

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Environmental Services

RULE NOS.:	RULE TITLES:
5E-14.102	Definitions
5E-14.105	Contractual Agreements in Public's Interest – Control and Preventive Treatment for Wood-Destroying Organisms
5E-14.110	Fumigation Requirements – Notices
5E-14.111	Fumigation Requirements – Application; Restrictions and Precautions
5E-14.112	Fumigation Requirements – Prefumigation Inspections, Evacuation, Warning Notices (Signs), Special Safety Precautions and Responsibilities
5E-14.142	Responsibilities and Duties – Records, Reports, Advertising, Applications

**PURPOSE AND EFFECT:** The purpose of the rule amendment is to clarify the definition of a “connected structure” and delineate requirements for structural connections which have not previously been provided in rule for fumigation pest control, alert consumers to the possibility that fumigations may be performed by a subcontracted company; appropriately address the need to provide the department prior notice of a fumigation as well as set forth new requirements for emergency information required on fumigation signage; provide fumigator’s the option of using the chloropicrin warning agent at label prescribed rates; and require records be maintained with respect to cylinder usage as part of the overall fumigation record keeping.

**SUBJECT AREA TO BE ADDRESSED:** Fumigation operations.

**SPECIFIC AUTHORITY:** 482.051 FS.

**LAW IMPLEMENTED:** 482.051(1), 482.051(3), 482.051(4), 482.152, 482.241, 482.071, 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS., Section 1, Chapter 92-203, Laws of Florida.

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

**DATE AND TIME:** October 10, 2007, 10:00 a.m.

**PLACE:** The Mid-Florida Research and Education Center, Room 185, 2725 Binion Road, Apopka, Florida

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

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

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-14.142	Responsibilities and Duties – Records, Reports, Advertising, Applications

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to add an amendment that will accommodate newer phone communication technology in the conduct of pest control by removing a requirement for a phone terminating in the licensed business location, while providing for accountability for pest control sales calls. This will allow the use of cell phones which are increasingly important for pest control operators.

**SUBJECT AREA TO BE ADDRESSED:** Responsibilities and Duties – Records, Reports, Advertising, Applications.

**SPECIFIC AUTHORITY:** 482.051 FS.

**LAW IMPLEMENTED:** 482.051, 482.021(21) FS.

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

**DATE AND TIME:** October 10, 2007, 3:00 p.m.

**PLACE:** The Mid-Florida Research and Education Center, Room 185, 2725 Binion Road, Apopka, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Steve Dwinell, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399; telephone (850)488-7447

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

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-14.142	Responsibilities and Duties – Records, Reports, Advertising, Applications

**PURPOSE AND EFFECT:** The purpose of the rule amendment is to clarify expectations of a Wood-Destroying Organisms Inspection Report to consumers and address the need to better document conditions within a structure with respect to wood-destroying organisms for the purposes of a real estate transaction and when a fee is charged for the inspection or a written report requested by the consumer.

**SUBJECT AREA TO BE ADDRESSED:** Wood-Destroying Organisms Inspection Report Form 13645.

**SPECIFIC AUTHORITY:** 482.051 FS.

**LAW IMPLEMENTED:** 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS.

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

**DATE AND TIME:** October 10, 2007, 1:00 p.m.

**PLACE:** The Mid-Florida Research and Education Center, Room 185, 2725 Binion Road, Apopka, Florida

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

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Licensing**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
5N-1.140	School Curriculum; Examinations; Retention of Records

**PURPOSE AND EFFECT:** The purpose is to amend Rule 5N-1.140, F.A.C., to establish the general content of a 40-hour private investigative intern course; and to add a form for use by the school, community college, college or university to prove successful completion of each part of the approved course and passage of any required examination for a private investigative intern. The effect is to implement 2007 Laws of Florida, s. 1, Ch. 2007-232.

**SUBJECT AREA TO BE ADDRESSED:** Development of the content of a private investigative intern course.

**SPECIFIC AUTHORITY:** Section 1, Ch. 2007-232, Laws of Florida.

**LAW IMPLEMENTED:** 493.6203(6)(b) FS. (2007)

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

**DATE AND TIME:** November 15, 2007, 8:30 a.m.

**PLACE:** Hawthorn Suites Orlando Airport, Ballroom, 7450 Augusta National Drive, Orlando, FL 32822; telephone: (407)438-2121

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** John V. McCarthy, Assistant General Counsel, Division of Licensing, Department of Agriculture and Consumer Services, 2520 North Monroe Street, Tallahassee, FL 32303; telephone: (850)245-5506; Fax: (850)245-5505

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
6A-6.03028	Development of Individual Educational Plans for Students with Disabilities
6A-6.030281	Development of Services Plans for Students with Disabilities Enrolled in Private School by Their Parents and Provided with Specially Designed Instruction and Related Services by the Local School Board
6A-6.0331	Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction
6A-6.03311	Procedural Safeguards for Students with Disabilities
6A-6.03312	Discipline Procedures for Students with Disabilities
6A-6.03314	Procedural Safeguards for Students with Disabilities Enrolled in Private Schools by Their Parents
6A-6.0333	Surrogate Parents
6A-6.0334	Temporary Assignment of Transferring Exceptional Students
6A-6.03411	Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students

**PURPOSE AND EFFECT:** The purpose of the rule development is to incorporate the changes made to the Individuals with Disabilities Education Act of 2004 (IDEA) and the 2006 federal regulations.

**SUBJECT AREA TO BE ADDRESSED:** The rules address exceptional student education including, but not limited to, the development of Individual Educational Plans for students with disabilities; the general education interventions, evaluation, eligibility and reevaluation of students with disabilities; discipline procedures; procedural safeguards; development of service plans for students with disabilities enrolled in private schools by their parents; surrogate parents; transfer of students with disabilities from other school districts or other states; and, policies and procedures for the provision of services.

SPECIFIC AUTHORITY: 1003.57 FS.

LAW IMPLEMENTED: 20 U.S.C. Section 1408 et seq., Individuals with Disabilities Education Act of 2004

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

DATES AND TIMES: October 10, 2007, 11:30 a.m. – 1:30 p.m.; October 12, 2007, 11:30 a.m. – 1:30 p.m.; October 15, 2007, 11:30 a.m. – 1:30 p.m.

PLACE: October 10, 2007 – Schultz Center for Teaching and Leadership, 4019 Boulevard Center Drive, Jacksonville, Florida 32207

October 12, 2007 – Polk County School Board, Jim Miles Professional Development Center, 5204 US Highway 98 South, Lakeland, Florida 33812

October 15, 2007 – Department of Education, Turlington Building; Room 1725, 325 W. Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kim Komisar, Program Director, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Room 614, Tallahassee, Florida 32339-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on the Bureau website at [www.fldoe.org/ese](http://www.fldoe.org/ese) under *Topics of Special Interest*. Comments may be made online or forwarded to the Florida Department of Education, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Room 614, Tallahassee, Florida 32339-0400, Attention: Kim Komisar

## DEPARTMENT OF EDUCATION

### Florida School for the Deaf and the Blind

RULE NO.: 6D-12.002                      RULE TITLE: Campus Security/Police Department

PURPOSE AND EFFECT: This rule establishes the guidelines for the Campus Security/Police Department of the Florida School for the Deaf and the Blind and shows that the Policies and Procedures Manual of this Department have been reviewed and revised.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Campus Security/Police Policies and Procedures Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(8)(f) 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: Elaine F. Ocuto. If you are 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: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

## DEPARTMENT OF LAW ENFORCEMENT

### Criminal Justice Standards and Training Commission

RULE NO.:	RULE TITLE:
11B-27.014	Implementation of the Federal Law Enforcement Officers Safety Act of 2004

PURPOSE AND EFFECT: To develop requirements for retired law enforcement officers to carry a concealed firearm in Florida under the federal Law Enforcement Officers Safety Act of 2004, as defined in (18 U.S.C.A., §926C).

SUBJECT AREA TO BE ADDRESSED: Retired law enforcement officers carrying a concealed firearm in Florida and the requirements thereof.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.12, 943.132 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: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.014 Implementation of the Federal Law Enforcement Officers Safety Act of 2004.

(1) Requirements to demonstrate the firearms proficiency requirements under the federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C.A. § 926C) in Florida.

(a) To carry a concealed firearm under the Federal Law Enforcement Officers Safety Act of 2004 (“Act”), a qualified retired law enforcement (“retiree”), as defined in 18 U.S.C.A. § 926C, shall show that he or she has demonstrated the firearms proficiency required by the Act within the past twelve months of the time he or she possesses a concealed firearm.

(b) The Act provides the following two methods for a retiree to demonstrate firearms proficiency:

1. One method allows the retiree to return to the agency from which he or she retired to meet the agency’s firearms proficiency standards as applied to the agency’s active officers. Under the Act, an agency has the option to offer this alternative.

2. The second method allows the retiree to meet the minimum firearms standards applied to active law enforcement officers by the state of the retiree’s residence.

(c) For retirees who reside in Florida, the option to meet the state’s minimum firearms standards shall be demonstrated using the Commission’s approved minimum firearms proficiency course of fire (“course of fire”), conducted in a manner specified in paragraph (2)(c) of this rule section, pursuant to the Law Enforcement Officer Firearms Qualification Standard on form CJSTC-86A, incorporated by reference in subsection 11B-27.00212(14), F.A.C.

(2) Requirements for administering the course of fire are as follows:

(a) The range master conducting the course of fire shall be an active Commission-certified firearms instructor pursuant to paragraphs 11B-20.0014(2)(c) or (d), F.A.C.

(b) The range master shall issue a Commission-approved Firearms Proficiency Verification Card, form CJSTC-600, created on July 9, 2007, hereby incorporated by reference, to each retiree who successfully completes the course of fire as required on form CJSTC-86A.

(c) The range master shall maintain the following documentation that is related to the completion of the course of fire for each retiree who successfully completes the course, and the retained documentation shall be subject to audit during regular business hours upon a two-day written notice by Commission staff:

1. Full name of the retiree completing the course of fire.

2. Address of the retiree completing the course of fire.

3. The Course of Fire Proficiency Score. A passing score is a minimum score of 80%, which is 32 of 40 rounds in the scoring area. The scoring shall be any hit that is inside or touches the exterior scoring line of the four and five zone of the B-21E target. The B-21E target is commercially available through retailers.

4. Date the course of fire was completed.

5. Location where the course of fire was conducted.

6. The specific number imprinted on the CJSTC-600 form issued to the retiree who completed the course of fire.

(3) Firing Range Requirements.

(a) The course of fire is authorized to be conducted on any public or private range that meets the shooting distance requirements on form CJSTC-86A.

(b) The owner of a firing range is not required to administer the course of fire on the owner’s firing range.

(c) The retiree shall be responsible for any fee associated with the course of fire.

(4) Issuance and Maintenance of form CJSTC-600.

(a) A request for form CJSTC-600 shall be made in writing to the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Officer Records Section.

1. A Commission-certified firearms instructor is allowed to receive up to 50 each of the CJSTC-600 form, one time a month with each written request, and the request shall include the firearm instructor’s full name, mailing address and physical address if different from the mailing address, telephone number, and the name of the Commission-certified training school, defined as “training school” in subsection 11B-18.003(23), F.A.C., affiliation or criminal justice agency affiliation.

2. A training school is allowed to receive up to 200 each of the CJSTC-600 form one time a month with each written request, and the request shall be made on the training school’s letterhead signed by the training center director.

3. If a retiree loses form CJSTC-600, a replacement card shall not be reissued. The retiree shall be required to complete the course of fire, again, prior to issuing a new CJSTC-600 form.

(b) A Commission-certified firearms instructor shall only issue a CJSTC-600 form for successful completion of the course of fire. Each CJSTC-600 form shall be issued with a specific number imprinted on the form and the firearms instructor shall maintain documentation for a period of two years indicating to whom the CJSTC-600 was issued, which shall be subject to audit by Commission staff during regular business hours upon a two-day written notice by Commission staff.

(c) The CJSTC-600 form shall expire one year from the date the retiree completed the course of fire.

(5) Admission to a range to attempt to complete the course of fire shall be under the terms and conditions of the range master, and solely at the range master’s discretion. Neither state law nor the Act provide a retiree with a right to demand access to a range or an opportunity to attempt the course of fire.

(6) It is not the responsibility of the Commission, any Commission certified firearms instructor, a training school, or any other entity operating a firearms range, at the time of the firearms qualification, to verify or certify that a retiree meets any of the additional requirements of a “qualified retired law

enforcement officer' under the Act. Meeting the Act's qualifications is solely the responsibility of the retiree. The range master is not required to otherwise verify a retiree's status under the Act at the time of the firearms qualification.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.132 FS. History--New

## DEPARTMENT OF REVENUE

### Sales and Use Tax

RULE NO.:                   RULE TITLE:  
12A-1.0142               Refund of Tax Paid on Purchases of  
Equipment, Machinery, and Other  
Materials for Renewable Energy  
Technologies

PURPOSE AND EFFECT: The purpose of the creation of Rule 12A-1.0142, F.A.C. (Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies), is to provide for the administration of Section 212.08(7)(ccc), F.S., created by s. 9, Chapter 2006-230, L.O.F. When adopted, this rule will provide: (1) a list of items for which the refund of sales tax paid is available; (2) the statutory limitation of the amount of refund available; (3) information on how to obtain and to file the application for certification of the items available for a refund of sales tax paid with the Department of Environmental Protection; and (4) the procedures for claiming a refund of sales tax paid on eligible equipment, machinery, and materials used in renewable energy technologies from the Department of Revenue, including the necessary application form and documentation to support the claim for refund.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is proposed procedures and requirements being developed by the Department of Revenue and the Department of Environmental Protection for purposes of administering the refund of Florida sales tax paid on equipment, machinery, and materials used in renewable energy technologies.

SPECIFIC AUTHORITY: 212.08(7)(ccc), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.08(7)(ccc), 377.801-377.806 FS.  
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 8, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jeff Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.0142 Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies.

(1) Who May Claim the Refund. Any applicant who has received approval from the Department of Environmental Protection for purchases of equipment, machinery, and other materials for renewable energy technologies will be allowed a refund of Florida sales and use taxes previously paid, not to exceed the statutory limitations provided in Section 212.08(7)(ccc), F.S.

(a) The refund of Florida sales and use tax previously paid is applicable to the following items:

1. Hydrogen-powered vehicles.
2. Materials incorporated into hydrogen-powered vehicles.
3. Hydrogen fueling stations.
4. Commercial stationary hydrogen fuel cells.
5. Materials used in the distribution of biodiesel (B10-B100) and ethanol (E10-E100), including fueling infrastructure, transportation, and storage for these fuels.

(b) Section 212.08(7)(ccc), F.S., limits the total amount available for a refund of Florida sales and use tax paid to the following:

1. For tax paid on hydrogen-powered vehicles, materials incorporated into hydrogen-powered vehicles, and hydrogen-fueling stations, the total amount available for refund is limited to \$2 million in tax each state fiscal year.
2. For tax paid on commercial stationary hydrogen fuel cells, the total amount available for refund is limited to \$1 million in tax each state fiscal year.
3. For tax paid on materials used in the distribution of biodiesel and ethanol, including fueling infrastructure, transportation, and storage for these fuels, the total amount available for refund is \$1 million in tax each state fiscal year.

(2) Obtaining the Refund.

(a) Taxpayers claiming the refund must first file Form 62-16.900(5), Florida Renewable Energy Technologies Sales Tax Program Application (hereby incorporated by reference).

The application may be obtained, without cost, at [www.dep.state.fl.us/energy](http://www.dep.state.fl.us/energy) or by telephone at (850)245-8002 or by writing to:

Florida Department of Environmental Protection  
ATTN: Renewable Energy Technologies Sales Tax  
Program

Florida Energy Office  
2600 Blair Stone Road, MS-19  
Tallahassee, Florida 32399-2400.

(b) When the Department of Environmental Protection sends written certification to the applicant, approving the refund of Florida sales and use tax, the agency will send a copy of the written certification and all supporting documentation to the Department of Revenue. To obtain a refund of Florida sales and use tax previously paid on purchases of equipment, machinery, and other materials for renewable energy technologies, the applicant must file a completed Application for Refund-Sales and Use Tax (Form DR-26S, incorporated by reference in Rule 12A-1.097, F.A.C.), with a copy of the certification letter from the Department of Environmental Protection. Form DR-26 must be filed with the Department of Revenue within 6 months from the date of the written certification issued by the Department of Environmental Protection approving the refund. The refund claim is limited to the amount certified by the Florida Department of Environmental Protection. Form DR-26S, with a copy of the certification letter, should be mailed to:

Florida Department of Revenue  
Refund Subprocess  
P. O. Box 6490  
Tallahassee, Florida 32314-6490.

Specific Authority 212.08(7)(ccc), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(7)(ccc), 377.801-377.806 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12B-4.014                      RULE TITLE: Conveyances Not Subject to Tax  
 PURPOSE AND EFFECT: The purpose of the proposed repeal of subsection (3) of Rule 12B-4.014, F.A.C. (Conveyances Not Subject to Tax), is to remove provisions stating that a deed filed to correct an error in a prior deed is subject to minimum documentary stamp tax only if the tax was paid on the original deed that were determined to be without sufficient authority by the circuit court judge in 46th Avenue Properties, Inc. v. Department of Revenue (6th Judicial Circuit, Case No. 01-9177 C1-19, Feb. 2, 2003). The effect of the repeal of this subsection is that when tax is not correctly paid on the original deed for which a corrective deed is filed, no additional tax is due on the corrective deed; however, the additional tax remains due on the original deed.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed repeal of obsolete subsection (3) of Rule 12B-4.014, F.A.C. (Conveyances Not Subject to Tax), which limited the payment of the minimum documentary stamp tax on corrective deeds to only when tax was paid on the original deed.

SPECIFIC AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.022, 201.02 FS.

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

DATE AND TIME: October 8, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tim Phillips, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-4.014 Conveyances Not Subject to Tax.

(1) through (2) No change.

~~(3) To Correct Error: Where a conveyance is made to correct a deficiency in a previous deed on which the tax has been paid, only minimum tax is required. (1933 Op. Att’y. Gen. Fla. 1933-34 Biennial Report, Page 50 (April 7, 1933); Letter from the Att’y. Gen. Fla. to State Comptroller (Dec. 10, 1962)).~~

(4) through (15) renumbered (3) through (14) No change.

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

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NOS.: 12C-1.0193                      RULE TITLES: Florida Renewable Energy Production Credit

12C-1.051                                      Forms

PURPOSE AND EFFECT: The purpose of the creation of Rule 12C-1.0193, F.A.C. (Florida Renewable Energy Production Credit), is to provide for the administration of Section 220.193,

F.S. (Florida Renewable Energy Production Credit), created by s. 13, Chapter 2006-230, L.O.F. When adopted, this rule will provide the procedures for applying for an allocation of the Florida renewable energy production credit, for claiming the Florida renewable energy production credit on a Florida Corporate Income Tax Return, and for transferring the Florida renewable energy production credit.

The purpose of proposed Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, new Form F-1193 (Application for Florida Renewable Energy Production Credit Allocation) and new Form F-1193T (Notice of Intent to Transfer Florida Renewable Energy Production Tax Credit), which, effective January 2008, will be used by the Department in the administration of the Florida Renewable Energy Production Credit for corporate income tax purposes.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is proposed procedures and requirements being developed by the Department for purposes of the Florida renewable energy production credit, as provided in Section 220.193, F.S.

**SPECIFIC AUTHORITY:** 213.06(1), 220.193, 220.51 FS.

**LAW IMPLEMENTED:** 213.35, 213.755, 220.03(1), 220.11, 220.12, 220.13(1), (2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

**DATE AND TIME:** October 8, 2007, 10:00 a.m.

**PLACE:** Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Gary Moreland, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4831

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12C-1.0193 Florida Renewable Energy Production Credit.

(1) A Florida Renewable Energy Product Credit is provided in Section 220.193, F.S., for increases of more than five percent (5%) in the production and sale of electrical energy from renewable energy sources at a Florida renewable energy facility. To claim the credit, an Application for Florida Renewable Energy Production Credit Allocation (Form F-1193, incorporated by reference in Rule 12C-1.051, F.A.C.) must be filed with the Department on or before February 1 of each year for an allocation of available credit. The allocation of the available credit is based upon the applicant's production and sales of electricity and the increased production and sales of all applicants during the previous calendar year.

(2) Corporations that increase both production and sales of renewable energy by more than five percent (5%) over the 2005 calendar year for each new or expanded Florida renewable energy facility may submit one application each year for each qualifying facility. A corporation may not transfer its right to apply for a credit to another corporation. Florida Renewable Energy Production credits may only be taken once against the Florida corporate income tax, may not be carried back to an earlier tax year, and must be taken in the order prescribed in Section 220.02(8), F.S. A corporation claiming the credit on its Florida corporate income tax return must add back the amount of the credit to its Florida net income. Credit amounts that are not granted in full or in part due to the annual \$5 million limitation are not eligible for a Florida Renewable Energy Production credit in later years.

(3) The Florida Renewable Energy Production Credit may be transferred in a merger or acquisition. In addition, unused credits may be transferred one time (outside a merger or acquisition) to another corporation in whole or in increments of not less than twenty-five percent (25%) of the remaining credit. Taxpayers are required to file a Notice of Intent to Transfer Florida Renewable Energy Production Tax Credit (Form F-1193T, incorporated by reference in Rule 12C-1.051, F.A.C.) to transfer the unused renewable energy production credits available for transfer. The transfer must be approved by the Department. The transferor and the transferee must execute a written agreement detailing the transfer of the available credit. Within 15 days of receipt of a completed Form F-1193T, the Department will notify the transferor and the transferee of the amount of tax credit authorized for transfer. A copy of the letter from the Department allowing the transfer must be attached by the transferee to the Florida Corporate Income/Franchise and Emergency Excise Tax Return (Form F-1120, incorporated by reference in Rule 12C-1.051, F.A.C.) on which the credit is claimed. The transfer of a credit does not affect the time for taking the credit, and the credit is subject to the same limitations imposed on the transferor.

(4) Every corporation claiming a Florida Renewable Energy Production Credit must retain a copy of the letter received from the Department granting the credit and a

schedule reconciling all credit carryovers, transfers, and sales until tax imposed by Chapter 220, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(5) Corporations that are required to file returns and remit payments by electronic means pursuant to Section 213.755, F.S., and Rule Chapter 12-24, F.A.C., must file Form F-1193 (Application for Florida Renewable Energy Production Credit Allocation) and Form F-1193-T (Notice of Intent to Transfer Florida Renewable Energy Production Credit) electronically with the Department by using the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor). Taxpayers who are not required to file returns and remit payments by electronic means are encouraged, but not required, to file these forms electronically, using the Department's Internet site.

Specific Authority 213.06(1), 220.193, 220.51 FS. Law Implemented 213.35, 213.755, 220.03(1), 220.131, 220.193, 220.44 FS. History--New \_\_\_\_\_.

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

<u>Form Number</u>	<u>Title</u>	<u>Effective Date</u>
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(2) through (13) No change.

<u>(14) F-1193</u>	<u>Application for Florida Renewable Energy Production Credit Allocation (N. 01/08)</u>	_____
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<u>(15) F-1193T</u>	<u>Notice of Intent to Transfer Florida Renewable Energy Production Tax Credit (N. 01/08)</u>	_____
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(14) through (15) renumbered (16) through (17) No change.

Specific Authority 213.06(1), 220.193, 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.193, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History--New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05 5-1-06, 4-5-07, \_\_\_\_\_.

**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**

**Suwannee River Water Management District**

RULE NO.:	RULE TITLE:
40B-1.901	General

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-1, Florida Administrative Code, to adopt the most current version of the Application for General Work of the District Development Permit, incorporated by reference. The effect of the rule will incorporate the updated Application for General Work of the District Development Permit, to conform to Chapter 40B-4, Florida Administrative Code, which was updated in August 2007.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will incorporate by reference the updated Application for General Work of the District Development Permit.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

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

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NO.:	RULE TITLE:
40B-4.2030	Conditions for Issuance of Environmental Resource Permits

PURPOSE AND EFFECT: The purpose of the rule development is to codify road design and construction standards for roads not subject to regulation by units of local government. The effect of the proposed rule amendments will ensure proposed roads satisfy the objectives of District rules.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will codify road design and construction standards for roads not subject to regulation by units of local government.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.413, 373.416, 373.426 FS.



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

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

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-1.6105	Limiting Conditions
40D-1.659	Forms and Instructions

**PURPOSE AND EFFECT:** The amendments incorporate application forms to be used in applying for a water use permit for water withdrawals within the Southern Water Use Caution Area ("SWUCA"). Permitting requirements within the Southern Water Use Caution Area are supplemental to the District-wide water use permitting requirements and require different information at the application stage. The proposed forms facilitate applicants in providing the information required by the SWUCA rules. The amendments also correct form names and punctuation and changes the name of the form used to transfer water use permits.

**SUBJECT AREA TO BE ADDRESSED:** The rulemaking will adopt water use permit application forms for use by applicants in the Southern Water Use Caution Area.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.149, 373.171 FS.

**LAW IMPLEMENTED:** 373.219, 373.413, 373.416 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: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 40D-1.6105 Limiting Conditions.
- (1) No change.

(2) A permit may be assigned to a subsequent owner subject to all terms and conditions contained in such permit upon notification in writing to the Board of such assignment, provided ownership, lease, or other control of all such lands is conveyed to the assignee and further provided that the assignee, by accepting such assignment, does assume responsibility for complying with all such terms and conditions. To assign a permit, a subsequent owner must submit a Notification and Request for Transfer of Environmental Resource Permit, Form No. 04-10R-022 (7/01) or ~~an Application to a Notification and Request for Transfer of a Water Use Permit, Form No. LEG-R002.032 (\_\_\_\_ 10/05),~~ as appropriate, that includes the signature of the permittee(s) or a copy of the legally recorded deed(s) to all of the land covered by the permit. Copies of these forms may be obtained from the District.

(3) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.219, 373.413, 373.416 FS. History--Readopted 10-5-74, Formerly 16J-0.12, Amended 2-10-03, Formerly 40D-0.381, Amended 12-16-97, 8-25-02, 10-19-05, \_\_\_\_\_.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

**GROUND WATER**

(1) APPLICATION FOR WATER WELL CONTRACTOR'S LICENSE, FORM NO. LEG-R003.00 (10/05).

(2) APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR'S LICENSE, FORM NO. LEG-R004.01 (\_\_\_\_).

(3) PROPOSED WELL CONSTRUCTION LOCATION AND DESIGN FORM, FORM NO. LEG-R.006.00 (2/07).

(4) STATE OF FLORIDA PERMIT APPLICATION TO CONSTRUCT, REPAIR, MODIFY OR ABANDON A WELL, FORM NO. 41.10-410(1) REV. 9/04.

(5) WELL COMPLETION REPORT, FORM NO. LEG-R005.00 (10/05).

(6) WELL GROUTING/ABANDONMENT FORM, FORM NO. 41.10-410 (6/01).

(7) WELL VERIFICATION FOR ALL NON-DOMESTIC WELLS LOCATED IN THE MOST IMPACTED AREA OF THE EASTERN TAMPA BAY WATER USE CAUTION AREA, FORM NO. 42.10-005 (10/95).

(8) GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES LESS THAN 100,000 GALLONS PER DAY, FORM NO. WUP-1 FORM 46.20-001 (12/98).

(9) GENERAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 100,000 TO 499,999 GALLONS PER DAY, FORM NO. WUP-2 FORM 46.20-002 (12/98).

(10) INDIVIDUAL WATER USE PERMIT APPLICATION USE FOR QUANTITIES OF 500,000 GALLONS PER DAY OR GREATER, FORM NO. WUP-3 FORM 46.20-003 (12/98).

(11) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – AGRICULTURE, FORM NO. WUP-4 FORM 46.20-004 (09/07+2/98).

(12) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – INDUSTRIAL OR COMMERCIAL, FORM NO. WUP-5 FORM 46.20-005 (12/98).

(13) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – MINING AND DEWATERING, FORM NO. WUP-6 FORM 46.20-006 (12/98).

(14) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – PUBLIC SUPPLY, FORM NO. WUP-7 FORM 46.20-007 (12/98).

(15) WATER USE PERMIT APPLICATION SUPPLEMENTAL FORM – RECREATION OR AESTHETIC, FORM NO. WUP-8 FORM 46.20-008 (12/98).

(16) MODIFICATION SHORT FORM, FORM NO. 42.00-034 (3/00).

(17) AGRICULTURAL WATER USE FORM – SEASONAL REPORT, FORM NO. WUP-14.1 (1/93).

(18) AGRICULTURAL WATER USE FORM – ANNUAL REPORT, FORM NO. WUP-15 (1/93).

(19) AGRICULTURAL WATER ALLOTMENT FORM, FORM NO. WUP-16 (8/90).

(20) ~~APPLICATION TO NOTIFICATION AND REQUEST FOR TRANSFER OF A WATER USE PERMIT,~~ FORM NO. LEG-R002.032 (09/07+0/05).

(21) SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.007.00 (09/07).

(22) ALTERNATIVE WATER SUPPLY SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.009.00 (09/07).

(23) NET BENEFIT SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.010.00 (09/07).

(24) SOUTHERN WATER USE CAUTION AREA GROUND WATER REPLACEMENT CREDIT APPLICATION, FORM NO. LEG-R.011.00 (09/07).

(25) PUBLIC SUPPLY SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.012.00 (09/07).

**SURFACE WATER**

(1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.351	Transfer of Permits

**PURPOSE AND EFFECT:** The amendments delete a form no longer needed and change the name of the form used to request a transfer of a water use permit. The amendments also add a reference to the District rule where water use permit application forms can be found and explain which application and supplemental form to use when applying for a water use permit for water withdrawals within the Southern Water Use Caution Area (“SWUCA”).

**SUBJECT AREA TO BE ADDRESSED:** The proposed rules explain which water use permit application forms applicants in the Southern Water Use Caution Area should use, delete one form and change the name of another form.

**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.

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: Karen A. Lloyd, Assistant Deputy Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) Part B, "Basis of Review for Water Use Permit Applications" (~~8/07~~) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area populations in the Southern Water Use Caution Area (1/07), of the Water Use Permitting Manual;

(2) ~~"Standby Alternative Source" Form 48-10.009 (10/01) WUP-9;~~

(3) through (6) renumbered (2) through (5) No change.

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. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, \_\_\_\_\_.

40D-2.101 Content of Application.

In order to obtain a Water Use Permit, an applicant shall file with the District the appropriate form entitled "Water Use Permit Application" including the appropriate supplemental forms. The Application shall include the following information:

(1) No change.

(2) Information required on the appropriate Water Use Permit Application and supplemental forms listed in Rule 40D-1.659, F.A.C., GROUND WATER (8)-(15), (21)-(25) numbered WUP-1 through WUP-16.

(3) through (7) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.229 FS. History—Readopted 10-5-74, Amended 10-24-76, 1-6-82, 2-14-82, 10-1-89, 10-23-89, 2-10-93, 1-1-03. Formerly 16J-2.06. Amended 10-1-89, 10-23-89, 2-10-93, 7-15-99, 1-1-03, 1-1-07, \_\_\_\_\_.

40D-2.351 Transfer of Permits.

(1) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue an existing, permitted water use and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of such water withdrawal facilities or such land. The applicant shall request such transfer using the "Application to a ~~Notification and Request for Transfer of a Water Use Permit~~", Form No. LEG-R002.032 (09/07 ~~10/05~~). The District will transfer the permit provided all aspects of the permit except for ownership remain the same. All terms and conditions of the permit shall become binding on the transferee.

(2) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.219 FS. History—New 10-1-89, Amended 2-10-93, 3-30-93, 2-1-05, 10-19-05, \_\_\_\_\_.

The following provisions are incorporated into District rules by reference in 40D-2.091, F.A.C.:

BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS  
CHAPTER 1

1.4 APPLICATION FORMS

Permit Applicants ~~shall~~ ~~should~~ submit the Water Use Individual Permit Application Form appropriate to the annual average quantities requested, as provided in subsections 40D-1.659(8), (9), and (10), F.A.C. Applicants for 100,000 gpd or more annual average quantities shall also submit and the Water Use Permit Application Information Supplemental Form applicable to their water use type, as provided in Rule 40D-1.659(11) through (15), F.A.C. Applicants for a Letter Modification to their water use permit shall submit, or the General Permit Application or the Modification Short Form, referenced in subsection 40D-1.659(16), F.A.C.; as appropriate. Information supplements include the following:

- ~~1. Agriculture, Form WUP-4~~
- ~~2. Industrial or Commercial, Form WUP-5~~
- ~~3. Mining or Dewatering, Form WUP-6~~
- ~~4. Public Supply, Form WUP-7~~
- ~~5. Recreation or Aesthetic, Form WUP-8~~
- ~~6. Standby Alternative Source, Form 48-10.009 Form WUP-9, (10/01)~~
- ~~7. Irrigation Water Use Form — Annual Crops Form 46.20-010 WUP-10 (10/01);~~
- ~~8. Irrigation Water Use — Annual Recreational /Aesthetic/Golf Form 46.20-009 WUP-11 (10/01);~~
- ~~9. Irrigation Water Use — Summer & Fall Seasonal; 46.20-011 WUP-13 (10/01); and~~
- ~~10. Irrigation Water Use — Winter & Spring Seasonal; 46.20-012 Form WUP-12 (10/01)~~

These forms may be obtained from any District Service Office, or from the District website.

~~No.'s 6-10; New 1-1-03, Amended \_\_\_\_\_.~~

1.4.1 SWUCA APPLICATION FORMS

All Permit Applicants in the SWUCA shall submit the "Supplemental Form – Southern Water Use Caution Area", Form No. LEG-R.007.00 (09/07), in addition to the appropriate application and supplemental form(s) described in section 1.4, above. Applicants for public supply quantities of 100,000 gallons per day or more, including water imported wholesale, shall submit the "Public Supply Supplemental Form – Southern Water Use Caution Area", Form No. LEG-R.012.00 (09/07). Permit Applicants in the SWUCA shall also submit the following application and supplemental forms as appropriate for their situation and intended water use type as described in Chapters 3 and 4 of Part B of this Basis of Review for Water Use Permit Applications" ( ), of the Water Use Permitting Manual:

1. “Alternative Water Supply Supplemental Form – Southern Water Use Caution Area”, Form No. LEG-R.009.00 (09/07);

2. “Net Benefit Supplemental Form – Southern Water Use Caution Area”, Form No. LEG-R.010.00 (09/07); and

3. “Southern Water Use Caution Area Ground Water Replacement Credit Application”, Form No. LEG-R.011.00 (09/07).

New \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                    RULE TITLE:

40D-2.302                    Reservations From Use

PURPOSE AND EFFECT: The amendment will establish a reservation of water from the Morris Bridge Sink in Hillsborough County, Florida to be used to as necessary to contribute to achieving or maintaining the minimum flows for the Lower Hillsborough River.

SUBJECT AREA TO BE ADDRESSED: Establishment of a reservation from water use permitting of water from the Morris Bridge Sink in Hillsborough County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.0421, 373.223(4) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.302 Reservations From Use.

(1) All available water from the Morris Bridge Sink but not greater than 3.9 million gallons of water on any given day is reserved to be used to contribute to achieving or maintaining the Minimum Flows for the Lower Hillsborough River set forth in 40D-8.041, F.A.C. The Morris Bridge Sink is located in Section 5, Township 28S, Range 20E, approximately 0.6 miles south of the Hillsborough River and 0.5 miles north of Cow House Creek in Hillsborough County, Florida.

(2) The Governing Board anticipates reserving from use water necessary to recover to, and protect, the Minimum Flows and Levels established for the Southern Water Use Caution Area as set forth in Chapter 40D-8, F.A.C. These reservations will be adopted through future rulemaking on a case-by-case

basis, to address water that is developed through water resource development projects designed to achieve and maintain Minimum Flows and Levels. Adopted reservations will be incorporated into this Rule 40D-2.302, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0421, 373.223(4) FS. History–New 1-1-07, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                    RULE TITLE:

40D-8.041                    Minimum Flows

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate minimum flows for the upper segment of the Braden River which is a priority river pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum flows for the upper segment of the Braden River from Linger Lodge to Lorraine Road. Staff will present an overview of minimum flows development and discussion of the proposed minimum flows.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 FS.

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

DATE AND TIME: October 12, 2007, 6:00 p.m.

PLACE: Southwest Florida Water Management District Sarasota Service Office, Governing Board Room, 6750 Fruitville Road, Sarasota, Florida 34240-9711

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan Morales, Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4273

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

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

RULE NO.: 40D-8.041  
 RULE TITLE: Minimum Flows

PURPOSE AND EFFECT: The amendments establish minimum flows pursuant to Section 373.042, F.S., for the Lower Hillsborough River, Sulphur Springs and the Tampa Bypass Canal, all located in Hillsborough County, Florida. These water bodies are listed on the District's minimum flow and levels priority list for establishment of minimum flows. These minimum flows will be used in the District's permitting and resource management and development programs.

SUBJECT AREA TO BE ADDRESSED: The rulemaking will establish minimum flows for the priority water bodies of the Lower Hillsborough River, Sulphur Springs and the Tampa Bypass Canal.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 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: Karen A. Lloyd, Assistant General Counsel

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-8.041 Minimum Flows.

(1) Minimum Flows for the Lower Hillsborough River.

(a) No change.

(b) The Minimum Flows for the Lower Hillsborough River are based on extending a salinity range less than 5 ppt from the Hillsborough River Dam toward Sulphur Springs. The Minimum Flows for the Lower Hillsborough River are 20 cubic feet per second ("cfs") freshwater equivalent from July 1 through March 31 and 24 cfs fresh water equivalent from April 1 through June 30 at the base of the dam as adjusted based on a proportionate amount that flow at the United States Geological Survey Gauge No. 01203000 near Zephyrhills, Florida ("Gauge") is below 58 cfs. The adjustment is that for each one cfs that Hillsborough River flow at the Gauge is below 58 cfs, when 20 cfs freshwater equivalent is otherwise required, the Minimum Flow is adjusted by reducing it by 0.35 cfs; when 24 cfs freshwater equivalent is otherwise required, the Minimum Flow is adjusted by reducing it by 0.40 cfs. For purposes of this paragraph 40D-8.041(1)(b), F.A.C., freshwater equivalent means water that has a salinity concentration of 0.0 ppt for modeling purposes. Effective August 7, 2000 the Minimum Flow for the Lower Hillsborough River shall be at the rate of

~~flow of ten cubic feet per second (cfs) at the base of the dam as measured at the Rowlett Park Drive bridge gauging station. Through December 31, 2007, the City shall be required to supply this Minimum Flow from the Reservoir when the surface water elevation is above 22.5 feet NGVD at USGS Gauge 02304500. Because the storage of water within the Reservoir is critical to the public health, safety, and welfare of those dependent on the City potable water supply, this flow requirement may be met by diverting flow from sources other than the City's Reservoir. The City shall provide this flow from sources other than the City's Reservoir, when the surface water elevation is below 22.5 feet NGVD at USGS Gauge 02304500 and it is feasible to provide the flow without compromising public health, safety or welfare. This Minimum Flow has been determined based on the loss of historical hydrologic functions, the existing changes and structural alterations in and along the river and its watershed pursuant to subsection 373.0421(1), F.S., and the dependence of viable ecological communities downstream of the dam on flows from the Hillsborough River and Sulphur Springs. Following completion of the District and City study described in Rule 40D-80.073(4)(d), F.A.C., the Minimum Flow shall be re-established, as necessary, based on the results of the study.~~

(2) Minimum Flow for Sulphur Springs – The Minimum Flow for Sulphur Springs is based on minimization of salinity incursions into the Upper Sulphur Springs Run ("Upper Run") from the Lower Hillsborough River ("LHR") and to moderate temperature levels within the manatee protection zone of the LHR.

(a) As of [October 1, 2012] the City of Tampa shall maintain a Minimum Flow for Sulphur Springs of:

1. 18 cfs, as measured at the United States Geological Survey Sulphur Springs Gauge No. 02306000 at Sulphur Springs, Florida, or;

2. 13 cfs when water levels in the Hillsborough River reservoir fall below 19 feet NGVD; and

3. 10 cfs during low tide stages in the LHR, provided that salinity incursions from the LHR into the upper spring run do not occur. Salinity incursions shall be defined as when salinity values in the upper spring run as measured at the United States Geological Survey Gauge Sulphur Springs Run at Sulphur Springs, Florida (#023060003) are greater than 1 ppt than the concurrent salinity value in the spring pool as measured at the United States Geological Survey Gauge Sulphur Springs Run at Sulphur Springs, Florida (#023060000) for a period of greater than 1 hour.

(b) Notwithstanding paragraph 40D-8.041(2)(a), F.A.C., above, and beginning the effective date of this rule, when spring flow is available, a Minimum Flow of 18 cfs shall be required if the temperature of either surface or bottom waters in the LHR near the Spring Run's outlet is below 15°C.

(c) The City of Tampa may propose to the District modifications to the weirs and gates located within the upper and lower spring run that affect the flow rates and salinity levels in the Upper Run and the LHR. The District shall evaluate the modifications to determine whether the flow resulting from the operating capabilities of the modifications and modeling simulations of the resulting salinity incursions into the Upper Spring Run achieve the salinity goal of the Minimum Flow for Sulphur Springs. If the District determines that flows different from the Minimum Flows (“Different Flows”) will achieve the salinity goal and otherwise protect the resources of the Upper Spring Run, the District, upon request by the City, will recommend to the Governing Board revision of the Minimum Flow to reflect the Different Flow.

Pursuant to the District priority schedule for establishment of minimum flows and levels required by Section 373.042, F.S., the District will establish a Minimum Flow for Sulphur Springs by December 31, 2001.

(3) The Minimum Flow for the Tampa Bypass Canal at structure 160 shall be 0 cfs.

(3) through (5) renumbered (4) through (6) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, ~~373.0395~~, 373.042, 373.0421 FS. History—Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 1-1-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-8.624  
 RULE TITLE: Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lake Annie, Lake Bonnie, Dinner Lake, Lake Lee, Lake Mabel, Lake Starr and Venus Lake in Polk County, Florida. Staff will present an overview of minimum levels development and discussion of the proposed minimum levels for the lakes.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIME: October 10, 2007, 6:00 p.m.

PLACE: City of Lake Wales Municipal Building, Commission Chambers, 201 Central Avenue West, Lake Wales, 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: Dianne Lee at (352)796-7211 or 1(800)423-1476,

extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-80.073  
 RULE TITLE: Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough and Pinellas Counties

PURPOSE AND EFFECT: The amendments will establish a recovery strategy to achieve the minimum flows for the Lower Hillsborough River. The minimum flows for the Lower Hillsborough River are proposed to be adopted simultaneously with this rulemaking. The existing flows of Lower Hillsborough River are below the proposed minimum flows. Pursuant to subsection 373.0421(2), F.S., the District must implement a recovery strategy for a water body that is below the applicable minimum flow. The amendments outline the timetable and projects to be implemented by the City of Tampa to achieve the minimum flows by October 1, 2017.

SUBJECT AREA TO BE ADDRESSED: The rulemaking sets forth a timetable and projects to be undertaken to achieve recovery of river flows to minimum flows that are currently being established for the Lower Hillsborough River.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.171, 373.0421 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: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-80.073 Regulatory Portion of Recovery Strategy for Pasco, Northern Hillsborough and Pinellas Counties.

(1) through (3) No change.

(4) Hillsborough River Strategy.

~~(a)~~ Beginning ~~[effective date of rule]~~ ~~August 3, 2000~~, the Minimum Flow for the Lower Hillsborough River shall be ~~as provided in subsection 40D-8.041(1), F.A.C., to be achieved on the time schedule as set forth below at the rate of flow of 10 cubic feet per second (cfs). The District and the City of Tampa (City) shall provide measurement of the delivery of water to the base of the dam relative to their respective elements as described below. The City shall report this information to the District monthly on the 15th day of the following month. In addition, the City shall submit a quarterly written report of all activities and all progress towards timely completion of its elements of the recovery strategy. Such reports will be submitted to the District within 15 calendar days after each calendar year quarter. The Minimum Flow shall be measured at the net downstream flow at the Rowlett Park Drive bridge gauging station.~~

~~(a) The District and the City have entered into the Joint Funding Agreement Between The Southwest Florida Water Management District and The City of Tampa For Implementation of Recovery Projects To Meet Minimum Flows Of The Lower Hillsborough River (the "Agreement"). The Agreement and subsection 40D-80.073(4), F.A.C., constitutes the District's recovery strategy for the Lower Hillsborough River required by Section 373.0421(2), F.S., and shall not compromise public health, safety and welfare.~~

~~(b) The schedule to achieve the Minimum Flows for the Lower Hillsborough River is as follows:~~

~~1. Sulphur Springs – Beginning on [effective date of rule] Through December 31, 2007, the City shall be required to provide 10 cubic feet per second (cfs) of water to the base of the City's dam 6.5 million gallons each day provided such use will not compromise public health, safety and welfare +0 cfs. Minimum Flow from the Reservoir when the surface water elevation is above 22.5 ft. NGVD at USGS Gauge 02304500. The City shall provide this flow from sources other than the City's Reservoir when the surface water elevation is below 22.5 ft. NGVD at USGS Gauge 02304500 and it is feasible to provide the flow without compromising the public health, safety and welfare of the City. Once the City has determined that flow from another source or sources is feasible pursuant to paragraph 40D-80.073(4)(b), F.A.C., below and the evaluation of the source(s) pursuant to paragraph 40D-80.073(4)(c), F.A.C., is complete, such flow shall be supplied when necessary to maintain the Minimum Flow.~~

~~2. Tampa Bypass Canal Diversions – By January 1, 2008, provided that any permit that may be required is approved, the District shall divert up to 7.1 million gallons of water on any given day from the District's Tampa Bypass Canal ("TBC") to the Hillsborough River at the District's Structure 161. The~~

~~District shall then deliver water from the Hillsborough River immediately above the City's dam to the base of the City's dam to help meet the minimum flow requirements of the Lower Hillsborough River. Such diversions shall not occur if public health, safety and welfare will be compromised.~~

~~a. The District shall complete a comprehensive analysis of these diversions within 90 days of the first year of operation to identify and subsequently make any mechanical or efficiency adjustments that may be necessary. The District shall use its best efforts to expedite obtaining any permit that may be needed to undertake these actions.~~

~~b. By October 1, 2013, provided that the transmission pipeline has been constructed and is operational, all of the water diverted from the TBC middle pool under this provision to help meet the minimum flow shall be provided to the Lower Hillsborough River per provision subparagraph 40D-80.073(4)(b)7., F.A.C.~~

~~c. These diversions shall be prioritized as follows:~~

~~(i) Priority Source One – Diversions From the TBC Middle Pool When the TBC Middle Pool is Above 12.0 feet NGVD (1929 or its 1988 equivalent), and There is Flow of at Least 11 cfs Over the District's Structure 162 – On days when the TBC middle pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), as measured by the downstream gauge at the District's Structure 161, and there is flow of at least 11 cfs over the District's Structure 162, the District shall divert water from the TBC middle pool to the Hillsborough River.~~

~~A. The District shall then deliver 75 percent of any water diverted from the TBC to the Hillsborough River under this provision to the Lower Hillsborough River. Delivery of 75 percent of the water diverted from the TBC addresses concerns about potential losses due to subsurface leakage, evaporation and transpiration. This delivery shall be from the Hillsborough River just above the City's dam to the base of the City's dam, and shall supplement diversions from Sulphur Springs, Blue Sink and Morris Bridge Sink, as they are implemented, and as described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 8., F.A.C.~~

~~B. The TBC middle pool diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River set forth in subsection 40D-8.041(1), F.A.C., but will not exceed 7.1 million gallons on any given day.~~

~~C. Such diversions shall cease from the TBC middle pool if the elevation difference between the TBC middle and lower pools exceeds 7.0 feet.~~

~~D. On days when flow over the Hillsborough River Dam naturally exceeds 20 cfs during the months of July through March or 24 cfs during the months of April through June and when diversions from the TBC middle pool are not needed to replenish the supply from Storage Projects described in paragraphs 40D-80.073(4)(c) and (d), F.A.C., diversions from~~

the TBC middle pool shall not occur, and any flows in the TBC lower pool above elevation 9.0 feet NGVD (1929 or its 1988 equivalent), shall be available for water supply.

E. Prior to October 1, 2013, and during the months of March through June, on days when some water is needed from the TBC middle pool to help meet the minimum flow for the Lower Hillsborough River, all available water from the TBC middle pool not needed to be diverted in accordance with SWFWMD Water Use Permit No. 20006675 but not exceeding 7.1 million gallons on any given day will be diverted to the Hillsborough River. Water delivered to the Hillsborough River in excess of that needed to help meet the minimum flow of the Lower Hillsborough River shall remain in the Hillsborough River above the dam. Keeping this water in the Hillsborough River above the dam will reduce the time and quantities of supplemental flow needed to help meet the minimum flow requirements.

F. During the months of July through February, on days when water is needed from the TBC middle pool to help meet the minimum flow of the Lower Hillsborough River, only that amount of water needed to help meet the minimum flow but not in excess of 7.1 million gallons on any given day shall be diverted from the TBC middle pool to the Hillsborough River, and any water in the TBC middle and lower pools above elevations 12.0 and 9.0 feet NGVD (1929 or its 1988 equivalent), respectively, shall be available for water supply.

(ii) Priority Source Two – Diversions When the TBC Middle Pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), and the Flow Over the District's Structure 162 is Less Than 11 cfs – On days when the TBC middle pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), as measured by the downstream gauge at the District's Structure 161, and the flow over the District's Structure 162 is less than 11 cfs, the District shall divert water from the TBC middle pool to the Hillsborough River.

A. The District shall then deliver 75 percent of any water diverted from the TBC middle pool to the Hillsborough River under this provision to the Lower Hillsborough River. Delivery of 75 percent of the water diverted from the TBC addresses concerns about potential losses due to subsurface leakage, evaporation and transpiration. This delivery shall be from the Hillsborough River just above the City's dam to immediately below the City's dam, and shall supplement diversions from Sulphur Springs, Blue Sink and Morris Bridge Sink, as they are implemented, and as described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 8., F.A.C.

B. The TBC middle pool diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River, but will not exceed 7.1 million gallons on any given day.

I. On days such diversions occur, the District will divert from the TBC lower pool to the TBC middle pool a quantity equivalent to that diverted by the District from the TBC middle pool to the Hillsborough River.

II. Such diversions shall cease from both the TBC middle and lower pool when the stage of the TBC lower pool reaches 6.0 feet NGVD (1929 or its 1988 equivalent), as measured by the gauge at the District's Structure 160, or the elevation difference between the TBC middle and lower pools exceeds 7.0 feet.

C. Once the stage in the TBC lower pool is below 8.7 feet NGVD (1929 or its 1988 equivalent), withdrawals from this priority source to help meet the minimum flow for the lower Hillsborough River are considered withdrawals from the storage of the TBC lower pool. When the stage in the TBC lower pool is below 8.7 feet NGVD (1929 or its 1988 equivalent), the following restrictions apply:

I. At no time shall withdrawals from the lower pool to help meet the minimum flow for the lower Hillsborough River cause the stage in the lower pool to go below 6.0 feet NGVD (1929 or its 1988 equivalent), or cause the elevation difference between the TBC middle and lower pools to exceed 7.0 feet, as measured on either side of the District's Structure 162.

II. If supplemental flows are required to help meet the lower Hillsborough River minimum flow from this Priority Source, once withdrawals begin from storage they will continue until the TBC lower pool reaches an elevation of 6.0 feet NGVD (1929 or its 1988 equivalent). At such time as either of the conditions set forth in sub-sub-sub-subparagraph 40D-80.073(4)(b)2.(ii)C.I., F.A.C., above, are met, the District shall cease withdrawals from the TBC lower pool. The District shall only reinitiate withdrawals from the TBC lower pool when its elevation equals or exceeds 9.0 feet NGVD (1929 or its 1988 equivalent), for 20 consecutive days, which is defined as the TBC lower pool replenishment.

III. The total withdrawn from storage on any one day shall not exceed 7.1 million gallons on any given day.

IV. Withdrawals from storage will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(4)(b), (c) and (d), F.A.C.

(iii) Priority Source Three – Diversions When TBC Middle Pool Elevations are Between 10.0 and 12.0 Feet NGVD (1929 or its 1988 equivalent) – The District will make all reasonable efforts to obtain authorization from the United States Army Corps of Engineers to allow the withdrawals of up to 7.1 million gallons on any given day from the TBC middle pool to aid in the Lower Hillsborough River minimum flow requirements when the TBC middle pool is below 12.0 feet and above 10.0 feet NGVD (1929 or its 1988 equivalent).



A. These diversions will only occur when the stage of the TBC lower pool has reached 6.0 feet NGVD (1929 or its 1988 equivalent), or the TBC lower pool is in a state of replenishment as described in sub-sub-subparagraphs 40D-80.073(4)(b)2.(ii)C.II., F.A.C. These diversions will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(4)(b), (c) and (d), F.A.C., but will not exceed 7.1 million gallons on any given day.

B. These diversions shall cease if the elevation difference between the Hillsborough River and TBC middle pool exceeds 9.5 feet, if approved by the United States Army Corps of Engineers, as measured on either side of the District's Structure 161, or if the elevation difference between the TBC middle and lower pools exceeds 7.0 feet, as measured on either side of the District's Structure 162.

C. Diversions associated with this provision will not occur until the water transmission pipeline as set forth in subparagraph 40D-80.073(4)(b)7., F.A.C., is completed or by October 1, 2013, whichever is sooner. Once the stage in the TBC middle pool is below 12.0 feet NGVD (1929 or its 1988 equivalent), withdrawals to help meet the minimum flow for the Lower Hillsborough River are considered withdrawals from the storage of the TBC middle pool. When the stage is below 12.0 feet NGVD (1929 or its 1988 equivalent), the following restrictions apply:

I. At no time shall withdrawals from the TBC middle pool to help meet the minimum flow for the Lower Hillsborough River cause the stage in the middle pool to go below 10.0 feet NGVD (1929 or 1988 equivalent), or cause the elevation difference between the TBC middle pool and Hillsborough River to exceed 9.5 feet, as measured on either side of the District's Structure 161, or cause the elevation difference between the TBC middle and lower pools to exceed 7.0 feet, as measured on either side of the District's Structure 162.

II. If supplemental flows are required to help meet the Lower Hillsborough River minimum flow from this Priority Source, once withdrawals begin from storage they will continue until the TBC middle pool reaches an elevation of 10.0 feet NGVD (1929 or its 1988 equivalent). At such time as either of the conditions set forth in sub-sub-sub-subparagraph 40D-80.073(4)(b)2.(iii)C.I., F.A.C., above, are met, the District shall cease withdrawals from the TBC middle pool. The District shall only reinstate withdrawals from the TBC middle pool when its elevation equals or exceeds 12.0 feet NGVD (1929 or its 1988 equivalent), for 20 consecutive days, which is defined as the TBC Pool Replenishment, and there is less than 11 cfs of flow over the District's Structure 162.

III. The total withdrawn from storage on any one day shall not exceed 7.1 million gallons.

IV. Withdrawals from storage will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(4)(b), (c) and (d), F.A.C.

### 3. Sulphur Springs Project.

a. By October 1, 2009, and as specified in the Agreement, the City shall complete the modification of the lower weir to provide to the base of the dam all available flow from Sulphur Springs not needed to maintain the minimum flow for manatees as set forth in paragraph 40D-8.041(2)(b), F.A.C.

b. By October 1, 2010, the City shall complete the construction of the upper gates and the pump station to provide to the base of the dam all available flow from Sulphur Springs not needed to maintain the minimum flow for manatees as set forth in paragraph 40D-8.041(2)(b), F.A.C.

c. By October 1, 2012, and as specified in the Agreement, the City is to provide to the base of the dam all available flow, from Sulphur Springs not needed to maintain the minimum flow for Sulphur Springs as set forth in paragraph 40D-8.041(2)(a), F.A.C.

(i) These diversions shall not exceed 11.6 million gallons on any given day.

(ii) The City is authorized to use any remaining quantities at Sulphur Springs for water supply purposes consistent with SWFWMD Water Use Permit No. 20002062.

d. Additionally, beginning on October 1, 2010, on days when the minimum flow requirements are being adjusted for the Lower Hillsborough River, as described in paragraph 40D-8.041(1)(b), F.A.C., and there is flow at Sulphur Springs in excess of the quantity needed to help meet the adjusted flow as described in paragraph 40D-8.041(1)(b), F.A.C., and the minimum flow requirements in paragraph 40D-8.041(2)(b), F.A.C., and the City is not using such flow to augment the Hillsborough River above the dam, the City shall move such quantity to the base of the City's dam up to the unadjusted quantities described in paragraph 40D-8.041(1)(b), F.A.C.

4. Blue Sink Analysis – By October 1, 2010, and as specified in the Agreement, the City in cooperation with the District shall complete a thorough cost/benefit analysis to divert all available flow from Blue Sink in north Tampa to a location to help meet the minimum flow or to the base of the City's dam.

5. Transmission Pipeline Evaluation – By October 1, 2010, and as specified in the Agreement, the City shall complete a thorough design development evaluation to construct a water transmission pipeline from the TBC middle pool to the City's David L. Tippin Water Treatment Facility, including a spur to just below the City's dam.

6. Blue Sink Project – By October 1, 2011, and as specified in the Agreement, the City will provide all available flow from Blue Sink project to help meet the minimum flow

provided that all required permits are approved, and it is determined that the project is feasible. Once developed, all water from this source shall be used to the extent that flow is available to help meet the minimum flow for the Lower Hillsborough River.

7. Transmission Pipeline Project – By October 1, 2013, and as specified in the Agreement, the City shall complete the water transmission pipeline described in subparagraph 40D-80.073(4)(b)5., F.A.C., and move the water the District will move as specified in subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C., to the Lower Hillsborough River directly below the dam as needed to help meet the minimum flow or to transport water in accordance with SWFWMD Water Use Permit No. 20006675.

a. This transmission line will eliminate all adjustment for losses described in subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C.

b. Additionally, the City will provide an additional flow of 1.9 million gallons each day to the base of the dam from the TBC middle pool provided that water is being transported in accordance with SWFWMD Water Use Permit No. 20006675. This additional 1.9 million gallons each day is anticipated to be part of the water savings associated with this transmission pipeline.

c. Once the pipeline is completed, the 1.9 million gallons each day of additional flow provided by the City as part of the water savings associated with the pipeline will be used in preference to all other sources except Sulphur Springs and Blue Sink to the help meet the minimum flow for the Lower Hillsborough River.

d. In the event that this pipeline is not substantially completed by October 1, 2013, or that the City did not provide the District with a minimum ninety (90) days notice prior to October 1, 2013, of the delay of completion of the pipe due to circumstances beyond its control, then, the City will be responsible for delivering the flows the District was previously obligated to divert from the TBC middle pool to the Hillsborough River and then to immediately below the City's dam under subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C.; except that the District shall continue to be responsible to pump water from the TBC lower pool to the middle pool as described in sub-subparagraph 40D-80.073(4)(b)2.b., F.A.C., and from Morris Bridge Sink to the TBC middle pool as described in subparagraph 40D-80.073(4)(b)8., F.A.C.

e. The City shall also provide the 1.9 million gallons each day if needed to help meet the flow described in this provision, from some other permitable source and is obligated to do so pursuant to d. above.

8. Morris Bridge Sink Project.

a. By October 1, 2012, or earlier, and upon completion of the project, provided that any permit that may be required is approved, the District shall divert up to 3.9 million gallons of water on any given day from the Morris Bridge Sink to the TBC middle pool.

(i) The Morris Bridge Sink diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River, after utilizing the quantity diverted from Sulphur Springs, Blue Sink and the 1.9 million gallons of water savings each day anticipated from the transmission pipeline, as they are implemented, and as described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 7., F.A.C.

(ii) However, on days when TBW does not draw the TBC lower pool down to 9.0 feet NGVD (1929 or its 1988 equivalent) for water supply purposes, and supplemental flow is needed for the Lower Hillsborough River minimum flow requirements beyond water that can be delivered from Sulphur Springs, Blue Sink and the 1.9 million gallons of water savings each day anticipated from the transmission pipeline described in subparagraphs 40D-80.073(4)(b)1., 3., 6. and 7., F.A.C., the District shall divert up to 7.1 million gallons on any given day from the TBC lower pool to the TBC middle pool prior to diverting flows from the Morris Bridge Sink to the TBC middle pool.

(iii) The District shall cease to divert water from the TBC lower pool under this provision once the elevation of the TBC lower pool reaches 9.0 feet NGVD (1929 or its 1988 equivalent).

b. Prior to the completion of the pipeline described in subparagraph 40D-80.073(4)(b)7., F.A.C., the District shall transfer any water delivered to the TBC middle pool from the Morris Bridge Sink or the TBC lower pool under this provision to the Hillsborough River near the District's Structure 161.

(i) These deliveries shall be made on the same day the District delivers water from the Morris Bridge Sink or the TBC lower pool.

(ii) The District shall then deliver 75 percent of any water diverted to the Hillsborough River under this provision to the Lower Hillsborough River. This delivery shall be from the Hillsborough River just above the City's dam to immediately below the City's dam.

(iii) The deliveries of the water from the Morris Bridge Sink to the TBC middle pool then on to the Hillsborough River are in addition to any other diversions from the TBC middle pool to the Hillsborough River described in subparagraphs 40D-80.073(4)(b)2. and 8., F.A.C.

c. Once the City completes the water transmission pipeline described in subparagraphs 40D-80.073(4)(b)5. and 7., F.A.C., or as may be otherwise responsible for delivering the flows the District was previously obligated to divert pursuant to subparagraph 40D-80.073(4)(b)7., F.A.C., the City shall move any water the District delivers to the TBC middle pool from

Morris Bridge Sink or the TBC lower pool under this provision to the Lower Hillsborough River directly below the dam. Such delivery by the City will occur on the same day the District delivers the water from the Morris Bridge Sink or the TBC lower pool to the TBC middle pool.

d. At no time shall withdrawals from the TBC under this provision cause:

i. The elevation difference between the TBC middle pool and Hillsborough River to exceed 9.5 feet as measured on either side of the District's Structure 161; or

ii. The elevation difference between the TBC middle and lower pools to exceed 7.0 feet as measured on either side of the District's Structure 162.

9. Beginning October 1, 2017, the City shall be required to meet the minimum flows at the base of the dam as set forth in subsection 40D-8.041(1), F.A.C.

(c) The City and the District shall, as specified in the Agreement, cooperate in the evaluation of options for storage of water ("Storage Projects") such as aquifer storage and recovery (ASR), and additional source options (e.g., diversions from Morris Bridge Sink greater than those described in subparagraph 40D-80.073(4)(b)8., F.A.C.), in sufficient permitable quantities, that upon discharge to the base of the dam, together with the other sources of flow described in paragraph 40D-80.073(4)(b), F.A.C., will meet the minimum flows beginning October 1, 2017, or earlier.

(d) The City may propose for District approval additional source or storage projects that when completed may be used in lieu of all or part of one or more sources described in subparagraphs 40D-80.073(4)(b)2.-8., F.A.C.

(e) Any District sponsored project, which shall include evaluation of up to 3.9 million gallons per day of additional quantities other than those identified in subparagraph 40D-80.073(4)(b)8., F.A.C., from the Morris Bridge Sink, shall be implemented by the District no later than October 1, 2017, provided that it is deemed feasible by the District, to eliminate or reduce the need to divert water from the TBC middle and lower pool storage as described in subparagraph 40D-80.073(4)(b)2., F.A.C. Such projects shall be implemented only after receiving any required permits.

(f) Each spring, beginning in 2008, the District shall review the recovery strategy to assess the progress of implementation of the recovery strategy and report that progress to the Governing Board. This annual review and report shall include identification of the Storage Projects or other additional sources options that will be operational by October 1, 2017. If and when developed, Storage Projects or other additional source options to supply supplemental flows to meet the minimum flow will be used in preference to removal of water from storage in either the middle or lower pools of the TBC as described in paragraph 40D-80.073(4)(b), F.A.C.

(g) The City and the District shall continue the existing monitoring and analysis of the water resources within the Lower Hillsborough River and the District shall provide this information to the Governing Board as part of the its annual review and report described in paragraph (4)(d), above.

(h) In 2013, and for each five year period through 2023, the District shall evaluate the hydrology, dissolved oxygen, salinity, temperature, pH and biologic results achieved from implementation of the recovery strategy for the prior five years, including the duration, frequency and impacts of the adjusted minimum flow as described in paragraph 40D-8.041(1)(b), F.A.C. As part of the evaluation the District will assess the recording systems used to monitor these parameters. The District shall also monitor and evaluate the effect the Recovery Strategy is having on water levels in the Hillsborough River above the City's dam to at least Fletcher Avenue. The District will evaluate all projects described in this Recovery Strategy relative to their potential to cause unacceptable adverse impacts prior to their implementation.

(i) In conjunction with recovery of the Lower Hillsborough River and to enhance restoration of McKay Bay and Palm River estuary, the District intends to undertake a wetland restoration project adjacent to McKay Bay. The City agrees to contribute to the project by providing up to 7.1 million gallons on any given day of reclaimed water, as needed for the project. Within five years of completion of this wetland project, and for two subsequent five year periods thereafter, the District shall review the hydrologic, dissolved oxygen, salinity, temperature, pH and biologic results achieved from the implementation of the restoration project and other similar District projects that may occur.

2. Beginning January 1, 2008 through December 31, 2009, the City shall meet the Minimum Flow unless flow is not feasible from the other source(s) as set forth in paragraph 40D-80.073(4)(b), F.A.C., below. If flow from these other source(s) is not feasible, and if the provision of water for Minimum Flow from the City's drinking water supply would compromise the public health, safety, and welfare, the City shall not be required to meet the Minimum Flow until the City can obtain sufficient replacement water or January 1, 2010, whichever occurs first.

3. Beginning January 1, 2010, the City shall meet the Minimum Flow.

(b) By December 31, 2003, the City, with District consideration of financial participation, shall complete a study of the economic and technical feasibility of meeting the Minimum Flow for the Lower Hillsborough River from sources other than the City's Reservoir, including but not limited to Blue Sink, Curiosity Creek watershed, and the Howard F. Curren Advanced Wastewater Treatment Plant. The City shall submit to the District a written report each December

~~31 through December 31, 2003, on the sources investigated, the results of the investigation, and the City's determination as to the feasibility of each of the sources:~~

~~(e) Until the completion of the study under paragraph 40D-80.073(4)(d), F.A.C., the City's implementation of the use of any source other than the City's Reservoir or Sulphur Springs is subject to a coordinated evaluation with the District to determine that its quality is at least equivalent to the water being used from Sulphur Springs. After the study specified in paragraph 40D-80.073(4)(d), F.A.C., below, is completed, the District shall use the findings of that study to evaluate the alternate sources, for providing the required Minimum Flow.~~

~~(d) On or before August 3, 2000, the District and the City shall commence a work plan and the subsequent study of the biological communities below the dam, taking into account loss of historical hydrologic functions, water quality, water quantity, and existing changes and structural alterations, to reevaluate the Minimum Flow requirement to maintain the existing biological communities in the Lower Hillsborough River. The study will provide recommendations to enhance or improve the biologic communities below the dam in the Lower Hillsborough River. The study shall include a range of sufficient releases of up to at least 30 cfs of freshwater (less than or equal to 0.5 parts per thousand of salinity) to examine the effects on the biological communities in the Lower Hillsborough River. The study shall be completed by December 31, 2005. If the study demonstrates the need for revisions to the Minimum Flow for the Lower Hillsborough River established in paragraph 40D-8.041(2), F.A.C. the District shall initiate rulemaking within one year of study completion to adopt a revised Minimum Flow considering this study and the study results on the Minimum Flow requirement shall be binding on the City and the District in any rulemaking proceeding on the revised Minimum Flow.~~

(5) through (7) No change.

(8) 2010 Evaluation of Recovery Strategy.

This recovery strategy is in keeping with the District's legislative mandate pursuant to Sections 373.036, 373.0361, 373.0421, 373.0831, 373.1962 and 373.1963, F.S., to resolve the water supply and water resource impact concerns of the Northern Tampa Bay Area in a cooperative manner with the water suppliers and interested parties. The portion of the District's recovery strategy embodied within this Rule 40D-80.073, F.A.C., is the first regulatory phase of a long-term approach toward eventual attainment of the mMinimum fFlows and levels established in Chapter 40D-8, F.A.C., for priority waters in the Northern Tampa Bay Area. Except as to 40D-80.073(4), F.A.C., ~~t~~his phase of the recovery strategy is through the year 2010 based on the current knowledge of the state of the water resources of the Area, the technology for water supply development including alternative sources and conservation and existing and future reasonable-beneficial uses. In addition, it is possible that this phase will achieve

recovery to the mMinimum fFlows and levels but it is impossible to determine whether this will occur given that it is unknown which recovery management mechanisms will be utilized by water use permittees. Except as to the Lower Hillsborough River, Sulphur Springs and the Tampa Bypass Canal, ~~t~~he District will evaluate the state of knowledge of these matters in 2010, including analysis of all information and reports submitted pursuant to paragraph 40D-80.073(3)(c), F.A.C., data collected and analyzed and relationships determined pursuant to subsection 40D-8.011(5), F.A.C., regarding the mMinimum fFlows and levels for the priority waters in the area (The "MFLs") and the Central System Facilities permit(s). Based on that analysis and evaluation, on or before December 31, 2010, except as to the Lower Hillsborough River, Sulphur Springs and the Tampa Bypass Canal, the District will initiate rulemaking to 1) revise the MFLs (the "New MFLs"), as necessary; 2) adopt rules to implement the existing or the New MFLs (The "Implementation Rules"); and 3) revise this Rule 40D-80.073, F.A.C., to incorporate a second phase to this Recovery Strategy ("Recovery Strategy Rules"), as necessary, consistent with Subsection 373.0421(2), F.S. In the event that the District determines that it is not necessary to initiate rulemaking to adopt New MFLs, and a substantially affected person is granted an administrative hearing to challenge the Implementation Rules or the Recovery Strategy Rules, and the MFL Rules, the District will not object to a motion to consolidate the hearings.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, ~~373.0395,~~ 373.171, 373.0421 FS. History--New 8-3-00, Amended.

**LAND AND WATER ADJUDICATORY COMMISSION  
Myakka Ranch Community Development District**

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

PURPOSE AND EFFECT: The petition, as supplemented, filed by Resource Conservation of Sarasota, LLC, requests the Commission to establish a community development district located entirely within the unincorporated area of Sarasota County, Florida. The land area proposed to be served by the District comprises approximately 1,055 acres. A general location map is contained as Exhibit 1 to the petition, as supplemented, to establish the District. The Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the proposed District. The development is planned for approximately 375 single family residential units. The District contemplates providing certain master infrastructure improvements within the boundaries to include stormwater

management and wetlands mitigation maintenance services, roadways and potable water and sanity sewer service to all of these residences.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Myakka Ranch 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: Tuesday, October 9, 2007, 2:00 p.m.

PLACE: The Capitol, Conference Room 2107, 21st Floor, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Office of Policy and Budget, Office of the Governor, Room 1801, The Capitol, 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, IF AVAILABLE, IS: Barbara Leighty, Office of Policy and Budget, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.001                      RULE TITLE: Qualification for Certification

PURPOSE AND EFFECT: The purpose and effect is to consider alternate experience verification methods.

SUBJECT AREA TO BE ADDRESSED: Qualification for Certification.

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 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: G. W.

Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.032                      RULE TITLE: Certification of Swimming Pool Specialty Contractors

PURPOSE AND EFFECT: The purpose and effect is to consider alternate experience verification methods.

SUBJECT AREA TO BE ADDRESSED: Qualification for Certification.

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-18.002                      RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect is to clarify interactivity of distance learning.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 489.115 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: G. W.

Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:                   RULE TITLE:  
 61G4-18.004               Approval of Continuing Education Courses

PURPOSE AND EFFECT: The purpose and effect is to clarify interactivity of distance learning.

SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Courses.

SPECIFIC AUTHORITY: 455.2123, 489.108, 489.115 FS.

LAW IMPLEMENTED: 445.2123, 455.213, 455.2179, 489.115 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.:                   RULE TITLE:  
 61J1-2.0045               Exemption of Members of Armed Forces from Renewal Provisions.

PURPOSE AND EFFECT: to amend the FREAB rules incorporating AQB minimum standards going into effect on January 1, 2008, including licensure qualifications.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the licensure qualifications.

SPECIFIC AUTHORITY: 455.02, 475.614, 475.615(2) FS.

LAW IMPLEMENTED: 455.02 FS.

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

DATE AND TIME: October 8, 2007, 8:30 a.m., or as soon thereafter as possible

PLACE: Embassy Suites, 10450 Corkscrew Commons Drive, Estero, Florida 33928

IF REQUESTED, AN ADDITIONAL 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: Thomas W. O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NOS.:                RULE TITLES:  
 61J1-3.001                Application by Individuals  
 61J1-3.004                Issuance of Certification

PURPOSE AND EFFECT: To amend the FREAB rules incorporating AQB minimum standards going into effect on January 1, 2008, including licensure qualifications.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to the licensure qualifications.

SPECIFIC AUTHORITY: 475.614, 475.613(2), 475.6171 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 FS.

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

DATE AND TIME: October 8, 2007, 8:30 a.m., or as soon thereafter as possible

PLACE: Embassy Suites, 10450 Corkscrew Commons Drive, Estero, Florida 33928

IF REQUESTED, AN ADDITIONAL 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: Thomas W. O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE CHAPTER NO.:   RULE CHAPTER TITLE:  
 61J1-4                    Minimum Educational Requirements

**PURPOSE AND EFFECT:** To amend the FREAB rules incorporating AQB minimum standards going into effect on January 1, 2008, including licensure qualifications.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule development affects rule provisions relating to the licensure qualifications.

**SPECIFIC AUTHORITY:** 475.614 FS.

**LAW IMPLEMENTED:** 475.613, 475.615, 475.617, 475.619, 475.624 FS.

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

**DATE AND TIME:** October 8, 2007, 8:30 a.m., or as soon thereafter as possible

**PLACE:** Embassy Suites, 10450 Corkscrew Commons Drive, Estero, Florida 33928

**IF REQUESTED, AN ADDITIONAL 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:** Thomas W. O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61J1-5.001	Appraisal Examination Areas of Competency

**PURPOSE AND EFFECT:** to amend the FREAB rules incorporating AQB minimum standards going into effect on January 1, 2008, including licensure qualifications.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule development affects rule provisions relating to the licensure qualifications.

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

**DATE AND TIME:** October 8, 2007, 8:30 a.m., or as soon thereafter as possible

**PLACE:** Embassy Suites, 10450 Corkscrew Commons Drive, Estero, Florida 33928

**IF REQUESTED, AN ADDITIONAL 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:** Thomas W. O'Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.**

**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 JUVENILE JUSTICE**

**Probation**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
63D-3.001	Purpose and Scope
63D-3.002	Definitions
63D-3.003	Assessment and Recommendation
63D-3.004	Diversion Programs

**PURPOSE AND EFFECT:** The rule implements those portions of Chapter 985, Florida Statutes, Part III, that authorize juvenile delinquency diversion programs.

**SUBJECT AREA TO BE ADDRESSED:** The rule specifies the role of department staff in the various diversion programs authorized by statute.

**SPECIFIC AUTHORITY:** 985.601(3), 985.64 FS.

**LAW IMPLEMENTED:** 985.14(5), 985.601(3) FS.

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

**DATE AND TIME:** Tuesday, October 9, 2007, 10:00 a.m.

**PLACE:** DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 3200, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: [lydia.monroe@djj.state.fl.us](mailto:lydia.monroe@djj.state.fl.us)

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B-3.005	Counterfeit-Resistant Prescription Pads

PURPOSE AND EFFECT: The Department proposes to promulgate a new rule to address the creation of counterfeit-resistant prescription pads in accordance with Section 893.065, Florida Statutes (2007).

SUBJECT AREA TO BE ADDRESSED: The proposed Rule 64B-3.005, F.A.C., will provide the form and content for a counterfeit-resistant prescription pad produced by a vendor which may be used by practitioners for the purpose of prescribing a controlled substance listed in Schedule II, Schedule III, or Schedule IV of Section 893.03, Florida Statutes.

SPECIFIC AUTHORITY: 893.065 FS.

LAW IMPLEMENTED: 893.065, 831.311 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: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-11.001  
 RULE TITLE: Certified Nursing Assistant Certification Renewal

PURPOSE AND EFFECT: The rule is intended to set the renewal and delinquency fees for certified nursing assistants.

SUBJECT AREA TO BE ADDRESSED: Certified Nursing Assistant Certification Renewal.

SPECIFIC AUTHORITY: 464.203 FS.

LAW IMPLEMENTED: 464.203 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: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C-10, Tallahassee, Florida 32399-3250

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-11.001 Certified Nursing Assistant Certification Renewal.

(1) The renewal application for the Certified Nursing Assistant shall be accompanied by the biennial renewal fee for the biennium or for the allocated renewal fee period and the certificate holder shall maintain documentation of compliance with Rule 64B9-15.011, F.A.C., beginning on July 1, 2006, and for at least the four calendar years preceding each subsequent renewal.

(2) The biennial renewal fee for certified nursing assistants shall be \$50 and the delinquency fee for reactivation of a delinquent license shall be \$50.

(3) The unlicensed activity fee for certified nursing assistants is \$5.

Specific Authority 464.203 FS. Law Implemented 464.203 FS. History-New

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-18.008  
 RULE TITLE: Delegation of Professional Responsibilities

PURPOSE AND EFFECT: The purpose and effect of this new rule is to establish requirements governing the delegation of professional responsibilities by chiropractic physicians.

SUBJECT AREA TO BE ADDRESSED: Delegation of Professional Responsibilities.

SPECIFIC AUTHORITY: 460.413(1)(u), 460.405, 460.4165(10) FS.

LAW IMPLEMENTED: 460.413(1)(u), 460.4165(2),(10),(12), 460.4166(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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-64.005  
 RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2007-2008.



SUBJECT AREA TO BE ADDRESSED: Firefighter death benefits in Section 112.191, Florida Statutes.

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 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, October 10, 2007, 10:30 a.m.

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

Pursuant to the provisions of 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: Georgia Dowell, (850)413-3170. If you are 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: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340; phone: (850)413-3170; Fax: (850)922-1235

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, ~~2006~~ through June 30, ~~2008~~ ~~2007~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, ~~2007~~ ~~2006~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$57,759.00~~ ~~\$5,835.12~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$57,759.00~~ ~~\$5,835.12~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$173,278.31~~ ~~167,505.33~~.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06,\_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Library and Information Services

RULE NO.: 1B-2.011  
RULE TITLE: Library Grant Programs

PURPOSE AND EFFECT: The purpose of this amendment is to modify the guidelines, application, and reporting forms for the Library Cooperative Grant program. These revisions will clarify the roles and responsibilities for the multitype library cooperatives and the division, increase accountability for the grant funds to ensure that the state's interests are met, update the application and reporting process and forms, and incorporate plain English into the guidelines.

SUMMARY: The purpose of this amendment is to modify the guidelines, application, and reporting forms for the Library Cooperative Grant program. These revisions will clarify the roles and responsibilities for the multitype library cooperatives and the division, increase accountability for the grant funds to ensure that the state's interests are met, update the application and reporting process and forms, and incorporate plain English into the guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs 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: 257.14, 257.15, 257.40, 257.41, 257.42 FS.

LAW IMPLEMENTED: 257.14, 257.15, 257.40, 257.41, 257.42 FS.

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

DATE AND TIME: Thursday, October 18, 2007, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marian Deeney by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, or by e-mail at mdeeney@dos.state.fl.us. 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marian Deeney by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, or by e-mail at mdeeney@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines and Application, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended 2-21-07, which contain guidelines and application forms, State Aid to Libraries Grant Application (Form DLIS/SA01), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA02), effective 4-1-98, amended 12-28-03; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA03), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA04), effective 4-1-98, amended 12-28-03.

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 1-9-03, amended 2-21-07, which contain instructions, grant application (Form DLIS/PLC01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 1-9-03; Payment Request #1 (Form DLIS/PLC02) effective 1-9-03; Payment Request #2 (Form DLIS/PLC03) effective 1-9-03; Payment Request #3 (Form DLIS/PLC04) effective 1-9-03; Payment Request #4 (Form DLIS/PLC05) effective 1-9-03; and Closeout Report (Form DLIS/PLC06) effective 1-9-03.

(c) The Library Cooperative Grant Guidelines and Application, effective 4-1-98, amended \_\_\_\_\_, which contain instructions, grant and application (Form DLIS/LCG01), effective 4-1-98, amended 4-4-00, amended \_\_\_\_\_; Mid-Year Report (Form DLIS/LCG02) effective \_\_\_\_\_, Annual Report Form (Form DLIS/LCG03) effective \_\_\_\_\_, and Annual Statistical Report Form for Multitype Library Cooperatives (Form DLIS/LCG02 04), effective 4-1-98, amended 4-4-00, amended \_\_\_\_\_.

(d) The Library Services and Technology Act Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 11-20-01, which contain instructions and application (Form DLIS/LSTA01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; Mid-Year Report (Form DLIS/LSTA02), effective 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; and Annual Report (Form DLIS/LSTA03), effective 4-4-00, amended 12-18-00, amended 11-20-01.

(e) The Florida Library Literacy Grants Guidelines and Application, effective 4-4-00, amended 11-20-01 which contain instructions and application (Form DLIS/FLL01), effective 4-4-00, amended 11-20-01; Mid-Year Report (Form DLIS/FLL02), effective 4-4-00, amended 11-20-01; and Annual Report (Form DLIS/FLL03), effective 4-4-00, amended 11-20-01.

(f) The Community and Library Technology Access Partnership Grants Guidelines and Application which contain instructions and application (Form DLIS/CLTA01), effective 12-18-00; and Annual Report (Form DLIS/CLTA02), effective 12-18-00.

(g) The Community Libraries in Caring Program Application, effective 11-16-04, which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), effective 11-16-04, revised 2-21-06, amended 2-21-07.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, F.S. Eligible communities applying for Library Services and Technology Act grants, Florida Library Literacy Grants, and Library Construction grants must request waiver of matching requirements at the time of grant application.

(5) This section supersedes Chapters 1B-3 and 1B-5, F.A.C.

Specific Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 240.5186, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-16-04, 2-21-06, 2-21-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Marian Deeney by mail at R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399, or by e-mail at mdeeney@dos.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Judith Ring

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2007

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NOS.: 5F-2.001 5F-2.002  5F-2.003 5F-2.005 5F-2.014  5F-2.016	RULE TITLES: Standards Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels Registration and Identification Inaccurate Measuring Devices Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44, Diesel Dispenser Nozzle Requirements, and Meter Sealing Requirements Guidelines for Imposing Administrative Penalties
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PURPOSE AND EFFECT: The purpose and effect of amending Rule 5F-2.001, Florida Administrative Code, is to:

1. adopt current editions of ASTM International fuel quality specification designations for gasoline, diesel fuels, kerosene, fuel oils, and various alternative fuels listed in Chapter 5F-2, Florida Administrative Code, so that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization;
2. add "end point" distillation requirements to alternative fuels to protect consumers from contaminated fuel;
3. define and include B99 with the existing B100 for use and specifications;
4. revise the vapor pressure requirements for certain alcohol modified fuels to allow more of these fuels to be marketed;

5. redefine the term and standards for biodiesel blends to include fuel oil as a blending agent to concur with general practices.

The purpose and effect of amending Rule 5F-2.002, Florida Administrative Code, is to provide disposition processes for certain substandard fuels in order to create a modified process for less severely contaminated fuels.

The purpose and effect of amending Rule 5F-2.003, Florida Administrative Code, is to update the labeling requirements of certain fuels to make Department rules in accord with new federal labeling requirements and to add a web address for certain Department forms, making them more accessible.

The purpose and effect of amending Rule 5F-2.005, Florida Administrative Code, is to allow an alternative method for dealing with improperly registering petroleum fuel measuring devices that have been repaired. This will increase the efficiency of Department personnel.

The purpose and effect of amending Rule 5F-2.014, Florida Administrative Code, is to:

1. Add requirements to standards for petroleum fuel measuring devices to protect the consumer from fueling improperly or receiving short measure;
2. Adopt the 2007 edition of National Institute of Standards and Technology (NIST) Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices in order to incorporate the most recent nationally recognized specifications and testing criteria for measuring devices developed by a consensus organization.

The purpose and effect of amending Rule 5F-2.016, Florida Administrative Code, is to update the penalty matrices to reflect the proposed changes in Chapter 5F-2, Florida Administrative Code.

SUMMARY: Proposed rule Chapter 5F-2, Florida Administrative Code, will specify that the most recent editions of ASTM International standards for fuels and other vehicular fluids are to be accepted for implementation. Changes and additions regarding specifications and labeling of these products are also addressed. New requirements for petroleum measuring devices are addressed. Changes and/or updates for penalties for violations are addressed. The website to the Gasoline and Oil Inspection Affidavit form is added.

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

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

SPECIFIC AUTHORITY: 525.037, 525.07, 525.14, 525.16, 526.09, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.035, 525.037, 525.07, 525.14, 525.16, 526.01(1),(3), 531.40 FS.

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

DATE AND TIME: October 12, 2007, 9:30 a.m. EST

PLACE: Florida Dept. of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, FL 32399-1650

Pursuant to the provisions of 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: Richard Kimsey, Environmental Administrator, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, phone: (850)488-9740. If you are 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: Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, phone: (850)488-9740

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions shall be considered by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service in accordance with Section 120.542, F.S., Variances and Waivers.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International designation D 4814-06a ~~D 4814-04b~~<sup>et</sup>, "Standard Specification for Automotive Spark-Ignition Engine Fuel," with the following exception: Gasoline containing one through ten percent ethanol by volume shall be allowed a 1.0 psi increase to the applicable vapor pressure class maximum.

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 4814-06a ~~D 4814-04b~~<sup>et</sup>, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(c) No person shall sell or offer for sale gasoline in this state that does not comply with the following requirements:

1. The total ethanol content of gasoline shall not exceed ten percent (10.0%), by volume;
2. The total methanol and co-solvents content of gasoline shall not exceed ten percent (10.0%), by volume;
3. The total methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed fifteen percent (15.0%), by volume;
4. The total ethanol and methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed twelve percent (12.0%), by volume.

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosene No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in ASTM International designation D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosine."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 3699-06 ~~D 3699-04~~, "Standard Specification for Kerosine."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in ASTM International designation D 975-06b ~~D 975-04e~~<sup>et</sup>, "Standard Specification for Diesel Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 975-06b ~~D 975-04e~~<sup>et</sup>, "Standard Specification for Diesel Fuel Oils."

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in ASTM International designation D 396-06 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International designation D 396-06 ~~D 396-04~~, "Standard Specification for Fuel Oils."

(5) Alternative Fuels.

- (a)1. Methanol, denatured ethanol, or other alcohols;
2. Denatured Ethanol.

a. Standards. All denatured fuel ethanol shall conform to the chemical and physical standards for denatured fuel ethanol as set forth in the ASTM International designation D 4806-06c ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 4806-06c ~~D 4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(b) Mixtures containing 85% by volume of methanol, denatured ethanol, or other alcohols with gasoline or other fuels, or such other percentage, determined acceptable in the specifications for such mixtures as adopted in this section to provide for requirements relating to cold start, safety, or vehicle functions:

1. E85 Fuel Ethanol. The following specifications apply to E85 Fuel Ethanol sold or offered for sale in Florida.

a. Standards. All E85 Fuel Ethanol shall conform to the chemical and physical standards for Fuel Ethanol as set forth in the ASTM International designation D 5798-06 ~~D-5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines;" with the following addition: All E85 Fuel Ethanol shall conform to the end point distillation temperature requirements for gasoline, as defined in subsection 5F-2.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5798-06 ~~D-5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

2. M85 Fuel Methanol. The following specifications apply to M85 Fuel Methanol sold or offered for sale in Florida.

a. Standards. All M85 Fuel Methanol shall conform to the chemical and physical standards for Fuel Methanol as set forth in the ASTM International designation D 5797-06 ~~D-5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines;" with the following addition: All M85 Fuel Methanol shall conform to the end point distillation temperature requirements for gasoline, as defined in subsection 5F-2.001(1), F.A.C.

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5797-06 ~~D-5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

(c) Fuels, other than alcohol, derived from biological materials:

1. Biodiesel fuel blend stock (also referred to as biodiesel or B100) and B99 (99% diesel fuel and 1% biodiesel by volume). The following specifications apply to biodiesel and B99 sold or offered for sale in Florida.

a. Standards. Biodiesel and B99 shall meet the specifications set forth by ASTM International designation D 6751-07 ~~D-6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

b. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 6751-07 ~~D-6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

2. Biodiesel blends (biodiesel blended with diesel fuel or fuel oil). The following specifications apply to biodiesel blends sold or offered for sale in Florida. Biodiesel blends cannot contain more than 20% biodiesel. B99 is not considered a blend for the purposes of this section.

a. Standards. Biodiesel blends containing diesel fuel shall meet the specifications set forth by ASTM International designation D 975-06b ~~D-975-04e<sup>et</sup>~~, "Standard Specification for Diesel Fuel Oils."

b. Standards. Biodiesel blends containing fuel oil shall meet the specifications set forth by ASTM International designation D396-04, "Standard Specification for Fuel Oils."

~~c.~~ Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 975-06b ~~D-975-04e<sup>et</sup>~~, "Standard Specification for Diesel Fuel Oils."

d. Analysis. For purposes of inspection and testing biodiesel blends containing fuel oil, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 396-04, "Standard Specification for Fuel Oils."

(6) Water in Retail Storage Tanks. Water in storage tanks containing products enumerated in this section and from which products are sold at retail shall not exceed two inches in depth when measured from the bottom of the tank.

(7) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) ASTM International D 4814-06a ~~D-4814-04b<sup>et</sup>~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) ASTM International D 3699-06 ~~D-3699-04~~, "Standard Specification for Kerosine."

(c) ASTM International D 975-06b ~~D-975-04e<sup>et</sup>~~, "Standard Specification for Diesel Fuel Oils."

(d) ASTM International D 396-06 ~~D-396-04~~, "Standard Specification for Fuel Oils."

(e) ASTM International designation D 4806-06c ~~D-4806-04a~~, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(f) ASTM International D 5798-06 ~~D-5798-99~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

(g) ASTM International D 5797-06 ~~D-5797-96~~, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

(h) ASTM International designation D 6751-07 ~~D-6751-03a~~, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 4-18-05, 6-1-06,\_\_\_\_\_.

5F-2.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels.

(1) GASOLINE.

(a) Gasoline found below the standard by reason of containing water, sediment, or suspended matter shall be withheld from sale to the public by the Department of Agriculture and Consumer Services until brought up to standard.

(b) Gasoline found below standard because of an Antiknock Index more than one (1.0), but not more than two (2.0), below the Antiknock Index displayed on the dispenser shall be withheld from sale to the public until it has been brought up to the Antiknock Index standard. If the product meets the specifications for a lesser grade of gasoline, it may be labeled as the lesser grade and released for sale to the public.

(c) Gasoline blended with ethanol found to have an ethanol content of more than one (1.0), but not more than three (3.0), above or below the posted ethanol content displayed on the dispenser shall be withheld from sale to the public until it has been replaced with suitable product or relabeled appropriately. No concentration shall be permitted to be less than one percent by volume ethanol if the product is labeled as containing ethanol according to the requirements in subsection 5F-2.003(7), F.A.C.

(d) Gasoline found below standard because of a silver corrosion rating of two (2) shall be withheld from sale to the public until it meets the silver corrosion standard or is replaced with a suitable product that meets the silver corrosion standard.

(e)(e) Gasoline not meeting specifications stated in ASTM International D 4814-06a ~~D 4814-04b~~<sup>e1</sup>, “Standard Specification for Automotive Spark-Ignition Engine Fuel” for reasons other than those enumerated in paragraphs (1)(a), ~~and~~ (b), (c) or (d) shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(2) KEROSENE.

(a) Kerosene found below standard by reason of containing water, sediment, suspended matter, or failing to meet the standard for color shall not have an assessment levied, by the Department, but shall be withheld from sale to the public until brought up to standard.

(b) Kerosene not meeting specifications stated in ASTM International D 3699-06 ~~D 3699-04~~, “Standard Specification for Kerosine” for reasons other than those enumerated in

paragraph (2)(a) shall be subject to penalties provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(3) DIESEL FUEL OILS No. 1-D AND No. 2-D, AND FUEL OILS No. 1 AND No. 2.

(a) Diesel fuel oils and fuel oils found below standard by reason of containing excessive amounts of water and sediment shall not have an assessment levied but shall be withheld from sale to the public until they are brought up to standard.

(b) Diesel fuel oils No. 2-D found below the flash point standard, but not below 100°F, shall not have an assessment levied but shall be withheld from sale to the public until brought up to standard.

(c) Diesel fuel oils No. 1-D and No. 2-D found above the sulfur standard, but equal to or below 35 ppm sulfur shall not have an assessment levied, but shall be withheld from sale to the public until brought up to standard or relabeled appropriately.

(d)(e) Diesel fuel oils No. 1-D and No. 2-D, and fuel oils No. 1 and No. 2 not meeting specifications stated in ASTM International D 975-06b ~~D 975-04e~~<sup>e1</sup>, “Standard Specification for Diesel Fuel Oils” and ASTM International D 396-06 ~~D 396-04~~, “Standard Specification for Fuel Oils”, respectively for reasons other than those enumerated in paragraphs (3)(a),(b) ~~and or~~ (c)(~~b~~) shall be subject to the penalties as provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

(4) ALTERNATIVE FUELS.

(a) Alternative Fuels found below standard shall be withheld from sale to the public until brought up to standard.

(b) Biodiesel blends found to have a biodiesel content of more than two (2.0), but not more than five (5.0), above or below the posted biodiesel content displayed on the dispenser shall be withheld from sale to the public until it has been replaced with suitable product or relabeled appropriately.

(b)(e) Alternative Fuels found below standard for reasons other than those enumerated in paragraph (4)(b) shall be subject to the penalties as provided in Section 525.16, F.S. These penalties are specified in Rule 5F-2.016, F.A.C.

Specific Authority 525.037, 525.14, 525.16 FS. Law Implemented 525.037, 525.16 FS. History—Amended 7-1-71, 7-1-73, Repromulgated 12-31-74, Amended 2-13-80, Formerly 5F-2.02, Amended 5-3-90, 8-13-92, 1-24-93, 11-29-94, 6-1-06,\_\_\_\_\_.

5F-2.003 Registration and Identification.

(1) The Department of Agriculture and Consumer Services will furnish on request Form DACS-03202 for making statements and affidavits required in Section 525.01, Florida Statutes. Form DACS-03202 is effective 11-29-94, (Rev. 6/01) and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of

Standards, Bureau of Petroleum Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 or at <http://www.doacs.state.fl.us>.

(2) Every retail gasoline dispenser shall have the octane rating of the gasoline being sold therefrom conspicuously and firmly posted in a manner conforming with 16 Code of Federal Regulations Part 306 (1-1-93 Edition) which is hereby adopted by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(3) Every retail gasoline dispenser shall have the grade designation of the gasoline being sold therefrom conspicuously and firmly attached thereto. The octane rating of gasoline sold using the following grade designations must meet the minimum octane rating indicated:

Grade Designation	Minimum Octane Rating
Premium, Super, Supreme, High Test	91
Midgrade, Plus	89
Regular, Unleaded	87

(4) All racing gasoline or gasoline designed for special use that is kept, offered, or exposed for sale, or sold at retail that does not meet standards established in subsection 5F-2.001(1), F.A.C.:

(a) May not be advertised or represented, in writing or orally, to be suitable for use in ordinary motor vehicles or boat motors,

(b) Shall be accompanied by a conspicuous sign on the dispenser stating that the product does not meet gasoline specifications.

(5) Every retail kerosene dispenser or container-package of kerosene offered for sale at retail shall be conspicuously labeled "kerosene" immediately followed by the designation: 1-K or 2-K, whichever is applicable.

(6) Beginning June 1, 2006, every retail diesel fuel dispenser shall have the proper grade designation to indicate the sulfur content of the diesel fuel being sold therefrom conspicuously and firmly attached thereto. Lettering must be in block letters of no less than 24-point bold type and printed in a color contrasting the background. The label shall be placed on the vertical surface of each dispenser housing on each side that has measure and price meters. The label shall be on the upper two-thirds of the dispenser and clearly visible to anyone dispensing fuel from the dispenser. The label shall include all of the following text relating to the grade of diesel fuel sold through the dispenser:

(a) For all ultra-low sulfur highway diesel fuel:

**ULTRA-LOW SULFUR HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)**

Required for use in all model year 2007 and later highway diesel vehicles and engines.

Recommended for use in all diesel vehicles and engines.

(b) For all low sulfur highway diesel fuel:

**LOW SULFUR HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)**

**WARNING** – Federal law prohibits use in model year 2007 and later highway vehicles and engines. Its use may damage these vehicles and engines.

(c) For ultra-low sulfur ~~all~~ non-highway diesel fuel:

~~NON-HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur)~~

~~**WARNING** – Federal law prohibits use in highway vehicles and engines. Its use may damage these vehicles and engines.~~

**ULTRA-LOW SULFUR NON-HIGHWAY DIESEL FUEL (15 ppm Sulfur Maximum)**

Required for use in all model year 2011 and newer non-road diesel engines.

Recommended for use in all non-road, locomotive, and marine diesel engines.

**WARNING** – Federal law prohibits use in highway vehicles or engines.

(d) For low sulfur non-highway diesel fuel:

**LOW SULFUR NON-HIGHWAY DIESEL FUEL (500 ppm Sulfur Maximum)**

**WARNING** – Federal law prohibits use in highway vehicles or engines.

(e) For high sulfur non-highway diesel fuel:

**HIGH SULFUR NON-HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur)**

**WARNING** – Federal law prohibits use in highway vehicles or engines.

May damage non-road diesel engines required to use low-sulfur or ultra-low sulfur diesel fuel.

(f) For all fuel (heating) oil:

**WARNING** – Federal law prohibits use in highway vehicles or engines, or in non-road, locomotive, or marine diesel engines. Its use may damage these diesel engines.

(7) All gasoline kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 10% by volume of ethanol, methanol, or a combination shall be identified as "contains 10% or less or 1-10% ethanol," "contains 10% or less or 1-10% methanol," or "contains 10% or less or 1-10% ethanol/methanol", or other definitive equivalent statement on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Gasoline kept, offered, or exposed for sale, or sold, at retail, containing specifically ten percent by volume of ethanol may be identified as "E10" and "contains ethanol" or other definitive equivalent statement declaring the presence of ethanol on the upper fifty percent of the dispenser

front panel in a position clear and conspicuous from the driver's position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(8) All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than 10% ethanol, methanol or other alcohol shall be identified by a name indicating the amount and type(s) of ethanol, methanol or other alcohol in the fuel and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Ethanol mixed with gasoline and containing an ethanol content of nominally 75%-85% shall be identified as "E85 Fuel Ethanol."

(b) Methanol mixed with gasoline and containing a methanol content of nominally 80%-85% shall be identified as "M85 Fuel Methanol."

(9) ~~All biodiesel or~~ biodiesel blends containing diesel fuel kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as "Biodiesel Blend (BXX)," where XX represents the volume percent biodiesel in the biodiesel blend; and shall be labeled with the proper sulfur grade designation "S15 (15 ppm Sulfur Maximum)" or "S500 (500 ppm Sulfur Maximum). All biodiesel or B99 kept, offered, or exposed for sale, or sold, at retail shall be identified as "Biodiesel (BXX)," where XX represents the volume percent biodiesel and shall be labeled with the proper sulfur grade designation "S15 (15 ppm Sulfur Maximum)" or "S500 (500 ppm Sulfur Maximum). Each dispenser shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Every dispenser that dispenses biodiesel, B99, or a biodiesel blend containing diesel fuel dispenser dispensing fuel with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL. CONSULT  
WITH YOUR ENGINE  
MANUFACTURER OR OWNER'S MANUAL BEFORE  
USING THIS PRODUCT.

(b) Every dispenser that dispenses a biodiesel blend containing diesel fuel shall also possess the proper diesel fuel sulfur grade designation conspicuously and firmly attached thereto, as specified in paragraph (6) of this section, to indicate

the grade of the biodiesel blend being sold therefrom. The diesel fuel sulfur grade designation shall apply to the blended fuel.

(10) All biodiesel blends containing fuel oil kept, offered, or exposed for sale, or sold, at retail that contain more than 5% biodiesel shall be identified as "Bioheat (BHXX)," where XX represents the volume percent biodiesel in the biodiesel blend, and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Every dispenser that dispenses a biodiesel blend containing fuel oil with a biodiesel percentage greater than 5% shall contain a label on the vertical surface of each dispenser housing on each side that has measure and price meters and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type) that reads as follows:

THIS PRODUCT CONTAINS BIODIESEL. CONSULT  
WITH YOUR EQUIPMENT OR ENGINE  
MANUFACTURER OR OWNER'S MANUAL BEFORE  
USING THIS PRODUCT

~~(11)(49)~~ Any other alternative fuel as defined by this section shall be labeled clearly and unambiguously on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

Specific Authority 525.14, 526.09 FS. Law Implemented 525.01, 525.035, 525.14, 526.01(1), (3) FS. History—Amended 12-31-74, 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94, 6-1-06, \_\_\_\_\_.

5F-2.005 Inaccurate Measuring Devices.

(1) For the purpose of Section 525.07, Florida Statutes, and this rule, the term "short measure" shall mean the overregistering of fuel by a petroleum fuel measuring device.

(2) If any petroleum fuel measuring device is found to be underregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014, F.A.C., the inspector shall give the operator or owner of the said device a reasonable time in writing to fix or adjust such device.

(3) If any petroleum fuel measuring device is found to be overregistering fuel in excess of the specifications and tolerances established by the department in Rule 5F-2.014, F.A.C., the device shall be placed out-of-service and prohibited from further use. Such measuring devices placed out-of-service for inaccuracy shall be rendered inoperative either by removal or by the locking of working parts with lead and wire seal and shall not be put back in service without reinspection ~~or~~ and the ~~written~~ consent of the department.



(4) If three or more petroleum fuel measuring devices at any petroleum retail facility are each found to be overregistering fuel in excess of 25 cubic inches, the devices shall be placed out-of-service and prohibited from further use. The nozzles of such petroleum measuring devices placed out-of-service for inaccuracy shall be covered with a red plastic bag and the measuring devices shall be rendered inoperative either by the removal or by the locking of working parts with lead and wire seal. The measuring devices shall not be put back in service without reinspection or ~~and~~ the ~~written~~ consent of the department.

Specific Authority 525.07, 525.14 FS. Law Implemented 525.07 FS. History—Amended 7-1-74, Repromulgated 12-31-74, 5-3-83, Formerly 5F-2.05, Amended 11-29-94,\_\_\_\_\_.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44, Diesel Dispenser Nozzle Requirements, and Meter Sealing Requirements.

(1) The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2007 2006 Edition, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or at <http://ts.nist.gov>.

(2) Effective July 1, 2008, each retail dispensing device from which diesel fuel, biodiesel, or a biodiesel blend containing diesel fuel is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 23.63 mm (0.930 in).

(3) All operating petroleum fuel measuring devices must be sealed with an appropriate security seal in such a manner that the metering adjustment cannot be changed without breaking the seal. An appropriate security seal is one which has been applied by the Department or a person who is registered

with the Department as a meter mechanic and bears the name of the company or the name or initials of the registered meter mechanic.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 6-1-06,\_\_\_\_\_.

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) Any person who is shown to have willfully and intentionally violated any provision of Chapter 525, Florida Statutes, shall have a maximum administrative fine of \$5,000 levied per violation.

(2) Any person who commits a first violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall be issued a warning letter.

(3) Any person who commits a second violation of Chapter 525, Florida Statutes, within a three-year period that is not shown to have been willful or intentional shall have a maximum administrative fine of \$1,000 levied per violation.

(4) Any person who commits three or more violations of Chapter 525, Florida Statutes, within a three-year period that are not shown to have been willful or intentional shall have a maximum administrative fine of \$5,000 levied per violation.

(5) Pursuant to Section 525.16(1)(a)2., Florida Statutes, four factors will be considered when imposing an administrative fine on a second time or repeat offender for violations that are not shown to have been willful or intentional. The factors are:

- (a) The degree and extent of harm caused by the violation;
- (b) The cost of rectifying the damage;
- (c) The amount of money the violator benefitted from the noncompliance; and
- (d) The compliance record of the violator.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

a. Severity and Nature of the Violation.

Gasoline

Fine	\$100	\$250	\$500
Distillation: End Point, °F	<del>450-475</del> 475	476-500	>500
Distillation: 10, 50 & 90% evaporated temperature, °F		all violations	
Vapor Pressure, psi	April-October: > maximum but ≤11.5	November-March: > 13.5 <sup>±</sup> April-October: > 11.5	
Antiknock Index			>2.0 below displayed value
Sulfur			all violations
Gum			all violations
Alcohol/Oxygenates		> maximum but < 20%	>20%
Ethanol	> 3.0 from displayed value		
Silver Corrosion			≥ 2 # violations

\*Greater than 14.5 psi for gasoline blended with 1% to 10% ethanol by volume.

Diesel, Biodiesel Blends, Kerosene, Bioheat and Fuel Oils

Fine	\$100	\$250	\$500
Flash Point, °F	diesel, biodiesel blends, bioheat & fuel oils: 80-95 kerosene: 80-91	diesel, biodiesel blends, kerosene, bioheat & fuel oils: 60-79	diesel, biodiesel blends, kerosene, bioheat & fuel oils: < 60
Distillation		diesel, biodiesel blends, kerosene, bioheat & fuel oils: all violations	
Sulfur (ULSD, Biodiesel blends containing ULSD and S15 Biodiesel)			≥35 ppm # violations
Sulfur (all other fuels)			all violations
Lubricity			all violations
Biodiesel and Bioheat, % vol	biodiesel blends: ≥20		
Biodiesel and Bioheat, % vol	biodiesel > 5 from displayed value		

\*Sulfur requirements for Ultra Low Sulfur Diesel (ULSD or S15) will be elevated to 22 ppm until September 1, 2006 at the wholesale level and October 15, 2006 at the retail level. See 40 CFR Part 80 as amended in Federal Register on November 22, 2005, volume 70 number 224, page 70498.

Fuel Ethanol (Ed75-Ed85) and Fuel Methanol (M70-M85)

Fine	\$100	\$250	\$500
Ethanol content	Fuel Ethanol (Ed 75-Ed85): all violations		
Methanol content	all violations		
Vapor Pressure	all violations		
Sulfur	all violations		
Water content	all violations		
Distillation: End Point, °F	475	476-500	≥500

Biodiesel Fuel Blend Stock (B100) and B99

Fine	\$100
Flash Point	all violations
Water and sediment content	all violations
Sulfur	all violations
Glycerin	all violations
Distillation: 90%	all violations

b. Extent of Harm.

Fine	\$250	\$750	\$1,500
# of gallons sold	0-500	501-1000	> 1000

2. The cost of rectifying the damage is determined by the monetary value of repairs for equipment damaged by the substandard product. These damages must be related to a valid complaint filed with the Department.

Fine	\$100	\$250	\$500
\$value	<\$500	\$500-1000	>\$1000

3. Benefit to Violator.

Fine	Revenue resulting from sale of substandard product.
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4. Compliance Record.

Fine	\$100 per violation	\$250 per violation	\$500 per violation
# of violations subject to penalty	3rd previous year	2nd previous year	1st previous year

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History--New 2-24-00, Amended 7-30-02, 6-1-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650; phone: (850)488-9740

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry Rhodes, Assistant Commissioner, The Capitol, PL10, Tallahassee, FL 32399-0810

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2007

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

DEPARTMENT OF REVENUE

RULE NO.: 12-3.011  
 RULE TITLE: Department Personnel Disciplinary Procedures and Standards

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12-3.011, F.A.C. (Department Personnel Disciplinary Procedures and Standards), is to repeal a rule that has been

rendered obsolete and is no longer necessary. Section 110.201, F.S., requires the Department of Management Services to develop uniform personnel rules and guidelines relating to employees and positions in the career service. The Department of Management Services adopted Rule 60L-36.005, F.A.C. (Disciplinary Standards), to provide the required disciplinary and personnel procedures for all state agencies, including the Department of Revenue. The adoption of this rule rendered the Department of Revenue's Rule 12-3.011, F.A.C., obsolete. The effect of the repeal of this rule will remove this obsolete rule from the administrative code.

**SUMMARY:** The proposed repeal of Rule 12-3.011, F.A.C. (Department Personnel Disciplinary Procedures and Standards), removes obsolete personnel disciplinary action standards and procedures from the Department of Revenue's administrative rules.

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

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

**SPECIFIC AUTHORITY:** 213.061(1), 409.2557(3) FS.

**LAW IMPLEMENTED:** 20.21(2)(a), 110.201(2), 110.227 FS.

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

**DATE AND TIME:** October 15, 2007, 10:00 a.m.

**PLACE:** Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Jamie Peate, Operations Analyst, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

12-3.011 Department Personnel Disciplinary Procedures and Standards.

Specific Authority 213.061(1), 409.2557(3) FS. Law Implemented 20.21(2)(a), 110.201(2), 110.227 FS. History--New 7-27-99, Amended 10-18-04, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Jamie Peate, Operations Analyst, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-6668, telephone (850)922-4726

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 10, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** Pursuant to Section 120.54(2)(a), F.S., a rule development notice was not published in the Florida Administrative Weekly to propose the repeal of Rule 12-3.011, F.A.C., Department Personnel Disciplinary Procedures and Standards

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

**RULE NO.:**  
12A-1.0141

**RULE TITLE:**  
Equipment Used to Deploy Internet Related Broadband Technologies in a Florida Network Access Point; Refund Procedures

**PURPOSE AND EFFECT:** The purpose of the proposed repeal of Rule 12A-1.0141, F.A.C. (Equipment Used to Deploy Internet Related Broadband Technologies in a Florida Network Access Point; Refund Procedures), is to remove obsolete provisions which provided the administrative requirements to obtain a refund of previously paid tax on equipment purchased by a communications services provider necessary for use in the deployment of broadband technologies in Florida. This refund of previously paid tax was authorized in Section 37, Chapter 2000-164, L.O.F., and was scheduled to be repealed on June 30, 2005. The Legislature has not reenacted these tax refund provisions. The effect of this rule repeal will remove this obsolete rule from the administrative code.

**SUMMARY:** The proposed repeal of Rule 12A-1.0141, F.A.C. (Equipment Used to Deploy Internet Related Broadband Technologies in a Florida Network Access Point; Refund Procedures), removes obsolete provisions regarding how to obtain a refund of previously paid tax on equipment purchased by a communications services provider necessary for use in the deployment of broadband technologies in Florida.

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

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

SPECIFIC AUTHORITY: 212.08(5)(p), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.08(5)(p), 212.085, 213.255(1), (2), (3), 215.26(2) FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet L. Young, Tax Law Specialist, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.0141 Equipment Used to Deploy Internet Related Broadband Technologies in a Florida Network Access Point; Refund Procedures.

Specific Authority 212.08(5)(p), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(p), 212.085, 213.255(1), (2), (3), 215.26(2) FS. History—New 6-19-01, Amended 4-17-03, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Tax Law Specialist, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Pursuant to Section 120.54(2)(a), F.S., a rule development notice was not published in the Florida Administrative Weekly to propose the repeal of Rule 12A-1.0141, F.A.C., Equipment Used to Deploy Internet Related Broadband Technologies in a Florida Network Access Point; Refund Procedures

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: 12A-1.097  
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

SUMMARY: The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of sales and use tax.

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

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

SPECIFIC AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
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(2) through (4) No change.

(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
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(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
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(c) DR-15CON	Consolidated Summary – Sales and Use Tax Return (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
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(6)(a) DR-15	Sales and Use Tax Return (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
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(b) DR-15CS	Sales and Use Tax Return (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
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(c) DR-15CSN	DR-15 Sales and Use Tax - Instructions (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
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(d) DR-15EZ	Sales and Use Tax Return (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
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(e) DR-15EZCSN	DR-15EZ Sales and Use Tax Return – Instructions (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
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(f) DR-15EZN	Instructions for <u>2008</u> <del>2007</del> DR-15EZ Sales and Use Tax Returns (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
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(g) No change.

(h) DR-15MO	Florida Tax on Purchases (R. <u>06/07</u> <del>02/06</del> )	_____ <u>04/07</u>
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(i) DR-15N	Instructions for <u>2008</u> <del>2007</del> DR-15 Sales and Use Tax Returns (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
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(j) through (m) No change.

(7) through (22) No change.

(23) DR-600013	Request for Verification that Customers are Authorized to Purchase for Resale (R. <u>02/07</u> <del>N. 01/00</del> )	_____ <u>10/01</u>
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Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History–New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 6, 2007 (Vol. 33, No. 27, pp. 2973-2974). No comments were received by the Department

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.:	RULE TITLE:
12A-16.008	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the solid waste fees and the rental car surcharge.

SUMMARY: The proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of the solid waste fees and the rental car surcharge.

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

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

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.  
 LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.  
 PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-16.008 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge, as provided in this rule chapter, and the solid waste fees, as provided in Rule Chapter 12A-12, F.A.C. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-15SWCS	Solid Waste and Surcharge Return <del>(DR-15SW)</del> (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
(3) DR-15SWN	Instructions for DR-15SW Solid Waste and Surcharge Returns (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>

(4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History—New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04, 6-28-05, 7-25-06, 4-5-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 6, 2007 (Vol. 33, No. 27, p. 2974). No comments were received by the Department

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12B-4.003  
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the documentary stamp tax.

SUMMARY: The proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), adopt, by reference, changes to forms used by the Department in the administration of the documentary stamp tax.

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

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

SPECIFIC AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.022, 201.133 FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.  
 PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-4.003 Public Use Forms.

(1) The following public-use forms and instructions are employed by the Department of Revenue in its administration of the documentary stamp tax, and are hereby incorporated in this rule by reference. Copies of these forms are available, without cost, by one (4) or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) No change.		
(3) DR-225	Documentary Stamp Tax Return For Registered Taxpayers' Unrecorded Documents	(R. <u>11/07</u> <del>12/04</del> ) _____ <u>06/05</u>

(4) No change.

Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.022, 201.133 FS. History—Revised 8-18-73, Formerly 12A-4.03, Amended 9-26-77, 12-11-78, Formerly 12B-4.03, Amended 12-5-89, 2-16-93, 10-20-93, 12-30-97, 5-4-03, 6-28-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 6, 2007 (Vol. 33, No. 27, pp. 2974-2975). No comments were received by the Department

DEPARTMENT OF REVENUE

Miscellaneous Tax

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

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

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

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

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

SPECIFIC AUTHORITY: 206.14(1), 206.59(1), 213.06(1) FS. LAW IMPLEMENTED: 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943, FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-5.150 Public Use Forms.

(1)(a) The following public use forms and instructions are utilized by the Department and are hereby incorporated by reference in this rule.

Form Number	Title	Effective Date	Form Number	Title	Effective Date
(b) No change.			(19)(20) DR-904	Pollutants Tax Return	(R. <u>01/08</u> <del>03/05</del> ) ____ <u>04/07</u>
(2) DR-138	Application for Fuel Tax Refund – Agriculture, Aquacultural, <del>and</del> Commercial Fishing or Commercial Aviation Purposes (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>		(20)(21) DR-309631	Terminal Supplier Fuel Tax Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>	
(3) through (8) No change.			(21)(22) DR-309631N	Instructions for Filing Terminal Supplier Fuel Tax Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>	
(9) DR-160	Application for Fuel Tax Refund – Mass Transit System Users (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>		(22)(23) DR-309632	Wholesaler/Importer Fuel Tax Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>	
(10) DR-161	Refund Application Schedule of Purchases for Tax Paid Purchase Only (R. <u>01/07</u> ) ____ <u>04/07</u>		(23)(24) DR-309632N	Instructions for Filing Wholesaler/Importer Fuel Tax Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>	
(10)(11) DR-166	Florida Pollutant Tax Application (R. <u>01/05</u> ) ____ <u>04/07</u>		(24)(25) DR-309633	Mass Transit System Provider Fuel Tax Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>	
(11)(12) DR-176	Application for Air Carrier Fuel Tax License (R. <u>01/05</u> ) ____ <u>04/07</u>		(25)(26) DR-309633N	Instructions for Filing Mass Transit System Provider Fuel Tax Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>	
(12)(13) DR-179	Corporate Surety Bond Form for Refund Permit Application (R. <u>09/97</u> ) ____ <u>04/07</u>		(26)(27) DR-309634	Local Government User of Diesel Fuel Tax Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>	
(13)(14) DR-182	Florida Air Carrier Fuel Tax Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>		(27)(28) DR-309634N	Instructions for Filing Local Government User of Diesel Fuel Tax Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>	
(14)(15) DR-185	Application for Fuel Tax Refund Permit (R. <u>07/07</u> <del>06/04</del> ) ____ <u>04/07</u>		(28)(29) DR-309635	Blender/Retailer of Alternative Fuel Tax Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>	
(15)(16) DR-189	Application for Fuel Tax Refund – Municipalities, Counties and School Districts (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>		(29)(30) DR-309635N	Instructions for Filing Blender/Retailer of Alternative Fuel Tax Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>	
(16)(17) DR-190	Application for Fuel Tax Refund – Non-Public Schools (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>		(30)(31) DR-309636	Terminal Operator Information Return (R. <u>01/08</u> <del>01/07</del> ) ____ <u>04/07</u>	
(17)(18) DR-191	Application for Aviation Fuel Refund – Air Carriers (R. <u>07/06</u> ) ____ <u>04/07</u>				
(18)(19) DR-248	2008 <del>2006</del> Alternative Fuel Use Permit Application, Renewal, and Decal Order Form (R. <u>01/08</u> <del>10/05</del> ) ____ <u>04/07</u>				



- (31)(32) DR-309636N Instructions for Filing  
Terminal Operator  
Information Return  
(R. 01/08 ~~04/07~~) \_\_\_\_\_ 04/07
- (32)(33) DR-309637 Petroleum Carrier  
Information Return  
(R. 01/08  
~~04/07~~) \_\_\_\_\_ 04/07
- (33)(34) DR-309637N Instructions for Filing  
Petroleum Carrier  
Information Return  
(R. 01/08 ~~04/07~~) \_\_\_\_\_ 04/07
- (34)(35) DR-309638 Exporter Fuel Tax  
Return (R. 01/08  
~~04/07~~) \_\_\_\_\_ 04/07
- (35)(36) DR-309638N Instructions for Filing  
Exporter Fuel Tax  
Return (R. 01/08  
~~04/07~~) \_\_\_\_\_ 04/07
- (36)(37) DR-309639 Application for Refund  
of Tax Paid on Undyed  
Diesel Used for Off-  
Road or Other Exempt  
Purposes ~~(with~~  
~~Instructions)~~(R. 01/08  
~~04/07~~) \_\_\_\_\_ 04/07
- (37)(38) DR-309640 Application for Refund  
of Tax Paid on Undyed  
Diesel Consumed  
by Motor Coaches  
During Idle Time  
in Florida (R. 01/08  
~~04/07~~) \_\_\_\_\_ 04/07
- (38)(39) DR-309645 ~~2007~~ 2008 Refundable  
Portion of Local  
Option and State  
Comprehensive  
Enhanced Transportation  
System (SCETS) Tax  
(R. 01/08 ~~04/07~~) \_\_\_\_\_ 04/07
- (39)(40) DR-309660 Application for Pollutants  
Tax Refund (R. 01/08  
~~04/07~~) \_\_\_\_\_ 04/07

Specific Authority 206.14(1), 206.59(1), 213.06(1) FS. Law Implemented 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.43, 206.86, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.9943 FS. History—New 11-21-96, Amended 10-27-98, 5-1-06, 4-16-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jamie Peate, Operations Analyst, Technical Assistance and  
Dispute Resolution, Department of Revenue, P. O. Box 7443,  
Tallahassee, Florida 32314-7443; telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Buzz McKown, Revenue Program  
Administrator II, Technical Assistance and Dispute Resolution,  
P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone  
number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: A Notice of Proposed Rule  
Development was published in the Florida Administrative  
Weekly on July 6, 2007 (Vol. 33, No. 27, pp. 2975-2977). No  
comments were received by the Department

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.:	RULE TITLE:
12B-7.0225	Computation of Phosphate Rock Tax Rate

PURPOSE AND EFFECT: The purpose of the proposed repeal  
of Rule 12B-7.0225, F.A.C. (Computation of Phosphate Rock  
Tax Rate), is to remove the unnecessary adoption of the  
phosphate rock producer price index to be used by the  
Department for purposes of calculating the annual adjustment  
to the producer price index for phosphate rock.

The Department is required to calculate the annual base rate  
adjustment to the phosphate rock tax rate and provide  
notification to the affected producers each year. Prior to July 1,  
2007, Section 211.3103, F.S., required an annual adjustment to  
the base price by the change in the producer price index for  
phosphate rock primary products. When that index was no  
longer available, the Department was required to select a  
comparable index and to adopt that index by rule. The  
Department adopted in this rule the U.S. Bureau of Labor  
Statistics Producer Price Index North American Industry  
Classification System National Code 212392, Phosphate Rock  
Mining, as the price index to be used in the calculation of the  
annual base rate adjustment beginning with the year 2007 and  
thereafter. The Department also adopted the change in  
methodology for calculating the annual base rate adjustment  
for the phosphate rock tax rate for the year 2006.

Effective July 1, 2007, Section 18, Chapter 2007-106, L.O.F.,  
changed the producer price index to be used for this purpose to  
the producer price index for phosphate rock, the index  
currently used by the Department and adopted in this rule. The  
Department is only required to select a comparable index and  
adopt that index by rule in the event that the producer price  
index is discontinued. Because the Department is using the  
index required by the statute and that index remains available  
and the provisions regarding the methodology to compute the

tax rate for the year 2006 are now obsolete, this rule is no longer necessary. The effect of this rule repeal will be to remove this rule from the administrative code.

**SUMMARY:** The proposed repeal of Rule 12B-7.0225, F.A.C., removes the adoption of the producer price index for phosphate rock used by the Department to calculate the annual base rate adjustment to the phosphate rock tax rate that is no longer necessary under the provisions of Section 211.3103(9), F.S., as amended by Section 18, Chapter 2007-106, L.O.F.

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

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

**SPECIFIC AUTHORITY:** 211.3103(9)(e), 213.06(1) FS.

**LAW IMPLEMENTED:** 211.3103 FS.

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

**DATE AND TIME:** October 15, 2007, 10:00 a.m.

**PLACE:** Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

**THE FULL TEXT OF THE PROPOSED RULE IS:**

12B-7.0225 Computation of Phosphate Rock Tax Rate.

Specific Authority 211.3103(9)(e), 213.06(1) FS. Law Implemented 211.3103 FS. History—New 6-28-00, Amended 10-30-06, Repealed

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4709

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 10, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** Pursuant to Section 120.54(2)(a), F.S., a rule development notice was not published in the Florida Administrative Weekly to propose the repeal of Rule 12B-7.0225, F.A.C., Computation of Phosphate Rock Tax Rate

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

**RULE NO.:** 12B-8.003  
**RULE TITLE:** Tax Statement; Overpayments

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

**SUMMARY:** The proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

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

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

**SPECIFIC AUTHORITY:** 213.06(1) FS.

**LAW IMPLEMENTED:** 213.05, 213.37, 624.5092, 624.511, 624.518 FS.

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

**DATE AND TIME:** October 15, 2007, 10:00 a.m.

**PLACE:** Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

**THE FULL TEXT OF THE PROPOSED RULE IS:**

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
(6)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year <u>2007</u> <del>2006</del> (R. <u>01/08</u> <del>01/07</del> )	_____ <u>4/07</u>
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
(7) DR-350900	<u>2007</u> <del>2006</del> Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>

Specific Authority 213.06(1) FS. Law Implemented 213.05, 213.37, 624.5092, 624.511, 624.518 FS. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05, 6-20-06, 4-5-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Buzz McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 6, 2007 (Vol. 33, No. 27, pp. 2977-2978). No comments were received by the Department

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NO.: RULE TITLE:

12C-1.051 Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, new forms and changes to the forms used by the Department in the administration of the corporate income tax. SUMMARY: The proposed amendments to Rule 12C-1.051, F.A.C. (Forms), adopt, by reference, changes to the forms used by the Department in the administration of the corporate income tax.

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

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

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

DATE AND TIME: October 15, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
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(2) through (3)	No change.	
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(4)(a) F-1065	Florida Partnership Information Return (R. <u>01/08</u> <del>01/07</del> )	_____ <u>04/07</u>
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- (b) F-1065N Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. 01/08  
~~01/07~~) \_\_\_\_\_ 04/07
- (5) F-1120A Florida Corporate Short Form Income Tax Return (R. 01/08 ~~01/07~~) \_\_\_\_\_ 04/07
- (6)(a) F-1120 Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. 01/08  
~~01/07~~) \_\_\_\_\_ 04/07
- (b) F-1120N F-1120 Instructions – Corporate Income/ Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, 2007 ~~2006~~ (R. 01/08 ~~01/07~~) \_\_\_\_\_ 04/07
- (7) F-1120ES Declaration/Installment of Florida Estimated Income/ Franchise and/or Emergency Excise Tax For Taxable Year Beginning on or after January 1, 2008 ~~2007~~ (R. 01/08 ~~01/07~~) \_\_\_\_\_ 04/07
- (8)(a) F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/08 ~~01/07~~) \_\_\_\_\_ 04/07
- (b) F-1120XN Instructions for Preparing Form F-1120X Amended Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/08 ~~01/06~~) \_\_\_\_\_ 04/06
- (9) through (14) No change.
- (15) F-7004 Florida Tentative Income/ Franchise and/or Emergency Excise Tax Return and Application for Extension of Time to File Return (R. 01/08 ~~01/07~~) \_\_\_\_\_ 04/07

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737,

220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History– New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, 5-1-06, 4-5-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone (850)922-4726

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A Notice of Proposed Rule Development was published in the Florida Administrative Weekly on July 6, 2007 (Vol. 33, No. 27, pp. 2978-2979). No public comments were received by the Department

**DEPARTMENT OF TRANSPORTATION**

RULE NO.: 14-109.0011  
 RULE TITLE: Joint Public/Private Development of Right of Way

PURPOSE AND EFFECT: Rule Chapter 14-109, F.A.C., is being repealed as unnecessary to Department operations. The Department process can be addressed in procedures. Repeal of this rule chapter is part of the Department’s overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary.

SUMMARY: Rule Chapter 14-109, F.A.C., is being repealed.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 337.251 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-109.0011 Joint Public/Private Development of Right of Way.

Specific Authority 334.044(2) FS. Law Implemented 337.251 FS. History--New 3-13-97, Amended 8-6-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth Towcimak, Director, Office of Right of Way  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 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."

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-208.003  
 RULE TITLE: Range of Disciplinary Actions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the types of disciplinary actions that can be appealed and the entities to which they may be appealed.

SUMMARY: The proposed rule eliminates assignment and transfer in excess of 50 miles from the list of appealable disciplinary actions and corrects office and staff titles in the rule.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental, and institutional policies will result in disciplinary actions, which may be by oral reprimand, written reprimand, ~~reassignment, transfer in excess of 50 miles,~~ suspension, reduction in pay, demotion or dismissal.

Any employee who feels that unjust disciplinary action such as an oral or written reprimand has been given; has the right to submit a grievance as established by the grievance procedures of the Department of Corrections. For disciplinary actions involving ~~reassignment, transfer in excess of 50 miles,~~ suspension, reduction in pay, demotion, or dismissal, permanent Career Service employees have the right to appeal to the ~~Public Employees Relations Commission Career Service Commission~~. Violation of more than one rule shall be considered in the application of discipline and may result in greater discipline than specified for one offense alone.

Any questions regarding these rules and personnel procedures should be referred to the employee's circuit administrator, warden or Personnel ~~Officer~~ Manager.

The preceding section titled Rules of Conduct and the following list of offenses and work deficiencies with their ranges of disciplinary actions will be used by this Department in administering an effective disciplinary program.

THE SEVERITY OF PENALTIES MAY VARY DEPENDING UPON THE FREQUENCY AND NATURE OF A PARTICULAR OFFENSE AND THE CIRCUMSTANCES SURROUNDING EACH CASE. WHILE THE FOLLOWING GUIDELINES ARE NOT A SUBSTITUTE FOR IMPARTIAL SUPERVISION AND EFFECTIVE MANAGEMENT, AND DO NOT SET ABSOLUTE MINIMUM AND MAXIMUM PENALTIES, IT IS EXPECTED THAT ALL SUPERVISORS WILL CONSIDER THEM IN REACHING DISCIPLINARY DECISIONS.

(1) through (35) No change.

Specific Authority 944.09 FS. Law Implemented 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47, FS. History--New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended 8-5-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ralph Kiessig, Director of Human Resources

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-601.901 **RULE TITLE:** Confidential Records  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend Form DC4-711B, Consent and Authorization for Use and Disclosure Inspection and Release of Confidential Information for compliance with Health Insurance Portability and Accountability Act (HIPAA).  
**SUMMARY:** Form DC4-711B, Consent and Authorization for Use and Disclosure Inspection and Release of Confidential Information, is amended for compliance with Health Insurance Portability and Accountability Act (HIPAA).  
**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No Statement of Estimated Regulatory Cost was prepared.

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

**SPECIFIC AUTHORITY:** 20.315, 944.09, 945.10, 945.25 FS.  
**LAW IMPLEMENTED:** 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3, 45 CFR Parts 160 and 164 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

**THE FULL TEXT OF THE PROPOSED RULE IS:**

- 33-601.901 Confidential Records.
- (1) through (2) No change.
- (3) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule:
  - (a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only when necessary to ensure that the inmate's or offender's overall health care needs are met, or upon a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon

consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA complaint release of protected health information form from another governmental agency shall be utilized. Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_ ~~2-9-06~~. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.

(3)(b) through (11) No change.

**Specific Authority** 20.315, 944.09, 945.10, 945.25 FS. Law Implemented 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3, 45 CFR Parts 160 and 164. History--New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, 7-8-03, 2-9-06,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** George Sapp, Assistant Secretary of Institutions  
**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Laura E. Bedard, Ph.D., Deputy Secretary  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** July 26, 2007  
**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** August 10, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**RULE NO.:** 59-1.018 **RULE TITLE:** Uniform Rules of Procedure  
**PURPOSE AND EFFECT:** Repeal of rule adopting the Uniform Rules of Procedure.  
**SUMMARY:** Repeal of rule adopting the Uniform Rules of Procedure.  
**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No Statement of Estimated Regulatory Cost was prepared.  
 Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
**SPECIFIC AUTHORITY:** 408.15(8) FS.  
**LAW IMPLEMENTED:** 120.54(5) FS.  
**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, MS #3, Tallahassee, Florida 32308, (850)922-5873. If you are 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: Richard J. Shoop, Agency Clerk

THE FULL TEXT OF THE PROPOSED RULE IS:

59-1.018 Uniform Rules of Procedure.

~~The Uniform Rules of Procedure are adopted.~~

Specific Authority 408.15(8) FS. Law Implemented 120.54(5) FS. History--New 6-3-93, Amended 2-6-96, 7-21-96, 4-12-98, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard J. Shoop, Agency Clerk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Roberts, Deputy General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

RULE NO.:                    RULE TITLE:  
59-1.024                    Judicial Review

PURPOSE AND EFFECT: Repeal of the rule concerning appeals of agency final orders.

SUMMARY: Repeal of the rule concerning appeals of agency final orders.

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

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

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 59.081, 120.52(7), 120.54(5), 120.68 FS.

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

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

contacting: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, MS #3, Tallahassee, Florida 32308, (850)922-5873. If you are 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: Richard J. Shoop, Agency Clerk

THE FULL TEXT OF THE PROPOSED RULE IS:

59-1.024 Judicial Review.

~~(1) An appeal of a Final Order is initiated by filing a Notice of Appeal within thirty (30) days of rendition of the Final Order. An order is rendered on the date it is filed in the Office of the Agency Clerk.~~

~~(2) The original of the notice is filed with the agency clerk; a copy of the notice and the filing fee is filed with the appropriate District Court of Appeal.~~

~~(3) The service charge for compiling, numbering, and indexing the agency record for the appellate proceeding is forty cents (\$.40) per page excluding transcripts already bound and pagged by a court reporter, and exhibits already bound and pagged by a party.~~

Specific Authority 408.15(8) FS. Law Implemented 59.081, 120.52(7), 120.54(5), 120.68 FS. History--New 6-3-93, Amended 4-12-98, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard J. Shoop, Agency Clerk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Roberts, Deputy General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

RULE NO.:                    RULE TITLE:  
59-1.025                    Dismissal of Administrative  
  Complaint

PURPOSE AND EFFECT: Repeal of the rule concerning dismissal of administrative complaints.

SUMMARY: Repeal of the rule concerning dismissal of administrative complaints.

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

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

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 120.53(1), 120.57 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: Richard J. Shoop, Agency Clerk

THE FULL TEXT OF THE PROPOSED RULE IS:

59-1.025 Dismissal of Administrative Complaint.

~~A proceeding initiated by a request for a Section 120.57, F.S. hearing to challenge an administrative complaint may be terminated by the agency's filing of a Notice of Dismissal of the administrative complaint.~~

~~Specific Authority 408.15(8) FS. Law Implemented 120.53(1), 120.57 FS. History--New 6-3-93, Repealed \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Shoop, Agency Clerk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Roberts, Deputy General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

RULE NO.: 59-1.031  
RULE TITLE: Default Orders

PURPOSE AND EFFECT: Repeal of the rule concerning default orders.

SUMMARY: Repeal of the rule concerning default orders.

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

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

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 120.53(1) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, MS #3, Tallahassee, Florida 32308, (850)922-5873. If you are 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: Richard J. Shoop, Agency Clerk

THE FULL TEXT OF THE PROPOSED RULE IS:

59-1.031 Default Orders.

~~(1) For the purposes of this section, a Default Order is an order imposing a sanction sought in an administrative complaint where there has been no request for an adjudicatory hearing pursuant to Section 120.57, F.S. A Default Order shall deem the allegations of the administrative complaint to be admitted and impose the sanction sought in the administrative complaint.~~

~~(2) A Default Order is rendered when signed and dated by the Deputy Director of the division which issued the administrative complaint.~~

~~Specific Authority 408.15(8) FS. Law Implemented 120.53(1) FS. History--New 6-3-93, Repealed \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Shoop, Agency Clerk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Roberts, Deputy General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

RULE NO.: 59-1.062  
RULE TITLE: Procurement for Minority Business Enterprises

PURPOSE AND EFFECT: Repeal of the rule concerning procurement for minority business enterprises.

SUMMARY: Repeal of the rule concerning procurement for minority business enterprises.

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

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

SPECIFIC AUTHORITY: 287.0947(2) FS.

LAW IMPLEMENTED: 287.042 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, MS #3,



Tallahassee, Florida 32308, (850)922-5873. If you are 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: Richard J. Shoop, Agency Clerk

THE FULL TEXT OF THE PROPOSED RULE IS:

59-1.062 Procurement for Minority Business Enterprises.

~~The Agency for Health Care Administration will make a good faith effort to comply with the procurement goals prescribed by Section 287.042(4)(f), F.S., for the purpose of utilizing certified minority business enterprises (CMBEs) as defined in Section 288.703(2), F.S. The following practices will be adhered to in order to assure proper utilization of CMBEs.~~

~~(1) The Chief of the Bureau of Support Services shall serve as the minority enterprise assistance officer and will oversee the agency's minority business enterprise utilization plan.~~

~~(2) The Chief of the Bureau of Support Services shall assure that agency staff responsible for initiating the purchase of commodities and services are provided with training to assure that they are aware of the agency's commitment to the use of CMBEs and the procedures necessary to assure proper representation by CMBEs in any bid process or other method of selecting a provider.~~

~~(3) Each budget entity within the agency shall establish the goal of assuring that at least 50% of all services provided by travel agencies shall be provided by CMBEs.~~

~~(4) Each budget entity within the agency is required to determine the feasibility of using a CMBE prior to forwarding any requisition for commodities or services to the agency's purchasing agent. This review shall include the possibility of dividing any large contracts into smaller contracts more appropriate to the resources of CMBEs.~~

~~(5) The agency's purchasing agent shall review each requisition for commodities and services to assure that CMBE vendors are contacted for bids or quotes whenever feasible.~~

~~(6) The agency's purchasing agent shall assist any minority business enterprise doing business with the agency to become certified by providing the forms required for certification by the Department of Management Services.~~

~~(7) At the beginning of each fiscal year, the agency shall select anticipated contracts for commodities or services which will be reserved for competitive bidding only among certified minority business enterprises.~~

Specific Authority 287.0947(2) FS. Law Implemented 287.042 FS. History—New 8-17-93, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard J. Shoop, Agency Clerk

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William H. Roberts, Deputy General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NOS.:                      RULE TITLES:  
59E-8.001                      Determination of Fees  
59E-8.002                      Price List

PURPOSE AND EFFECT: The proposed rule will establish fees for information services of the Florida Center for Health Information and Policy Analysis. The fees will be based on time required to analyze the request and write the query, and the time required to access, merge, validate, and prepare the information for delivery to the requester. The proposed rule development will incorporate by reference the Florida Center for Health Information and Policy Analysis Price List.

SUMMARY: The agency is proposing a rule that will establish new Rules 59E-8.001 and 59E-8.002, F.A.C., providing for the fees to be charged for information services provided by the Florida Center for Health Information and Policy Analysis.

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

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

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.05(7)(c) 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: October 16, 2007, 10:00 a.m.

PLACE: Agency for Health Care Administration, First Floor Conference Room A, Building 3, 2727 Mahan Drive, Tallahassee Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Cheryl Barfield at (850)414-5422. If you are 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: Cheryl Barfield at (850)414-5422

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-8.001 Determination of Fees.

(1) The Florida Center for Health Information and Policy Analysis will periodically, but no less frequently than biannually, calculate the average time required to access, merge, validate, and prepare standard information sets for delivery to the requester. These average times will be used to establish the fees for information services described in the Price List.

(2) Requests for information not addressed in the Price List, ad hoc custom requests, will be priced based on the time required to analyze the request and write the query, and the time required to access, merge, validate and prepare the information for delivery to the requester.

Specific Authority 408.15(8) FS. Law Implemented 408.05(7)(c) FS. History—New \_\_\_\_\_.

59E-8.002 Price List.

(1) The Price List of the Florida Center for Health Information and Policy Analysis is posted at: [www.floridahealthstat.com/order.shtml](http://www.floridahealthstat.com/order.shtml).

(2) The Price List dated 7.1.07 is incorporated by reference as AHCA Form FC4200-003.

Specific Authority 408.15(8) FS. Law Implemented 408.05(7)(c) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Eastman, Interim Bureau Chief, Florida Center for Health Information and Policy Analysis, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Tallahassee Florida 32308

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew C. Agwunobi, M.D., Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.003      RULE TITLE: Public Liability Insurance

PURPOSE AND EFFECT: The purpose and effect is to eliminate the aggregate amount of public liability and property damage for certain contractor specialties and add new contractor specialties and their respective aggregate amount of public liability and property damage required.

SUMMARY: The aggregate amount of public liability and property damage for certain contractor specialties is eliminated and new contractor specialties and their respective aggregate amount of public liability and property damage required is added.

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

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

SPECIFIC AUTHORITY: 489.108, 489.115(5), 489.129(3) FS.

LAW IMPLEMENTED: 489.115(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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:

61G4-15.003 Public Liability Insurance.

(1) No change.

(2) To verify the accuracy of the signed affidavit, the Board will, from time to time, conduct random sample audits of licensees by zip code area in which the total number of certificates and registrations selected for audit will be in a sufficient amount to insure the validity of the audit. Upon written request by the Board, each selected licensee shall, within thirty days of mailing of request to the licensee, by the Board office, by certified mail, submit proof of coverage, in the form of an original Certificate of Insurance, if available, or in the alternative, a certified copy of the Certificate of Insurance on file with the building department for the period being audited or a copy of the insurance policy in force for the period being audited showing that the licensee had obtained the proper amount of public liability and property damage insurance and that the proper coverage has been continually maintained since the time of the last license renewal. The Certificate of Insurance shall be prepared by an insurance agency and must contain the following information to meet the requirements of the Board:

(a) through (g) No change.

(h) Proper aggregate amount of public liability and property damage as defined below:

	Liability	Property Damage
General Contractor	\$300,000	\$50,000
Building Contractor	300,000	50,000
Residential Contractor	100,000	25,000
Sheet Metal Contractor	100,000	25,000
Air Conditioning Contractor	100,000	25,000
Roofing Contractor	100,000	25,000
Mechanical Contractor	100,000	25,000
Pool Contractor	100,000	25,000
Plumbing Contractor	100,000	25,000
<del>Residential Solar Water Heating Contractor</del>	<del>100,000</del>	<del>25,000</del>
Underground Utility and Excavation Contractor	100,000	25,000
<u>Solar Contractor</u>	<u>100,000</u>	<u>25,000</u>
<del>Specialty Structure Contractor</del>	<del>100,000</del>	<del>25,000</del>
Pollutant Storage System Specialty Contractor	100,000	25,000
<del>Gypsum Drywall Specialty Contractor</del>	<del>100,000</del>	<del>25,000</del>
<del>Solar Contractor</del>	<del>100,000</del>	<del>25,000</del>
<del>Gas Line Specialty Contractor</del>	<del>100,000</del>	<del>25,000</del>
<del>Glass and Glazing Specialty Contractor</del>	<del>100,000</del>	<del>25,000</del>
<u>Swimming Pool Specialty Contractor</u>	<u>100,000</u>	<u>25,000</u>
<u>Specialty Contractors</u>	<u>100,000</u>	<u>25,000</u>

Unless specified otherwise

(i) through (l) No change.

(3) through (5) No change.

Specific Authority 489.108, 489.115(5), 489.129(3) FS. Law Implemented 489.115(5) FS. History—New 1-10-80, Amended 9-15-82, Formerly 21E-15.03, Amended 1-26-88, 1-1-89, 5-23-89, 6-5-90, Formerly 21E-15.003, Amended 7-18-94, 1-10-95, 2-6-96, 11-13-03, 11-7-05,\_\_\_\_\_.

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: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:  
61G4-15.015

RULE TITLE:  
Certification of Specialty Structure Contractors

PURPOSE AND EFFECT: The purpose and effect is to conform the certification procedures and fees for Specialty Structure Contractors to the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules, and to eliminate unnecessary language.

SUMMARY: The certification procedures and fees for Specialty Structure Contractors are conformed with the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules and unnecessary language is eliminated.

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

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

SPECIFIC AUTHORITY: 120.53, 489.113(6), 489.115(4) FS. LAW IMPLEMENTED: 120.53, 489.113(6), 489.115(4) FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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:

61G4-15.015 Certification of Specialty Structure Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the certification of specialty structure contractors.

(2) No change.

(3) Certification procedures and fees for Specialty Structure Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

(a) Qualifications.

~~1. Any person who desires to become a certified specialty structure contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing to take the certification examination.~~

~~2. A person shall be entitled to take the certification examination if the person:~~

~~a. Is eighteen (18) years of age;~~

~~b. Is of good moral character; and~~

~~e. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c)1., 2. or 3., F.S.~~

~~(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified specialty structure contractors shall be the same as those provided for the certification of other contractors as defined in Part I, Chapter 489, F.S. The amount of liability insurance required for specialty structure contractors shall be as follows: \$100,000.00 public liability insurance and \$25,000.00 property damage insurance.~~

Specific Authority 120.53, 489.113(6), 489.115(4) FS. Law Implemented 120.53, 489.113(6), 489.115(4) FS. History—New 7-1-87, Amended 1-26-88, 5-23-89, 6-25-89, 4-16-92, Formerly 21E-15.015, Amended 10-31-96, 4-12-04, \_\_\_\_\_.

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: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:

RULE TITLE:

61G4-15.017

Certification of Gypsum Drywall Specialty Contractors

PURPOSE AND EFFECT: The purpose and effect is to conform the certification procedures and fees for Gypsum Drywall Specialty Contractors to the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S. and related rules, and to eliminate unnecessary language.

SUMMARY: The certification procedures and fees for Gypsum Drywall Specialty Contractors are conformed with the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules and unnecessary language is eliminated.

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

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

SPECIFIC AUTHORITY: 120.53, 455.217(1), 489.113(6), 489.115(4) FS.

LAW IMPLEMENTED: 120.53, 455.217(1), 489.113(6), 489.115(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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:

61G4-15.017 Certification of Gypsum Drywall Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of gypsum drywall specialty contractors.

(2) No change.

(3) Certification ~~p~~Procedures and fees for Gypsum Drywall Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

~~(a) Qualifications:~~

~~1. Any person who desires to become a certified gypsum drywall specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing and on a form provided by the Department.~~

~~2. A person shall be certified as a gypsum drywall specialty contractor if said person:~~

~~a. Is eighteen (18) years of age;~~

~~b. Is of good moral character;~~

~~c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c)1., 2., or 3., F.S.; and~~

~~d. Takes and successfully completes the examination for certification as a gypsum drywall specialty contractor.~~

~~(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified gypsum drywall specialty contractors shall be the same as those provided for the certification of other contractors as defined in Part I, Chapter 489, F.S. The amount of liability insurance required for gypsum drywall specialty contractors shall be as follows: \$100,000.00 public liability insurance and \$25,000.00 property damage insurance.~~

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(4) FS.  
Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(4) FS.  
History—New 5-23-89, Formerly 21E-15.017, Amended.

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: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.018  
RULE TITLE: Certification of Glass and Glazing Specialty Contractors

PURPOSE AND EFFECT: The purpose and effect is to conform the certification procedures and fees for Glass and Glazing Specialty Contractors to the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules, and to eliminate unnecessary language.

SUMMARY: The certification procedures and fees for Glass and Glazing Specialty Contractors are conformed with the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules and unnecessary language is eliminated.

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

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

SPECIFIC AUTHORITY: 120.53, 455.217(1), 489.113(6), 489.115(5) FS.

LAW IMPLEMENTED: 120.53, 455.217(1), 489.113(6), 489.115(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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:

61G4-15.018 Certification of Glass and Glazing Specialty Contractors

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of glass and glazing specialty contractors in residential and commercial applications without any height restrictions.

(2) No change.

(3) Certification ~~p~~Procedures and fees for Glass and Glazing Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

~~(a) Qualifications:~~

~~1. Any person who desires to become a certified glass and glazing specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing and on a form provided by the Department.~~

~~2. A person shall be certified as a glass and glazing specialty contractor if said person:~~

- ~~a. Is eighteen (18) years of age;~~
- ~~b. Is of good moral character;~~
- ~~c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c), F.S.; and~~
- ~~d. Takes and successfully completes the examination for certification as a glass and glazing specialty contractor.~~

~~(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified glass and glazing specialty contractors shall be the same as those provided for the certification of other contractors as set forth in Sections 489.109, 489.111(3), 489.113, F.S., and Rules 61G4-12.009 and 61G4-15.005, F.A.C. Applicants must also submit evidence of having met the requirements of paragraphs 61G4-15.003(2)(h) and 61G4-15.005(3)(a), F.A.C., for this specialty.~~

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(5) FS.  
Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(5) FS.  
History--New 7-9-03, Amended 11-10-03, \_\_\_\_\_.

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: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:	RULE TITLE:
61G4-15.026	Certification of Gas Line Specialty Contractors

PURPOSE AND EFFECT: The purpose and effect is to conform the certification procedures and fees for Gas Line Specialty Contractors to the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules, and to eliminate unnecessary language.

SUMMARY: The certification procedures and fees for Gas Line Specialty Contractors are conformed with the certification procedures and fees provided for other contractors as required

by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules and unnecessary language is eliminated.

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

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

SPECIFIC AUTHORITY: 120.53, 455.217(1), 489.113(6), 489.115(4) FS.

LAW IMPLEMENTED: 120.53, 455.217(1), 489.113(6), 489.115(4), 455.213 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: 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:

61G4-15.026 Certification of Gas Line Specialty Contractors

(1) Scope of Rule. The purpose of this rule is to provide for the certification of gas line specialty contractors.

(2) No change.

(3) Certification procedures and fees for Gas Line Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

(a) Qualifications:

~~1. Any person who desires to become a certified gas line specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation on the Application for Certification Examination supplied by the Department.~~

~~2. A person shall be certified as a gas line specialty contractor if said person:~~

- ~~a. Is eighteen (18) years of age;~~
- ~~b. Is of good moral character;~~
- ~~c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c)1., 2., or 3., F.S.; and~~
- ~~d. Takes and successfully completes the examination for certification as a gas line specialty contractor.~~

~~(b) Other Certification Procedures and Fees.~~

~~Other certification procedures and fees for certified gas line specialty contractors shall be the same as those provided for the certification of other contractors as defined in Part I,~~

~~Chapter 489, F.S., and as provided in paragraph 61G4-12.009(5)(b), F.A.C. The amount of liability insurance required for gas line specialty contractors shall be as follows: \$100,000.00 public liability insurance and \$25,000.00 property damage insurance.~~

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(4) FS. Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(4), 455.213 FS. History—New 10-17-93, Amended 7-19-95, 7-1-96, 7-7-05,\_\_\_\_\_.

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: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.027  
RULE TITLE: Pollutant Storage System Specialty Contractors

PURPOSE AND EFFECT: The purpose and effect is to conform the certification procedures and fees for Pollutant Storage System Specialty Contractors to the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S. and related rules, and to eliminate unnecessary language.

SUMMARY: The certification procedures and fees for Pollutant Storage System Specialty Contractors are conformed with the certification procedures and fees provided for other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules and unnecessary language is eliminated.

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

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

SPECIFIC AUTHORITY: 489.108, 489.113(3), (7), 489.129(3), 489.133 FS.

LAW IMPLEMENTED: 489.113(3), (7), (8), 489.115(4), (5), 489.133, 455.213 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: 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:

61G4-15.027 Pollutant Storage System Specialty Contractors

(1) Scope of Rule: The purpose of this rule is to provide for the certification of pollutant storage system specialty contractors.

(2) Certification ~~p~~Procedures and fees for Pollutant Storage System Specialty Contractors shall be the same as those provided for the certification of other contractors as required by and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, 489.116, F.S., and related rules.

~~(a) Qualifications.~~

~~1. Any person who desires to become a certified pollutant storage specialty contractor shall apply to the Board in writing on form BPR/CILB/001, supplied by the Department.~~

~~2. A person shall be certified as a pollutant storage system specialty contractor if said person:~~

~~a. Is at least eighteen (18) years of age; and~~

~~b. Takes and successfully completes the state examination for certification as a pollutant storage system specialty contractor; or~~

~~e. Takes and successfully completes either a local licensure examination, a licensure examination of another state, or a licensure examination of a national organization which has been judged by the Board to be equal to or more stringent than the state pollutant storage system specialty contractor certification examination pursuant to Section 489.133(4)(e), F.S.~~

~~(b) Other certification procedures and fees: other certification procedures and fees for certified pollutant storage system specialty contractors shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, F.S., as set forth in Rules 61G4-15.002, 61G4-15.0021, 61G4-15.0022, 61G4-15.003, 61G4-15.006, 61G4-15.007, 61G4-15.008, 61G4-15.009, and 61G4-15.010, F.A.C. The amount of liability insurance for pollutant storage system specialty contractors shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance, both policies protecting insured for incidents of pollutant contamination resulting from contractor's work. Applicants for licensure shall submit competent substantial evidence to the Board demonstrating that the applicant has a net worth of \$10,000.00.~~

(3) No change.

Specific Authority 489.108, 489.113(3), (7), 489.129(3), 489.133 FS. Law Implemented 489.113(3), (7), (8), 489.115(4), (5), 489.133, 455.213 FS. History—New 2-1-00, Amended 7-7-05,\_\_\_\_\_.

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: August 10, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-18.001  
RULE TITLE: Continuing Education Requirements  
for Certificateholders and  
Registrants

PURPOSE AND EFFECT: The purpose and effect is to revise  
and update the continuing education requirements for all  
registered and certified contractors.

SUMMARY: The continuing education requirements for all  
registered and certified contractors is revised and updated.

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

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

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178,  
455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177,  
455.2178, 455.2179, 455.271(6), 489.115, 489.116 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: 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:

61G4-18.001 Continuing Education Requirements for  
Certificateholders and Registrants.

- (1) No change.
- (2) All registered contractors and certified contractors are  
required to complete fourteen (14) hours of continuing  
education each renewal cycle. Of the fourteen (14) hours, one  
(1) hour shall be required in each of the following topics:

(a) ~~S~~specialized or advanced module course approved by  
the Florida Building Commission, or the Board;

(b) ~~W~~workplace safety;

(c) ~~B~~business practices;

(d) ~~W~~workers' compensation;

(e) ~~and until October 1, 2011, three (3) hours shall be  
required in courses related specifically to L~~aws and rules  
regulating the construction industry;

(f) Wind mitigation methodologies, if license is held in the  
following category: General, Building, Residential, Roofing,  
Specialty Structure, or Glass and Glazing.

The remaining seven (7) hours may include any of the  
aforementioned subject matter or general topics as defined  
hereinafter.

(3) The content of Board approved courses must be  
business, trade, workers' compensation, laws and rules related  
to the construction industry, or safety topics relevant to the  
construction industry. For purposes of this rule:

(a) Business practice topics include bookkeeping and  
accounting practices; managing cash flow; estimating and  
bidding jobs; negotiating and interpreting contracts and  
agreements; processing change orders; controlling purchasing;  
scheduling; controlling expenses; insurance and bonding  
related to construction; complying with payroll and sales tax  
laws; interpreting financial statements and reports related to  
construction, and Chapter 713, Part I, F.S.

(b) Trade related courses may be used to satisfy the  
"general" requirements. These courses may include topics  
considered as contract administration and project management  
activities, including ~~marketing~~, management and operation of  
the day-to-day activities of a construction contracting firm and  
advanced knowledge of the trade in which the contractor is  
licensed. Examples include, but are not limited to:  
preconstruction activities, including design and structural  
loading; project contracts; permits; plan and specification  
approvals; construction procedures and operations; methods,  
materials, tools and equipment as codified in the CSI 16  
Division Format or ASTM; maintenance and service; reading  
plans and specifications; code updates pursuant to Chapter 553,  
F.S., and related statutes.

(c) through (e) No change.

(f) Wind mitigation methodology, as limited to those  
topics listed in Section 553.844(2)(b)1.-5., F.S. (2007).

(4) through (12) No change.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179,  
489.108, 489.115 FS. Law Implemented 455.2123, 455.213(6),  
455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS.  
History--New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94,  
1-18-95, 2-4-98, 5-11-99, 7-12-99, 1-23-00, 2-1-00, 12-27-00,  
3-25-01, 7-26-04, 9-1-05, 9-27-06, 9-1-07, \_\_\_\_\_.



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: August 10, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Board of Landscape Architecture**

RULE NO.: 61G10-18.001      RULE TITLE:  
Continuing Education Credit  
Requirements

PURPOSE AND EFFECT: The Board proposes to amend the rule for consideration of laws and rules continuing education credit for Board members.

SUMMARY: The rule amendment adds a consideration of laws and rules continuing education credit for Board members.

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

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

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-18.001      Continuing      Education      Credit  
Requirements.

Every person licensed pursuant to Chapter 481, Part II, Florida Statutes, must obtain at least sixteen (16) continuing education credits per biennium. There shall be no carryover of hours permitted from one licensure renewal biennium to the next.

(1) through (4)(c) No change.

(d) Board members shall receive 2 hours of laws and rules continuing education credit per biennium for participation at four hours of Board meeting(s).

(5) No change.

Specific Authority 455.2124, 481.306, 481.313 FS. Law Implemented 481.313, 553.841 FS. History--New 9-19-01, Amended 7-3-03, 3-1-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Landscape Architecture  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Landscape Architecture  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 31, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 15, 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 HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-12.0075      RULE TITLE:  
Requirements for Reactivation of  
Retired Status License

PURPOSE AND EFFECT: The purpose and effect of this new rule is to establish requirements for the activation of retired status license.

SUMMARY: Requirements for the activation of retired status license are established.

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

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

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.0075 Requirements for Reactivation of Retired Status License.

A retired status license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B15-10.0033, F.A.C., and has complied with the following requirements:

(1) As a condition to the reactivation of a retired status license, a physician must:

(a) Submit documentation of successful completion of twenty (20) hours per year of continuing medical education courses which comply with the requirements of Rule 64B15-13.001, F.A.C., for each year of retired status;

(b) Document compliance with the financial responsibility requirements of Section 459.0085, F.S., and Rule Chapter 64B15-20, F.A.C.; and

(c) Document compliance with Section 456.033, F.S.

(2) Any osteopathic physician whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of osteopathic medicine within the past five (5) years shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the physician must:

(a) Demonstrate compliance with subsection (1) above;

(b) Demonstrate successful completion of the COMVEX examination within the year immediately proceeding the appearance before the Board; and

(c) Account for any activities related to the practice of osteopathic medicine during the period that the licensee was on retired status or not practicing in another jurisdiction and establish an absence of malpractice or disciplinary actions pending in any jurisdiction.

(3) The Department shall refuse to reactivate the license of a retired status osteopathic physician who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NO.: RULE TITLE:

64B20-2.003 Provisional License; Requirements

PURPOSE AND EFFECT: In this amendment, the Board proposes to clarify when a provisional license expires.

SUMMARY: The time a provisional license expires is clarified.

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

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

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1145(2), 468.1155(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.003 Provisional License; Requirements.

(1) through (4) No change.

(5) A provisional license shall be valid for a period of 18 months from the date of issuance or until a license to practice Speech-Language Pathology or Audiology pursuant to Section 468.1185, F.S., is issued.

Specific Authority 468.1135(4) FS. Law Implemented 468.1145(2), 468.1155(4) FS. History--New 3-14-91, Amended 12-4-91, Formerly 21LL-2.003, Amended 11-30-93, Formerly 61F14-2.003, Amended 9-26-95, Formerly 59BB-2.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Speech-Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE NO.: 64B21-503.005  
 RULE TITLE: Notice to the Department of Mailing Address and Place of Practice of Licensee

PURPOSE AND EFFECT: The Department is creating a new rule to comply with a statutory requirement.

SUMMARY: The rule defines “mailing address” and “place of practice” and it advises licensees how to provide written and electronic notification of a change.

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

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

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 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: Susan Love, Executive Director, 4052 Bald Cypress Way, Bin #C-05, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-503.005 Notice to the Department of Mailing Address and Place of Practice of Licensee.

(1) Each licensee shall provide either written or electronic notification to the Department of the licensee’s current mailing address and place of practice. The term “mailing address” means home address or P. O. Box where the licensee regularly receives mail. “Place of practice” means the primary physical location where the school psychologist works or practices the profession of school psychology.

(2) Each licensee shall provide either written or electronic notification to the Department of a change of address within 45 days of the change. Written notice shall be provided to: Call Center, Department of Health, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399 or electronic notice to [MedicalQualityAssurance@doh.state.fl.us](mailto:MedicalQualityAssurance@doh.state.fl.us).

(3) If electronic notification is used, it is the responsibility of the licensee to ensure that the information is received by the Department.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Love

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 17, 2007

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers’ Compensation**

RULE NO.: 69L-6.009  
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed amendment is to revise DWC 250, Notice of Election to Be Exempt, and its accompanying instructions, to adopt DWC 252, Certificate of Election to Be Exempt, and to update addresses for field offices for the Division of Workers’ Compensation’s Bureau of Compliance. The amendment revises Section 4 of both the form and instructions, deleting a request for an applicant’s “Business Mailing Address” and replacing it with a request for an “Address of Record”. The effect of the amendment is to provide additional guidance to applicants regarding the necessity of maintaining a consistent and reliable address for the purpose of receiving time-sensitive legal notices, documents, and communications from the Department, and to advise the public of correct field office information for the Division of Workers’ Compensation’s Bureau of Compliance.

SUMMARY: Updates Form DWC-250 and its instructions, and field office addresses of the Division of Workers’ Compensation’s Bureau of Compliance.

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

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

SPECIFIC AUTHORITY: 440.05, 440.591 FS.

LAW IMPLEMENTED: 440.05 FS.

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

DATE AND TIME: Tuesday, October 16, 2007, 10:00 a.m.

PLACE: Room 104J, Hartman Building, 2012 Capital Circle Southeast, 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: Andrew Sabolic, phone (850)413-1600. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Assistant Division Director, Division of Worker’s Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, phone (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.009 Forms and Instructions.

(1) The following forms are hereby incorporated by reference for use in connection with these rules:

(a) DWC 250 Notice of Election to be Exempt, (eff. ~~2/07~~); and instructions for same (Instructions for Completing Notice of Election to be Exempt, (eff. ~~2/07~~).

921 North Davis Street, Building B  
Suite 250  
Jacksonville, FL 32209  
Telephone ~~(904)~~(850)798-5806

2012 Capital Circle, S. E.  
Suite 102, Hartman Bldg.  
Tallahassee, FL 32399-2161  
Telephone (850)413-1609

610 East Burgess Road  
Pensacola, FL 32504-6320  
Telephone (850)453-7804

499 N.W. 70th Avenue  
Suite 116  
Plantation, FL 33317  
Telephone (954)321-2906

1313 North Tampa Street  
Suite 503  
Tampa, FL 33602  
Telephone (813)221-6506

400 West Robinson Street  
Suite N 512, North Tower  
Orlando, FL 32801  
Telephone (407)835-4406 or (407)245-0896

Specific Authority 440.05, 440.591 FS. Law Implemented 440.05 FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended 2-19-07,\_\_\_\_\_.

(b) DWC 250-R Revocation of Election to be Exempt, revised 2/00.

(c) DWC 251 Notice of Election of Coverage, revised 2/00.

(d) DWC 251-R Revocation of Election of Coverage, revised 2/00.

(e) DWC 252 Certificate of Election to be Exempt, (eff. \_\_\_\_\_).

(2) The forms may be obtained from the Bureau of Compliance, Division of Workers’ Compensation website at: [www.fldfs.com/WC/](http://www.fldfs.com/WC/) or from any field office, unless otherwise limited to direct issuance by the Division. The forms may be obtained from any field office of the Division of Workers’ Compensation, Bureau of Compliance.

(3) The field offices of the Division of Workers’ Compensation, Bureau of Compliance, are:

1111 N. E. 25th Avenue, Suite 403  
Ocala, FL 34470  
Telephone (352)401-5350

3111 South Dixie Highway  
Suite 123  
West Palm Beach, FL 33405  
Telephone (561)837-5716

4415 Metro Parkway  
Suite #300  
Ft. Myers, FL 33916  
Telephone (239)938-1840

Live Oak Business Center ~~1718 Main Street~~  
5969 Cattlemen Lane ~~Suite #201~~  
Sarasota, FL 342326  
Telephone (941)~~329-1120~~~~361-6042~~

401 N.W. 2nd Avenue  
South Tower, Suite 321  
Miami, FL 33128  
Telephone (305)536-0306

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Andrew Sabolic

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2007

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

**DEPARTMENT OF FINANCIAL SERVICES****Division of Workers' Compensation**

RULE NO.: RULE TITLE:

69L-6.012 Notice of Election to be Exempt

**PURPOSE AND EFFECT:** The purpose of the amendment to the rule is to revise guidelines which relate to an employer's submission to the Department of a Notice of Election to be Exempt, a Notice of Election of Coverage, and the subsequent issuance, denial, revocation, and maintenance of a Certificate of Election to be Exempt. The amendment also deletes language and provisions no longer applicable as a result of changes to Chapter 205, F.S. The effect of the rule amendment is promote compliance by those employers applying for exemptions from the coverage requirements of Chapter 440, Florida Statutes by providing them with updated guidelines regarding the process.

**SUMMARY:** Updates the Notice of Election to Be Exempt and the Certificate of Election to Be Exempt issued by the Department, and revises guidelines applicable to the process of obtaining exemptions from the Division of Workers' Compensation.

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

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

**SPECIFIC AUTHORITY:** 440.05(9), 440.591 FS.

**LAW IMPLEMENTED:** 440.02(15), 440.05 FS.

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

**DATE AND TIME:** Tuesday, October 16, 2007, 10:30 a.m.

**PLACE:** 104J Hartman Building, 2012 Capital Circle Southeast, 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: Andrew Sabolic, phone (850)413-1600. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, phone (850)413-1600

**THE FULL TEXT OF THE PROPOSED RULE IS:**

69L-6.012 Notice of Election to be Exempt.

(1)(a) Only corporate officers of non-dissolved or active corporations who meet the conditions for the issuance of valid Certificates of Election to be Exempt as stated in Chapter 440, F.S., and implemented by this rule may file a Notice of Election to be Exempt (DWC 250), as incorporated by reference in Rule 69L-6.009, F.A.C. Only a business entity organized under Chapter 607 or 617, F.S., will qualify as a corporation for purposes of issuing a Certificate of Election to be Exempt (DWC 252), as incorporated by reference in Rule 69L-6.009, F.A.C., to a corporate officer under this rule. While a limited liability company created and approved under Chapter 608, F.S., is not a corporation for purposes of Chapter 440, F.S., persons engaged in the construction industry who are limited liability company members owning at least ten percent (10%) of the non-dissolved or active limited liability company qualify as a "corporate officer" and are eligible for the issuance of a Certificate of Election to be Exempt under this rule.

(b) The Department shall deny any Notice of Election to be Exempt filed by a corporate officer of a dissolved or inactive corporation or limited liability company. A new Notice of Election to be Exempt (DWC-250), as adopted in Rule 69L-6.009, must be filed by the corporate officer, and if the corporate officer is engaged in the construction industry, another \$50.00 fee must be submitted with the Notice of Election to be Exempt.

(2) Any corporate officer engaged in the construction or non-construction industry, who elects to be exempt from the provisions of the workers' compensation law (Chapter 440, F.S.), shall file with the Department a Notice of Election to be Exempt (DWC-250). For purposes of this rule, an applicant is engaged in the "construction industry" when any portion of the applicant's business operations is described in the construction industry classification codes that are identified in Rule 69L-6.021, F.A.C.

(3) For a corporate officer engaged in the construction industry, the applicant shall attach to or, where appropriate, list on every Notice of Election to be Exempt (DWC-250) the following:

~~(a) A copy of an occupational license required by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located;~~

~~1. If the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation or limited liability company listed on the Notice of Election to Be Exempt;~~

~~2. If the applicant is not required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation, limited liability company, or business listed on the Notice of Election to Be Exempt;~~

~~(a)(b) The certified or registered license numbers held by the applicant issued pursuant to Chapter 489, F.S.; or the certified or registered license numbers held by the qualifier for the business listed on the Notice of Election to be Exempt (DWC-250) of which the applicant is a corporate officer; if the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the license must match the name of the corporation or limited liability company listed on the Notice of Election to be Exempt.~~

~~(b)(e) The Federal Employer Identification Number issued to the corporation or limited liability company, as applicable;~~

~~(c)(d) The Social Security Number or the individual taxpayer identification number of the applicant;~~

~~(d)(e) The Florida Department of State, Division of Corporations, registration number of the corporation or limited liability company, as applicable, named on the Notice of Election to be Exempt;~~

~~(e)(f) For corporate officers of a corporation, a copy of the stock certificate(s) issued to the applicant by the corporation named on the Notice of Election to be Exempt evidencing at least ten percent (10%) ownership of the named corporation by the applicant on the date that the Notice of Election to be Exempt is filed with the Department;~~

1. The percent of ownership shall be calculated by dividing the number of shares issued to the applicant by the total number of shares issued by the corporation named on the stock certificate(s);

2. In addition to the ownership requirement in paragraph (3)(e)(f), the copy of the stock certificate(s) shall state, at a minimum, the name of the issuing corporation, the state in which the corporation is organized, and the name of the person to whom the stock is issued. All stock certificate(s) must be signed by an officer or officers designated to do so in the bylaws or designated to do so by the board of directors;

~~(f)(g) For members of a limited liability company, documentation establishing the number of units of membership, or a ~~notarized~~ statement reflecting that the applicant owns at least ten percent (10%) of the limited liability company named on the Notice of Election to be Exempt on the date that the Notice of Election to be Exempt is filed with the Department;~~

~~(g)(h) The business(es) or trade(s) of the applicant;~~

~~(h)(i) The applicant's corporate officer title or member status;~~

~~(i)(j) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) that is under the same or substantially the same ownership or control as the corporation named on the Notice of Election to be Exempt;~~

~~(j)(k) The name of the corporation or limited liability company as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer or member;~~

~~(k) The applicant's address of record.~~

(4) An applicant engaged in the construction industry must submit a \$50.00 fee with each Notice of Election to be Exempt (DWC 250) that is filed with the Department. If an applicant's payment is returned to the Department for non-sufficient funds, the Notice of Election to be Exempt is invalid and shall be denied. If a Certificate of Election to be Exempt (DWC 252) was issued to the applicant and the applicant's payment was returned to the Department for non-sufficient funds, the Certificate of Election to be Exempt shall be revoked. In order for the Department to process a new Notice of Election to be Exempt from an applicant who has had a payment returned for non-sufficient funds, the Department must receive confirmation that the initial \$50.00 payment and any associated service charge has been deposited into the Workers' Compensation Administration Trust Fund.

(5) For Notices of Election to be Exempt by a corporate officer or an officer of a corporation, as defined in Section 440.02(9), F.S., if the applicant is in the construction industry and the Department's records show three active Certificates of Election to be Exempt issued to corporate officers of a corporation or business entity or of any group of affiliated corporations or business entities, the Department shall deny any Notice of Election to be Exempt (DWC 250) that would result in more than three corporate officers having active Certificates of Election to be Exempt for a corporation or business entity or any group of affiliated corporations or business entities.

(6) For a corporate officer not engaged in the construction industry, the applicant shall attach to or, where applicable, list on every Notice of Election to be Exempt (DWC-250) the following:

~~(a) A copy of an occupational license required by the jurisdiction in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state~~

~~of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located; The name of the corporation, limited liability company, or business listed on the Notice of Election to be Exempt must match the business name listed on the occupational license or on the occupational license receipt;~~

~~(a)(b)~~ The Federal Employer Identification Number issued to the corporation;

~~(b)(e)~~ The Social Security Number or the individual taxpayer identification number of the applicant;

~~(c)(d)~~ The Florida Department of State, Division of Corporations, registration number of the corporation named on the Notice of Election to be Exempt;

~~(d)(e)~~ The applicant's corporate officer title; and

~~(e)(f)~~ The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) in which the applicant has an ownership interest or serves as a corporate officer;

~~(f)(g)~~ The name of the corporation as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer;-

(g) The business(es) or trade(s) of the applicant;

(h) The applicant's address of record.

(7) Incomplete Notices of Election to be Exempt, Issue Dates for Certificates of Election to be Exempt.

(a) An applicant shall have thirty days from the date his/her Notice of Election to be Exempt (DWC 250) is mailed or otherwise returned by the Department to the applicant as incomplete in which to file documentation or information which completes the Notice of Election to be Exempt, at which time the Notice of Election to be Exempt shall be processed without any additional processing fee. The Department shall deny the Notice of Election to be Exempt if the applicant fails to file with the Department the documentation or information to complete the Notice of Election to be Exempt within 30 days of the date the Notice of Election to be Exempt was mailed or returned as incomplete. If the Notice of Election to be Exempt is denied, the applicant must submit a new Notice of Election to be Exempt and, if the applicant is engaged in the construction industry, another \$50.00 fee is required.

(b) If the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule more than 90 days prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the new Certificate of Election to be Exempt (DWC 252) is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, and any duplicate Certificate of Election to be Exempt for the applicant of the same business shall be null and void as of the issue date of the new Certificate of Election to be Exempt.

(c) If the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule more than 30 days but 90 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt shall be the expiration date of the original Certificate of Election to be Exempt.

(d) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule 30 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the Department, whichever is earlier. Any duplicate Certificate of Election to be Exempt for the applicant shall be null and void as of the issue date of the renewal Certificate of Election to be Exempt.

(e) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a renewal Notice of Election to be Exempt after the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the Department, whichever is earlier.

(f) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a new Notice of Election to be Exempt, the issue date of the Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the Notice of Election to be Exempt is received by the Department, whichever is earlier. If the Department receives a new Notice of Election to be Exempt that lists a corporate officer that currently has a valid Certification of Election to be Exempt with the same corporation or limited liability company, the issue date of the Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the Notice of Election to be Exempt is received by the Department, whichever is earlier; and the current Certification of Election to be Exempt shall be null and void as of the issue date of the new Certification of Election to be Exempt.

(8) Any Notice of Election to be Exempt (DWC 250) which is returned to the applicant by the Department within 30 days after receipt by the Department for failure to meet the eligibility requirements of Section 440.05, F.S. and this rule is not "received" for purposes of Section 440.05(5), F.S.

(9) Any corporate officer or member of a limited liability company engaged in the construction industry, or corporate officer engaged in the non-construction industry who has been issued a Certificate of Election to be Exempt (DWC 252), may revoke such certificate by filing with the Department a Revocation of Election to be Exempt (DWC 250-R), as incorporated by reference adopted in Rule 69L-6.009, F.A.C. The issue date of a Revocation of Election to be Exempt is the date the revocation is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the Revocation of Election to be Exempt is received by the Department, whichever is earlier.

(10) A Revocation of Election to be Exempt (DWC-250-R) shall only be filed by the same person named on the Certificate of Election to be Exempt (DWC 252) or by a corporate officer of the business named on the Certificate of Election to be Exempt and listed as a corporate officer with the Department of State, Division of Corporations.

(11) Payments made to the Department under this rule shall be in a form made payable to DFS – Workers' Compensation Administration Trust Fund.

(12) The issue date of a Notice of Election of Coverage (DWC 251), as incorporated by reference in Rule 69L-6.009, F.A.C., is the date it is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the Notice of Election of Coverage is received by the Department, whichever is earlier.

(13) The issue date of a Revocation of Election of Coverage (DWC 251-R), as incorporated by reference in Rule 69L-6.009, F.A.C., is the date it is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the Revocation of Election of Coverage is received by the Department, whichever is earlier.

(14) The person named on the Certificate of Election to be Exempt (DWC 252) shall have the duty to notify the Department of any change to the person's address of record listed on the Certificate of Election to be Exempt, the dissolution or reinstatement of the corporation or limited liability company named on the Certificate of Election to be Exempt, or when the person named on the Certificate of Election to be Exempt is no longer a corporate officer or member of the corporation or limited liability company listed on the Certificate of Election to be Exempt.

(15) Dissolution of the corporation or limited liability company named on the Certificate of Election to be Exempt (DWC 252) or the person named on the Certificate of Election to be Exempt no longer being a corporate officer or member of the corporation or limited liability company listed on the

Certificate of Election to be Exempt will result in initiation of proceedings by the Department to revoke the Certificate of Election to be Exempt.

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05 FS. History--New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04, 10-30-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Andrew Sabolic

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2007

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NOS.:	RULE TITLES:
69O-149.003	Rate Filing Procedures
69O-149.005	Reasonableness of Benefits in Relation to Premiums
69O-149.007	Annual Rate Certification (ARC) Filing Procedures

PURPOSE AND EFFECT: The purpose of the rule is to establish standards for ascertaining the reasonableness of benefits in relation to premium rates.

SUMMARY: The rule establishes standards that are to be used by insurers in filing health insurance policy forms.

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

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

SPECIFIC AUTHORITY: 624.308, 626.9611 FS.

LAW IMPLEMENTED: 624.318, 627.410, 626.9611 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: October 18, 2007, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Linda Ziegler, Chief of Staff Office, Office of Insurance Regulation, E-mail BelyndaShadoan@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 RULES IS: Linda Ziegler, Chief of Staff Office, Office of Insurance Regulation, E-mail Belynda Shadoan@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-149.003 Rate Filing Procedures.

(1)(a) Pooling. For purposes of submitting a rate filing under this part for individual policy forms and for group Medicare supplement and long-term care group policy forms, in order to encourage adequate risk sharing for all generations of policyholders, the experience of all policy forms providing similar benefits, whether open or closed, shall be combined.

1. Separate rating pools may be used for policy forms defined in subsections 690-149.005(5) and (6), F.A.C., and for stop-loss insurance policy forms.

2. Once policy forms have been combined, they remain so for all rating purposes, unless otherwise approved by the Office. This combining of the experience of policy forms is referred to as pooling. All policy forms within a pool are reviewed based on the analysis of the aggregate experience.

3. The same percentage rate adjustment shall be applicable to all policy forms within the pool.

4. In lieu of subparagraph 3. above, percentage rate adjustments that are not the same for all policy forms within the pool shall be permitted subject to the following:

a. Resulting premium rate schedules are actuarially equivalent based on benefit differences or different regulatory standards, such as margins or retentions, between the policy forms within the pool;

b. Assumptions used to determine future experience and actuarial equivalence shall be based on the same set of common morbidity assumptions for all policy forms within the pool;

c. Policy forms with existing premium rate schedules not meeting the standards of sub-subparagraphs a. and b. above shall not be required to reduce rates to bring the policy forms into compliance, but any proposed rate adjustment shall be required to improve the relationship of the policy forms' premium rate schedules to bring them closer to compliance with sub-subparagraphs a. and b. above; and

d. Non-uniform rate increases shall be subject to the implementation provisions of sub-sub-subparagraph 690-149.006(3)(b)20.b.(V), F.A.C., on a revenue neutral basis as though a level percentage adjustment had been applied.

5. The experience of policies and policy forms where the rate schedule is not subject to change, such as non-cancellable policy forms and paid up policies, shall not be pooled with policy forms where the rates are subject to change.

6. The rate increase for a Medicare supplement form may be adjusted, on a revenue neutral basis, to mitigate the impact on the refund credit calculation required for the form pursuant to Rule 690-156.011, F.A.C., where the company can demonstrate that without such adjustment, the rate increase will result in refunds being required.

7. Notwithstanding the provisions of subsection 690-149.0025(22), F.A.C., the experience of all policy forms with at least 50% of expected claims costs within the form at the time of the filing attributed to cancer claims and claims related to the cancer treatment shall be combined.

(b) Credibility. In analyzing the experience of policy forms, and to improve the statistical credibility and predictability of anticipated experience, credible data shall be used.

(2) Filing Format for Individual Policies and Group Policies and Certificates.

(a)1. All filings shall be made in accordance with paragraph (b) below.

2a. For purposes of the rules in this part and the time periods in Section 627.410, F.S., a filing is considered "filed" with the Office upon the receipt of the material required by paragraph (b), on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the following business day.

b. For purposes of the rules in this Part, the term "filed" does not mean "approved." The term "filed" refers to the date on which the filing is filed with the Office and is the date on which the approval process of Section 627.410, F.S., commences.

c. Filings shall be made on a company distinct basis.

(b) A health insurance rate filing shall consist of the following items:

1. A brief letter explaining the type and nature of the filing. The letter shall indicate if the filing is for a new policy form, a benefit revision, a rate revision, justification of existing rates, or a resubmission. If the filing is a resubmission, the letter shall indicate the Florida filing number of the prior filing.

2. Form OIR-B2-1507, "Office of Insurance Regulation Life and Health Forms and Rates Universal Standardized Data Letter" as adopted in Rule 690-149.022, F.A.C., completely filled out in accordance with Form OIR-B2-1507A, "Office of Insurance Regulation Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet" as adopted in Rule 690-149.022, F.A.C.

3. The actuarial memorandum, completed as required by Rule 690-149.006, F.A.C.

4. Rate pages that define all proposed rates, rating factors and methodologies for determining rates applicable in the state. For companies that have a complete rate manual on file with the Office, only the pages that are being changed need to be filed, unless requested by the Office.

(3) Filings shall be submitted electronically to <https://iportal.fldfs.com/>.

(4)(a) Every insurer submitting a rate filing shall be notified as to whether the filing has been affirmatively approved by the Office or has been disapproved by the Office within any statutory review period of the date of receipt of the filing.

(b) Submissions that do not include the required material to meet the definition of a filing, or that include material that is illegible, shall not be accepted and shall be returned as incomplete without processing.

(c) Every insurer submitting a rate filing which does not comply with the requirements of Rules 69O-149.002 through .006, F.A.C., or for which the Office determines that additional information is necessary for a proper review, will be notified of the additional information necessary within the statutory limit. Every insurer shall submit the required data by a date certain stated in the clarification letter, to allow the Office sufficient time to perform a proper review. Failure to correct the filing by the date certain in the clarification letter will result in an affirmative disapproval of the filing by the Office.

(5)(a) Insurers with fewer than 1,000 Florida policyholders, under any form or pooled group of Medicare supplement, or medical expense forms with coverage meeting the definition of Section 627.6561(5)(a)2., F.S., may, at their option, file a streamlined rate increase filing not exceeding medical trend as provided in subsection (6) below.

(b) The number indicated in paragraph (5)(a) above represents the individual primary insureds and does not include spouses or dependants.

(c) For group coverage, the number indicated in paragraph (5)(a) above represents the individual certificateholders or subscribers.

(d) For Medicare supplement business, this provision applies for each type considered separately: Standard, Pre-standard and Select Medicare supplement coverage.

(e) The filing:

1. Shall be made in accordance with paragraph 69O-149.003(2)(b), F.A.C.; and

2. Shall provide a certification that the filing includes all forms with similar benefits in lieu of the actuarial memorandum referenced in subparagraph 69O-149.003(2)(b)3., F.A.C.

(f) This provision is an option available to the company. The company may choose, at its option, to make a complete filing in accordance with paragraph 69O-149.003(2)(b), F.A.C., including a complete actuarial memorandum in accordance with Rule 69O-149.006, F.A.C.

(6) No change.

Specific Authority 624.308(1), 624.424(1)(c), 627.410(6)(b), (e) FS. Law Implemented 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 FS. History—New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95, 4-4-02, 10-27-02, 6-19-03, Formerly 4-149.003, Amended 5-18-04, 12-22-05, \_\_\_\_\_.

69O-149.005 Reasonableness of Benefits in Relation to Premiums.

(1) No change.

(2) A premium schedule is not excessive if the following are true:

(a) For a new policy form, group or individual,

1. the anticipated loss ratio is not less than the indicated adjusted entry in the loss ratio tables, in subsection (4), below.

2. The insurer does not knowingly price any individual rate within the rate schedule to be charged to an insured to be excessive.

(b)1. For individual forms, and group policy forms other than annually rated group policy forms, approved on or after 2/1/94 or issued on or after 6/1/94, the Premium Schedule satisfies the following:

a. An Anticipated Loss Ratio test such that the present value of projected claims is not less than the present value of expected claims over the entire future lifetime of the form. This is equivalent to the present value of the future A/E ratio not being less than 1.0; and

b. The current lifetime loss ratio, as defined in subparagraph 69O-149.006(3)(b)24., F.A.C., is not less than the initial filed loss ratio for the form as may be subsequently amended and approved pursuant to this rule chapter.

2. For annually rated group policy forms, the target loss ratio is not less than the loss ratio anticipated in the current premium schedule, as may be subsequently amended and approved pursuant to this rule chapter.

(c) For an existing Individual Policy Form issued up to 6/1/94 for forms approved prior to 2/1/94, the Premium Schedule satisfies subparagraphs 1. and 2., below:

1. The anticipated Loss Ratio is not less than the initial filed loss ratio; and

2. The current lifetime Loss Ratio is not less than the initial filed loss ratio.

(d) For an existing group policy form issued up to 6/1/94 for forms approved prior to 2/1/94, the anticipated loss ratio is not less than the appropriate adjusted entry in the loss ratio tables in subsection (3), below.

(3) Loss Ratios for Individual Policies and Group Certificates issued up to 6/1/94 for forms approved prior to 2/1/94. The loss ratios in the table in paragraph (d), below, are adjusted pursuant to paragraph (a), (b), or (c), below, where

$$I = (\text{CPI-U, year N-1})/103.9$$

N-1 is the calendar year immediately preceding the calendar year (N) in which the rate filing is submitted in Florida, and

CPI-U is the consumer price index for all urban consumers, for all items and for all regions of the U.S. combined, as determined by the U.S. Department of Labor, Bureau of Labor Statistics; and the CPI-U for any year is the value as of September.

(a) If the average annual premium per individual policy or group certificate, (X), is less than \$ 300xI, then the minimum loss ratio is adjusted to R' by the following formula:  $R' = R \times ((800xI + X)/(1100xI))$ , where the reduction cannot exceed 10 percentage points.

(b) If the average annual premium per individual policy or group certificate, (X) exceeds \$ (I\*2000), then the minimum loss ratio is adjusted to R' by the following formula:  $R' = R \times ((I*9000)+X)/(I*11000)$ . R' cannot exceed R by more than 10 percentage points.

(c) For group insurance certificates, there is an additional adjustment R".

1. For E greater than 0 and less than or equal to 100

$$R'' = R' \times ((550 + E) / 550)$$

2. For E greater than 100

$$R'' = R' \times ((6400 + E) / 5500)$$

3. E is normally the average number of certificateholders in a group rating class.

4. However, where a group is composed of subgroups, e.g., multiple employer trusts, E is the average number of certificateholders per subgroup. Where a group is composed of certificateholders issued as a result of solicitations of individuals through the mail or by mass media advertising, including both print and broadcast advertising, E shall be 50. In no event will R" be greater than 80%. The average annual premium (X) shall be per certificate under a group policy and shall be estimated by the insurer based on an anticipated distribution of business considering all significant criteria having a rate difference. Such estimate shall assume an annual mode for all certificates, i.e., the fractional premium loading shall not affect the average annual premium or anticipated loss ratio calculation. The value of X shall be determined on the basis of the rates being filed.

(d) Loss Ratio Table:

Renewal Clauses	Loss Ratio in %
Optionally Renewable	60
Conditionally Renewable	55
Guaranteed Renewable	55
Non-cancelable	50
Non-renewable	50

(4) Loss Ratios for Individual Policies and Group Certificates approved on or after 2/1/94 or issued on or after 6/1/94. These tables are not applicable to Medicare Supplement or Long-Term Care Policy Forms. The minimum loss ratios for those policy forms are found in Rule Chapters 690-156 and 690-157, F.A.C., respectively.

(a) The loss ratios in the tables below are adjusted in accordance with the following formula, where

R = the loss ratio from the table,

A = the average annual premium per individual policy or per group certificate,

R' = the adjusted loss ratio, and

I is as defined in subsection 690-149.005(3), F.A.C.

Then  $R' = (A-25I)R/A$  and R' cannot be more than 10 percentage points less than R, for coverage with at least 12 months and pro rata for coverage with less than 12 months, nor less than 50 percent; except R' cannot be less than 45 percent as to accident only non-cancellable policies.

(b) Loss Ratio Table – Group Policy Forms

	Medical Expense	Medical Indemnity or any policy with an average annual premium per certificate less than \$1000
Group Size	Loss Ratio	Loss Ratio
Fewer than 51 certificates	65%	57.5%
51 through 500 certificates	70%	62.5%
All others	75%	67.5%

(c)1. Loss Ratio Table – Individual and Stop-loss Policy Forms.

	Medical Expense	Medical Indemnity, Loss of Income
Renewal Clause	Loss Ratio %	Loss Ratio
Non-Cancellable	55%	50%
Non-Renewable	60%	55%
Guaranteed Renewable	65%	60%
All Other	70%	65%
Minimum Acceptable	55%	50%

2. For purposes of determining the minimum required loss ratio for stop-loss policies, the average annual premium for purposes of determining the R' above, shall be the average premium per employee covered by the employer's stop-loss policy.

(5)(a) Group conversion insurance, other than long-term care and medicare supplement insurance, issued on either a group or an individual basis, is exempt from the loss ratios required above.

(b) The loss ratio for group conversion insurance shall not be less than 120 percent.

(c) The insurer may charge the excess of the group conversion loss ratio over that required for group insurance on active lives to the experience for insurance on active lives.

(d) The premium to be charged for group conversion insurance subject to Section 627.6675, F.S., shall not exceed the limits of Section 627.6675(3), F.S., based on the standard risk rates as established in Part X of this rule chapter.

(6) Blanket Insurance is exempt from the loss ratios required above. The minimum loss ratio for blanket insurance is 65%.

(7) As provided by Section 627.411(3)(a), F.S., the minimum loss ratio in the above tables for health insurance coverage as described in Section 627.6561(5)(a)2., F.S., shall be at least 65 percent.

(8) Anticipated loss ratios lower than those otherwise required by this part shall not be permitted unless the insurer demonstrates that the proposed loss ratios are in accordance with sound actuarial principles; do not result in unfair discrimination in sales practices; and are otherwise in substantial compliance with the requirements of this part.

(9) A premium schedule shall not be disapproved on the grounds of inadequacy if:

(a) The expected profit margin on the policy form is non-negative. This margin equals the sum of premium income and investment income, minus the sum of benefit payments, expenses, taxes and contingency margins;

(b) The premium schedule incorporates for the entire future lifetime of the policy, the projected entire effects of insurance trend; and

(c) The premium schedule is determined such that if all assumptions are satisfied, the annual rate increases needed will not be greater than medical trend, as defined in subparagraph 69O-149.006(3)(b)18., F.A.C.

(10) A premium schedule is unfairly discriminatory if it incorporates any of the following:

(a) For all long term care policy forms and other policy forms under which more than 50 percent of the policies/certificates are issued to persons age 65 or older, attained age premium structures, are prohibited. Only premium structures which prefund the aging component of future claim costs are allowed.

(b) Select and Ultimate Premium Schedules are prohibited.

(c) Attained age premium schedules where the slope by age is substantially different from the slope of the ultimate claim cost curve are prohibited.

(11) Attained age rated individual medical expense health insurance coverage may incorporate into the rate schedule a rating factor that provides for a reapplication of the factor subsequent to the original issuance of the coverage, subject to the following:

(a) The factor shall be limited to those categories where an insured is able to qualify for the factor based solely on the insured's right to apply for the option at the time, such as continued discount for non-tobacco use;

(b) The determination for qualification of the factor shall be based on well-defined objective criteria;

(c) Health or claim status of the insured does not limit the ability of an individual to qualify for the factor;

(d) The factor shall be applied uniformly to all insureds;

(e) The timing of the redetermination of the factor shall be predetermined and disclosed in the policy. The application of the factor shall be in a nondiscriminatory manner; i.e., at every anniversary, at each third year anniversary, etc.;

(f) The availability, initial determination, redetermination, or value of the factor is not based on any health-status-related factors, as described in Section 627.65625(1), F.S., in relation to the individual or a covered dependant of the individual.

(12) through (13) No change.

(14) Rates charged for periods where a certification has been made to the office that the rates, at the time of the certification, met the standards of Florida law and promulgated rules and which after investigation by the office have been determined to fail to meet such standards, or are for periods where the insurer has failed to make the required annual filing, shall constitute an unfair and deceptive trade practice in violation of Section 626.9541(1)(e), F.S.

(a) In making the determination that the benefits are not reasonable in relationship to the rates charged for periods of time prior to the current experience period, the office shall make its determination based on the information used and relied upon by the actuary, as well as information that was available and pertinent to the determination, at the time the certification was made.

(b) For purposes of this rule, the office shall limit its investigation of rates to the period beginning twelve months subsequent to the date of the most recent rate filing explicitly approved by the office.

(c) If the office determines that such violation has occurred, then, in lieu of the office pursuing administrative action and remedies, including the penalties provided by Section 624.418, F.S.,

1. The insurer may agree that any subsequent rate increase to existing insureds shall be implemented over a period equal to the length of time the rates charged have failed to comply with the provisions of Section 627.410(6) or (7), F.S. and these rules.

2. The office will approve such lesser period requested by the insurer if the insurer demonstrates that:

(i) The larger rate increase due to the shorter period of time is consistent with the level of increases of other insurers currently marketing similar benefit plans,

(ii) The increase will not adversely affect policyholder persistency. Adverse persistency shall be determined if the lapse rate anticipated exceeds the lapse rate of the insurer for the prior year or if the lapse rate would exceed the lapse rate of insurers currently marketing similar benefit plans, and

(iii) The resulting rates are not in excess of the rates of other insurers currently marketing similar benefit plans.

3. Benefit enhancements, rate reductions, rate credits or refunds shall be determined to return the rates to a level that meet the standards of these rules.

Specific Authority 624.308(1), 626.9611, 627.410(6)(d), (e) FS. Law Implemented 624.307, 624.3161, 624.318, 624.418, 626.9541(1), 626.9561, 626.9641, 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175, 627.4238 FS. History—New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, 11-20-02, Formerly 4-149.005, Amended 5-18-04,\_\_\_\_\_.

690-149.007 Annual Rate Certification (ARC) Filing Procedures.

(1) This rule applies to filings made pursuant to Section 627.410(7)(b)2., F.S., in which no rate change is proposed

(2) The filings required by this rule shall be on an individual company basis.

(3) This rule is not applicable for Medicare supplement coverage. Medicare supplement forms are subject to Rule 690-149.003, F.A.C.

(4) Non-cancellable coverages which are no longer available for sale and which have not been sold or marketed for at least 5 years shall be exempt from the filing requirements of this rule.

(5) A filing shall consist of:

(a) A cover letter indicating the nature of the filing;

(b) Form OIR-B2-1507, as adopted in Rule 690-149.022, F.A.C.; Form OIR-B2-1507, "Office of Insurance Regulation Life and Health Forms and Rates Universal Standardized Data Letter" as adopted in Rule 690-149.022, F.A.C., completely filled out in accordance with Form OIR-B2-1507A, "Office of Insurance Regulation Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet" as adopted in Rule 690-149.022, F.A.C.; and

(c) A certification by an actuary, in accordance with subparagraph 690-149.006(3)(b)28., F.A.C. and that based on current experience and projection assumptions, rates are not anticipated to increase over the next rating period.

(6)(a) A filing shall include only forms that are pooled together for rating purposes. Separate filings shall be made for separate rating pools.

(b) Forms that are pooled together for rating purposes should be submitted under a single ARC filing. The company may request that an ARC filing may be made for a form separate from the other forms within the rating pool. Making separate ARC filings for forms that would otherwise be considered combined for rating purposes does not constitute a change in the forms to be pooled for rating purposes. At the time any of the forms would be filed for a rate change, all forms shall be pooled as required by subsection 690-149.003(1), F.A.C., regardless of how the forms were filed for ARC compliance.

(7) For noncredible blocks of business on a nationwide basis, the company may request a waiver of the requirement. The request shall be made annually and be accompanied by a letter indicating the nature of the filing, the type of product, and the reason for the request.

(8) When a company using a current rate schedule is unable to demonstrate that the minimum loss ratio standards in Rule 690-149.005, F.A.C., are met, it shall reduce rates, enhance benefits, or a combination of both to satisfy the standards.

(a) A company may make a certification in compliance with this rule without such change to benefits or premiums if the A/E ratio for the past experience periods are, both in pattern and aggregate value, consistently at or in excess of .85.

(b) In determining the necessary adjustment, the company may assume up to a 15 percent margin in future projected claim costs and may target a future and lifetime actual to expected ratio of .85.

(9) A company may request exemption from all future ARC filings upon demonstration that the form or rating pool consists only of policy forms which are no longer available for sale and:

(a) The company has no other form with similar benefits that is currently available for sale,

(b) The accumulated experience from inception to date exceeds the required lifetime loss ratio standard for the form,

(c) The present value of future premiums is less than 10 percent of the accumulated value of past earned premiums or the data is 0 percent credible, and

(d) The company certifies that it will not increase premiums in the future.

(10) All filings made pursuant to this rule shall be on a company distinct basis and submitted electronically to <https://iportal.fldfs.com>.

Specific Authority 624.308 FS. Law Implemented 624.318, 627.410 FS. History—New 5-14-92, Amended 11-20-02, Formerly 4-149.007, Amended 5-18-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Angela Lockwood, Office of the Chief of Staff, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Monica Rutkowski, Director, Life and Health Product Review, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2007

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR – Insurance Regulation**

RULE NOS.:	RULE TITLES:
690-171.002	General Reporting Requirements
690-171.008	Insurer Experience Reporting – Calendar Year Experience

PURPOSE AND EFFECT: To adopt new technology for insurer reporting.

SUMMARY: Adopts Form for entry of data and instructions.

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

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1)(c), 627.915(2), (5), 627.918(1) 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: October 15, 2007, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Belynda Shadoan, Deputy Chief of Staff's Office, Office of Insurance Regulation, E-mail belynda.shadoan@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 RULES IS: Belynda Shadoan, Deputy Chief of Staff's Office, Office of Insurance Regulation, E-mail belynda.shadoan@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-171.002 General Reporting Requirements.

(1) Forms incorporated by reference in Division Number 690 these rules are available on the Office's website: <http://www.floirfldfs.com>.

(2) All filings shall be submitted electronically to <https://iportal.fldfs.com>.

(3) All forms shall be filled out completely in accordance with their instructions. If an insurer is without any data required by these rules to be reported, it shall nevertheless complete and file the prescribed form or forms as directed in the instructions associated with each form by writing "none" in the appropriate spaces, and file the form or forms with the Office in the prescribed manner.

(4)(a) Any insurer or insurer group which does not write at least 1/2 percent of the Florida market, based on written premiums, shall not be required to complete and submit to the Office the forms prescribed by Rule 690-171.008, F.A.C. Instead of completing form OIR-308, "Calendar Year Experience" as adopted in Rule 690-171.008, F.A.C., the

insurer shall list each line of insurance that is less than 1/2 percent of the market and list the corresponding written premiums for each of these lines of insurance.

(b) In calculating the percentage of market, an insurer shall only use the figure for the preceding year's total premiums written in the state as compiled by the Office based upon the annual statements submitted by insurers.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.915(5), 627.918(1) FS. History--New 1-16-83, Amended 7-1-85, Formerly 4-59.09, 4-59.009, Amended 6-4-92, 1-2-02, Formerly 4-171.002, Amended 9-15-05,\_\_\_\_\_.

690-171.008 Insurer Experience Reporting – Calendar Year Experience.

(1) Any insurer authorized to transact fire, homeowner's, multiple peril, commercial multiple peril, medical malpractice, product liability, workers' compensation, private passenger automobile liability, commercial automobile liability, private passenger automobile physical damage, commercial automobile physical damage, directors' and officers', or other liability insurance shall report, for each such line of insurance, the information required by Section 627.915(2), F.S., Section 627.915(5), F.S., or required by rule, on Form OIR-B1-308 (Rev. 07/03), "Calendar Year Experience", data reporting form OIR-D0-308 (Revised 02/2007) "Florida Property and Casualty Insurance Calendar Year Experience". which is hereby incorporated by reference, and is available and is to be completed and submitted on the Office's website: <http://www.fldfs.com/DI4-308>.

(2) Reports for the preceding calendar year are due on or before April 1 of each year.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424(1)(c), 627.915(2), (5), 627.918(1) FS. History--New 1-16-83, Amended 7-1-85, Formerly 4-59.07, Amended 6-15-88, Formerly 4-59.007, 4-171.008, Amended 9-15-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Angela Lockwood, Deputy Chief of Staff's Office, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Brown, Deputy Chief of Staff's Office, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2007

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE:  
6A-4.0012                   Application Information  
                                  NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 37, September 14, 2007 issue of the Florida Administrative Weekly.

The meeting date for the public hearing was inadvertently omitted from the published notice. The State Board of Education will meet on October 16, 2007, at 8:00 a.m. in Tallahassee.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.:                   RULE TITLE:  
9B-3.047                   State Building Code Adopted  
                                  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. 30, July 27, 2007 issue of the Florida Administrative Weekly.

**FLORIDA BUILDING COMMISSION**

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2007 edition, as updated by the Florida Building Commission, and as approved by the Commission on August 21, 2007, incorporated herein by reference is hereby adopted as the building code for the State of Florida.

Proposed effective date is October 1, 2008.

Specific Authority 553.73(1), (2), (7) FS, Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida. Law Implemented 553.72, 553.73(2), (3), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, 12-8-06, 10-1-08.

NOTE: Amendments to or modifications of the following sections of the indicated volumes of the Florida Building Code (2007) were approved by the Florida Building Commission at its August 21, 2007 meeting:

**BUILDING VOLUME**

Section 202. Definition of “Shear wall”; Section 428.4; Referenced standards within Subchapter 13-3; Subchapter 13-4; Subchapter 13-6; Section 13-604.A.4; Section

13-610.A.3 [new]; Appendix 13-A; Appendix 13-D; EPL Display Card as required by Chapter 13; Section 2107.1; Section 2107.4; Section 2107.1; Section 2107.6 [renumbered to 2107.5]; Section 2108.1; Section 2108.2; Section 2108.3 [deleted]; Section 2108.4 [renumbered to 2108.3]

**MECHANICAL VOLUME**

Section 306.3.

**PLUMBING VOLUME**

Section 403.1.1.2.

**FUEL GAS VOLUME**

Sections 306.3 and 306.3.1 are amended.

**RESIDENTIAL VOLUME**

Chapter 11 [Universal change made to reference the EnergyGauge USA Fla/Res instead of Fla/Res.]; Section N1104.A.4; Section N1110.A.3 [new]; Section M1305.1.3; Within Chapter 43, FSEC 2007 EnergyGauge USA Fla/Res added as a referenced standard and NFPA 720-05, Standard for the Installation of Carbon Monoxide (CO) Warning Equipment in Dwelling Units was deleted; Section R4410.1 renumbered.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.:                   RULE TITLE:  
9B-3.0472                   Carbon Monoxide Detection  
                                  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. 30, July 27, 2007 issue of the Florida Administrative Weekly.

**FLORIDA BUILDING COMMISSION**

9B-3.0472 Carbon Monoxide Protection.

(1) through (b) No change.

(2) Every building for which a permit for new construction is issued on or after 7/1/08 and having a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage shall have an operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes.

(3) through (4) No change.

Specific Authority 553.885(2) FS. Law Implemented 553.72, 553.73(2), (3), (7), (9), 553.885(2) FS. History—New \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.:                   RULE TITLE:  
61A-2.019                   Approved Forms

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 50, December 16, 2005 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:                   RULE TITLE:  
61G4-12.011               Definitions

**NOTICE OF PUBLIC HEARING**

The Construction Industry Licensing Board announces a hearing regarding the above rule, as noticed in Vol. 33, No. 32, August 10, 2007, Florida Administrative Weekly.

DATE AND TIME: Wednesday, October 10, 2007, 2:00 p.m., or as soon thereafter as can be heard

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coast Line Drive, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed text of the rule

Pursuant to the provisions of 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: G.W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750. 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).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NOS.:               RULE TITLES:  
61G4-15.005              Requirements for Certification and  
  Registration (Repealed)  
61G4-15.006              Financial Responsibility, Definition,  
  Grounds for Denial

**NOTICE OF PUBLIC HEARING**

The Construction Industry Licensing Board announces an additional hearing regarding the above rule, as noticed in Vol. 33, No. 30, July 27, 2007, Florida Administrative Weekly.

DATE AND TIME: Wednesday, October 10, 2007, 2:00 p.m., or as soon thereafter as can be heard

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coast Line Drive, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed text of the rules

Pursuant to the provisions of 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: G.W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750. 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).

**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 Optometry**

RULE NO.:                   RULE TITLE:  
64B13-4.001               Examination Requirements

**NOTICE OF PUBLIC HEARING**

The Board of Optometry announces a hearing regarding the above rule, as noticed in Vol. 33, No. 34, August 24, 2007 Florida Administrative Weekly.

DATE AND TIME: October 19, 2007, 10:00 a.m.

PLACE: Department of Health, Room 301, 4042 Bald Cypress Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: public hearing on the above-referenced rules

Pursuant to the provisions of 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 Executive Director of the Board of Optometry. If you are 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**

**Division of Environmental Health**

RULE NO.:                   RULE TITLE:  
64E-14.016               Field Sanitation Facilities

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 29, July 20, 2007 issue of the Florida Administrative Weekly.

Subsections (3) and (4) were inadvertently printed incorrectly.

64E-14.016 Field Sanitation Facilities.

Field Sanitation Facility Requirements ~~FIELD SANITATION FACILITIES REQUIREMENTS~~



Number of persons	Toilets	Hand Washing Units	Drinking Water
5-10	1	1	Yes

(1) Where 5 to 10 hand-laboring farmworkers are employed in one location at one time, a field sanitation facility, consisting of 1 toilet facility and 1 hand washing unit shall be provided. The toilet and hand washing unit shall be located adjacent to each other. The facility shall be located within a one-quarter-mile walk of any hand-laborer’s place of work in the field. Where it is not feasible to locate facilities as required above due to terrain, the facilities shall be located at the point of closest vehicular access.

(2) Field toilet facilities shall be constructed and maintained in accordance with provisions of Section ~~64E-6.0101~~ ~~64E-6.001~~, F.A.C., emptied at least weekly, and provide a minimum storage capacity of 50 gallons per unit. Waste Septage from all field toilet facilities shall be disposed by a method approved by the county ~~public health department unit.~~ The department shall approve portable water flushed units when determined appropriate for a particular situation. Toilet facilities shall have a screened ventilation opening and self-closing doors that can be closed and latched from the inside and shall be constructed to ensure privacy.

(3) No change.

(4) Drinking water shall be potable and provided in containers constructed of smooth, impervious, corrosion resistant material, ~~such as Hydrocoolers or water coolers constructed as such are acceptable for use.~~ Potable water containers shall be maintained by sanitary methods. The interiors of potable water containers shall be cleaned and sanitized at least daily. The containers shall be marked with the words “Drinking Water”, in English and in the native language of the majority of the workers. Single service cups shall be provided unless bottled water is provided or water is dispensed from a fountain equipped with an angled, protected jet outlet. Ice used for cooling drinking water shall be made from potable water. The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed, to meet the needs of all employees. County health department staff, during the normal course of their work, shall take water samples at random to ensure the potability of the drinking water.

(5) The owners, operators, crewleaders, or primary persons in charge shall ensure that sanitary facilities are available (handwashing receptacles, soap, water, etc.) to allow for washing of hands after working in the fields and before drinking, eating or smoking tobacco. Farmworkers shall be reminded not to eat unwashed produce from the field or use pesticide containers or other items from the field for food or drinking containers this is to prevent accidental ingestion of pesticide residues.

Specific Authority ~~381.006(5)~~, 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.67, Amended 8-6-92, 11-17-94, Formerly 10D-25.067, Amended 9-12-99, \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-32.004	Parenting Course Evaluation
65C-32.005	Parenting Course Approval

**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. 32, August 10, 2007 issue of the Florida Administrative Weekly.

65C-32.004(1) Each parenting course ~~may~~ ~~shall~~ include a demonstration of the level of comprehension of the learning objectives by the participants following the conclusion of the training.

65C-32.005(1)(l) Evaluation form. The provider ~~may~~ ~~shall~~ provide a copy of the evaluation form for participants upon completion of the parenting course;

**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:
53ER07-55	Procurement of Commodities and Contractual Services

SUMMARY: This emergency rule sets forth the procurement of commodities and contractual services and replaces Rule 53ER02-45, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-55 Procurement of Commodities and Contractual Services.

(1) The secretary or a designee is authorized to execute contracts for commodities and contractual services which are to be used in the normal operation of the Lottery provided that such contracts are made in accordance with the provisions of these rules. The Lottery specifically finds that, due to the unique nature of its business, strict compliance with Chapter 287, Florida Statutes, and the rules adopted thereunder, would

impair or impede the effective and efficient operation of the Lottery. Therefore, the Lottery is adopting this rule to provide the following alternative procedures for purchasing commodities and contractual services in an open and competitive manner. Chapter 287, Florida Statutes, and the rules (excluding the forms) adopted thereunder shall govern in all areas not specifically addressed.

(2) A formal competitive process is required for the purchase of commodities or contractual services that have a total contract value in excess of the threshold for Category Three of the purchasing categories established in Section 287.017, Florida Statutes unless the purchase is a single source, emergency, state term contract or purchasing agreement, or is a purchase of the commodities or services specified in Section 287.057(5)(f), Florida Statutes, or paragraph 60A-1.002(3)(c), Florida Administrative Code.

(3) Purchases that have a total contract value less than or equal to the threshold for Category Three will be made using an informal competitive process unless there are exigencies that prevent the use of such process or unless the purchase is a single source, emergency or state term contract or purchasing agreement purchase.

(4) Legal Notice. All purchases of commodities or contractual services in excess of the threshold amount for Category Three that are to be acquired by a formal competitive process shall be posted electronically as defined in Section 287.012(11), Florida Statutes, at a centralized Internet website designated by the Department of Management Services no less than 10 calendar days prior to the date set for receipt of submissions to the procurement solicitation document ("submissions").

(5) Procedures Regarding Submissions.

(a) Submissions shall be opened publicly at the time and place designated in the procurement solicitation document. The name of each vendor shall be recorded, and in the case of an invitation to bid, the amount of the bid shall be recorded. Sealed submissions are not public records subject to the provisions of Chapter 119, Florida Statutes, until such time as the agency provides notice of a decision or intended decision or within ten days after submission opening, whichever is earlier. When the competitive procurement document requires the submission to be placed in two separately sealed envelopes to be submitted simultaneously and not opened on the same date, the 10-day period begins the day after the opening of the second envelope.

(b) In the event that only one or no responsive submissions are received, the Lottery shall review the situation in order to determine the reasons, if any, why only one or no responsive submissions were received before making a determination of whether or not to issue a second procurement solicitation document. If the Lottery determines that the commodities or contractual services are available only from a single source, or that conditions and circumstances warrant negotiation on the

best terms and conditions, the Lottery's intended decision shall be posted in accordance with Section 120.57(3), Florida Statutes, and paragraph (7)(a) below before the Lottery proceeds with procurement. The Lottery shall document the conditions and circumstances used in making the decision to proceed without a second call for submissions.

(6) Evaluation of Submissions. Submissions in response to a procurement solicitation shall be evaluated as specified in the solicitation document.

(7) Notice of Intended Award and Award.

(a) Notice of an award of contract, or of an intended award of contract, as applicable, including rejection of some or all submissions received, shall be given by electronic posting at a centralized Internet website designated by the Department of Management Services. All notices of decision or intended decision shall contain the following statement: "Failure to file a protest within the time prescribed in Section 24.109(2)(a), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

(b) Any contract entered into pursuant to an invitation to bid, request for proposals, or invitation to negotiate shall be evidenced by a purchase order or other written agreement with the vendor selected pursuant to the solicitation document.

(c) If the contract is terminated during the initial or renewal contract period, the award may be made to the next responsive vendor who agrees to hold the prices, terms, and conditions submitted in response to the original solicitation. In making this determination, the Lottery will consider if such action is warranted in light of good business practices, such as the time remaining on the contract term and any changes in technology that have occurred.

(8) Single Source Purchase.

Commodities or contractual services available only from a single source costing in excess of the threshold for Category Three may be purchased without a formal competitive procurement process as follows:

(a) For promotional events and sponsorship opportunities, such as community fairs and sports team sponsorships, which offer promotional opportunities unique to the event or sponsorship and in which participation is available only through the organizer of the event or the sponsorship provider, the commodities and contractual services are hereby determined to be available from only a single source and the notice of agency decision shall be given as set forth in paragraph (8)(c) below.

(b) For the purchase of a license to use the trademark or other intellectual property of a person or entity, from the owner of the property or its authorized agent, the license and any associated commodities and contractual services are hereby determined to be available from only a single source and the notice of agency decision to make such purchases shall be given as set forth in paragraph (8)(c) below.

(c) For the single source purchases set forth in paragraphs (8)(a) and (b) above, the Lottery shall provide notice of its agency decision by electronic posting in accordance with paragraph (7)(a) above. Such single source purchases shall be excepted from the posting requirements specified in Section 287.057(5)(c), Florida Statutes.

(d) For all other commodities and contractual services that are believed to be available only from a single source, the Lottery shall electronically post a description of the commodities or contractual services sought and the name of the intended single source provider for at least 7 business days and request prospective vendors to provide information regarding their ability to provide the commodities or services sought. If information is received from prospective vendors and the Lottery determines after reviewing the information that the commodities and contractual services are available from only a single source, the Lottery shall provide notice of its agency decision by electronic posting in accordance with paragraph (7)(a) above. If no information is received from prospective vendors, no additional posting will be made.

(9) Emergency Purchases.

(a) The Secretary may waive any requirement of this rule and permit emergency purchases of commodities and contractual services where a valid emergency exists.

(b) A valid emergency is defined as a circumstance caused by an unexpected turn of events beyond the control of the Lottery involving the security, integrity or the financial status of the Lottery; or involving public health, welfare, safety, injury or loss.

(c) An emergency purchase shall be made by:

1. Obtaining pricing information from at least two prospective vendors unless the Lottery determines in writing that the time required to obtain pricing information will increase the immediate danger involving the security, integrity or financial status of the Lottery; or involving the public health, safety, or welfare, or injury or loss. In such case, the pricing requirement shall be excepted; and

2. The responsible executive or senior manager providing a written certification under oath stating the conditions and circumstances of the emergency and the basis for the waiver of the procurement requirements of this rule and the selection of the particular source. This certification shall be submitted to the Secretary for approval.

(10) MyFloridaMarketplace Transaction Fee Exemption. The Lottery specifically finds that compliance in certain types of procurements with the 1% Transaction Fee provisions of Rule 60A-1.031, F.A.C. would impair or impede the effective and efficient operation of the Lottery. Therefore, procurements of commodities and services specific to the lottery industry and for which the Florida Lottery is the sole purchaser in the state of Florida are exempt from the 1% Transaction Fee that would otherwise apply under Rule 60A-1.031, F.A.C. Such procurements would include, for example, a lottery gaming

system, instant tickets, and related commodities or services. Acquiring such commodities and services through the state's on-line procurement system would not further the stated goal of leveraging the state's purchasing power. Application of the 1% transaction fee would increase the cost of the contract without providing a corresponding benefit to the state and would reduce the amount of funds transferable to the Educational Enhancement Trust Fund at the end of each fiscal year.

(11) The Lottery may participate in, sponsor or conduct cooperative purchasing arrangements with other governmental entities for the purchase of commodities or contractual services, including construction.

(12) The Lottery may acquire any commodity or contractual service that is available on - state term contract or purchasing agreement without competitive bidding.

(13) The Lottery may, at reasonable times, inspect a vendor's place of business to determine the capability of the vendor to perform any contract awarded by the Lottery.

(14) This emergency rule replaces emergency rule 53ER02-45, Florida Administrative Code.

Specific Authority 24.105(13), 24.109(1) FS. Law Implemented 24.105(13), 24.111, 119.071(1)(b)1.a., 120.57(3)(a), (b), 287.017, 287.057(5)(a), (c), (f), 287.0943 FS. History--New 9-7-07, Replaces 53ER02-45, F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 7, 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**

**DEPARTMENT OF EDUCATION**

NOTICE IS HEREBY GIVEN THAT on September 7, 2007, the Department of Education, received a petition for an emergency permanent waiver of Rule 6A-4.0282, F.A.C., from ASHI Holding Co., d/b/a American Safety and Health Institute (ASHI).

A copy of the Petition for Variance or Waiver may be obtained by contacting Jason Hand, Office of General Counsel, Department of Education at (850)245-0442.

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT on August 13, 2007, the Division of Housing and Community Development, received a petition for Waiver from the Broward County Board of Commissioners on behalf of the Town of Davie regarding Emergency Rule 9BER06-2(13)(b). The waiver is requested in order to allow the Petitioner to purchase used mobile homes from FEMA for \$500 each.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on September 5, 2007, the Criminal Justice Standards and Training Commission has issued an order.

Brian Call requested an emergency waiver of subsection 11B-27.002(4), F.A.C., on August 9, 2007. Petitioner requested that the provisions of subsection 11B-27.002(4), F.A.C., requiring an officer to complete basic recruit training, pass the relevant State Officer Certification Examination, and gain employment within four years of beginning basic recruit training be waived. Notice of receipt of this petition was published in the F.A.W., Vol. 33, No. 34, August 24, 2007. Petitioner alleged facts sufficient to show that the rule affected him differently from other persons subject to the rule and that enforcement of the rule in his case would result in substantial hardship to him and would violate the principles of fairness by denying him continued employment. The Commission granted the requested waiver at a telephonic conference held September 5, 2007.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489, or by telephoning (850)410-7676.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT on September 26, 2006, the Florida Public Service Commission, received a petition for waiver of paragraphs 25-30.033(1)(h), (j), (k), (m), (o), (r), (t), (u), (v), and (w), Florida Administrative Code, by Town and Country Utilities Company, in Docket No. 060602-SU. The petition was approved by the Commission by Order No.

PSC-07-0076-PAA-SU, issued January 29, 2007, and consummated by Order No. PSC-07-0172-CO-SU, issued February 23, 2007. The rule addresses information required for setting initial rates in original water and wastewater certificate proceedings. The petitioner requested that the rule be waived temporarily to permit bifurcation of the certification proceeding. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the F.A.W., on December 8, 2006.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770 or the Commission's homepage at <http://www.floridapsc.com>.

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN THAT on August 30, 2007, the South Florida Water Management District (SFWMD) received a Petition for Variance (Application 070830-20) from The Watson Group, Inc. for a project known as Washington Park Estates, located in Orange County. The petition seeks relief from Section 373.414, F.S., paragraph 40E-4.301(1)(e) or Rule 40E-4.302, F.A.C., pertaining to wet retention/detention area dimensional criteria.

A copy of the petition may be obtained from Beth Colavecchio at (561)682-6905 or e-mail at [bcolavec@sfwmd.gov](mailto:bcolavec@sfwmd.gov). The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn: District Clerk.

For additional information, contact: Ed Yaun, Orlando Service Center, 1707 Orlando Central Pkwy., Suite 200, Orlando, FL 32809, (407)858-6100, extension 3824 or e-mail: [eyaun@sfwmd.gov](mailto:eyaun@sfwmd.gov).

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT on August 13, 2007, the Department of Management Services, received a petition for Variance from Section 121.085(2), Florida Statutes, from K. Judith Lane, on behalf of Ronald R. Futch. The statute states: "no creditable service which remained unclaimed may be claimed or purchased after a retirement benefit payment has been cashed or deposited." The rule operates to bar participants in the Deferred Retirement Option Program ("DROP") from upgrading prior years of service upon their entry into DROP. The Petitioner request a variance from the statute to allow the Petitioner to upgrade certain years of service in which Petitioner served as an EMT/Ocean Lifeguard under the provisions of the Special Risk Class.

Comments on this Petition should be filed with: Geoffrey M. Christian, Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Geoffrey M. Christian, Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or by calling (850)414-0240.

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NOTICE IS HEREBY GIVEN THAT on August 13, 2007, the Department of Management Services, received a petition for Variance from Section 121.085(2), Florida Statutes, from K. Judith Lane, on behalf of Michael L. Hensler. The statute states: "no creditable service which remained unclaimed may be claimed or purchased after a retirement benefit payment has been cashed or deposited." The rule operates to bar participants in the Deferred Retirement Option Program ("DROP") from upgrading prior years of service upon their entry into DROP. The Petitioner request a variance from the statute to allow the Petitioner to upgrade certain years of service in which Petitioner served as an EMT/Ocean Lifeguard under the provisions of the Special Risk Class.

Comments on this Petition should be filed with: Geoffrey M. Christian, Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Geoffrey M. Christian, Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or by calling (850)414-0240.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT on August 7, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Jennifer's Cafeteria located in North Miami Beach. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated..... The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty-seven (27).

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. 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.

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NOTICE IS HEREBY GIVEN THAT on August 13, 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 El Tejadito 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 may be obtained by contacting David.Fountain@dbpr.state.fl.us. 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.

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NOTICE IS HEREBY GIVEN THAT on August 16, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Peg's located in Gulfport. 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 two unisex bathrooms for patrons and they are requesting a variance to have a seating capacity of seventy-four (74) and two bathrooms with a unisex designation.

This variance request was approved August 31, 2007, and is contingent upon the Petitioner ensuring the two unisex public bathrooms are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on August 17, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Chubby's Hot Dog and Sub located in Maitland. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty-six (26).

This variance request was approved August 31, 2007, and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (26) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on August 24, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Dairy Queen located in Miami. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment.

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. 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.

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NOTICE IS HEREBY GIVEN THAT on August 24, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Luis and Elena Lunch Truck 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 may be obtained by contacting David.Fountain@dbpr.state.fl.us. 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.

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NOTICE IS HEREBY GIVEN THAT on August 29, 2007, the Board of Accountancy, received a petition for Nelson Sabbagh, seeking a variance or waiver of subsection 61H1-33.001(1), Florida Administrative Code, which requires that each licensee complete on-line or mail completed answers to the examination on Chapters 455 and 473 F.S., and related administrative rules with a passing score of at least 80, on or before December 31, prior to the licensee's biennial renewal period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, 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.

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#### **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."

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#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on September 7, 2007, the Board of Psychology, received a petition for Delight C.A. Thompson, Ph.D., seeking a variance or waiver of subparagraph 64B19-11.005(2)(c)3., F.A.C., which requires that all applicants for licensure complete post doctoral experience which includes an average of at least two hours of clinical supervision each week.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, or telephone (850)245-4373, ext. 3480. Comments on this petition should be filed with the Board of Psychology/MQA within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN THAT on August 20, 2007, the Department of Health, Bureau of Emergency Medical Services, received a petition for Waiver or Variance from Gabriel G. Sanchez, MD, FAEP.

Applicable Rule: Paragraph 64E-2.004(3)(c), Medical Direction, Florida Administrative Code.

Nature of Rule: Requires a medical director shall be board certified and active in a broad-based clinical medical specialty with demonstrated experience in prehospital care and hold an ACLS certificate or equivalent as determined in Rule 64E-2.032, F.A.C. Prehospital care experience shall be documented by the provider.

Date and Place of Notice: Notice was published on September 21, 2007 in the F.A.W.

All comments must be received in writing by October 5, 2007 to Lisa M. Walker, Government Analyst II, Bureau of EMS.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of EMS, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738.

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NOTICE IS HEREBY GIVEN THAT on September 4, 2007, the Department of Health, received a petition for Variance from paragraph 64E-16.007(4)(c), Florida Administrative Code, from Carl Malmberg, on behalf of MedServe, Inc. That rule prescribes the use of specific organisms to be used to provide microbiological evidence of the disinfection capabilities of an alternative treatment system for biomedical waste. The Petitioner requests a variance from the rule to allow the Petitioner to vary from the rule requirement for use of specific organisms to provide microbiological evidence of the disinfection capabilities of an alternative treatment system for biomedical waste as prescribed in paragraph 64E-16.007(4)(c), Florida Administrative Code. MedServe, Inc. proposes to follow the State and Territorial Association on Alternative Treatment Technologies guidance report (STAATT II, 1998) with regards to use of specific organisms to provide microbiological evidence of the disinfection capabilities of an alternative treatment system for biomedical waste. Comments on this Petition should be filed with the Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277, extension 4273.

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#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on July 27, 2007, the Department of Children and Family Services, received a petition for subsection 65C-15.017(2), F.A.C. from Eyvolle Pamphile, assigned Case No. 07-011W. The rule requires licensed child-placing agency staff who provide casework supervision to have a master's or bachelor's degree in social

work or a related area of study from an accredited college or university and a minimum of two or four years, respectively, of experience in human services or child welfare programs.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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NOTICE IS HEREBY GIVEN THAT on September 6, 2007, the The Department of Children and Family Services has issued an order.

The Department of Children and Family Services granted a request for Waiver of subsection 65C-14-055(4), F.A.C., to Youth Crisis Center; Brenda Plant; Annette Bair and the basis for decision is that petitioners demonstrated knowledge, skills and abilities, that the rule is intended to ensure covered staff possess.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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NOTICE IS HEREBY GIVEN THAT on September 7, 2007, the Department of Children and Family Services, received a petition for Waiver of subsection 65C-15.017(2), F.A.C. The petition was received by Victoria Gonzalez, assigned Case No. 07-015W. Subsection 65C-15.017(2), F.A.C. states an Agency staff responsible for supervision shall have a master's or bachelor's degree in social work or a related area of study from an accredited college or university and at least two years of experience in human services or child welfare programs.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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NOTICE IS HEREBY GIVEN THAT on September 10, 2007, the Department of Children and Family Services, received a petition for Emergency Waiver of subsection 65C-14.055(3), F.A.C., from Sabriena Williams and Interface Youth Program, assigned Case No. 07-016W. Subsection 65C-14.055(3), F.A.C., requires staff who perform direct counseling to children and their families shall have a master's degree in social work, counseling, or related area of study from a college or university, and at least 2 years of experience in social work, counseling or related area of experience.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys, announces the following sub-committee telephone conference meetings which all persons are invited to attend. The dates, times, and telephone conference numbers are as follows:

Subcommittee on Improving Foster Care and Families Issues  
DATE AND TIME: October 2, 2007, 11:30 a.m. – 12:30 p.m.  
PLACE: Toll Free Dial in Number: 1(888)808-6959  
Conference Code: 5414291059

Subcommittee on Improving Educational Outcomes  
DATE AND TIME: October 5, 2007, 11:00 a.m. – 12:00 Noon  
PLACE: Toll Free Dial in Number: 1(888)808-6959,  
Conference Code: 1021731236

Subcommittee on Improving Economic Outcomes  
DATE AND TIME: October 9, 2007, 2:00 p.m. – 3:00 p.m.  
PLACE: Toll Free Dial in Number: 1(888)808-6959,  
Conference Code: 8733623109

Legislative Review Subcommittee  
DATE AND TIME: October 11, 2007, 3:00 p.m. – 4:00 p.m.  
PLACE: Toll Free Dial in Number: 1(888)808-6959,  
Conference Code: 1021731236

Subcommittee on Improving Health Status  
DATE AND TIME: October 19, 2007, 9:00 a.m. – 11:00 a.m.  
PLACE: Toll Free Dial in Number: 1(888)808-6959,  
Conference Code: 1021731236

Subcommittee on Improving Health Status  
DATE AND TIME: October 26, 2007, 9:00 a.m. – 11:00 a.m.  
PLACE: Toll Free Dial in Number: 1(888)808-6959,  
Conference Code: 1021731236

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by contacting Fredrica Doctor, Research and Training Specialist, Bureau of Criminal Justice Programs at (850)414-3300.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice

Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, contact the Bureau of Criminal Justice Programs at (850)414-3300.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Division of Plant Industry** announces a public meeting on Rules 5B-40.001, F.A.C., Definitions; 5B-40.003, F.A.C., Obtaining a Permit to Harvest Plants on the Endangered and Commercially Exploited Plant Lists; 5B-40.004, F.A.C., Issuance of Permit to Harvest Plants on the Endangered and Commercially Exploited Plant Lists; 5B-40.005, F.A.C., To Harvest Plants on the Threatened Plant List; 5B-40.0055, F.A.C., Regulated Plant Index; 5B-40.0056, F.A.C., Procedures for Amending the Regulated Plant Index; 5B-40.008, F.A.C., Investigating Suspected Violations, Preservation of Endangered, Commercially Exploited and/or Threatened Plants Involved, and Reporting Suspected Violations; 5B-40.010, F.A.C., Endangered and Threatened Native Flora Conservation Grants Program, to which all persons are invited.

DATES AND TIMES: October 24, 2007, 1:00 p.m. – 5:00 p.m.; October 25, 2007, 8:30 a.m. – 12:00 Noon  
PLACE: 1911 S. W. 34th Street, Auditorium, Gainesville, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Approval of Agenda, Review and Approve Minutes of Last Meeting, Evaluate and Rank Grant Proposals for FY 08-09, New Plant Listings for Regulated Plant Index, Four Year Interval Review of Regulated Plant Index, Election of Officers, Schedule Next Meeting, Comments or Concerns from Interested Parties.

A copy of the agenda may be obtained by contacting: Denise Hamm at (352)372-3505, extension 107 or by email hammd1@doacs.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Denise Hamm at (352)372-3505, ext. 107, hammd1@doacs.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Citrus Production Research Advisory Council** announces a public meeting to which all persons are invited.



DATE AND TIME: Monday, October 1, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Sebring Agri-Civic Center, 4509 George Blvd., Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to review, discuss, and establish approval on research proposals for calendar year for 2007-2008, and discussion of general council issues.

For more information or if you need special accommodations due to disability or for directions please call: Marshall Wiseheart (850)488-4366.

The **Division of Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 23, 2007, 1:30 p.m.

PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Repair Advisory Council will be meeting to discuss consumer-related issues, proposed legislation for the 2008 Florida session addressing issues of interest to consumers, and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: LuAnn F. Stiles, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399, (850)922-2966.

The **Department of Agriculture and Consumer Services, Division of Licensing**, announces a workshop on Rule 5N-1.140, F.A.C., School Curriculum; Examinations; Retention of Records, to which all persons are invited.

DATE AND TIME: Thursday, November 15, 2007, 8:30 a.m.

PLACE: Hawthorn Suites Orlando Airport, 7450 Augusta National Drive, Orlando, Florida, (407)438-2121

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Division will discuss and receive input regarding the Private Investigator Intern course.

A copy of the agenda may be obtained by contacting: Department of Agriculture and Consumer Services, Division of Licensing, Attention: April Howard, Post Office Box 6687, Tallahassee, Florida 32314-6687, (850)245-5500.

Pursuant to the provisions of 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 April Howard at (850)245-5500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

## DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council for the Blind, Division of Blind Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 3, 2007, 10:00 a.m. (EST)

PLACE: Contact the individual below for more information

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council to review for approval and support of letter from DBS Stakeholders to the DOE Commissioner concerning application process and selection of the Division of Blind Services Director.

A copy of the agenda may be obtained by contacting: Phyllis Dill, AAIL, DBS, 14 W. Jordan Street Suite 2G, Pensacola, FL 32526, (850)595-5282, phyllis.dill@dbs.fldoe.org.

The **Florida Conflict Resolution Consortium** and the **Committee for a Sustainable Emerald Coast** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 21, 2007, 9:00 a.m. – 12:00 Noon (EST)

PLACE: 30 South Spring St., Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The subcommittee for Sustainable Growth and Development will meet to discuss how to best wrap up and prepare presentation of ideas to the full committee before year's end.

A copy of the agenda may be obtained by contacting Lisa Fowler at (850)644-7063.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 13, 2007, 9:00 a.m.

PLACE: Center for Leadership and Development, Moore Hall, FSDB Campus, St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind, including a Rule Development workshop on Rule 6D-12.002, F.A.C., Campus Security/Police.

A copy of the agenda may be obtained by contacting: Elmer Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084 or by calling (904)827-2200.

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. If you

are 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 Elmer Dillingham, President at the aforementioned address.

The **Florida Community College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

**STRATEGIC CONVERSATION**

**DATE AND TIME:** October 2, 2007, 12:00 Noon – 2:00 p.m.  
**PLACE:** North Campus, Room A-286, 4501 Capper Road, Jacksonville, Florida 32218

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Trends in Health Education.

**REGULAR MONTHLY BOARD MEETING**

**DATE AND TIME:** October 2, 2007, 2:00 p.m. – 3:00 p.m.  
**PLACE:** North Campus, Room E-235, 4501 Capper Road, Jacksonville, Florida 32218

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular meeting.

**DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING**

**DATE AND TIME:** October 2, 2007, 3:00 p.m. – 5:00 p.m.  
**PLACE:** North Campus, Room E-121A, 4501 Capper Road, Jacksonville, Florida 32218

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, September 25, 2007, and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with the College President, Florida Community College at Jacksonville on or before October 2, 2007. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. Through the months of October and November 2007, the Board will hold informal meetings each Thursday from 12:00 Noon to 4:00 p.m. at the Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**NOTICE OF CANCELLATION – The Florida Building Commission** announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 24, 2007, 10:00 a.m.  
**PLACE:** 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, 1(888)808-6959

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The following meeting has been cancelled. Discussion of potential legislative issues affecting the Florida Building Commission during the September 2007 Special Session.

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, or call (850)487-1824.

The **Florida Building Commission** announces a public meeting to which all persons are invited.

**DATES AND TIME:** September 30, 2007 through October 3, 2007, 8:00 a.m. – completion

**PLACE:** Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612, (813)977-7066

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** September 30, 2007

1:30 p.m. Meeting of the Hurricane Research Advisory Committee.

October 1, 2007

10:00 a.m. Meeting of the Structural Technical Advisory Committee.

1:00 p.m. Green Building Forum.

3:00 p.m. Meeting of the Education Program Oversight Committee.

October 2, 2007

8:00 a.m. Meeting of the Fire Technical Advisory Committee.

9:00 a.m. Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Charlotte County Cultural Center, 2280 Aaron Street, Port Charlotte; College of Business Office Depot Center, FAU, Boca Raton; Chiquita Animal Hospital, 3714 Chiquita Boulevard, Cape Coral; Mondrian Condo Hotel, 1100 West Avenue, Miami

Beach; Harvest Village Unit 62, 7552 Navarre Parkway, Navarre; Flagler County Fairgrounds Arena Ticket Building, Bunnell; New World Symphony, Miami Beach.

- 10:00 a.m. Meeting of the Roofing Technical Advisory Committee.
- 1:00 p.m. Meeting of the Energy Technical Advisory Committee.
- 2:00 p.m. Meeting of the Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee.
- 3:00 p.m. Meeting of the Accessibility Technical Advisory Committee.

October 3, 2007

- 8:45 a.m. Meeting of the Plenary Session of the Florida Building Commission.
  - Recognition of Retiring Commissioners.
  - Review and approval of the Agenda.
  - Review and approval of the August 21, 2007 Minutes and Facilitator’s Report.
  - Chair’s Discussion of Issues and Recommendations.
  - Governor’s Executive Order on the Climate Change Initiative and Directive for the Florida Energy Code.
  - Review and Update of Commission Workplan.
  - Consideration of requests for waiver from accessibility code requirements: Charlotte County Cultural Center, 2280 Aaron Street, Port Charlotte; College of Business Office Depot Center, FAU, Boca Raton; Chiquita Animal Hospital, 3714 Chiquita Boulevard, Cape Coral; Mondrian Condo Hotel, 1100 West Avenue, Miami Beach; Harvest Village Unit 62, 7552 Navarre Parkway, Navarre; Flagler County Fairgrounds Arena Ticket Building, Bunnell; New World Symphony, Miami Beach.
  - Consideration of Applications for Product and Entity Approval.
  - Consideration of Legal Issues and Petitions for Declaratory Statement.
  - Binding Interpretations: Report(s) Only.
  - Declaratory Statements:

First Hearing:

- DCA07-DEC-085 by Walter A. Tillit, Jr., P.E., TilTeco Inc.
- DCA07-DEC-135 by Emil Veksenfeld, P.E.
- DCA07-DEC-150 by Jose Saumell, Principal, MSA Architects, Inc.
- DCA07-DEC-159 by William G. Graney, Jr., P.E., KTD Consulting Engineers
- DCA07-DEC-163 by Wilton Lee, President, Lee Electrical Technologies, Inc.

- DCA07-DEC-164 by Paul L. Osley, P.E., Chastain-Skillman, Inc.
- DCA07-DEC-171 by Arlene Z. Stewart, Icynene
- DCA07-DEC-172 by Robert Cochell, Gulf Coast Air Systems, Inc.
- DCA07-DEC-179 by Alan Fallik, Interim City Attorney, City of Hollywood, Florida.
- DCA07-DEC-180 by Michael Gong, PhD, TW Buildex.
- DCA07-DEC-181 by Joseph D. Belcher, JDB Code Services, Inc.
- Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Energy TAC Report; Fire TAC Report; Roofing TAC Report; Structural TAC Report; Education POC Report; Product Approval/Prototype Buildings/Manufactured Buildings POC Report; Hurricane Research Advisory Committee Report.
- Discussion and Decision on Coastal Code Plus Criteria.
- Discussion and Decision on Green Building Website.
- Update on Code Administration Assessment Report.
- Update on Green Building Forum.
- Supplementary Rule Development Workshop on Rule 9B-7.042, Florida Accessibility Code
- Supplementary Rule Development Workshop on Chapter 9B-72, F.A.C., Product Approval
- Government in the sunshine and Administrative Procedures.
- Commission Member Comments and Issues.
- Commissioner Browdy – Legislative and Executive Directives and Commission Processes.
- General Public Comment.
- Review Committee Assignments and Issues for the December 10-12, 2007 Commission Meeting.
- Summary Review of Meeting Work Products
- Adjourn.

Second Hearing:

- DCA07-DEC-115 by Kelly Carman, PE, Leo A Daly
- DCA07-DEC-116 by Jeffrey K. Hulsberg, PE, Hulsberg Engineering, Inc.
- DCA07-DEC-141 by John Leedy, PE, Leedy Electric Corp.
- DCA07-DEC-145 by Jode L. Barrows, JLB Drafting
- DCA07-DEC-146 by Jode L. Barrows, JLB Drafting

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, or call (850)487-1824 or Fax (850)414-8436, or go to the web site at [www.floridabuilding.org](http://www.floridabuilding.org).

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 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, or call (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).

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, or call (850)487-1824 or Fax (850)414-8436, or go to the web site at [www.floridabuilding.org](http://www.floridabuilding.org).

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Training Task Force to which all persons are invited.

DATE AND TIME: October 4, 2007, 9:30 a.m.

PLACE: Department of Environmental Protection, Douglas Building, Conference Rooms A and B, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Training Task Force and other hazardous materials training issues.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Bureau of Preparedness, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Bureau of Preparedness using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Additional information may be obtained by writing to: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of all Local Emergency Planning Committees Chairpersons and Staff Contacts to which all persons are invited.

DATE AND TIME: October 4, 2007, 1:30 p.m.

PLACE: Department of Environmental Protection, Douglas Building, Conference Rooms A and B, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-2100.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by writing to: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Bureau of Preparedness, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Preparedness using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting to which all persons are invited.

DATE AND TIME: October 5, 2007, 10:00 a.m.

PLACE: Department of Environmental Protection, Douglas Building, Conference Rooms A and B, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by writing to: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Bureau of Preparedness, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Preparedness using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: October 2, 2007, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

SUBJECT MATTER TO BE CONSIDERED: Approval of the proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), Rule Chapter 12A-12, F.A.C. (Solid Waste Fees), Rule Chapter 12A-16, F.A.C. (Rental Car Surcharge), Rule Chapter 12A-19, F.A.C. (Communications Services Tax), Rule Chapter 12B-7, F.A.C. (Severance Taxes and Fees), and Rule Chapter 12C-3, F.A.C. (Estate Tax). A Notice of Proposed Rulemaking for the proposed rule amendments was published in the F.A.W., on August 10, 2007 (Vol. 33, No. 32, pp. 3590-3620) and August 17, 2007 (Vol. 33, No. 33, pp. 3768-3769).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 1, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation, 605 Suwannee Street, Burns Building, Executive Conference Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Teleconference of the Florida Transportation Commission's Subcommittee to discuss additional oversight of the Transportation Authorities as stated in HB 985.

A copy of the agenda may be obtained by contacting Cathy Goodman at (850)414-4105.

Pursuant to the provisions of 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 Cathy Goodman at (850)414-4105. If you are 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 Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

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The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2007, 8:30 a.m. – 12:00 Noon

PLACE: Greater Fort Lauderdale-Broward County Convention Center, Room 113, 1950 Eisenhower Boulevard, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation Commission Meeting.

A copy of the agenda may be obtained by contacting Cathy Goodman at (850)414-4105.

Pursuant to the provisions of 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 Cathy Goodman at (850)414-4105. If you are 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 Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

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**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."

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**STATE BOARD OF ADMINISTRATION**

The **State Board of Administration** announces a public meeting of the Audit Committee to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 2007, 9:00 a.m. – until conclusion

PLACE: Hermitage Room, Plaza Level, Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Audit Committee.

If you would like to have a copy of the agenda, please contact: Loveleen Verma, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308 or call (850)413-1246.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend the meeting is requested to call James Linn at (850)488-4406, five days prior to the meeting, so that appropriate arrangements can be made.

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**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 3, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, 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 Blair Stone Road., 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 Blair Stone Road, 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).

For more information, you may contact: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

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**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, October 5, 2007, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 040763-TP – Request for submission of proposals for relay service, beginning in June 2005, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991. The purpose of this committee meeting is to discuss current relevant issues related to relay such as CapTel, Service Quality and other items. If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting Lee Eng Tan at (850)413-6185.

Pursuant to the provisions of 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 Office of the Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Lee Eng Tan, Office of General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 or at (850)413-6185.

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The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*October 8, 2007, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: October 9, 2007, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresce Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting the Office of Commission Clerk at (850)413-6770 or writing to: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website, at <http://www.florida.psc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

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#### EXECUTIVE OFFICE OF THE GOVERNOR

**Volunteer Florida**, The Governor's Commission on Volunteerism and Community Service, is pleased to announce an Executive Committee meeting conference call to which all persons are invited.

DATE AND TIME: Friday, October 5, 2007, 8:00 a.m. - 5:00 p.m.

PLACE: Please contact Kristin Mullikin at (850)414-0092 for a meeting agenda

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business and planning.

If you require a reasonable accommodation to participate (Voice/TTY) please advise 72 hours in advance with your request.

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**Volunteer Florida**, The Governor's Commission on Volunteerism and Community Service, is pleased to announce a meeting to which all persons are invited.

DATES AND TIMES: Monday, October 8, 2007, 8:00 a.m. – 7:00 p.m.; Tuesday, October 9, 2007, 8:00 a.m. – 4:00 p.m.

PLACE: Conradi Miami, 1395 Brickell Avenue, Miami, FL 33131

PLACE: Please contact Kristin Mullikin at (850)414-0092 for a meeting agenda.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business and planning.

If you require a reasonable accommodation to participate (Voice/TTY) please advise 72 hours in advance with your request.

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The **Office of Suicide Prevention** announces a public meeting to which all persons are invited.

DATE AND TIME: November 5, 2007, 1:00 p.m. – 4:30 p.m.

PLACE: USF Embassy Suites, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suicide Prevention Coordinating Council, Suicide Prevention.

A copy of the agenda may be obtained by contacting Erin MacInnes at (850)922-0498.

Pursuant to the provisions of 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. If you are 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 Erin MacInnes at (850)922-0498.

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The **Office of Drug Control** announces a public meeting to which all persons are invited.

DATE AND TIME: November 16, 2007, 10:00 a.m. – 4:00 p.m.

PLACE: Reed Hall, House Office Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Seaport Security Standards Advisory Council. Security issues.

A copy of the agenda may be obtained by contacting Gil Barnes at (850)922-0867.

Pursuant to the provisions of 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 Peggy Lawson at (850)488-9557. If you are 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 Peggy Lawson at (850)488-9557.

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The **Office of Suicide Prevention** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 29, 2008, 1:00 p.m. – 4:30 p.m.; April 9, 2008, 8:30 a.m. – 12:00 Noon

PLACE: 2103, The Captiol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suicide Prevention Coordinating Council Meeting, Suicide Prevention.

A copy of the agenda may be obtained by contacting Erin MacInnes at (850)922-0498.

For more information, you may contact Erin MacInnes at (850)922-0498.

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The **Florida Faith-Based and Community Based Advisory Council**, Disaster Subcommittee announces a public call meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Monday, September 10, 2007, 3:00 p.m.

PLACE: Conference call 1(888)808-6959, when prompted dial pass code 4130909; Leaders: Jody Hill and Sheila Hopkins, Co-Chairs

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Subcommittee will discuss the latest updates with statewide disaster recovery, as well as discuss other pending issues.

For a copy of the agenda and more information about how to attend the meeting contact Suzanne Yack at Suzanne.yack@vffund.org or (904)755-7740.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

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## REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 4, 2007, 8:30 a.m.

PLACE: Thrasher Horne Conference Center, Orange Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: NEFRC, 6850 Belfort Oaks Place, Jacksonville, FL 32216, or our website at: [www.nefrc.org](http://www.nefrc.org).

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 3 days before the workshop/meeting by contacting Angela Giles at (904)279-0880. If you are 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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The **Northeast Florida Regional Council**, Personnel, Budget and Finance Policy Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 4, 2007, 9:00 a.m.

PLACE: Thrasher Horne Conference Center, Orange Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Pending Personnel, Budget & Finance matters.

A copy of the agenda may be obtained by contacting: NEFRC, 6850 Belfort Oaks Place, Jacksonville, FL 32216 or visit our website at: [www.nefrc.org](http://www.nefrc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Angela Giles at (904)279-0880 or [agiles@nefrc.org](mailto:agiles@nefrc.org).



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If you are 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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The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 4, 2007, 10:00 a.m.

PLACE: Thrasher Horne Conference Center, Orange Park, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

A copy of the agenda may be obtained by contacting: NEFRC, 6850 Belfort Oaks Place, Jacksonville, FL 32216 or visit our website at: [www.nefrc.org](http://www.nefrc.org).

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 3 days before the workshop/meeting by contacting Angela Giles at (904)279-0880 or [agiles@nefrc.org](mailto:agiles@nefrc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Northeast Florida Regional Council**, Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 4, 2007, immediately following the Board Meeting

PLACE: Thrasher Horne Conference Center, Orange Park, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending regional legislative issues.

A copy of the agenda may be obtained by contacting: NEFRC, 6850 Belfort Oaks Place, Jacksonville, FL 32216 or visit our website at: [www.nefrc.org](http://www.nefrc.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 days before the workshop/meeting by contacting Angela Giles at (904)279-0880 or [agiles@nefrc.org](mailto:agiles@nefrc.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: October 24, 2007, 10:00 a.m.

PLACE: Miami-Dade County Emergency Operations Center, 9300 N. W. 41st Street, Miami, FL 33178, (305)468-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 07-08.

A copy of the agenda may be obtained by contacting: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, via email request to Manny Cela ([celam@sfrpc.com](mailto:celam@sfrpc.com)), visiting the LEPC website ([www.sfrpc.com/lepc.htm](http://www.sfrpc.com/lepc.htm)) or by calling (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416 toll-free statewide.

Pursuant to the provisions of 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: Manny Cela ([celam@sfrpc.com](mailto:celam@sfrpc.com)), or by calling (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416 toll-free statewide. If you are 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: Manny Cela ([celam@sfrpc.com](mailto:celam@sfrpc.com)), or by calling (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416.

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#### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces a public meeting on Rule 40B-8.011, F.A.C., Policy and Purpose, to which all persons are invited.

DATE AND TIME: October 2, 2007, 7:00 p.m. – 9:00 p.m.

PLACE: Lee Elementary School, 7731 East U.S. Highway 90, Lee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to provide information and to receive public comment early in the process of setting MFLs. The Withlacoochee River, for MFL purposes, is defined as the portion of the river from the Florida-Georgia state line, downstream to the Suwannee River near the Suwannee River State Park.

Florida Statutes require that MFLs (water levels and flows designed to prevent significant harm to water resources) be established for water bodies. The Suwannee River Water Management District is gathering technical data and information to develop the MFLs for the Withlacoochee River and associated springs. For a map of the Withlacoochee River area, visit [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com).

MFLs help in the water supply planning process and in determining water availability for consumptive use purposes. In addition, they will provide guidance in making water use and permitting decisions; ensure sufficient water resources for the public and ecosystems; protect wetlands, fish and wildlife habitat; and provide protection of water resources for navigation and recreation.

A copy of the agenda may be obtained by contacting John Good at (386)362-1001 or 1(800)226-1066 (Florida only).

Pursuant to the provisions of 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 John Good at (386)362-1001 or 1(800)226-1066 (Florida only) If you are 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 John Good at (386)362-1001 or 1(800)226-1066 (Florida only).

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The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: September 25, 2007, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop

DATE AND TIME: September 25, 2007, 5:30 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final Public Hearing on FY 2007-2008 budget and proposed millage rate.

A copy of the agenda(s) may be obtained by writing SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides 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 to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa M. Cheshire, (386)362-1001 or (800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

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The **R. O. Ranch Inc.**, a Florida non-profit corporation, announces a workshop to which all persons are invited.

DATE AND TIME: September 27, 2007, 12:00 Noon

PLACE: R. O. Ranch, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Construction and design of equestrian facilities at R. O. Ranch Equestrian Park.

A copy of the agenda may be obtained by contacting Gwen Lord, Administrative Assistant at (386)362-1001 or gal@srwmd.org.

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 2 days before the workshop/meeting by contacting Gwen Lord, Administrative Assistant at (386)362-1001 or gal@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **R. O. Ranch Inc.**, a Florida non-profit corporation, announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2007, 6:30 p.m.

PLACE: The Chateau Restaurant, Mayo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Equestrian facilities on Suwannee River Water Management District lands.

A copy of the agenda may be obtained by contacting: Gwen Lord, Administrative Assistant at (386)362-1001 or email gal@srwmd.org.

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 2 days before the workshop/meeting by contacting Gwen Lord, Administrative Assistant at (386)362-1001 or email gal@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

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The **St. Johns River Water Management District**, Projects & Land Committee announces a public meeting to which all persons are invited.

Projects and Land Committee Public Meeting

DATE AND TIME: Thursday, October 4, 2007, 6:00 p.m.

PLACE: Laurel Manor Recreation Center, Washington – Jefferson Room, 1985 Laurel Manor Drive, The Villages, FL 32162

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on Lake Apopka Restoration Program and Restoration Activities in the Upper Ocklawaha River Basin.

Projects and Land Committee Business Meeting

DATE AND TIME: Friday, October 5, 2007, 8:00 a.m.

PLACE: Hampton Inn & Suites, Magnolia Room, 11727 N. E. 63rd Drive (CR466), Lady Lake/The Villages, FL 32162

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board. A tour of Apopka and UORB projects and lunch will follow the Business meeting. NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time, and place set forth above, the Committee shall meet on Tuesday, October 9, 2007 8:00 a.m. at District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Hazel Hinton, by mail or phone (386)329-4347 or website www.sjrwmd.com.

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 Hazel Hinton at (386)329-4347. If you are 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 **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, October 9, 2007

8:15 a.m. Chairmen’s Meeting

8:45 a.m. Finance and Administration Committee

10:00 a.m. Regulatory Committee

1:00 p.m. Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget. NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting St. Johns River Water Management District by mail, or calling (386)329-4500 or website www.sjrwmd.com.

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

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 1, 2007, 2:45 p.m.

PLACE: Southwest Florida Water Management District, 1st Floor, Conference Rooms A & B, 2379 Broad Street, Brooksville, Florida 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of council and task force business for the Citrus/Hernando Waterways Restoration Council and following will be the Hernando County Task Force meeting at 3:30 p.m.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4227.

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 1(800)423-1476 (Florida), or (352)796-7211, extension 4226, Fax (352)797-5806, TDD ONLY

1(800)231-6103 (Florida). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: October 1, 2007, 6:00 p.m.

PLACE: Southwest Florida Water Management District Bartow Service Office, Governing Board Room, 170 Century Blvd., Bartow, FL

DATE AND TIME: October 3, 2007, 6:00 p.m.

PLACE: Southwest Florida Water Management District Headquarters, Governing Board Room, 2379 Broad Street, Brooksville, FL

DATE AND TIME: October 8, 2007, 6:00 p.m.

PLACE: Southwest Florida Water Management District Tampa Service Office, Governing Board Room, 7601 Hwy. 301 North, Tampa, FL

DATE AND TIME: October 10, 2007, 6:00 p.m.

PLACE: Southwest Florida Water Management District Sarasota Service Office, Governing Board Room, 6750 Fruitville Rd., Sarasota, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Public input on a draft time schedule and priorities for establishing minimum flows and levels for streams and other flowing waters, lakes, and aquifers within the Southwest Florida Water Management District.

A copy of the agenda may be obtained by contacting: Karen A. Lloyd, Assistant General Counsel, 2379 Broad Street, Brooksville, Florida 34604-6899, (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 workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658, TDD only number 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 2, 2007, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** COASTAL RIVERS BASIN BOARD MEETING AND WORKSHOP: Consider Basin business and annual planning workshop. Ad Order 53132.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

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 General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 3, 2007, 9:00 a.m.

PLACE: Florida Botanical Gardens, 12175 125th Street North, Largo, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING AND WORKSHOP: Consider Basin business and annual planning workshop. Ad Order 53132.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

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 General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 4, 2007, 9:00 a.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: ALAFIA RIVER BASIN BOARD WORKSHOP: Consider basin business and annual planning workshop. Ad Order 53132.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

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 General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 5, 2007, 9:30 a.m.

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: PEACE RIVER BASIN BOARD MEETING AND WORKSHOP: Consider Basin business and annual planning workshop. Ad Order 53132.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

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 General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 6, 2007, 6:30 p.m.

PLACE: Museum of Science and Industry, 4801 E. Fowler Avenue, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: ANNUAL NATIONAL HISPANIC SCIENTIST OF THE YEAR AWARD GALA: Honor America's Hispanic Scientists. Ad Order 53132.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

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 General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the SWFWMD Executive Department at the address above.

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The **Water Resources Advisory Commission** (WRAC) announces a public meeting to which all persons are invited.

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

PLACE: SWFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is

possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting Rick Smith at (561)682-6517 or at our website <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 4, 2007, 10:00 a.m. – until completion

PLACE: Embassy Suites Orlando-International Drive, Jamaican Court, 8250 Jamaican Court, Orlando, FL 32819, (407)345-8250

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 34767

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address regular Commission Business.

A copy of the agenda may be obtained by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL., (850)410-5700 or 1(800)983-2435.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL, (850)410-5700 or 1(800)983-2435. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL, (850)410-5700 or 1(800)983-2435.

**DEPARTMENT OF ELDER AFFAIRS**

The **West Central Florida Area Agency on Aging, Inc.** announces two public hearings to which all persons are invited. Polk, Highlands and Hardee Counties

DATE AND TIME: Tuesday, September 25, 2007, 11:30 a.m. – 1:30 p.m.

PLACE: USF Rath Senior ConNexTions and Education Center, 1350 E. Main Street, C-200, Bartow, FL 33830 Hillsborough and Manatee Counties

DATE AND TIME: Thursday, October 4, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Brandon Senior Center, 612 N. Parsons Ave., Brandon, FL 33510

GENERAL SUBJECT MATTER TO BE CONSIDERED: The West Central Florida Area Agency on Aging, Inc. (WCFAAA) is seeking public comment on funding allocations currently being provided for elder services.

A copy of the agenda may be obtained by contacting [torress@elderaffairs.org](mailto:torress@elderaffairs.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting Sonia Torres at 1(800)336-2226 or (813)740-3888, ext. 5581.

Comments will be accepted via email until October 18, 2007. Please send written comments to: West Central Florida Area Agency on Aging, Inc., 5905 Breckenridge Parkway, Suite F, Tampa, FL 33610, email [torress@elderaffairs.org](mailto:torress@elderaffairs.org), [www.AgingFlorida.com](http://www.AgingFlorida.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).

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency For Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 11, 2007, 10:00 a.m.

PLACE: Anyone interested in participating may telephone (641)594-7500, Participant Code 9701442#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study the current status of legal guidelines related to the privacy and security of health records and make recommendations for legislation to establish clear and concise standards that would facilitate health information exchange.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at <http://ahca.myflorida.com/dhit/index.shtml> seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Carolyn H. Turner at (850)922-5861. 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).

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation** announces a public hearing regarding Rule 60BB-8.700, F.A.C., Low-Performing Provider; Voluntary Prekindergarten Improvement Plan and Implementation, as noticed in Vol. 33, No. 26, June 29, 2007, F.A.W., to which all persons are invited.

DATE AND TIME: Friday, October 12, 2007, 3:00 p.m. – 4:00 p.m. or until business is concluded

PLACE: Agency for Workforce Innovation, Room B-049, Caldwell Building, 107 East Madison Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review proposed amendments to proposed Rule 60BB-8.700, Florida Administrative Code, which add language to clarify that a low-performing provider may not begin the same type of program for which it was found to be low-performing, until the improvement plan has been approved; to clarify when a voluntary prekindergarten improvement plan can be deemed insufficient or incomplete; to require the Early Learning Coalition and the provider to work together to revise an insufficient plan; and to set forth the procedure for review and approval of the plan should the coalition and the provider be unable to agree on revisions to the improvement plan. Any comments on the proposed amendments must be submitted in writing prior to the close of the hearing. Following the hearing date and time, no comments will be accepted.

A copy of the proposed rule was published in the June 29, 2007, issue of the F.A.W. (Vol. 33, No. 26) and is available on line at <http://faw.dos.state.fl.us/fawframes.html>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting Ms. Audrey Gatlen at (850)245-7150. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED AMENDMENTS IS: C. J. Weinman, Assistant General Counsel, Office of Workforce Innovation, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150, [cj.weinman@awi.state.fl.us](mailto:cj.weinman@awi.state.fl.us).

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The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 25, 2007, 9:00 a.m.

PLACE: Florida Commission on Human Relations. The phone number to contact is 1(888)808-6959, when prompted enter the VCS Conference Code 284948, followed by the # key.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to discuss the daily functions and activities of the Commission.

A copy of the agenda may be obtained by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

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

For more information, you may contact: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

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The Florida **Commission on Human Relations** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 2007, 9:00 a.m.

PLACE: Florida Commission on Human Relations. The phone number to contact is 1(888)808-6959, when prompted enter the VCS Conference Code 1021548, followed by the # key.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

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The **Florida Black Business Investment Board, Inc.** (FBBIB) announces teleconference meetings of its Minority Business Information Center to which all interested persons are invited.

DATE AND TIMES: Friday, September 28, 2007, 10:00 a.m. and 3:00 p.m. (if needed)

PLACE: Via Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Board's operations and define strategies of its database system and to review/approve related issues and other business as needed, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: Florida Black Business Investment Board, 2019 Centre Pointe Boulevard, Suite 101, Tallahassee, FL 32308, (850)878-4566.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure

that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting (if applicable), please notify the FBBIB office, (850)878-0275 at least seven (7) days prior to the meeting.

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Division of Hotels and Restaurants** announces a workshop on Rule 61C-3.001, F.A.C., Sanitation and Safety Requirements, to which all persons are invited.

DATE AND TIME: October 15, 2007, 9:00 a.m. – conclusion of business

PLACE: Professions Board Room, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Carbon monoxide detector rule.

A copy of the agenda may be obtained by contacting: Division of Hotels and Restaurants, Attn. Michelle Comingore, 1940 N. Monroe St., Tallahassee, FL 32399 or by calling (850)488-1133.

Pursuant to the provisions of 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 Michelle Comingore at (850)488-1133. If you are 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: Division of Hotels and Restaurants, Attn. Michelle Comingore, 1940 N. Monroe St., Tallahassee, FL 32399 or by calling (850)488-1133.

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The **Board of Architecture and Interior Design** announces a public meeting to which all persons are invited.

DATE AND TIME: September 26, 2007, 9:00 a.m.

PLACE: Crowne Plaza La Concha, 430 Duval Street, Key West, Florida 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Rita Blanck, Case No. 2007-039565

Grace Brandt, Case No. 2007-030420

Builders Design Studio, Case No. 2007-037838

Evan J. Cadwell, Case No. 2007-029871

Designs by Joseph Marinola, Jr., Case No. 2007-040547

E-Design & Drafting, Case No. 2007-040470

ID Group, Case No. 2007-007771

Janrodesigns, Inc., Case No. 2007-027831

JG Interiors, Case No. 2007-037655

Krumdieck, A&I Design, Inc., Case No. 2007-036260

Lastrada Furniture & Interiors, Case No. 2007-026259

Longo Interiors, Inc., Case No. 2007-027923

Michael Mabire Company, Case No. 2007-030310

Michael Eugene McWilliams, Case No. 2007-008065

Jurgen Muller, Case No. 2007-027360

Owen Construction, Inc., Case No. 2007-042516

Patrick Day Home Gallery, Case No. 2007-039531

Permit Square, LLC, Case No. 2007-018643

Port Royal Interiors, Case No. 2007-037670

Posh Interior Design, Case No. 2007-037871

Mark Robinson, Case No. 2007-033855

Elkin R. Segura, Case No. 2007-037334

Erika's Place, Inc., Case No. 2007-040423

TS Interiors, Inc., Case No. 2007-027932

A copy of the agenda may be obtained by contacting: David K. Minacci, Esq., Smith, Thompson, Shaw & Manausa, P.A., 3520 Thomasville Road, Fourth Floor, Tallahassee, FL 32309, (850)402-1570.

Pursuant to the provisions of 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: David K. Minacci, Esq., Smith, Thompson, Shaw & Manausa, P.A., 3520 Thomasville Road, Fourth Floor, Tallahassee, FL 32309, (850)402-1570. If you are 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 K. Minacci, Esq., Smith, Thompson, Shaw & Manausa, P.A., 3520 Thomasville Road, Fourth Floor, Tallahassee, FL 32309, (850)402-1570.

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The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting to which all interested persons are invited.

DATE AND TIMES: September 25, 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, or by phone at (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 **Department of Business and Professional Regulation, Board of Cosmetology** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 15, 2007, 9:00 a.m. or soon thereafter

PLACE: The Hyatt Regency Miami, 400 S. E. 2nd Avenue, Miami, Florida 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular business.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0769.

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 Business and Professional Regulation, Board of Employee Leasing Companies** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 17, 2007, 10:00 a.m. or soon thereafter

PLACE: The Doubletree Hotel – Westshore Airport, 4500 W. Cypress Street, Tampa, Florida 33607, (813)879-4800

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business 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).

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 19, 2007, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To Connect, dial 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business 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: Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Professional Surveyors and Mappers** announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2007, 1:00 p.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To reconsider probable cause Case #2003-092496 Carl M. Smith, Case # 2002-012956 Finstad Land & Spatial Surveying Corp., Case # 2002-012959 Mary E. Finstad, Case # 2004-042208 Lawrence D. Rowell, Case # 2004-44581 Delta Land Surveyors, Inc., Case # 2003-056835 Robert O. South and Case # 2006-017099 Robert L. Thompson.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0756.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0756. If you are 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 Professional Surveyors and Mappers** announces a public meeting to which all persons are invited.

Probable Cause Panel Meeting

DATE AND TIME: October 9, 2007, 1:00 p.m.

Committee meetings and General Business meeting if time allows

DATE AND TIME: October 10, 2007, 8:30 a.m.

General Business Meeting

DATE AND TIME: October 11, 2007, 8:00 a.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings of the Board and General Business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 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 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0756. If you are 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: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0756.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, October 3, 2007, 9:00 a.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Board members or its counsel.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board (FREAB)** announces a meeting to which all persons are invited.

DATES AND TIMES: Monday, October 8, 2007, 9:00 a.m.; Tuesday, August 9, 2007, 8:30 a.m.

PLACE: Embassy Suites, 10450 Corkscrew Commons Drive, Estero, Florida 33928

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions, 2008 AQB Criteria Changes and general subject matter.

A copy of the agenda may be obtained by writing to: Beverly Ridenauer, Government Analyst II, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Appraisal Board (FREAB)** announces a rule workshop on Rules 61J1-2.001, Fees; 61J1-4.010, Supervision and Training of Registered Trainee

Appraisers; 61J1-6.001, Experience Requirement; 61J1-8.001, Citation Authority; 61J1-8.002, Disciplinary Guidelines, F.A.C., to which all persons are invited.

DATE AND TIME: Monday, October 8, 2007, 9:00 a.m. or the soonest thereafter

PLACE: Embassy Suites, 10450 Corkscrew Commons Drive, Estero, Florida 33928

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop session is to discuss Florida Administrative Code, Chapter 61J1 for possible changes. The purpose of the workshop is to ensure compliance with statutory changes.

A copy of the agenda may be obtained by writing to: Beverly Ridenauer, Government Analyst II, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5662, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### 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 Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 3, 2007, 9:00 a.m.

PLACE: 2600 Blair Stone Road, Room 609, Tallahassee, FL

DATE AND TIME: Thursday, October 4, 2007, 10:00 a.m.

PLACE: Central District Office, 3319 Maguire Boulevard, Suite 232, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meetings will present the revised verified lists of impaired waters for water bodies and water segments within the Group 5 basins (Perdido, Upper East Coast, Indian River Lagoon, Springs Coast, Florida Keys, and the Everglades Basins). The revised verified lists will be placed on the Department's TMDL website (<http://www.dep.state.fl.us/water/tmdl>) by September 21, 2007, and will be provided upon request to interested parties by mail or via e-mail distribution. The Department will accept written comments on the revised verified lists for a period of 30 days, ending October 22, 2007.

A copy of the agenda may be obtained by contacting: Pat Waters at (850)245-8449 or by e-mail at [Patricia.Waters@dep.state.fl.us](mailto:Patricia.Waters@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Pat Waters at (850)245-8449 or by e-mail at [Patricia.Waters@dep.state.fl.us](mailto:Patricia.Waters@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).

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 23, 2007, 7:00 p.m. (CT)

PLACE: Pensacola Junior College, Milton Campus, Room 4902, 5988 U.S. Highway 90, Milton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed land management plan for Yellow River Marsh Preserve State Park with the public.

A copy of the agenda may be obtained by contacting: Blackwater River State Park, 7720 Deaton Bridge Road, Holt Florida 32564, (850)983-5363.

A copy of the management plan will be available at the park for review. An electronic version of the plan is available upon request by emailing: Ms. BryAnne White at [BryAnne.White@dep.state.fl.us](mailto:BryAnne.White@dep.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Blackwater River State Park at (850)983-5363. If you are 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: Bob Barlow, Park Manager at (850)983-5363 or email [Robert.Barlow@dep.state.fl.us](mailto:Robert.Barlow@dep.state.fl.us).

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The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 24, 2007, 9:00 a.m. (CT)

PLACE: Pensacola Junior College, Milton Campus, Room 4902, 5988 U.S. Highway 90, Milton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed land management plan for Yellow River Marsh Preserve State Park with the park Advisory Group members.

A copy of the agenda may be obtained by contacting: Blackwater River State Park, 7720 Deaton Bridge Road, Holt Florida 32564, (850)983-5363.

Pursuant to the provisions of 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: Blackwater River State Park, 7720 Deaton Bridge Road, Holt Florida 32564, (850)983-5363. If you are 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: Bob Barlow, Park Manager at (850)983-5363 or email Robert.Barlow@dep.state.fl.us.

The **Bureau of Beaches and Coastal Systems** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, October 8, 2007, 8:00 p.m.

PLACE: Franklin County Board of County Commissioners Chambers, 33 Market St., Apalachicola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed erosion control project known as Alligator Point Erosion Control Project, and the establishment of an Erosion Control Line for said project. The proposed Erosion Control Line lies along Alligator Point, Franklin County, Florida fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in:

- Sections: 1 Township: 7 South Range: 2 West
- Sections: 4, 5, 6 Township: 7 South Range: 1 West
- Sections: 33 Township: 6 South Range: 1 West in Gulf County, FL

A copy of the agenda may be obtained by contacting: Phil Ciaravella at (850)922-7871, by e-mail at phil.ciaravella@dep.state.fl.us or mail to: Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, M.S. 300, Tallahassee, Florida 32399-3000.

Pursuant to the provisions of 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 Mr. Ciaravella If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Bureau of Beaches and Coastal Systems** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, October 8, 2007, immediately following the conclusion of the Public Workshop which starts at 8:00 p.m., for the beach erosion control project known as Alligator Point Erosion Control Project.

PLACE: Franklin County Board of County Commissioners Chambers, 33 Market St., Apalachicola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed erosion control project known as Alligator Point Erosion Control Project, and the establishment of an Erosion Control Line for said project.

The proposed Erosion Control Line lies along Alligator Point, Franklin County, Florida fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in:

- Sections: 1 Township: 7 South Range: 2 West
- Sections: 4, 5, 6 Township: 7 South Range: 1 West
- Sections: 33 Township: 6 South Range: 1 West in Franklin County, FL

A copy of the agenda may be obtained by contacting: Phil Ciaravella at the Bureau of Beaches and Coastal Systems, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, FL. 32399-3000, by e-mail at phil.ciaravella@dep.state.fl.us or by phone at (850)922-7871.

**DEPARTMENT OF HEALTH**

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, September 29, 2007, 8:00 a.m. or soon thereafter

PLACE: Hyatt Regency, Hyatt Regency, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing to: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 12, 2007, 2:00 p.m.

PLACE: Conference Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and 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 the Prosecution Services Unit at (850)245-4640.

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 10 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the Prosecution Services Unit at (850)245-4640.

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The **Board of Nursing**, South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 18, 2007, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code (2458182)

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, 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.

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The **Board of Pharmacy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 28, 2007, 9:00 a.m.

PLACE: Conference Call Number: 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The issue to be discussed is Mylan Pharmaceuticals, Inc., vs. DOH Board of Pharmacy and Board of Medicine, Case No. 07-003704RX.

The agenda will be placed on the website at [www.doh.state.fl.us/mqa/pharmacy](http://www.doh.state.fl.us/mqa/pharmacy) one week prior to the conference call.

For more information, you may contact the Board of Pharmacy at (850)245-4292.

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The **Department of Health, Board of Respiratory Care** announces a public meeting to which all persons are invited.

DATE AND TIME: October 5, 2007, 8:30 a.m. or soon thereafter

PLACE: Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, FL 32809, (407)859-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN C05, Tallahassee, FL 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 48 hours before the workshop/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 4, 2007, 10:00 a.m.

PLACE: Osceola County Administration Building, Suite 4100, 1 Courthouse Square, Kissimmee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To examine applications for variance from the requirements of Chapter 64E-6, Florida Administrative Code, entitled "Standards for Onsite Sewage Treatment and Disposal Systems" pursuant to Section 381.0065(3)(d), Florida Statutes, and to re-examine and hear public comment regarding application number 11001 from Ms. Alma Green, applicant, regarding a variance request for property located at 5479 Lee Street, Fernandina Beach, Nassau County, Florida. The

Variance committee will also provide input on any rule issues requested by the Technical Review and Advisory Panel pursuant to Section 381.0068(2), Florida Statutes.

A copy of the agenda may be obtained by contacting: Gerald R. Briggs, Chief, Bureau of Onsite Sewage Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

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: Shirley Kugler, Bureau of Onsite Sewage Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are 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 CHILDREN AND FAMILY SERVICES**

The **Department of Children and Family Services** announces a meeting of the statewide Council on Homelessness, to which all persons are invited.

DATE AND TIME: October 24, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: St. Petersburg at the Hilton Bayfront Hotel, 333 First Street South, St. Petersburg 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will consider proposals to be recommended in its 2007 report to the Governor and Legislature.

A copy of the agenda for the meeting can be obtained from the Office on Homelessness, by calling (850)922-4691.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting, who may be in need of special assistance, should contact the Office on Homelessness at (850)922-4691, at least 48 hours in advance of the meeting.

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#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement**, Investigations Section announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2007, 7:00 p.m. – 9:00 p.m.

PLACE: Florida Department of Agriculture and Consumer Services, Division of Plant Industry Auditorium, 1911 S. W. 34th Street, Gainesville, Florida 32614

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed rule amendment to Rule 68A-6.003, F.A.C. The proposed amendment would require new applicants for authorization to possess Class I wildlife to submit documentation verifying that all contiguous land owners or neighbors to the proposed facility location have been notified of said application, the proposed facility location and species for which they are requesting authorization to possess. The proposed effective date for this rule amendment is January 1, 2008.

A copy of the agenda may be obtained by contacting: Captain Linda Harrison, FWC, Division of Law Enforcement, Investigation Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253.

Pursuant to the provisions of 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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Captain Linda Harrison at (850)488-6253.

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The **Fish and Wildlife Conservation Commission, Division of Law Enforcement**, Investigations Section announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2007, 7:00 p.m. – 9:00 p.m.

PLACE: Ft. Lauderdale City Commission Chambers, 100 N. Andrews Avenue, Ft. Lauderdale, Florida 33301-1016

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed rule amendment to Rule 68A-6.003, F.A.C. The proposed amendment would require new applicants for authorization to possess Class I wildlife to submit documentation verifying that all contiguous land owners or neighbors to the proposed facility location have been notified of said application, the proposed facility location and species for which they are requesting authorization to possess. The proposed effective date for this rule amendment is January 1, 2008.

A copy of the agenda may be obtained by contacting: Captain Linda Harrison, FWC, Division of Law Enforcement, Investigation Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253.

Pursuant to the provisions of 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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Captain Linda Harrison at (850)488-6253.

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### FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 8, 2007, 1:00 p.m. – conclusion

PLACE: Senate Office Building Room 401 (entry via The Capitol), 400 S. Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider a Workers' Compensation filing made by the National Council on Compensation Insurance, Inc., by which the Council requests an overall average decrease in rate levels of 16.5% for the voluntary market for all new and renewal Workers' Compensation Insurance policies written in the State of Florida, effective January 1, 2008.

A copy of the agenda may be obtained by contacting: James Watford, Actuary, Room 212-F, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

Pursuant to the provisions of 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 Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@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).

For more information, you may contact Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com.

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NOTICE OF RESCHEDULING – The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: Rescheduled for October 11, 2007, 1:00 p.m.

PLACE: 301 Senate Office Building, Florida Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: American Southern Home Insurance Company has requested a 24.6% overall increase for new and renewal mobile home owners policies. The rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable

to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your email should read "American Southern".

A copy of the agenda may be obtained by contacting Sam Coskey at (850)413-2616 or email him at sam.coskey@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or email him at sam.coskey@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).

For more information, you may contact Stephen H. Thomas, Jr., Esquire at (850)413-4142 or Sam Coskey at (850)413-2616.

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### FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The **Florida Atlantic Research and Development Authority** will hold its regular meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, September 19, 2007, 8:00 a.m.

PLACE: 3701 FAU Blvd., Suite 210, Conference Room

For Information contact Scott Ellington at (561)350-0927, e-mail: scott@research-park.org.

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### COMMUNITY COLLEGE COUNCIL OF PRESIDENTS

The **Community College Council of Presidents** announces a public meeting to which all persons are invited.

DATE AND TIME: September 19, 2007, 6:00 p.m. – 9:00 p.m.

PLACE: The Governor's Club, 202 1/2 South Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to Florida's public community colleges.

A copy of the agenda may be obtained by contacting tingham@facc.org.

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### FLORIDA HEALTH INSURANCE ADVISORY BOARD

The **Florida Health Insurance Advisory Board** announces a conference call meeting of its Board of Directors.

DATE AND TIME: September 25, 2007, 10:00 a.m. – 1:00 p.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will conduct regular business of the Board.

If you would like a copy of the agenda or require special accommodations due to disability or physical impairment, please call (850)422-7766.

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**H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.**

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 25, 2007, 1:30 p.m.  
PLACE: Stabile Trustees Board Room, 12902 Magnolia Drive, Tampa, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.  
A copy of the agenda may be obtained by writing to: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-ADM, Tampa, FL 33612.  
Persons requiring special accommodations due to disability or physical impairment should contact Ms. Payne by September 24, 2007.

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The **Florida Cancer Control and Advisory Council** announces a workshop to which all persons are invited.

DATE AND TIME: October 8, 2007, 11:00 a.m. – 3:00 p.m.  
PLACE: Tampa Airport Marriott, Tampa, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop.  
A copy of the agenda may be obtained by contacting Sue Middleton at (813)745-1339.

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**SOIL AND WATER CONSERVATION DISTRICTS**

The **Hendry Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: September 27, 2007, 1:00 p.m.  
PLACE: 1085 Pratt Blvd., Labelle, Florida 33935  
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.  
A copy of the agenda may be obtained by contacting Barbara Tillis.  
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 (863)674-4160 or (863)674-4161. If you are hearing

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

For more information, you may contact Barbara Tillis at (863)674-4160 or (863)674-4161.

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**CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.**

The **Center for Independent Living in Central Florida, Inc.** will hold its next Board Meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, October 3, 2007, 6:00 p.m.  
PLACE: Center for Independent Living in Central Florida, Inc., 720 North Denning Drive, Winter Park, FL 32789  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Board meeting.  
For an agenda or other information contact Luana Kutz at (407)623-1070 or via e-mail at lkutz@cilorlando.org.

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**STATE COURTS SYSTEM**

The Florida **State Courts System** announces a public hearing to which all persons are invited.

DATE AND TIME: Wednesday, October 10, 2007, 2:00 p.m.  
PLACE: Supreme Court Building, Executive Conference Room, 500 South Duval Street, Tallahassee, Florida 32399-1900  
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Office of the State Courts Administrator will present an overview of the State Courts System's 2008-2009 legislative budget request followed by a time for public questions and comments.

Persons wishing to testify are requested to contact Ms. Dorothy Burke, Manager of Budget Services, by October 5, 2007, 5:00 p.m., at the address above. Written comments may be submitted to the hearing officer at the proceeding or mailed to the Office of the State Courts Administrator at the above address.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact Ms. Dorothy Burke, Manager of Budget Services, no later than October 5, 2007, 5:00 p.m., by phone (850)488-3735 or in person at the Supreme Court Building, Room 327.

AUTHORITY: Section 216.131, Florida Statutes

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**FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION**

The **Florida Local Government Finance Commission** announces a public meeting to which all interested persons are invited.



DATE AND TIME: Friday, October 12, 2007, 10:30 a.m.  
PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting of the Commission will be for the purposes of reviewing the statewide pooled commercial paper loan program for Florida governmental entities. The Commission is an unincorporated, nonprofit association whose members are comprised of Brevard County, Florida, Charlotte County, Florida, Collier County, Florida, Lee County, Florida, Osceola County, Florida and Sarasota County, Florida.

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### JACKSONVILLE TRANSPORTATION AUTHORITY

The **Jacksonville Transportation Authority (JTA)** will host four public hearings for the public to review and comment on the Draft Tier 1 Programmatic Environmental Impact Statement (Tier 1 PEIS) describing the adopted Bus Rapid Transit (BRT) system corridors and the potential purchase of land for right-of-way for BRT stations. The Tier 1 PEIS documents environmental and community resources within the BRT station areas. This study is a combined effort of the Federal Transit Administration and the Jacksonville Transportation Authority.

Four public hearings will be held as listed below. An open house period will begin at 4:30 p.m. where maps, displays and handouts will be available for review and discussion with project staff. The formal presentation followed by the comment period will begin at 6:00 p.m.

DATE AND TIMES: Monday, October 15, 2007, Open house: 4:30 p.m.; Formal Presentation: 6:00 p.m.

PLACE: Regency Square Library, East Corridor, Community Room, 9900 Regency Square Boulevard, Jacksonville, FL 32225

GENERAL SUBJECT MATTER TO BE CONSIDERED: To document community and environmental resources that would be affected by the purchase of parcels to preserve right-of-way for BRT stations and to use the value of the property as match to future federal transit funds. The Tier 1 PEIS process is designed to notify and inform property owners, the public and agencies of the potential for BRT services and to invite the public to review and comment on the BRT plans and potential property acquisition.

DATE AND TIMES: Tuesday, October 16, 2007, Open house: 4:30 p.m.; Formal Presentation: 6:00 p.m.

PLACE: FCCJ Deerwood Center, 9911 Old Baymeadows Road, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: To document community and environmental resources that would be affected by the purchase of parcels to preserve right-of-way

for BRT stations and to use the value of the property as match to future federal transit funds. The Tier 1 PEIS process is designed to notify and inform property owners, the public and agencies of the potential for BRT services and to invite the public to review and comment on the BRT plans and potential property acquisition.

DATE AND TIMES: Wednesday, October 17, 2007, Open house: 4:30 p.m.; Formal Presentation: 6:00 p.m.

PLACE: Gateway Mall – Stage (Near Bus Transfer Site), North Corridor, 5258 Norwood Avenue, Jacksonville, FL 32208

GENERAL SUBJECT MATTER TO BE CONSIDERED: To document community and environmental resources that would be affected by the purchase of parcels to preserve right-of-way for BRT stations and to use the value of the property as match to future federal transit funds. The Tier 1 PEIS process is designed to notify and inform property owners, the public and agencies of the potential for BRT services and to invite the public to review and comment on the BRT plans and potential property acquisition.

DATE AND TIMES: Thursday, October 18, 2007, Open house: 4:30 p.m.; Formal Presentation: 6:00 p.m.

PLACE: FCCJ Kent Campus, Southwest Corridor, 3939 Roosevelt Boulevard, Jacksonville, FL 32205

GENERAL SUBJECT MATTER TO BE CONSIDERED: To document community and environmental resources that would be affected by the purchase of parcels to preserve right-of-way for BRT stations and to use the value of the property as match to future federal transit funds. The Tier 1 PEIS process is designed to notify and inform property owners, the public and agencies of the potential for BRT services and to invite the public to review and comment on the BRT plans and potential property acquisition.

You may attend any of the hearings. At the hearing, you may submit comments orally or in writing at any time during the open house or after the presentation. Persons wishing to speak during the formal comment period will obtain a speaker card at the meeting. Sign language and Spanish language interpreters will be present, as well as a stenographer to document oral comments.

Anyone requiring special accommodations should contact Winova Hart at (904)630-3185 or [whart@jtafla.com](mailto:whart@jtafla.com) no later than seven days prior to the meeting you plan to attend. You may submit comments within the 45 day comment period ending November 12, 2007 to: Winova Hart, JTA, 100 N. Myrtle Ave., Jacksonville, FL 32203 or [whart@jtafla.com](mailto:whart@jtafla.com).

All comments received at the hearings and until the close of the comment period will be included in the final report document. Copies of the Draft Tier 1 Programmatic Environmental Impact Statement can be reviewed at the locations below starting on September 10, 2007:

JTA Offices, 100 N. Myrtle St., Jacksonville, FL 32203

Main Library, 303 Laura St., Jacksonville, FL 32202

Southeast Regional Library, 10599 Deerwood Park Blvd., Jacksonville, FL 32256

Webb Wesconnett Regional Library, 6887 103rd St., Jacksonville, FL 32210

Bradham Brooks Northwest Regional Library, 1755 Edgewood Avenue, West, Jacksonville, FL 32208

Regency Square Library, 9900 Regency Square Boulevard, Jacksonville, FL 32225

These hearings are being held in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. Public participation at this hearing is solicited without regard to race, color, religion, gender, age, national origin, disability, or family status. Persons wishing to express their concerns relative to adherence to Titles Six and Eight of the Civil Rights Act may do so by contacting JTA's equal opportunity officer Ken Middleton at (904)733-0522 or [kmiddleton@jtafla.com](mailto:kmiddleton@jtafla.com). These hearings are also being held in accordance with FTA policy, all Federal laws, regulations, and executive orders affecting project development, including but not limited to the regulations of the Council on Environmental Quality (CEQ) and FTA implementing NEPA (42 USC 4332) as well as EIS guidelines (40 CFR parts 1500-1508 and 23 CFR part 771), the 1990 Clean Air Act Amendments, Section 404 of the Clean Water Act, Executive Order 12898 regarding environmental justice, the National Historic Preservation Act, the Endangered Species Act, and Section 4(f) of the DOT Act, have been addressed to the maximum extent practicable during this NEPA process. In addition, JTA is seeking section 5309 New Starts funding for the project and will therefore be subject to the FTA New Starts regulation (49 CFR part 611). This New Starts regulation requires the submission of certain specified information to FTA to comply with the NEPA process. Right-of-Way acquisition is anticipated for this project. Environmental Justice Issues have also been considered, as specified in Executive Order 12898. These hearings are being held in accordance with 23 CFR 771 and Section 339.155, Florida Statutes.

## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### **DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

NOTICE IS HEREBY GIVEN THAT Department of Highway Safety and Motor Vehicles Office of the General Counsel has received the petition for declaratory statement from Capitol Publishing, James A. Donato, President. The petition seeks the agency's opinion as to the applicability of Section 316.066(5)(b), F.S., as it applies to the petitioner.

Notice is hereby given that the Department of Highway Safety and Motor Vehicles has received the above styled petition for declaratory statement under Section 120.565, Florida Statutes. The petition requests a statement as to the provision of Section 316.066(5)(b), Florida Statutes, as it relates to the Petitioner.

### **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 Construction Industry Licensing Board has received the petition for declaratory statement from Florida Workers' Compensation Joint Underwriting Association, Inc. The petition seeks the agency's opinion as to the applicability of Sections 489.117(4)(e) and 489.103(2), F.S. as it applies to the petitioner.

The petition seeks the Board's interpretation of certain provisions of Sections 489.117(4)(e) and 489.103(2), F.S. To resolve questions concerning practices by Division II licensed contractors, who are policy-holders of the Petitioner, and whose employment practices present potential liability for the Petitioner, the Petitioner is requesting that the Board issue a Declaratory Statement as to whether the above cited statutes require workers performing work for a contractor licensed under Sections 489.105(3)(e) through (q), F.S., to be employees of that Division II contractor.

A copy of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0750.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0750.

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#### **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."

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#### **DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Jacksonville Heart Center, P.A., ("Jax Heart"), on September 11, 2007. The Petitioner seeks the Board's opinion as to whether the establishment of a Sleep Center by Jax Heart would constitute prohibited activity under Section 456.053, Florida Statutes, as set forth in the Petition. The Board will consider this petition at its meeting scheduled for October 6, 2007, in Orlando, Florida.

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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NOTICE IS HEREBY GIVEN THAT Department of Health, Bureau of Emergency Medical Services has received the petition for declaratory statement from Tarlesha W. Smith, Esq., of Miami-Dade Fire Rescue. The petition seeks the agency's opinion as to the applicability of Section 401.265, Florida Statutes as it applies to the petitioner.

Section 401.265, Florida Statutes requires each basic life support transportation service or advanced life support service to employ or contract a medical director who is a licensed physician, a corporation association, or partnership composed of physicians, or physicians employed by any hospital that delivers in-hospital emergency medical services and employs or contracts with physicians specifically for that purpose. The medical director must supervise and assume direct responsibility for the medical performance of the emergency medical technicians (EMT) and paramedics operating for that emergency medical services system. The petitioner seeks to know if a medical director has the authority to remove medical practice privileges from an EMT or paramedic that the physician concludes has a deficiency in any area of medical practice; if the medical director has the authority to limit the medical procedures performed by an EMT or paramedic

practicing under the medical supervisory authority the medical director; if the medical director has the authority to require specific training in protocols, proscribe and/or prescribe practice of procedures, or require medical training for an EMT or paramedic; and finally if the medical director has the authority to require an EMT or paramedic to demonstrate competency through a process defined by the medical director in any area of medical practice that the medical director concludes the EMT or paramedic has a competency deficit.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lisa Walker, Government Analyst II, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, FL 32399-1738, (850)245-4440, ext. 2733, Fax (850)488-2512, email: [lisa\\_walker2@doh.state.fl.us](mailto:lisa_walker2@doh.state.fl.us).

Please refer all comments to: Lisa Walker, Government Analyst II, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, FL 32399-1738, (850)245-4440, ext. 2733, Fax (850)488-2512, email: [lisa\\_walker2@doh.state.fl.us](mailto:lisa_walker2@doh.state.fl.us).

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#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT The Department of Children and Family Services has issued an order disposing of the petition for declaratory statement filed by The Watershed Treatment Programs, Inc. on June 20, 2007. The following is a summary of the agency's disposition of the petition: The Declaratory Statement addresses the application of Rules 65D-30.002 and 65D-30.061, Florida Administrative Code.

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#### **DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Michael J. Barnes. The petition seeks the agency's opinion as to the applicability of NFPA 1, Uniform Fire Code, Florida 2005 Edition, Chapters 18.2.2.2, 18.2.2.5.4, 18.2.2.5.7, 18.2.2.5.8, and 18.2.3.1.1. as it applies to the petitioner.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4238, Fax number (850)922-1235 or (850)488-0697.

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**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:**

Lifepath Hospice and Palliative Care, Inc. vs. Department of Elder Affairs; Case No.: 07-3835RP; Rule No.: 58A-2.012(1)(b)

Florida Hospices and Palliative Care, Inc. vs. Department of Elder Affairs; Case No.: 07-3836RP; Rule Nos.: 58A-2.012(1)(b), 58A-2.002, 58A-2.003, 58A-2.005, 58A-2.010, 58A-2.012, 58A-2.014, 58A-2.0232

David Mitchell and Preston Wyatt vs. Agency for Health Care Administration; Case No.: 07-3789RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Attorneys' Title Insurance Fund, Inc. vs. Financial Services Commission, Office of Insurance Regulation; Case No.: 07-3631RP; Rule No.: 69O-186.003(1)(c); Voluntarily Dismissed

Florida Concrete Pipe Institute, Inc. vs. Department of Transportation; Case No.: 05-2608RU; Voluntarily Dismissed

Plastics Pipe Institute, Inc. and Florida Transportation Builders' Association, Inc. Intervenors. Plastics Pipe Institute, Inc., vs. Department of Transportation; Case No.: 05-3781RU; Voluntarily Dismissed

**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**

**REQUEST FOR BID**

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB08SV-224, East Hall Electrical Upgrade, estimated budget: \$250,000, to be opened October 16, 2007, 2:00 p.m., 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Supply all materials, labor and equipment, to remove existing and install new transformer, generator and main distribution panel. Supply all materials, labor and equipment to install electrical upgrade for the bathroom renovation, fire alarm upgrade and sprinkler system installation as per plans and specifications. Mandatory Pre-Bid Meeting to be held October 2, 2007, 10:00 a.m., Weaver Hall, 1st Floor, Conference Room, Gale Lemerand Drive, Gainesville, FL. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. All questions and bid document requests should be directed to Karen Olitsky, Purchasing and Disbursement Services, kolitsk@ufl.edu or (352)392-1331, ext. 224. For more information visit [www.purchasing.ufl.edu](http://www.purchasing.ufl.edu).

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, [www.purchasing@ufl.edu](mailto:www.purchasing@ufl.edu) or (352)392-1331 within three (3) days of the event.

**NOTICE TO PROFESSIONAL CONSULTANTS:**

The University of Florida Board of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project: UAA-20, Lacrosse Locker Room Facility, Gainesville, Florida

The project consists of programming, planning and site review for new construction of two practice fields, one for soccer and one for lacrosse, one competition field fully lit for lacrosse, grandstand capacity seating for 1,000 to 1,500 with press box, restrooms and concessions stand, building to include locker rooms for two teams, and meeting rooms. Alternative options to the aforementioned plan with regard to specific location of site will be considered. Upon completion of the program and budget, design services will follow as a second phase. The project will be delivered using the Construction Manager At-Risk method. Silver LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
4. Resumes and copies of the applicant's current Professional Registration Certificate(s) from the appropriate governing board, corporate charter(s) if applicable, LEED accreditation, and other pertinent credentials.

At the time of application, the applicant must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific PQS form, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), on Friday, October 19, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction  
232 Stadium / P. O. Box 115050  
Gainesville, FL 32611-5050  
Telephone: (352)392-1256  
FAX: (352)392-6378  
Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

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#### NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the disciplines of architecture and engineering for Total Building Commissioning will be required for the project listed below:

Project No. UF-313

Project and Location: College of Veterinary Medicine Veterinary Education and Clinical Research Center; University of Florida, Gainesville, Florida.

This project is an expansion of the College of Veterinary Medicine Small Animal Hospital. The proposed project is envisioned as a 3 story 93,000 gross square foot addition to the Small Animal Hospital (SAH). This will allow the SAH to relieve space deficiencies, which are currently causing a less efficient hospital function. In addition, the proposed growth will allow the SAH to increase its caseload, provide a new linear accelerator facility, and to create a healthier environment for patients and clinicians. The scope of services shall include design phase peer review, development of the Commissioning Plan and Commissioning Specifications, and construction phase pre-functional, functional, and performance testing for mechanical, electrical, building automation, process utilities and building envelope systems. The consultant shall also support project efforts to attain minimum Silver LEED certification.

Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.

#### INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a proposal only after thoroughly reviewing the conceptual facilities program, Project Fact Sheet for Commissioning Agent Consultants, and other background information. The proposal shall be limited to 20 single-sided pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services.

2. A completed Commissioning Services Proposal Form using the project-specific version available at the UF Facilities Planning and Construction website. Applications on any other form will not be considered.
3. Resumes and copies of the applicant's current Professional Registration Certificate(s) from the appropriate governing board, corporate charter(s) if applicable, LEED accreditation, and other pertinent credentials.

At the time of application, the applicant must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected applicant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The Commissioning Services Proposal Form, Project Fact Sheet, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Commissioning Agent agreement, and other project and process information can be found on the Facilities Planning & Construction website. Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the UF Facilities Planning and Construction Division office by 3:00 p.m. (Local Time), Thursday, October 18, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

UF Facilities Planning and Construction Division  
 232 Stadium / P. O. Box 115050  
 Gainesville, FL 32611-5050  
 Telephone: (352)392-1256  
 FAX: (352)392-6378  
 Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

Proposal forms, instructions for registering as an applicant, and other pertinent information are available on the above website.

**CALL FOR PROPOSALS**

The University of West Florida Board of Trustees is soliciting sealed proposals for the following:

Construction Manager at Risk services for a 95,000 square foot Science and Technology Building to be constructed on the main campus in Pensacola, FL.

This shall be a modified CM at Risk project. Construction Documents are underway. Therefore, typical pre-construction services will not be required.

A Mandatory Pre-Solicitation Conference will be held on October 3, 2007, 2:00 p.m. (CDT) in Bldg. 92, Room 110, The University of West Florida, 11000 University Parkway, Pensacola, FL.

All proposers are required to attend the pre-solicitation conference.

Sealed proposals will be received until October 22, 2006, 3:00 p.m. (CST), at the Department of Procurement and Contracts, Bldg. 8, Room 102, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

RFP number 07/RFP-05/ES must be marked on outside of submittal package. The University will not be responsible for unopened submittals at the proposal opening when the package is not properly identified. Proposals must be submitted in full and in accordance with the requirements of all terms and conditions of the Request for Proposal.

View this solicitation and related information on UWF's Procurement and Contracts' website at <http://uwf.edu/procurement>.

All questions and inquiries should be directed to Procurement and Contracts. Contact Elaine Smith at [esmith@uwf.edu](mailto:esmith@uwf.edu) or (850)474-2627.

Notice to Bidders

The School District of Lee County, Florida

**BID REQUEST FOR:**

**PIZZA SERVICE FOR SELECTED LEE COUNTY SCHOOLS FOR FOOD AND NUTRITION SERVICES**

Bid No. B-076608JM

Opening Date: Thursday, September 27, 2007, 2:00 p.m.

Request a bid package by:

Phone: (239)337-8180, Fax: (239)337-8200, In Person or Mail: 2855 Colonial Blvd., Fort Myers, Florida 33966-1012

Complete Bid Package available only upon request.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**REGIONAL PLANNING COUNCILS**

## Notice of Bid/Request for Proposal

Hardee, Highlands, Okeechobee Counties Community

Transportation Coordinator Request for Letters of Interest

The Central Florida Regional Planning Council is seeking letters of interest and statements of qualifications from agencies or firms interested in coordinating transportation services for the Transportation disadvantaged in the multi-county service area of Hardee, Highlands, and Okeechobee, Florida. The selected contractor will be the designated Community Transportation Coordinator for Florida's Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes, and more fully described in Chapter 41-2 of the Florida Administrative Code. Experience with eligibility-based transportation services is required.

The Community Transportation Coordinator is defined by Chapter 427, Florida Statutes, as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, Florida Statutes as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activities, or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S."

Interested agencies or firms are required to provide proof of qualifications in the following areas: coordination experience, scheduling and routing software used by the agency/firm, contracting with transportation providers, vehicle acquisition, and grant applications and administration. Letters of interest and qualifications should be limited to four (4) pages.

Potential coordinators should submit their expression of interest and qualifications in a sealed envelope to: Central Florida Regional Planning Council, Attention: Patricia M. Steed, Executive Director, 555 E. Church Street, Bartow, FL 33830. Letters must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR HARDEE, HIGHLANDS, AND OKEECHOBEE COUNTIES COMMUNITY TRANSPORTATION COORDINATOR." Letters of interest and qualifications must be received by 4:00 p.m., Friday, October 12, 2007.

Faxed and e-mailed responses will not be accepted. Late letters will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to the

request for letters of interest will be considered if a request for proposals is issued for Community Transportation Coordinator. The Central Florida Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the service area and the State.

**DEPARTMENT OF MANAGEMENT SERVICES**

**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 licensed general contractors, to submit for Construction Management at Risk services on the following project:

**PROJECT NUMBER:** DOE-24054020 and DOE-24054030

**PROJECT NAME:** Conversion to Digital Radio, Remodeling, Asbestos Remediation, including Emergency Generator, WMFE/TV

**PLACE:** Orange County, Florida

**ESTIMATED CONSTRUCTION BUDGET:** Approximately \$2,200,000.00

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](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."

**INVITATION TO BID**

**BID NO. BDC14-07/08**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** John U. Lloyd Beach State Park-Shop Building Replacement

**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials required to demolish an existing building slab and all related infrastructure and legally dispose all debris off-site. Additionally, the contractor shall furnish all labor, materials, equipment and supervision necessary to engineer, permit and construct a new metal shop building and all related infrastructure according to the plans and specifications. The scope of work includes all

licensed and professional structural engineering necessary for the project including signed and sealed documents required for the pre-engineered metal building and the site specific foundation design. Shop space shall be unconditioned, enclosed space.

**PARK LOCATION:** John U. Lloyd Beach State Park, 6503 North Ocean Drive, Dania Beach (Broward County), FL 33004

**PROJECT MANAGER:** Mitch Fenton, Telephone Number: (850)488-5372, Fax Number: (850)488-3537.

**MINORITY BUSINESS REQUIREMENT:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000.00, each bidder whose bid is governed by Chapters 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility prior to the bid closing date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, September 21, 2007 at: John U. Lloyd Beach State Park, 6503 North Ocean Drive, Dania Beach, Florida 33004, Attention: Sidney Leve, Park Manager, Telephone Number: (954)924-3859.

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to opening. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**BID SUBMITTAL DUE DATE:** No later than 3:30 (EDST) p.m., Tuesday, October 16, 2007 to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309. For questions concerning the ad or bidding procedures, contact Michael Renard, Construction Projects Administrator 2, Bureau of Design and Construction. The Department reserves the right to reject any or all bids.

## **FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.**

### **Request for Proposals (RFP 2007-CS-5700)**

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](http://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](http://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-CS-5700) is released in order to further the Council's goal of expanding the pool of qualified and reliable supports and service providers for people with developmental disabilities that depend heavily on in-home supports and services. 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-CS-5700 for specific information related to funding amounts.

The deadline for submitting written questions and letters of intent for this RFP is October 12, 2007 by 4:00 p.m. (EDT). In order for your proposal to be considered, your letter of intent must be received by the above referenced deadline. 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 October 15, 2007. The deadline for submitting proposals for this RFP to FDDC is November 16, 2007, by 2:00 p.m. (EST).

## **HILLSBOROUGH COUNTY AVIATION AUTHORITY**

### **NOTICE TO DESIGN-BUILD FIRMS**

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, letters of interest from Design-Build firms desiring to render Design-Build services on the following project:

**BAGGAGE CLAIM EAST EXPANSION AND BAG CLAIM DEVICE REPLACEMENT AND RELATED WORK**

**TAMPA INTERNATIONAL AIRPORT**

**HCAA PROJECT NO. 7040 08**

Services to be furnished will include, but not be limited to, all architectural design and all engineering related to structural, mechanical, plumbing, fire protection, electrical, electronic and information technology systems, baggage claim devices, architectural/engineering services during construction,



construction by a qualified contractor and related surveys, permitting and testing. A more detailed scope of services will be included in the formal request for qualifications (RFQ).

**Significant Dates:**

- Letters of interest due: By 5:00 p.m., Friday, September 14, 2007
- Revised date for Letters of Interests: By 5:00 p.m., Tuesday, October 2, 2007
- RFQ posted on web site: After 12:00 Noon, Thursday, September 20, 2007
- Mandatory Pre-qualification Conference: At 2:00 p.m., Thursday, October 11, 2007
- Qualification Proposals Due: By 5:00 p.m., Wednesday, October 31, 2007

For additional information on submitting letters of interest, location of pre-qualification conference and other project details, please access the Authority website at [www.tampaairport.com](http://www.tampaairport.com), Quick Links, Airport Business, Request for Qualifications/Proposal (RFP/RFQ).

**PETER R. BROWN CONSTRUCTION, INC.**

Notice of Request for Proposals  
 FLORIDA DEPARTMENT OF HEALTH  
 CHILDREN’S MEDICAL SERVICES BUILDING  
 ROCKLEDGE REPLACEMENT FACILITY DOH 50605100  
 BREVARD COUNTY  
 VIERA, FL

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the Florida Department of Health hereby solicits sealed proposals for the following trades for the referenced project in accordance with the proposal documents to include but not limited to the following:

02C	Fencing	07C	Joint Sealants	10A	Specialties
03A	Cast-in-Place & Tilt Wall Concrete	08A	Doors, Frames & Hardware	10B	Pre-fabricated Walkway Covers
04A	Masonry	08D	Storefront & Curtain Wall	14A	Elevator
05A	Structural Steel	09B	Drywall	15A	Fire Sprinklers
06A	Cabinets	09C	Ceramic Tile	15B	Plumbing
07A	Metal Roofing	09D	Acoustical Treatment	15C	HVAC
07B	Built-up Roofing	09F	Carpet & VCT	16A	Electrical
		09G	Painting		

A pre-proposal meeting will be held at 2:00 p.m. (Local Time), October 4, 2007 (For Cast in Place & Tilt Wall Concrete)  
 A pre-proposal meeting will be held at 2:00, (Local Time), October 25, 2007 (All other trades) at the following location:

Peter R. Brown Field Office  
 2555 Judge Fran Jamison Way  
 Viera, Florida

Deadline for receipt of Cast in Place & Tilt Wall Proposal Packages has been set for 2:00 p.m., October 18, 2007.

Deadline for receipt of All Other Proposal Packages has been set for 2:00 p.m., November 6, 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 trade contractors must be pre-qualified prior to submitting a proposal. A copy of the pre-qualification form can be received by contacting Peter R. Brown Construction, Inc., Estimating Department at (727)535-6407 or faxing a letter of interest to (727)539-8485.

Florida Department of Health 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. Drawings will be available: Cast in Place & Tilt Up Concrete October 4, 2007 and All Other Trades October 18, 2007. 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.

Florida Department of Health and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Construction Manager, in writing by: Cast in Place & Tilt Up Concrete October 9, 2007 and All Other Trades October 29, 2007. The Owner and Architect will not accept calls regarding this project.

## Section XII Miscellaneous

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation intends to issue an “Airport Site Approval Order,” in accordance with Chapter 330, Florida Statutes, “Regulation of Aircraft, Pilots, and Airports” and Chapter 14-60, Florida Administrative Code, “Airport Licensing, Registration, and Airspace Protection” for the following site:

Bass Family Inc., a private airport, in Okeechobee County, at Latitude 27° 27' 24.92" and Longitude 80° 59' 49.87", to be owned and operated by Mr. James Bass, 20055 N. W. 176 Ave., Okeechobee, FL 34972.

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.

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## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

### Notice of Publication for a New Point

#### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of ADS-Auto Discount Sales, Inc., as a dealership for the sale of motorcycles manufactured by Qingqi Group, Inc. (QING), Taizhou Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA), Chongqing Lifan Industry Group (CHOL), Shanghai Meitian Motorcycle Co. Ltd. (MEIT) and Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 3265 West New Haven Avenue, West Melbourne ( Brevard County), Florida 32904, on or after September 4, 2007.

The name and address of the dealer operator(s) and principal investor(s) of ADS-Auto Discount Sales, Inc. are dealer operator(s): Art Stockdale, 3265 West New Haven Avenue, West Melbourne, Florida 32904; principal investor(s): Art Stockdale, 3265 West New Haven Avenue, West Melbourne, Florida 32904.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

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.

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### Notice of Publication for a New Point

#### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Vento North America, LLC, intends to allow the establishment of Douglas Adkins Motorsports, Inc., as a dealership for the sale of Jialing (JIAL) and Qianjiang (QIAN) motorcycles at 21657 South Dixie Highway, Miami (Dade County), Florida 33170, on or after September 30, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Douglas Adkins Motorsports, Inc. are dealer operator(s): Douglas Adkins, 21657 South Dixie Highway, Miami, Florida 33170; principal investor(s): Douglas Adkins, 21657 South Dixie Highway, Miami, Florida 33170.

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: Alma Gonzalez, Vento North America, 6190 Cornerstone Court, East, Suite #200, San Diego, California 92121.

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.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of John Faulkner d/b/a Faulkner Motor Sports, as a dealership for the sale of motorcycles manufactured by Qingqi Group, Inc. (QING), Taizhou Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA), Chongqing Lifan Industry Group (CHOL), Shanghai Meitian Motorcycle Co. Ltd. (MEIT) and Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 4237 U.S. Highway 19, New Port Richey (Pasco County), Florida 34652, on or after September 6, 2007.

The name and address of the dealer operator(s) and principal investor(s) of John Faulkner d/b/a Faulkner Motor Sports are dealer operator(s): John T. Faulkner, 4237 U.S. Highway 19, New Port Richey, Florida 34652; principal investor(s): John T. Faulkner, 4237 U.S. Highway 19, New Port Richey, Florida 34652.

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: Mei Zhou, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

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.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Zongshen, Inc., intends to allow the establishment of Florida Autosport, Inc. d/b/a Kia Autosport, as a dealership for the sale of Zongshen motorcycles (ZONG) at 2755 West Tennessee Street, Tallahassee, (Leon County), Florida 32304, on or after August 24, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Florida Autosport, Inc. d/b/a Kia Autosport are dealer operator(s): Melanie Lee, 2755 West Tennessee Street, Tallahassee, Florida 32304; principal investor(s): Melanie Lee, 2755 West Tennessee Street, Tallahassee, Florida 32304.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jieming Qiu, General Manager, Zongshen, Inc., 3511 Northwest 113 Court, Doral, Florida 33178.

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.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Travertson, Inc., intends to allow the establishment of Fort Lauderdale Harley Davidson, Inc., as a dealership for the sale of Travertson motorcycles (TRVT) at 2871 North Federal Highway, Fort Lauderdale (Broward County), Florida 33306, on or after August 29, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Fort Lauderdale Harley Davidson, Inc. are dealer operator(s): Julie Maenza, 1637 North U.S. Highway

1, Ormond Beach, Florida 32174; principal investor(s): Bruce Rossmeyer, 2871 North Federal Highway, Fort Lauderdale, Florida 33306.

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: Christian Travert, Travertson, Inc., 3336 Southwest 13th Avenue, Fort Lauderdale, Florida 33315.

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.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that QLink, LP, intends to allow the establishment of James Sursely d/b/a Action Orlando Motorsports, as a dealership for the sale of Chunfeng (CFHG), Guangzhou Panyu Huanan Motors (GUNG) and China Qingqi Group Co. Ltd. (QING) at 306 West Main Street, Apopka (Orange County), Florida 32712, on or after September 6, 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, 306 West Main Street, Apopka, Florida 32712; principal investor(s): James Sursely, 306 West Main Street, Apopka, Florida 32712.

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: Johnny Tai, Vice President, QLink, LP, 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

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.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Zongshen, Inc., intends to allow the establishment of Kia Autosport of Pensacola, Inc., as a dealership for the sale of Zongshen motorcycles (ZONG) at 6637 Pensacola Boulevard, Pensacola (Escambia County), Florida 32505, on or after August 25, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Kia Autosport of Pensacola, Inc. are dealer operator(s): Kia Autosport of Pensacola, Inc., 6637 Pensacola Boulevard, Pensacola, Florida 32505; principal investor(s): Kia Autosport of Pensacola, Inc., 6637 Pensacola Boulevard, Pensacola, Florida 32505.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jieming Qiu, General Manager, Zongshen, Inc., 3511 Northwest 113 Court, Doral, Florida 33178.

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.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Vento North America, LLC, intends to allow the establishment of Skolnick & Waitze, Inc. d/b/a Sportcycles R U.S., as a dealership for the sale of Jialing (JIAL) motorcycles at 4412 South U.S. Highway 1, Fort Pierce (St. Lucie County), Florida 34982, on or after August 30, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Skolnick & Waitze, Inc. d/b/a Sportcycles R US are dealer operator(s): Arthur Skolnick, 4412 South U.S. Highway 1, Fort Pierce, Florida 34982 and Cynthia Skolnick, 4412 South U.S. Highway 1, Fort Pierce, Florida 34982; principal investor(s): Arthur Skolnick, 4412 South US Highway 1, Fort Pierce, Florida 34982 and Cynthia Skolnick, 4412 South U.S. Highway 1, Fort Pierce, Florida 34982.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Alma Gonzalez, Vento North America, 6190 Cornerstone Court E, Suite #200, San Diego, California 92121.

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.

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**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."

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**LAND AND WATER ADJUDICATORY COMMISSION**

NOTICE OF RECEIPT OF PETITION

On July 5, 2007, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Bexley Community Development District I (the "District"). The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (F.A.C.), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

**SUMMARY OF CONTENTS OF PETITION:** The petition, filed by NNP-Bexley, Ltd., requests the Commission to establish a community development district located entirely within unincorporated Pasco County, Florida. The land area proposed to be served by the District comprises approximately 2,528.306 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There is no real property located within the external boundaries of the proposed District to be excluded from the District. The Petitioner has obtained written consent to establish the District from the landowners of 100% of the real property located within the proposed District. The proposed infrastructure plan consists of district roads and street lighting, county owned off-site roadways, state owned off-site roadways, water and wastewater, irrigation system, surface water management, landscaping and security walls, and park and recreational facilities.

**SUMMARY OF ESTIMATED REGULATORY COSTS:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 7 to the petition. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be

useful; and (f) any good faith written proposal submitted under Section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing Section (a), the District, the State of Florida and its residents, Pasco County and its residents, current property owners of lands within the boundaries of the proposed District and future property owners are the principal entities that are likely to be required to comply with the rule. Under Section (b), FLWAC and the State of Florida will incur administrative costs. Pasco County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a \$15,000 filing fee paid to Pasco County to offset any costs it may incur. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing Section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under Section (d), approval of the petition to establish the District will have no impact or a positive impact on small businesses. The petition to establish the District will not have an impact on small counties as Pasco County is not a small county as defined by Section 120.52, F.S. Under Section (e), certain data utilized in the report was provided by the developer/petitioner and represents the best information available at the time. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other Districts in various stages of existence. A LOCAL HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, October 8, 2007, 10:00 a.m.  
 PLACE: Dade City Council Chambers, Council Chambers, 37420 Meridian Avenue, Dade City, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact: Susan E. Johnson-Velez, Fowler White Boggs Bank, P.A., Post Office Box 1438, Tampa, Florida 33601, telephone (813)228-7411, at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Susan E. Johnson-Velez, Fowler White Boggs Bank, P.A., Post Office Box 1438, Tampa, Florida 33601, telephone (813)228-7411; or

Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** made the following decision on Certificate of Need application for expedited review:

County: Sumter Service District: 3  
 CON#: 9989 Decision Date: 9/6/2007 Decision: D  
 Facility/Project: Construct a 76 sheltered bed skilled nursing facility  
 Applicant: ARC Villages IL, LLC  
 Project Description: Construct a 76 sheltered bed skilled nursing facility as part of Freedom Pointe at the Villages  
 A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative weekly pursuant to Chapter 120, Florida Statutes and Chapter 59C-1, Florida Administrative Code.

The Agency for Health Care Administration authorized the following exemption pursuant to Section 408.036(3), Florida Statutes:

County: Volusia Service District: 4  
 ID#: E0700001 Decision Date: 9/6/2007 Decision: A  
 Facility/Project: Florida Hospital – Oceanside  
 Applicant: Memorial Health System, Inc.  
 Project Description: Establish a 13 Adult Inpatient Psychiatric Unit  
 Proposed Project Cost: \$600,000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

Notice of Florida Categorical Exclusion Notification  
 The Florida Department of Environmental Protection has determined, under the State Revolving Fund program, that the City of Marco Island’s water system improvement project involving the construction of a new elevated water storage tank will not adversely affect the environment. The Clearinghouse SAI number for this project is FL200708313744C. The estimated cost of the proposed project is approximately \$8.1

million. The project may qualify for a Drinking Water State Revolving Fund Loan composed of federal funds and state funds.

For more information, call Al Bishop at (850)245-8393 or email: [al.bishop@dep.state.fl.us](mailto:al.bishop@dep.state.fl.us).

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#### FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at [http://www.dep.state.fl.us/secretary/oip/state\\_clearing/](http://www.dep.state.fl.us/secretary/oip/state_clearing/).

For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

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#### FINANCIAL SERVICES COMMISSION

##### NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.fldfs.com/ofr/banking/cufm.asp>.

Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 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., October 12, 2007):

Name and Address of Applicant: Central Florida Postal Credit Union, Post Office Box 568765

Expansion Includes: Geographic Area

Received: September 10, 2007

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#### NOTICE OF FUNDING AVAILABILITY (NOFA) MY SAFE FLORIDA HOME PROGRAM FLORIDA DEPARTMENT OF FINANCIAL SERVICES LOCAL GOVERNMENT GRANTS

(State FY 07 DFS Grant Funding Availability)

The Florida Department of Financial Services (DFS), My Safe Florida Home program (MSFH), announces the release of a Notice of Funding Availability (NOFA) for Local Governments within the State of Florida. The purpose of this NOFA is to enable Florida citizens, through their local governments, to receive wind mitigation services including free wind inspections and mitigation assistance with their homes. The MSFH program is partnering with local governments to meet the program's goal(s), which are delineated as follows: Section 215.5586, Florida Statutes, mandates that the Department will complete up to 400,000 free home inspections and provide grants to 35,000 qualified homeowners by June 2009. The partnership with local governments will help residents living in single family site built owner-occupied residences that are homesteaded, have an insured value of less than \$300,000 (unless the homeowner qualifies as low-income), were permitted to be built prior to March 1, 2002 and have undergone a wind inspection (which will be provided free to the homeowner).

This NOFA will be available effective September 10, 2007 and expire October 26, 2007. Eligible applicants include all political sub-divisions of the State of Florida.

- A. The total funds available for grants under this NOFA are \$20,000,000 and eligible applicants may submit a grant proposal for up to \$1,000,000.
- B. The priority focus of the grant funds shall be to provide free home wind inspections and/or grant funds for mitigation improvements to qualified homeowners within the local jurisdiction.

##### A. Wind Inspections:

- Wind inspections must be performed by qualified inspectors who have passed the MSFH inspection course provided through the University of Florida. This may be accomplished either through training of local government personnel or through contracting with a department-approved wind inspection firm doing business within the region in which the local government is located.

- Grant funds are to be used to assist homeowners within the local jurisdiction in hardening their homes as documented in the wind inspection report with priority given to protecting openings (windows, doors and garage doors) and to the bracing of gable ends in the roof.

**B. MSFH Program:**

- Grant amount is limited to up to \$5,000 per homeowner residence, either for direct grants to qualifying low-income homeowners whose income is less than 80% of AMI (Area Medium Income) or matching grants to homeowners above this income threshold, with no jurisdiction receiving more than \$1,000,000 in grant funds. Actual grants awarded may be less than \$1,000,000.
- Cost effectiveness of past program performance will be considered in the scoring and ranking for existing programs.
- At a minimum, each grant proposal must include the following:

The Department seeks proposal from Local Governments to become grant recipients to accomplish the mission of MSFH in the Local Government's jurisdiction. The proposal must include:

1. A description of how the proposer intends to implement the required inspection element of the program.
2. A description of the focus of hardening homes, such as a shutter only program or a roof strengthening program with detail on all improvements the proposer plans to accomplish.
3. A description of households to be served, whether low-income, non low-income or some combination.
4. A description of funds being used as match for MSFH grant funds, unless serving low-income households where no match is required. Preference will be given to local governments that can commit to match resources with MSFH in order to expand capacity.
5. Preference will be given to those proposals which demonstrate a grant administration capacity and previous experience with housing re-hab grants.

6. Preference will be given to those local governments which demonstrate effective current programs.

Grant Proposals must be received at the following location no later than 4:30 p.m. (EST), October 26, 2007. It is the proposer's responsibility to ensure receipt of Grant Proposals via mail, overnight delivery, hand delivery, or other means at the address and room number listed below by the time and date stated above:

My Safe Florida Home Program Office  
 Larson Building, 5th Floor  
 Department of Financial Services  
 200 East Gaines Street  
 Tallahassee, FL 32399-0321

**TABLE EACH GRANT PROPOSAL PACKAGE ON THE OUTSIDE AS FOLLOWS:**

ATTN: My Safe Florida Home  
 Application Enclosed

Proposers are asked to prepare all Grant Proposals in conformance with the respective My Safe Florida Home Program grant proposer package instructions and Program Guidelines found at the following Internet address: [www.mysafefloridahome.com/ForLocalGov.asp](http://www.mysafefloridahome.com/ForLocalGov.asp).

Additional instructions will be provided beginning September 10, 2007, [www.mysafefloridahome.com/NOFA2007](http://www.mysafefloridahome.com/NOFA2007).

Requests for a hard copy of the My Safe Florida Home grant proposal package or other inquiries should be directed to Mr. Steven Massey, Grant Administrator, by email at the following address: [steven.massey@fldfs.com](mailto:steven.massey@fldfs.com), or in writing to:

My Safe Florida Home Program Office  
 Attn: Steven Massey, Grant Administrator  
 Larson Bldg., 5th Floor  
 200 E. Gaines Street  
 Tallahassee, FL 32399-0321

Please Note: Site of benefiting grantees for consideration of these funds must be located entirely within the state.



**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN September 4, 2007  
 and September 7, 2007

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF COMMUNITY AFFAIRS**  
**Division of Housing and Community Development**

9B-50.003	9/6/07	9/26/07	33/29	
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**DEPARTMENT OF TRANSPORTATION**

14-1.0081	9/6/07	9/26/07	33/31	
14-25.022	9/6/07	9/26/07	33/31	
14-25.023	9/6/07	9/26/07	33/31	
14-25.024	9/6/07	9/26/07	33/31	
14-25.026	9/6/07	9/26/07	33/31	

**DEPARTMENT OF CORRECTIONS**

33-602.205	9/4/07	9/24/07	33/28	
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**WATER MANAGEMENT DISTRICTS**  
**Southwest Florida Water Management District**

40D-1.600	9/5/07	9/25/07	33/27	
40D-1.659	9/7/07	9/27/07	33/27	33/36

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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40D-4.091	9/5/07	9/25/07	33/27	
40D-4.091	9/5/07	9/25/07	33/27	
40D-400.443	9/5/07	9/25/07	33/27	
40D-400.447	9/5/07	9/25/07	33/27	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**Board of Cosmetology**

61G5-20.003	9/7/07	9/27/07	33/32	
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**Board of Accountancy**

61H1-31.001	9/4/07	9/24/07	33/31	
61H1-33.0032	9/4/07	9/24/07	33/31	

**DEPARTMENT OF HEALTH**  
**Division of Environmental Health**

64E-6.030	9/4/07	9/24/07	33/31	
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**Division of Family Health Services**

64F-20.001	9/7/07	9/27/07	33/20	
64F-20.002	9/7/07	9/27/07	33/20	33/32