Room, West Palm Beach, FL 33406

DATE AND TIME: April 17, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID number – 5634. SFWMD, 3301 Gun Club Road, Building B1, Egret Conference Room, West Palm Beach, FL 33406

DATE AND TIME: May 1, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID number – 4976. SFWMD, 3301 Gun Club Road, Building B1, Egret Conference Room, West Palm Beach, FL 33406

DATE AND TIME: May 8, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID number – 1008. SFWMD, 3301 Gun Club Road, Building B1, Egret Conference Room, West Palm Beach, FL 33406

DATE AND TIME: May 15, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID number – 0918. SFWMD, 3301 Gun Club Road, Building B1, Egret Conference Room, West Palm Beach, FL 33406

DATE AND TIME: May 22, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID number – 5808. SFWMD, 3301 Gun Club Road, Building B1, Egret Conference Room, West Palm Beach, FL 33406

DATE AND TIME: May 29, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Meeting ID number – 9734. SFWMD, 3301 Gun Club Road, Building B1, Egret Conference Room, West Palm Beach, FL 33406

These are teleconferenced meetings. You may call into the teleconference by dialing either of the following telephone numbers: (561)682-6700, (866)433-6299. You will be prompted to dial the meeting ID number associated with the meetings above.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The South Florida Water Management District has selected three experts to participate in a peer review panel to evaluate the KB MOS models and modeling framework. The intent of the Conference Call Meetings is to allow the panel of experts to discuss their comments and recommendations on the Kissimmee Basin Modeling and Operations Study Peer Review.

The agendas for the conference call meetings will be posted seven (7) days before the meeting and can be accessed at the KB MOS website link: https://my.sfwmd.gov/portal/page?_pageid=2294,4946313,2294_4947316:2294_11158145&_dad=portal&_schema=PORTAL or by contacting Bridgett Tolley, at 1(800)250-4250, ext. 3806.

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.

Pursuant to the provisions of 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 Bridgett Tolley at 1(800)250-4250, ext. 3806. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Lake Belt Mitigation Committee (LBMC)

DATE AND TIME: June 15, 2007, 9:00 a.m. – 12:00 Noon

PLACE: SFWMD, Building B1, 2A Bridge Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406. Teleconference Information: Local SFWMD (561)682-6700, Nationwide Toll Free 1(866)433-6299, Meeting ID #: 3309

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee (LBMC), created pursuant to Section 373.41492, Florida Statutes, to discuss a variety of Lake Belt issues.

A copy of the agenda may be obtained by contacting Nilda Lutter, (561)682-2564, <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.html>

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District Clerk's office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The **Florida Commission for the Transportation Disadvantaged** announces an Ombudsman Committee Meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 27, 2007, 10:00 a.m. – until completion

PLACE: Commission Business Office, 2740 Centerview Drive, Room 308, Tallahassee, FL 32301, (850)410-5700, Conference Call Number: 1(888)808-6959, Conference Code: 347676

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear and respond to a grievance regarding Transportation Disadvantaged eligibility in Duval County.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact Niki Branch at the following address and telephone number at least 5 days in advance: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: March 27, 2007, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing to: April Hammonds, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Board of Cosmetology** announces a public meeting to which all persons are invited.

DATE AND TIME: Sunday, April 15, 2007, 9:00 a.m. or soon there after

PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by contacting: Florida Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, March 21, 2007, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference. To connect, dial 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (850)487-1395.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, April 18, 2007, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference. To connect, dial 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0797, or by calling their office at (850)487-1395.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Pilot Commissioners** announces a public meeting to which all persons are invited.

DATES AND TIMES: May 3, 2007, 1:00 p.m.; May 4, 2007, 9:00 a.m.

PLACE: Hyatt Regency, 400 Southeast 2nd Avenue, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance Committee Meeting and Rules Committee Meeting immediately followed by Probable Cause Panel and General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Board office at (850)922-6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Business and Professional Regulation, Board of Professional Engineers** announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, March 27, 2007, 9:00 a.m.

PLACE: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public hearing on Rule 61G15-31.010, Design of Aluminum Structures.

A copy of the agenda may be obtained by contacting: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301. If you are 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

The **Board of Professional Surveyors and Mappers** announces a public meeting to which all persons are invited.

DATES AND TIMES: April 10, 2007, 1:00 p.m., Probable Cause Panel

DATE AND TIME: April 11, 2007, 8:30 a.m., Continuing Education Committee followed by an Application Review Committee meeting, followed by a Privatization Committee meeting, followed by a Rules Committee meeting, followed by a General Business meeting, if time allows.

DATE AND TIME: April 11, 2007, 2:00 p.m., Probation Review Committee meeting

DATE AND TIME: April 12, 2007, 8:00 a.m., General Business meeting

PLACE: Sheraton Orlando Downtown, 60 South Ivanhoe Blvd., Orlando, FL 32804

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Richard Morrison, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

The **Department of Business and Professional Regulation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, March 27, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: Via Conference Call: 1(888)808-6959, Conference Code: 4148135

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Probable Cause Panel Meeting for the Building Code Administrators and Inspectors Board.

A copy of the agenda may be obtained by contacting Jessica Leigh at (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Jessica Leigh at (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact David Spingler at (850)414-8135.

The **Building Code Administrators and Inspectors Board** announces a public meeting to which all persons are invited.

DATE AND TIME: April 5, 2007, 10:30 a.m.

PLACE: Nova Southeastern University, 3200 South University Drive, David, FL 33328

GENERAL SUBJECT MATTER TO BE CONSIDERED: Attend and speak on behalf of the Building Code Administrators and Inspectors Board at the 19th Annual South Florida Building Code Conference.

A copy of the agenda may be obtained by contacting: William Dumbaugh, Broward County Board of Rules and Appeals, 955 South Federal Hwy., #401, Ft. Lauderdale, FL 33316.

The **Building Code Administrators and Inspectors Board** announces a public meeting to which all persons are invited.

DATES AND TIME: June 5-8, 2007, 8:00 a.m.

PLACE: Caribe Royale Orlando, 8101 World Center Drive, Orlando, FL 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee, Rules and Legislation, Examination and Continuing Education, Executive Committee Meetings and General Board and Business Meeting.

A copy of the agenda may be obtained by contacting: Building Code Administrators and Inspectors Board, 1940 N. Monroe St., Tallahassee, FL

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Board office at (850)922-6096. If you are

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Suwannee River Wilderness Trail** announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2007, 10:00 a.m.

PLACE: Adams House Bed and Breakfast, White Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suwannee River Wilderness Trail – Rule 62-1.003 Forms and Instructions Used by the Department of Environmental Protection.

A copy of the agenda may be obtained by contacting Amy Thompson, 1(800)868-9914 or amy.thompson@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 7 days before the workshop/meeting by contacting Amy Thompson at 1(800)868-9914 or amy.thompson@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Amy Thompson at 1(800)868-9914 or amy.thompson@dep.state.fl.us

The **Division of Air Resource Management** announces a hearing to which all persons are invited.

DATE AND TIME: Friday, April 6, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to the public hearing requirements of 40 CFR 51.102, the Department will hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act, a set of amendments to Chapters 62-252, 62-210 and 62-296, F.A.C. The proposed rule amendments, if adopted by the department, relate to air pollution regulatory requirements statewide for gasoline dispensing facilities, bulk gasoline plants and tanker trucks and trailers.

A copy of the agenda may be obtained by contacting: Ms. Lynn Scarce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or by calling (850)921-9551.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Lynn Scarce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 13, 2007, 8:30 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/chiro/index.html

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.

Pursuant to the provisions of 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/chiro/index.html. If you are 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 **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 28, 2007, 12:00 Noon

PLACE: Conference Call Number 1(888)808-6959, Conference Code 245-4131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting: Gaynetta Rosier, Prosecution Services Unit, 4052 Bald Cypress Way, Tallahassee, FL 32399.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

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 Prosecution Services Unit, Gaynetta Rosier, (850)245-4640.

The **Electrolysis Council** announces a workshop to which all persons are invited.

A rule workshop teleconference on the Proposed Rule 64B8-56.004, Other Requirements For Electrolysis Training Program Approval

DATE AND TIME: Monday, May 7, 2007, 9:00 a.m., or as soon thereafter as can be heard – 10:30 a.m.

PLACE: The number for the teleconference is 1(888)808-6959, Conference Code 4246812343# (Tallahassee, Florida)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will be discussing language for the promulgation of the new rule.

If anyone has additional comments to make, they can make those comments in writing to the Council, on or before May 1, 2007. The rules were originally published in Vol. 33, No. 8, of the February 23, 2007, F.A.W.

A copy of the agenda may be obtained by contacting: Susan Love, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least hours before the workshop/meeting by contacting: Susan Love, Executive Director, Electrolysis

Council/MQA, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255. If you are 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: Susan Love, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

The Florida **Board of Nursing**, North PCP announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 9, 2007, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code 2454640

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by writing to: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C-02, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Podiatric Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 29, 2007, 4:00 p.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

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.

Pursuant to the provisions of 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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Podiatric Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 30, 2007, 9:00 a.m.
PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida, (813)879-5151
GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/pod/index.html.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health** announces a meeting of the Research Review and Advisory Committee of the Bureau of Onsite Sewage Programs to which all persons are invited.

DATE AND TIME: April 10, 2007, 9:30 a.m.
PLACE: Sylvan Lake Park, 845 Lake Markham Road, Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and guide current, proposed, and potential future onsite sewage research projects, in particular related to the Wekiva Study Area.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, or by e-mail at Susan_Polangin@doh.state.fl.us.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Susan Polangin at the address above at least one week prior to the meeting.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 11, Substance and Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: March 30, 2007, 10:00 a.m. – 12:00 Noon
PLACE: Rhode Building, 401 N. W. 2nd Avenue, Suite N-423, Miami, Florida 33128, (305)377-5029

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the designation of the following facility as a Baker Act receiving facility: Jackson North Medical Center.

Pursuant to the provisions of 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 Joanna Cardwell, (305)349-1451 or in writing by close of business (5:00 p.m.). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: April 18, 2007, 1:00 p.m. – 5:00 p.m.; April 19, 2007, 8:00 a.m. – 1:00 p.m.

PLACE: Hilton Hotel, 3600 S. W. 36th Ave., Ocala, Florida 32674

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Quota Hunt Workgroup will begin reviewing the current quota permit system for public hunting lands and begin discussion of possible recommendations that could improve the system.

A copy of the agenda may be obtained by contacting: Mr. Paul Schulz, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)448-3831.

Pursuant to the provisions of 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 ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Mr. Paul Schulz, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3831.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: March 26, 2007, 1:00 p.m.
PLACE: School for the Deaf and Blind, Moore Hall Room 126, 207 N. San Marco Avenue, St Augustine, FL 32204

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting of the Florida Fire Code Advisory Council.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting, please contact: Millicent King, 200 E. Gaines

Street, Tallahassee, FL 32399-0342 or call (850)413-3619 or Fax (850)414-6119, at least five calendar days before the meeting for assistance.

The Florida **Division of State Fire Marshal and Florida Division of Emergency Management** wishes to meet with vendors that produce maps for emergency responders.

DATE AND TIME: Wednesday, March 28, 2007, 9:00 a.m. – 12:00 Noon

PLACE: Florida State Fire College, Auditorium

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Division of State Fire Marshal and Florida Division of Emergency Management wishes to meet with vendors that produce maps for emergency responders. Florida has adopted the United States National Grid (USNG) coordinates for use during regional or state-wide emergencies and wants to ensure that vendors that produce maps for Florida emergency responders are aware of the USNG and why it needs to be used in their products.

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services'** Finance Committee, to which all persons are invited.

DATE AND TIME: March 26, 2007, 1:00 p.m. – 2:30 p.m.

PLACE: Department of Financial Services, Koger Center, Hartman Building, Suite 104J, 2012 Capital Circle, S. E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Committee Business.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery & Consumer Services www.fldfs.com/FuneralCemetery.

A copy of the agenda may also be obtained by writing: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms Bryant, (850)413-3039.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are

hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services** Emergency Preparedness Committee, to which all persons are invited.

DATE AND TIME: March 26, 2007, 2:30 p.m. – 4:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Committee Business.

PLACE: Department of Financial Services, Koger Center, Hartman Building, Suite 104J, 2012 Capital Circle, S. E., Tallahassee, FL 32301

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery & Consumer Services www.fldfs.com/FuneralCemetery. A copy of the agenda may also be obtained by writing: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms Bryant, (850)413-3039.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant at (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services** Review of Disciplinary Rules Committee, to which all persons are invited.

DATE AND TIME: March 27, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Department of Financial Services, Koger Center, Hartman Building, Suite 104J, 2012 Capital Circle, S. E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Committee Business.

A copy of the agenda may also be obtained by writing: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms Bryant, (850)413-3039.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery & Consumer Services www.fldfs.com/FuneralCemetery.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant at (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services** Rules Committee, to which all persons are invited.

DATE AND TIME: March 27, 2007, 1:00 p.m. – 3:00 p.m.

PLACE: Department of Financial Services, Koger Center, Hartman Building, Suite 104J, 2012 Capital Circle, S. E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Rules Committee Business.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery & Consumer Services www.fldfs.com/FuneralCemetery. A copy of the agenda may also be obtained by writing: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms Bryant, (850)413-3039.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services**, to which all persons are invited.

DATE AND TIME: April 11, 2007, 10:00 a.m. – 5:00 p.m.

PLACE: Hilton Deerfield Beach/Boca Raton, 100 Fairway Drive, Deerfield Beach, FL 33441, (954)422-1780

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

The above date relates to the next meeting of the Board of Funeral, Cemetery and Consumer Services. The public is advised to check with Department of Financial Services staff, Ms. LaTonya Bryant, (850)413-3039, before traveling to a scheduled meeting on the date above, to ascertain whether the meeting has been cancelled. Notice of such cancellations will be posted on the home page of the Division of Funeral, Cemetery & Consumer Services, which is on the website of the Department of Financial Services, www.fldfs.com, as soon as known.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery & Consumer Services, www.fldfs.com. A copy of the agenda may also be obtained by writing: Department of Financial Services, Division of Funeral, Cemetery & Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee, FL 32399-0361, or by calling Ms Bryant, (850)413-3039.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant at (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: April 3, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-149.037; Calculation of Premium

Rates, Florida Administrative Code, published on December 22, 2006 in Vol. 32, No. 51, of the F.A.W. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Diane Bradford at E-mail: Diane.Bradford@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

690-149.037 Calculation of Premium Rates.

(1) through (3) No change.

(4) Rate filing requirements.

(a) No change.

(b) **SERCS CARES**. Small group ~~standard and basic product~~ rates must be filed on a 2-50 life basis using the Small Employer Rate Collection System (SERCS) Rate Collection Systems (CARES), Form OIR-B2-~~SERCS~~CARES (Rev. ~~6/19/06~~ ~~9/19/05~~), which is hereby adopted and incorporated by reference. These forms are available at: https://portal.fldfs.com/iframe/ass/work/questions/sercs_upload.asp ~~https://portal.fldfs.com/cares/Product/Product.asp~~.

(5) through (8) No change.

Specific Authority 624.308(1), 624.424(1)(c), 627.6699(17) FS. Law Implemented 627.410, 627.6692, 627.6699(3), (6), (12)(e), (13), (13)(i) FS. History—New 3-1-93, Amended 11-7-93, 5-11-94, 4-23-95, 8-4-02, 6-19-03, Formerly 4-149.037, Amended 7-6-06,_____.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings to which all interested persons are invited.

MEETING: Points Meeting

DATE AND TIME: Wednesday, March 14, 2007, 10:00 a.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Grassroots Forum Steering Committee

DATE AND TIME: Wednesday, March 21, 2007, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, April 5, 2007, 1:30 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

DATE AND TIME: Thursday, April 12, 2007, 1:30 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Evaluation Committee Meeting

DATE AND TIME: Thursday, April 12, 2007, 2:30 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Finance Committee Meeting

DATE AND TIME: Thursday, April 19, 2007, 1:30 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Thursday, April 26, 2007, 2:30 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or Toll Free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

FLORIDA TELECOMMUNICATION RELAY, INC.

Florida Telecommunications Relay, Inc. announces a regular meeting of the Board of Directors to which all interested persons are invited.

DATE AND TIME: Monday, March 26, 2007, 1:00 p.m.
PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors.
A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301.
The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

FLORIDA MUNICIPAL CONSTRUCTION INSURANCE TRUST

The **Florida Municipal Construction Insurance Trust**, an interlocal entity created pursuant to Fla. Sta. 768.28 and 255.0517, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 28, 2007, 11:00 a.m.
PLACE: Florida League of Cities, 301 S. Bronough St., Tallahassee FL, 1(800)342-8112
GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 28, 2007, 1:30 p.m.
PLACE: SRB Trustee Board Room, 12902 Magnolia Drive, Tampa, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing to: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact Ms. Barbara Sawyer by Friday, March 23, 2007.

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 5, 2007, 9:30 a.m. – 2:30 p.m.

PLACE: Florida Medical Association, 123 South Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation, Board of Directors Meeting.

A copy of the agenda and resource materials may be obtained one week prior to the meeting by visiting: FPSC website, www.floridapatientssafetycorp.com. Agendas can also be requested via e-mail at: susan.a.moore@comcast.net. To be included in e-mail notices of the Florida Patient Safety Corporation Board, please mail/e-mail your address to the address above or fax your e-mail address, (850)893-4259.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, Telephone: (850)893-8936.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research And Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: April 12, 2007, 8:00 a.m.
PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

SECURE AIRPORTS FOR FLORIDA'S ECONOMY

The **Secure Airports for Florida's Economy (SAFE)** Executive Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 20, 2007, 10:00 a.m.
PLACE: Center for Urban Transportation Research, Building CUT100, Boardroom Room 143, University of South Florida, 4202 East Fowler Ave., Tampa, Florida 33620

GENERAL SUBJECT MATTER TO BE CONSIDERED: The SAFE Executive Committee will discuss matters related to increasing awareness of the United We Stand license plate; conducting a needs assessment for General Aviation; and the budget for the next fiscal year.

A copy of the agenda may be obtained by contacting Rebecca Bosco at (813)974-9777.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting Rebecca Bosco at (813)974-9777. If you are 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 Rebecca Bosco at (813)974-9777.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on March 2, 2007, the Board of Accountancy has received the petition for declaratory statement from Kenneth R. Hart, Esquire, on behalf of PricewaterhouseCoopers LLP (PwC). The petition seeks the agency's opinion as to the applicability of Sections 473.302(7) and 473.322(1), Florida Statutes, as it applies to the petitioner. The petitioner seeks a determination of whether employees of PwC who are licensed in another state, would require licensure in Florida to assist with certain PwC Florida assignments. A copy of the Petition for Declaratory Statement 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

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

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation received a request, as amended three times, for a Declaratory Statement on February 28, 2007, from G. M. Livingston, III, on behalf of Livingston Financial, Inc., regarding the application of Section 517.1215, Florida Statutes,

Investment Advisers Act of 1940, Rule 206(4)-1, and NASD Rule 2210. The request has been assigned the number 0326-S-2/07.

A copy of the request may be obtained by writing: Lealand L. McCharen, Assistant General Counsel, Office of Financial Regulation, 200 E. Gaines Street, Fletcher Building, Suite 526, Tallahassee, Florida 32399-0379.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

Notice of Bid/Request for Proposal

The Florida Department of Education announces the call for publishers' submissions of comprehensive prekindergarten curricula for the 2007 Voluntary Prekindergarten (VPK) Curriculum Approval Process. Intent to Submit forms must be

received no later than Friday, April 6, 2007 and are available on the DOE/OEL website at www.myfloridaeducation.com/earlylearning/curric.htm.

For the purposes of this approval process, a curriculum is defined as a set of written materials that

- Is replicable.
- Addresses the use of materials, scheduling, arranging the environment, and interaction between children and adults, either separately or in combination.
- Includes more than activity suggestions and more than theory and pedagogy.
- Is aligned with the VPK Education Standards.
- Is aligned with scientifically-based research.

Only comprehensive curricula will be reviewed for approval during this process. In order to be considered comprehensive, the materials submitted must stand alone and cover the VPK Education Standards in all seven domains. If ancillary or supplemental materials are required in order for a given curriculum to be considered comprehensive those additional materials must be submitted with the basic curriculum as a packaged set (i.e., "curriculum package") and must be made available to providers as a complete curriculum at a set price.

Information about the process, including policies and procedures, specifications, and deadlines, will be posted on the DOE/OEL website at www.myfloridaeducation.com/earlylearning/curric.htm in the near future. Questions related to this announcement may be directed to Kim Komisar, Director, or Tara Huls, Program Specialist, DOE/OEL, by phone at (850)245-0445 or via email at kim.komisar@fldoe.org or tara.huls@fldoe.org.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida Board of Trustees, a public body corporate, announces that Professional Services in the discipline of Engineering will be required for the project listed below:

Project and Location: University of North Florida Athletic Track and Field Facility – University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida.

The project consists of the complete installation of a new 400 meter, nine (9) lane, 14 mm (9/16") prefabricated synthetic sports surfacing system (mondo) including in ground field event equipment, striping, concrete or bituminous substrate and subsurface drainage system connection. The proposed new track and field will be located at the University of North Florida Harmon Stadium Field. Consultants wishing to be considered must have demonstrable previous experience with the mondo system and technical requirements.

INSTRUCTIONS:

Firms wishing to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. The University of North Florida's "Professional Qualifications Supplement" completed by the applicant's office applying for the project. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 6 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. Minority Business participation is encouraged; however, it will not be considered in the scoring process.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting:

Dottie Fischetti, dfischet@unf.edu
 Facilities Planning Student Assistant
 University of North Florida
 4567 St. Johns Bluff Road, South
 Jacksonville, Florida 32224
 (904)620-2016; Fax: (904)620-2020

Submittals must be received by 2:00 p.m. (Local Time), on April 17, 2007 in the following location:

University of North Florida
 Office of Facilities Planning
 Portable 832B, Room 1021
 4567 St. Johns Bluff Road, South
 Jacksonville, Florida 32224

Facsimile (FAX) submittals are not acceptable and will not be considered.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
ARCHITECTURAL/ENGINEERING SERVICES
RFQ AE022

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from Architectural/Engineering firms for Mechanical, Electrical, and Plumbing (MEP) Engineering firms for the project listed below. Applications from qualified firms are to be sent to the attention of Sandra Rogers, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)922-8855. The selected firm may be required to perform its services on an accelerated schedule.

INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm's specific abilities respective to the particular project's requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at the following website address: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form.
2. A reproduction of the firm's current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.
3. Attach a current copy of the SF330 for the office(s) that will be performing the work. This form may be found at the following website address: <http://www.gsa.gov>.
4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe scope of work to be assigned to any sub-consultant and include a SF330 for each sub-consultant.
6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).
7. Names, addresses and phone numbers of at least five (5) other agencies for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm's project manager and specific services provided in each case.

8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references (none from current or former Department of Corrections personnel) and any other supporting information.

Submit one original Letter of Interest with one (1) Original and four (4) copies of the required data. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, ("Consultants' Competitive Negotiation Act").

The awarded firm shall not knowingly engage in this project, on a full time, part time or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, Florida Statutes.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request for Qualifications (RFQ). Interviews of all ranked respondents may or may not be required, at the direction of the Committee. If interviews are required they will be held during the week beginning April 16, 2007, and ending April 20, 2007. Under the authority delegated to the Secretary of the Department of Corrections by Florida Statute 287.055, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting, after approval by the Secretary, through the following website address: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form. It is the firm's responsibility to check the website for updated information.

Response Date: April 4, 2007, by 4:00 p.m. (Eastern Daylight Time). Late submittals will not be opened or considered.

PROJECT: Provide Continuing Mechanical, Electrical, and Plumbing Engineering services for projects in which basic construction cost, for each project, does not exceed \$1,000,000, or for a study activity when the fee for professional services does not exceed \$50,000.

CONTRACT TERM: Services are for projects authorized within a two (2) year period with an option to renew for one (1) additional two (2) year period.

EXPERIENCE: Candidate firms need to provide information regarding their experience and expertise in the design of Mechanical, Electrical, and Plumbing (MEP) systems for correctional institution application, including but not limited to, HVAC and plumbing systems, geothermal sources,

ventilation and heating systems for non-air-conditioned buildings, generator systems, fire and sprinkler alarms, door controls and security systems.

LOCATION: Most of the work will be related to working on prototype designs for projects in Region I, therefore, the Region I Office, 2015 West Unit Drive, Sneads, Florida, is designated as the project site for purposes of the selection process.

NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
ARCHITECTURAL/ENGINEERING SERVICES
RFQ AE023

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from Architectural/Engineering firms for Mechanical, Electrical, and Plumbing (MEP) Engineering firms for the project listed below. Applications from qualified firms are to be sent to the attention of Sandra Rogers, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)922-8855. The selected firm may be required to perform its services on an accelerated schedule.

INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm's specific abilities respective to the particular project's requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at the following website address: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search,criteria_form
2. A reproduction of the firm's current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.
3. Attach a current copy of the SF330 for the office(s) that will be performing the work. This form may be found at the following website address: <http://www.gsa.gov>
4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe scope of work to be assigned to any sub-consultant and include a SF330 for each sub-consultant.

6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).
7. Names, addresses and phone numbers of at least five (5) other agencies for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm's project manager and specific services provided in each case.
8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references (none from current or former Department of Corrections personnel) and any other supporting information.

Submit one original Letter of Interest with one (1) Original and four (4) copies of the required data. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, ("Consultants' Competitive Negotiation Act").

The awarded firm shall not knowingly engage in this project, on a full time, part time or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, Florida Statutes.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request for Qualifications (RFQ). Interviews of all ranked respondents may or may not be required, at the direction of the Committee. If interviews are required they will be held during the week beginning April 16, 2007, and ending April 20, 2007. Under the authority delegated to the Secretary of the Department of Corrections by Florida Statute 287.055, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting, after approval by the Secretary, through the following website address: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search,criteria_form. It is the firm's responsibility to check the website for updated information.

Response Date: April 4, 2007, by 4:00 p.m. (Eastern Daylight Time). Late submittals will not be opened or considered.

PROJECT: Provide Continuing Mechanical, Electrical, and Plumbing Engineering services for projects in which basic construction cost, for each project, does not exceed \$1,000,000, or for a study activity when the fee for professional services does not exceed \$50,000.

CONTRACT TERM: Services are for projects authorized within a two (2) year period with an option to renew for one (1) additional two (2) year period.

EXPERIENCE: Candidate firms need to provide information regarding their experience and expertise in the design of Mechanical, Electrical, and Plumbing (MEP) systems for correctional institution application, including but not limited to, HVAC and plumbing systems, geothermal sources, ventilation and heating systems for non-air-conditioned buildings, generator systems, fire and sprinkler alarms, door controls and security systems.

LOCATION: Most of the work will be related to working on prototype designs for projects in Region II; therefore, the Region II Office, 7765 South County Road 231, Lake Butler, Florida, is designated as the project site for purposes of the selection process.

**NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
ARCHITECTURAL/ENGINEERING SERVICES
RFQ AE024**

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from Architectural/Engineering firms for Mechanical, Electrical, and Plumbing (MEP) Engineering firms for the project listed below. Applications from qualified firms are to be sent to the attention of Sandra Rogers, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)922-8855. The selected firm may be required to perform its services on an accelerated schedule.

INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm's specific abilities respective to the particular project's requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at the following website address: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form
2. A reproduction of the firm's current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.
3. Attach a current copy of the SF330 for the office(s) that will be performing the work. This form may be found at the following website address: <http://www.gsa.gov>
4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe scope of work to be assigned to any sub-consultant and include a SF330 for each sub-consultant.
6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).
7. Names, addresses and phone numbers of at least five (5) other agencies for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm's project manager and specific services provided in each case.
8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references (none from current or former Department of Corrections personnel) and any other supporting information.

Submit one original Letter of Interest with one (1) Original and four (4) copies of the required data. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, ("Consultants' Competitive Negotiation Act").

The awarded firm shall not knowingly engage in this project, on a full time, part time or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, Florida Statutes.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request for Qualifications (RFQ). Interviews of all ranked respondents may or may not be required, at the direction of the Committee. If interviews are required they will be held during the week beginning April 23, 2007, and ending April 27, 2007. Under the authority delegated to the Secretary of the Department of Corrections by Florida Statute 287.055, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting, after approval by the Secretary, through the following website address: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form. It is the firm's responsibility to check the website for updated information.

Response Date: April 10, 2007, by 4:00 p.m. (Eastern Daylight Time). Late submittals will not be opened or considered.

PROJECT: Provide Continuing Mechanical, Electrical, and Plumbing Engineering services for projects in which basic construction cost, for each project, does not exceed \$1,000,000, or for a study activity when the fee for professional services does not exceed \$50,000.

CONTRACT TERM: Services are for projects authorized within a two (2) year period with an option to renew for one (1) additional two (2) year period.

EXPERIENCE: Candidate firms need to provide information regarding their experience and expertise in Mechanical, Electrical, and Plumbing disciplines, to include the following:

EXPERIENCE: Candidate firms need to provide information regarding their experience and expertise in the design of Mechanical, Electrical, and Plumbing (MEP) systems for correctional institution application, including but not limited to, HVAC and plumbing systems, geothermal sources, ventilation and heating systems for non-air-conditioned buildings, generator systems, fire and sprinkler alarms, door controls and security systems.

LOCATION: Most of the work will be related to working on prototype designs for projects in Region III; therefore, the Region III Office located at 19225 U.S. Highway 27 in Clermont, Florida, is designated as the project site for purposes of the selection process.

NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
ARCHITECTURAL/ENGINEERING SERVICES

RFQ AE025

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from Architectural/Engineering firms for Mechanical, Electrical, and Plumbing (MEP) Engineering firms for the project listed below. Applications from qualified firms are to be sent to the attention of Sandra Rogers, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)922-8855. The selected firm may be required to perform its services on an accelerated schedule.

INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm's specific abilities respective to the particular project's requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System

under this solicitation at the following website address: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form

2. A reproduction of the firm's current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.
3. Attach a current copy of the SF330 for the office(s) that will be performing the work. This form may be found at the following website address: <http://www.gsa.gov>.
4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe scope of work to be assigned to any sub-consultant and include a SF330 for each sub-consultant.
6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).
7. Names, addresses and phone numbers of at least five (5) other agencies for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm's project manager and specific services provided in each case.
8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references (none from current or former Department of Corrections personnel) and any other supporting information.

Submit one original Letter of Interest with one (1) Original and four (4) copies of the required data. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, ("Consultants' Competitive Negotiation Act").

The awarded firm shall not knowingly engage in this project, on a full time, part time or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, Florida Statutes.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request for Qualifications (RFQ). Interviews of all ranked respondents may or may not be required, at the direction of the Committee. If interviews are required they will be held during the week beginning April 23, 2007, and ending April 27, 2007. Under the authority delegated to the Secretary of the Department of Corrections by Florida Statute 287.055, sitting as the head of the Department of Corrections, Professional

Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting, after approval by the Secretary, through the following website address: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form. It is the firm's responsibility to check the website for updated information.

Response Date: April 10, 2007, by 4:00 p.m. (Eastern Daylight Time). Late submittals will not be opened or considered.

PROJECT: Provide Continuing Mechanical, Electrical, and Plumbing Engineering services for projects in which basic construction cost, for each project, does not exceed \$1,000,000, or for a study activity when the fee for professional services does not exceed \$50,000.

CONTRACT TERM: Services are for projects authorized within a two (2) year period with an option to renew for one (1) additional two (2) year period.

EXPERIENCE: Candidate firms need to provide information regarding their experience and expertise in Mechanical, Electrical, and Plumbing disciplines, to include the following:

EXPERIENCE: Candidate firms need to provide information regarding their experience and expertise in the design of Mechanical, Electrical, and Plumbing (MEP) systems for correctional institution application, including but not limited to, HVAC and plumbing systems, geothermal sources, ventilation and heating systems for non-air-conditioned buildings, generator systems, fire and sprinkler alarms, door controls and security systems.

LOCATION: Most of the work will be related to working on prototype designs for projects in Region IV; therefore, the Region IV Office, 20421 Sheridan Street, Fort Lauderdale, Florida, is designated as the project site for purposes of the selection process.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE TO PROFESSIONAL CONSULTANTS PUBLIC ANNOUNCEMENT FOR ARCHITECTURE-ENGINEERING

The Department of Management Services (DMS), Division of Real Estate Development and Management, announces that professional services are required for the project(s) listed below.

PROJECT NUMBER: JB 26008000

PROJECT NAME: Building and Site Improvements

PROJECT LOCATION: Florida Supreme Court Building

SERVICES TO BE PROVIDED: Architectural/ Engineering Design and Contract Administration

APPROXIMATE CONSTRUCTION BUDGET:
\$1,500,000.00

For details please visit the Department's website listed below and click on "Search Advertisement – Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for a certified general or mechanical contractor to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: JB 26009000

PROJECT NAME: Air Conditioning Replacement, Supreme Court

PROJECT LOCATION: Tallahassee, Florida

BUDGET: \$2,400,000.00

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisement – Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Notice of Bid/Request for Proposal

BIDS ARE REQUESTED FROM QUALIFIED CERTIFIED/REGISTERED CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF:

PROJECT NO: FWC 06/07-60

PROJECT NAME: LAKE KISSIMMEE WETLAND RESTORATION PROJECT

PROJECT LOCATION: OSCEOLA AND POLK COUNTIES, FLORIDA

FOR: Work on this proposed Contract comprises wire fence replacement, earthwork (excavating, filling, grading and hauling) and seeding, as shown on the Drawings and specified in the specifications.

PRE-BID CONFERENCE: A non-mandatory pre-bid conference has been scheduled for 10:00 a.m. (EST), on April 5, 2007 at Overstreet Landing, 4500 Joe Overstreet Road, off Canoe Drive (CR 523), Kenansville, FL 34739.

REQUIRED BONDS: Bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

After award of Contract, a 100% Performance Bond and a 100% Labor and Material Payment Bond Will be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: April 17, 2007, 3:00 p.m. (EST)

PLACE: Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3428

BID DOCUMENTS: One set of Bid Documents can be obtained by Bidders upon payment of \$50.00, non-refundable, by contacting:

Triangle Reprographics, Inc.
850 South Hughey Avenue
Orlando, FL 32801
Tel. (407)843-1492

Or by downloading at no cost from http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu and search for Bid Number FWC 06/07-60.

CONTACT PERSON: Direct questions to the On-Site Fisheries Biologist:

Tim Coughlin
Florida Fish and Wildlife Conservation Commission
1601 Scotty's Road
Kissimmee, FL 34744
Tel.: (407)846-5300
Fax: (407)846-5310
e-mail: tim.coughlin@myfwc.com

Notice of Bid/Request for Proposal

BIDS ARE REQUESTED FROM QUALIFIED CERTIFIED/REGISTERED CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF:

BID NO: FWC 06/07-87
BID NAME: DOCKING FACILITY AND SHORELINE REPAIRS FOR KEYS MARINE LAB
PROJECT LOCATION: MONROE COUNTY, LAYTON, FLORIDA

FOR: Work on this proposed Contract comprises waterfront restoration by removal of silt and debris from the marine, repairs to the wooden pier, seawall, docks, and boulder jetty & revetment, as shown on the drawings and specified in the specifications.

MANDATORY PRE-BID CONFERENCE: A mandatory pre-bid conference has been scheduled for 9:00 a.m. (EST), on March 27th, 2007 at the Keys Marine Laboratory located in the town of Layton on Long Key (Mile Marker 68.5) in the Florida Keys.

Pre-registration for conference is required 24 hours prior to conference date/time. To pre-register call the project manager.

REQUIRED BONDS: After award of Contract, a 100% Performance Bond will be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: April 13, 2007, 2:30 p.m. (EST)

PLACE: Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3428

BID DOCUMENTS: Can be downloaded from http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu and search for Bid Number FWC 06/07-87. By calling (850)488-3428

DRAWINGS AND SPECIFICATIONS: Can be obtained at the mandatory pre-bid conference.

PROJECT MANAGER: Direct questions to the following project manager:

John Hunt
Florida Fish and Wildlife Conservation Commission
Fish and Wildlife Research Institute
Tel.: (305)289-2330
e-mail: john.hunt@myfwc.com

EARLY LEARNING COALITION OF DUVAL

CFT Initiative (Parents as Child's First Teacher) – A Parent Education and Family Involvement initiative – for which solicitations are made by the Early Learning Coalition of Duval, hereinafter referred to as 'the Coalition', is intended to do the following:

- Engage parents who receive school readiness services, to be full participants in the early learning experiences of their children, through a series of monthly workshops and trainings to be held at public and / or other organization locations (no home visitations), and distribution of newsletters with parenting tips and parent-child activities;
- Offer guidance and training in family involvement to about 50 providers who offer school readiness services as part of the Coalition's Quality Rating System;
- Meet the requirements of Section 411.01(4)(o), Florida Statutes.

Section 411.01, Florida Statutes, requires the Agency for Workforce Innovation to work with the early learning coalitions to increase parents' training for and involvement in their children's preschool education.

Who may apply?

Organizations with experience and expertise in parent education and family involvement for school readiness programs may apply. Certified Minority Business Enterprises are encouraged to participate in any Solicitation Meetings that are held. Attendance at the Solicitation Meeting is not required for acceptance of proposals.

Full information about the proposal will be available on the web site www.elcofduval.org on or before Friday, March 16, 2007.

How much funding is available?

Maximum of \$225,000 will be provided by Early Learning Coalition of Duval.

How long is the grant period?

Sept. 10, 2007 to June 30, 2008. Renewal will depend on successful completion of deliverables, achievement of outcomes, and ability to provide evidence or data of program / initiative success.

How many applications will be funded?

Only one organization will be funded to provide the services for CFT initiative.

What is the deadline for the proposal?

Tuesday, May 29, 2007, at 5:00 p.m.

What are the evaluation criteria?

Evaluation is based on price, application completion, staffing, program design, experience and responsiveness to special requirements. The final decision regarding a contract is vested with the Coalition, acting in its business and professional judgment and its discretion.

The Selection Committee will recommend a proposed contract or rejection of all proposals to the Coalition. The final decision regarding a contract is vested with the Coalition, acting in its business and professional judgment and its discretion. The Coalition has the authority to reject the Committee's recommendation, select another proposal, request interviews by the full Coalition or anything the Coalition, in its discretion, determines to be in the Coalition's best interest. The final decision is vested in the Coalition, acting in its discretion.

The Coalition reserves the right to reject any proposals.

When will the final contract be approved?

Board Meeting – Wednesday, August 29, 2007 at 12:00 Noon

Who is the primary contact at the Coalition for this proposal?

Padma Rajan, Director of Programs

How will inquiries or questions be addressed?

All questions must be submitted in writing via email to Padma Rajan, Director of Programs at prajan@elcofduval.org and copied to Susan Main, Executive Director, smain@elcofduval.org No telephone inquiries will be addressed.

SECTION II: SCHEDULE OF EVENTS AND TIMELINE

Date	Time	Activities/Events
March 19, 2007	N/A	RFP Issued and Advertised
March 26, 2007	5:00 p.m.	Notice of Intent to Submit an Application to be received by the Coalition
April 9, 2007	5:00 p.m.	All written inquiries to be received by the Coalition
April 16, 2007	10:00 a.m.	Solicitation Question and Answer Meeting
April 27, 2007	5:00 p.m.	Coalition's written responses to inquiries, sent to all Proposers who filed a Notice of Intent to Submit an Application
May 29, 2007	5:00 p.m.	Sealed Applications must be received by the Coalition
May 30, 2007	1:00 p.m.	Public opening of Proposals
May 31, 2007	N/A	Evaluation of proposals, meeting(s) of evaluation committee
June 27, 2007	12:00 Noon	Evaluation presentation and recommendation to Coalition for vote to commence negotiations.
July 16, 2007	N/A	Notification of intent to negotiate posted in local newspapers
July 17, 2007	N/A	Negotiations initiated
July 25, 2007	N/A	Negotiations completed
August 29, 2007	12:00 Noon	Coalition meets to approve Contract(s)
Sept. 10, 2007	N/A	Contract performance begins
June 30, 2008		Contract deliverables completed
August 31, 2008		Monitoring results of deliverables provided and contract ends

*Certified Minority Business Enterprises are encouraged to participate in any Solicitation Meetings that are held.

**Attendance at the Solicitation Meeting is not required for acceptance of proposals.

Contact Person: The contact person for proposers/potential contractors is:

Padma Rajan, Director of Programs
 Early Learning Coalition of Duval
 6850 Belfort Oaks Place, Suite 102
 Jacksonville, FL 32216
 (904)208-2040, ext. 202
 Email: prajan@elcofduval.org

No verbal inquiries will be accepted. Written questions from prospective contractors will be accepted in letter form or by email by the contact person through the date specified above under Schedule of Events and Timeline (refer to Deadline for Submission of Written Inquiries). The Coalition bears no responsibility for any delays, or resulting impacts, associated with a prospective contractor's receipt of this information. **INFORMATION WILL NOT BE AVAILABLE BY PHONE.** Any information received through oral communication shall not be binding and shall not be relied upon by any prospective contractor.

Communication will be deemed as received only after the Coalition sends a confirmation receipt either via email or in letter form, to prospective contractors.

Accommodation of Disability: If an accommodation is needed for a disability in order to participate in this solicitation, please contact the individual as specified above under Contact Person.
Modification and/or Withdrawal of Proposals: Any modification of a proposal, except a modification resulting from a request of the Coalition, must be received by the Closing Date for Receipt of Proposals. An offeror may not modify its proposal after proposal opening.

Proposals may be withdrawn, by written or notice, within 72 hours after the date and time of proposal opening, provided that the offeror supplies proof of the impossibility to perform based upon an obvious error on the part of the offeror.

Protests: Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Written notices, formal protests and proceedings must conform with Sections 120.57(3) and 287.042(2), Florida Statutes. Failure to supply the required bond shall result in rejection of the protest without leave to amend.

PETER R. BROWN CONSTRUCTION, INC.

Notice of Request for Proposals

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the District School Board of Pasco County Raymond B. Stewart Middle School Music Building Addition hereby solicits sealed proposals for the referenced project in accordance with the proposal documents.

This phase of construction will include the demolition of the existing 2,300 sq. ft. Music building and the construction of a new 4,000 sq. ft. Music building at the existing Raymond B. Stewart Middle School campus. Site work to accommodate the new building will include the expansion of the existing storm water system, additional parking, sidewalks, sod and irrigation. The building will be a pre-engineered metal building system with a standing seam metal roof, and CMU walls with brick and stucco veneers. Interior finishes shall include standard school finishes including but not limited to drywall partitions, acoustical ceilings, resinous flooring, VCT and painting. Additional items include school related accessories, audio-visual equipment, instrumental storage lockers, plumbing, HVAC and electrical systems.

Please Note: The Jessica Lunsford Act will be in effect for this project.

A pre-proposal meeting will be held at on Tuesday April 3, 2007 at 10:30 a.m. (Local Time), at the following location:

Raymond B. Stewart Middle School
 38505 Tenth Avenue
 Zephyrhills, FL 33542

Deadline for receipt of All Proposal Packages has been set for 2:00 p.m., on Thursday April 26, 2007. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All contractors must complete be pre-qualified or have completed the pre-qualification process within the last year. Any proposals received without meeting pre-qualification criteria prior to the proposal due date will be returned unopened. Please contact the following person to obtain information or documents about the pre-qualification requirements for this project:

Jenny Sanchez, Estimating Assistant
 Phone: (727)535-6407
 Fax: (727)539-8485

The District School Board of Pasco County and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

One set of plans and specifications will be supplied to all pre-qualified trade contractors at no cost. Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

The District School Board of Pasco County and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Construction Manager, in writing within seven (7) calendar days of the proposal due date. The Owner and Architect will not accept calls regarding this project.

LAKE COUNTY SCHOOL READINESS COALITION, INC. D/B/A EARLY LEARNING COALITION OF LAKE COUNTY

NOTICE OF INVITATION TO NEGOTIATE

ITN DOCUMENT NUMBER: ELCLCITN-2007-2008-001

Title: School Readiness and Voluntary Pre-Kindergarten Services

The Purpose:

The EARLY LEARNING COALITION OF LAKE COUNTY INC. has released an Invitation to Negotiate in an effort to enter into an agreement with an agency or several agencies to

perform early care and education services for children of Lake County ages 0-12 for fiscal year 2007-2008 (July 1, 2007 – June 30, 2008).

Services include four components:

1. Child Care Resource and Referral, Child Care, Eligibility and Enrollment Management and Provider Fiscal and Administrative Services
2. Early Care and Educational Support Services
3. Child Development Services, and
4. Voluntary Pre-Kindergarten Services Child Care Eligibility and Payment Administration Services and Early Care and Education Support Services

Total annualized contract amount is approximately \$11.5 million.

Letters of Intent to Submit are due to the Coalition by March 26, 2007 at 3:00 p.m. An Applicant's Conference will be held on April 5, 2007. Deadlines for all applications will be April 27, 2007 at 12:00 Noon. Results will be posted on June 10, 2007.

For information regarding this ITN, please contact:

Lesha Coffield at (352)435-0566. The ITN is available electronically at www.elclc.org

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

Request for Proposals (RFP) Due Processes for Florida Students with Disabilities – White Paper

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability of a Request for Proposals (RFP). Copies of the RFP can be downloaded for the FDDC website www.fddc.org or copies may be requested by writing FDDC at 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301; or calling (850)488-4180; 1(800)580-7801 (Toll Free); 1(888)488-8633 (TDD). To register to receive electronic mail (email) notices of future RFPs, please visit our website www.fddc.org and click on the "RFPs" button near the top of the page, then click on the "sign up" button and follow the directions.

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2007-CD-5800) is released in order to further the Council's efforts to provide information to public and private agencies, stakeholder organizations and the general public to educate, advocate and inform them on policies, laws, and issues affecting individuals with developmental disabilities and their families. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this RFP. Interested parties should obtain a copy of RFP ##2007-CD-5800 for specific information related to funding amounts.

Submission of written questions and letters of intent are encouraged of all prospective proposers. The deadline for submitting written questions and letters of intent for this RFP is

Friday, April 13, 2007, by 4:00 p.m. (EST). Letters of intent will only be accepted by fax, mail, or hand delivery. Letters of intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of April 30, 2007. The deadline for submitting proposals for this RFP to FDDC is Friday, June 1, 2007 by 2:00 p.m. (EST).

THE ABOVE ANNOUNCEMENT WILL APPEAR IN THE F.A.W. AND THE FDDC WEB PAGE (fddc.org) ON
March 16, 2007

PLEASE FORWARD ALL REQUESTS FOR COPIES OF THIS RFP TO MISTY GRIMM
QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS AND WE CANNOT ANSWER QUESTIONS VERBALLY.

PINELLAS COUNTY SCHOOLS

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 1:00 p.m. (Local Time), on March 14, 2007 for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the scope listed below.

Re-Roofing Buildings and Covered Walkways

Bid# 07-968-596

Eisenhower Elementary School, 2800 Drew St., Clearwater, FL 33759

SCOPE OF PROJECT: This bid will select a Prime Contractor being a "Roofing Contractor". The work shall consist of furnishing all materials, labor, tools, equipment and supervision required to demolish existing roofing on buildings 1 and 2, installation of new roof and refurbishing covered walkways. This project requires Bid and Performance Security. **BID AND PERFORMANCE SECURITY:** Bid and Performance Security is required with this bid.

LICENSING REQUIREMENTS: A "Roofing Contractor" with the license of "CC" and/or "RC" in accordance with State of Florida Department of Business and Professional Regulation; Division of Professions, and appropriate licensing with the Pinellas County Construction Licensing Board. Minimum (5) five-years of experience. All Contractors/Sub-Contractors shall have a permanent office in Florida.

PRE-BID CONFERENCE: A pre-bid conference will be held at the Main Office in Eisenhower Elementary School, 2800 Drew St., Clearwater, FL 33759 on February 20, 2007, at 10:00 a.m. Attendance at this pre-bid conference is MANDATORY: Plans and/or specifications are available at no-charge at the office of:

Purchasing Department
Walter Pownall Service Center
11111 So. Belcher Road
Largo, FL 33773
(727)547-7230

The Owner reserves the right to reject all bids.

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

DR. CLAYTON WILCOX SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	NANCY N. BOSTOCK CHAIRMAN MARK C. LINDEMANN DIRECTOR, PURCHASING
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Section XII Miscellaneous

DEPARTMENT OF TRANSPORTATION

Airport Site Approval Order

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Junior Achievement Heli-stop, a private airport, in Broward County, at Latitude 26° 14' 40.4" and Longitude 80° 10' 11.9", to be owned and operated by Ms. Melissa Aiello, 2335 E. Atlantic Blvd. Suite 200, Pompano Beach, FL 33062.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450.

Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

Airport Site Approval Order

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Kathrinstadt, a private airport, in St. Johns County, at Latitude 29° 38' 7" and Longitude 81° 27' 55", to be owned and operated by Mr. John Russell, 10460 Turpin Ave., Hastings, FL 32145.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

Airport Site Approval Order

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

South Lake Hospital Helipad, a private airport, in Lake County, at Latitude 28° 33' 18" and Longitude 81° 43' 24", to be owned and operated by Ms. B. Martel, 1099 Citrus Tower Blvd., Clermont, FL 34711.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of

Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Hyosung Motors America, Inc., intends to allow the establishment of All About Scooters, LLC, as a dealership for the sale of Hyosung motorcycles at 2312 Apalachee Parkway #10, Tallahassee (Leon County), Florida 32301, on or after March 6, 2007.

The name and address of the dealer operator(s) and principal investor(s) of All About Scooters, LLC are dealer operator(s): Leroy E. Smith, 756 Rhoden Cove Road, Tallahassee, Florida 32312, Susan D. Smith, 756 Rhoden Cove Road, Tallahassee, Florida 32312; principal investor(s): Leroy E. Smith, 756 Rhoden Cove Road, Tallahassee, Florida 32312, Susan D. Smith, 756 Rhoden Cove Road, Tallahassee, Florida 32312.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License

Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Edward Park, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), JAG Power Sports d/b/a CPI-USA, intends to allow the establishment of Cahill's Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by CPI Motor Co. (CPIU) at 8920 North Armenia Avenue, Tampa (Hillsborough County), Florida 33604, on or after March 5, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Cahill's Motorsports, LLC are dealer operator(s): Daniel Ridgeway, 8920 North Armenia Avenue, Tampa, Florida 33604; principal investor(s): Daniel Ridgeway, 8920 North Armenia Avenue, Tampa, Florida 33604.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Patricia Wei, JAG Power Sports d/b/a CPI-USA, 1875 Walnut Hill Lane, #120, Irving, Texas 75038.

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 (2005), JAG Power Sports d/b/a CPI-USA, intends to allow the establishment of Cahill's Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by CPI Motor Co. (CPIU) at 8820 Gall Boulevard, Zephyrhills (Pasco County), Florida 33541, on or after March 5, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Cahill's Motorsports, LLC are dealer operator(s): Daniel Ridgeway, 8820 Gall Boulevard, Zephyrhills, Florida 33541; principal investor(s): Daniel Ridgeway, 8820 Gall Boulevard, Zephyrhills, Florida 33541.

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: Patricia Wei, JAG Power Sports d/b/a CPI-USA, 1875 Walnut Hill Lane, #120, Irving, Texas 75038.

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 (2005), Bajaj USA, LLC, intends to allow the establishment of Discount Scooters, Inc., as a dealership for the sale of Shanghai Meitian (MEIT) motorcycles and Bajaj (BAJA) motorcycles at 5908 North Armenia Avenue, Tampa (Hillsborough County), Florida 33603, on or after February 21, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Discount Scooters, Inc. are dealer operator(s): Brooke S. Gentile, 4714 South Trask Street, Apartment 34, Tampa, Florida 33611 and Tyde S. Gentile,

14515 Knoll Drive, Tampa, Florida 33624; principal investor(s): Brooke S. Gentile, 4714 South Trask Street, Apartment 34, Tampa, Florida 33611 and Tyde S. Gentile, 14515 Knoll Drive, Tampa, Florida 33624.

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: Florence Kolvites, Bajaj USA, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

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 (2005), Hyosung Motors America, Inc., intends to allow the establishment of James Sursely d/b/a Action Orlando Motorsports, as a dealership for the sale of Hyosung motorcycles at 306 West Main Street, Apopka (Orange County), Florida 32712, on or after February 21, 2007.

The name and address of the dealer operator(s) and principal investor(s) of James Sursely d/b/a Action Orlando Motorsports are dealer operator(s): James Sursely, 1546 Ferendina Drive, Deltona, Florida 32725; principal investor(s): James Sursely, 1546 Ferendina Drive, Deltona, Florida 32725.

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 US Mail to: Edward Park, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Coast 2 Coast Choppers, Inc., intends to allow the establishment of RP Custom, Inc., as a dealership for the sale of Coast 2 Coast Chopper motorcycles (CTCC) at 8143 Ulmerton Road, Largo (Pinellas County), Florida 33771, on or after February 23, 2007.

The name and address of the dealer operator(s) and principal investor(s) of RP Custom, Inc. are dealer operator(s): Roy Badie, 400 Harbor View Lane, Largo, Florida 33770; principal investor(s): Roy Badie, 400 Harbor View Lane, Largo, Florida 33770.

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: Bill F. Neely, President, Coast 2 Coast Choppers, Inc., 1476 North Goldenrod Road, Suite 310, Orlando, Florida 32807.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

LAND AND WATER ADJUDICATORY COMMISSION

AMENDED NOTICE OF RECEIPT OF PETITION
TUSCANY COMMUNITY DEVELOPMENT DISTRICT
(Amended as to Hearing Date)

On August 25, 2006, the Florida Land and Water Adjudicatory Commission (the "Commission") received a Petition to adopt an amendment to Chapter 42GG-1, F.A.C., to amend the boundary of the Tuscany Community Development District (the "District") pursuant to Chapter 190, F.S. The Petition was supplemented on December 1, 2006. Petitioner asserts a copy of the Petition was filed with Citrus County. The Commission will follow the requirements of Chapter 190, F.S., and Chapter 42-1, F.A.C., in ruling on this Petition.

SUMMARY OF CONTENTS OF PETITION: The Petition, as supplemented, was filed by the Tuscany Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition, as supplemented, proposes to modify the land area presently serviced by the District by amending its boundary to add 332.07 acres to the District located solely within Citrus County, Florida. The District currently covers approximately 1,378.86 acres of land and after amendment the District will encompass approximately 1710.93 acres. Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property comprising the expansion parcel. Further, Petitioner indicates the landowners of all the property within the current boundaries of the District are the same landowners whose consent to the creation of the District was documented in the original Petition to establish the District. The consenting landowners within the current District boundaries are also the consenting landowners of all the property within the parcel proposed by the Petition to be added to the District. Each landowner consent documents ownership for all the lands owned, both within the parcel to be added to the District by the Petition and within the current external boundaries of the District. According to the Statement of Estimated Regulatory Costs, although the District's boundary will be expanded through the amendment process, the District's development plan will remain the same as when the District was established. The District will continue to support 4,138 single-family

residential units, 1,258 multi-family residential units, 400 life care center units, 400,000 square feet of business/commercial/office and 41,368 square feet of community/neighborhood services. The 322.07 acre expansion is planned for 842 single-family residential units, which are already included in the above totals. No additional residential or non-residential development is anticipated due to the expansion of the District's boundary. The District intends to finance road, water, wastewater, stormwater, entry monumentation, landscaping, irrigation and recreational facilities in the expansion area.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the Petition, as supplemented, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, F.S. The complete text of the SERC is contained at Exhibit "10" to the Petition, as supplemented. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the households within the geographic area of the amendment. The SERC estimates that rule amendment implementation and enforcement costs to state government entities and Citrus County will be modest and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no negative impact on state and local revenues from the proposed amendment of the rule. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the SERC indicates that to fund the cost of maintaining infrastructure, assessments and fees will be imposed on the District property owners. Finally, the SERC concludes that the amendment of the District's boundary will have no impact on small businesses and should not have negative impact on small counties and cities as defined in Section 120.52, F.S. Citrus County is not a small county as defined by Section 120.52, F.S. The SERC analysis is based on a straightforward application of economic theory and input was received from the District's Engineer and other professionals associated with the District.

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

DATE AND TIME: Thursday, March 22, 2007, 11:15 a.m. (EST)

PLACE: Citrus County Resource Center, Conference Room, 2804 West Marc Knighton Court, Lecanto, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Brian A. Crumbaker or Joseph A. Brown, telephone (850)222-7500, at least five (5) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING: Brian A. Crumbaker or Joseph A. Brown, Hopping Green & Sams, 123 South Calhoun Street,

Tallahassee, Florida 32301; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Healthcare Administration has received an application for services exemption from Florida Hospital – Ormond Memorial in Ormond Beach pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The service category requested is Neurosurgery. 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 at (850)487-2717 or by e-mail at youngj@ahca.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Department of Environmental Protection gives notice of its intent to issue a variance under Section 403.201 of the Florida Statutes (F.S.), from the provisions of paragraph 62-4.244(5)(c), F.A.C. to the U.S. Department of Navy, Naval Air Station, P. O. Box 9001, Key West, Florida 33040-90017601, File Number 0207625-008-EV to establish a temporary mixing zone for turbidity greater than 150 meters within an area of Class III Waters located in the Straits of Florida, where it passes through the Florida Keys National Marine Sanctuary, which is classified as an Outstanding Florida Waterbody.

The existing ambient water quality within the temporary mixing zone located in Outstanding Florida Waters shall not be lowered as a result of the dredging activities for a period greater than 30 days. The U.S. Department of the Navy shall abide by the conditions of Environmental Resource Permit 0207625-002-EM (as modified) as specified in the subject variance.

There is no practical means known for adequate control of elevated turbidity given the exceptional ecological nature of the receiving waters. Therefore, the Department intends to issue a variance, pursuant to Section 403.201(1)(a), F.S., for a temporary mixing zone for turbidity greater than 150 meters within an area of Class III Waters within an Outstanding Florida Waterbody for a period not to exceed thirty days.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the

Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida, (850)413-7765.

Under this intent to issue, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051 of the Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57 of the Florida Statutes as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention

will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the F.A.C.

In accordance with subsection 28-106.111(2) and sub-paragraph 62-110.106(3)(a)4., F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3) of the Florida Statutes, must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301 of the

F.A.C. Under Sections 120.569(2)(c) and (d), of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a) of the Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68 of the Florida Statutes, by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

DEPARTMENT OF HEALTH

On March 6, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Adrienne Angeline Brissaud, R.N., license number RN 9177036. This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

NOTICE IS HEREBY GIVEN that the Office of Insurance Regulation, Financial Services Commission, received on February 21, 2007, a petition from First American Title Insurance Company for a rate deviation, under Section 627.783, Florida Statutes, from rates promulgated in Rules 69O-186.003 and 69O-186.005, F.A.C., for issuance of endorsements. The petition has been assigned OIR #89408-07. Copies may be received from, and written comments submitted

to: Jamie Metz Sweeney, Assistant General Counsel, Office of Insurance Regulation, Regulatory Section, Legal Services Office, 200 East Gaines Street, Tallahassee, FL 32399-4206, (850)413-4108, Fax (850)922-2543, or by E-mail to Jamie.metz@fldfs.com. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, F.A.C., any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida, 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 P.M., April 6, 2007):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Commercial Bank of Florida (Commercial Bankshares, Inc.) Miami, Florida
 Proposed Purchaser: The Colonial BancGroup, Inc., Montgomery, Alabama
 Received: February 28, 2007

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: United Heritage Bank, Longwood, Florida
 Proposed Purchaser: Fidelity Southern Corporation, Atlanta, Georgia
 Received: March 1, 2007

APPLICATION TO MERGE

Constituent Institutions: Achieva Credit Union, Largo, Florida, and Dunedin Municipal Employees Federal Credit Union, Dunedin, Florida
 Resulting Institution: Achieva Credit Union
 Received: March 7, 2007

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN February 26, 2007
 and March 2, 2007

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION
Education Practices Commission

6B-11.007	3/2/07	3/22/07	33/4	
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DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission

11B-14.002	3/1/07	3/21/07	32/50	
11B-14.003	3/1/07	3/21/07	32/50	
11B-18.004	3/1/07	3/21/07	32/50	
11B-18.005	3/1/07	3/21/07	32/50	
11B-18.0052	3/1/07	3/21/07	32/50	
11B-20.001	3/1/07	3/21/07	32/50	
11B-20.0012	3/1/07	3/21/07	32/50	
11B-20.0013	3/1/07	3/21/07	32/50	
11B-20.0014	3/1/07	3/21/07	32/50	
11B-20.0017	3/1/07	3/21/07	32/50	
11B-21.002	3/1/07	3/21/07	32/50	
11B-21.005	3/1/07	3/21/07	32/50	
11B-27.0011	3/1/07	3/21/07	32/50	
11B-27.002	3/1/07	3/21/07	32/50	
11B-27.0021	3/1/07	3/21/07	32/50	
11B-27.00212	3/1/07	3/21/07	32/50	
11B-27.0022	3/1/07	3/21/07	32/50	
11B-27.005	3/1/07	3/21/07	32/50	
11B-27.013	3/1/07	3/21/07	32/50	
11B-30.006	3/1/07	3/21/07	32/50	
11B-30.007	3/1/07	3/21/07	32/50	
11B-30.0071	3/1/07	3/21/07	32/50	
11B-30.008	3/1/07	3/21/07	32/50	
11B-30.009	3/1/07	3/21/07	32/50	
11B-30.011	3/1/07	3/21/07	32/50	
11B-30.012	3/1/07	3/21/07	32/50	
11B-35.001	3/1/07	3/21/07	32/50	
11B-35.0011	3/1/07	3/21/07	32/50	
11B-35.002	3/1/07	3/21/07	32/50	
11B-35.0021	3/1/07	3/21/07	32/50	
11B-35.0024	3/1/07	3/21/07	32/50	
11B-35.003	3/1/07	3/21/07	32/50	
11B-35.006	3/1/07	3/21/07	32/50	
11B-35.007	3/1/07	3/21/07	32/50	
11B-35.009	3/1/07	3/21/07	32/50	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Division of Criminal Justice Information Systems

11C-4.003	3/1/07	3/21/07	32/50	
11C-4.004	3/1/07	3/21/07	32/50	
11C-7.008	3/1/07	3/21/07	32/50	

Division of Local Law Enforcement Assistance

11D-6.001	3/1/07	3/21/07	32/50	
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Medical Examiners Commission

11G-2.002	3/1/07	3/21/07	32/50	
11G-2.006	3/1/07	3/21/07	32/50	

Office of Inspector General

11N-1.002	3/1/07	3/21/07	32/50	
11N-1.0031	3/1/07	3/21/07	32/50	
11N-1.004	3/1/07	3/21/07	32/50	
11N-1.005	3/1/07	3/21/07	32/50	
11N-1.0051	3/1/07	3/21/07	32/50	
11N-1.007	3/1/07	3/21/07	32/50	
11N-1.009	3/1/07	3/21/07	32/50	

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

15A-9.001	3/2/07	3/22/07	32/44	
15A-9.002	3/2/07	3/22/07	32/44	
15A-9.003	3/2/07	3/22/07	32/44	
15A-9.0041	3/2/07	3/22/07	32/44	

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

29F-1.103	2/28/07	3/20/07	32/48	
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DEPARTMENT OF JUVENILE JUSTICE

Detention Services

63G-1.005	2/27/07	3/19/07	33/3	
63G-1.008	2/27/07	3/19/07	33/3	

FINANCIAL SERVICES COMMISSION

OIR Insurance Regulation

69O-186.017	3/2/07	3/22/07	32/47	33/3
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