

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.017
 RULE TITLE: Reporting Requirements for
 Campaign Treasurer's Reports

PURPOSE AND EFFECT: The purpose of the amendments is to update the rule to reflect new filing specifications, to incorporate a user's guide, to update forms, and to delete rule language already contained in statute regarding the electronic filing of campaign treasurer's reports. The amendments also delete the State Matching Funds Program from the rule as not being relevant to this rule.

SUBJECT AREA TO BE ADDRESSED: Campaign treasurer's reports.

SPECIFIC AUTHORITY: 106.0705 FS.

LAW IMPLEMENTED: 106.04, 106.07, 106.0705, 106.29 FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

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

PLACE: Room 307, R. A. Gray Building, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kristi Reid Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6240. If you are 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: Kristi Reid Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6240

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.017 Reporting Requirements for Campaign Treasurer's Reports.

(1) General Reporting Requirements.

(a) All persons and political parties who file campaign treasurer's reports filed with the Division of Elections (Division) must file reports of contributions and expenditures as set forth in this rule.

~~(b) All campaign treasurer's reports filed with the Division of Elections shall be filed in electronic format by means of the internet by either keying in the detail data via the web pages or uploading an electronic file that meets the Division's of Election's file specifications, Form DS-DE 111, Electronic Filing System Filing Specifications (Eff. _____). All data submitted must comply with the instructions in Form DS-DE 110, Electronic Filing System User's Guide, (Eff. _____) on Form DS-DE 13A, Campaign Treasurer's Report Itemized Contributions and Fund Transfers (Eff. 01/05) and Form DS-DE 14B, Campaign Treasurer's Report Itemized Expenditures and Distributions (Eff. 01/05). Any amendment to a campaign treasurer's report that covered a reporting period prior to January 1, 2005 and that was not filed electronically, may be submitted in paper form on Form DS-DE 12, Campaign Treasurer's Report Summary (Eff. 08/04); Form DS-DE 13, Campaign Treasurer's Report Itemized Contributions (Eff. 08/03); Form DS-DE 14, Campaign Treasurer's Report Itemized Expenditures (Eff. 08/03); Form DS-DE 14A, Campaign Treasurer's Report Itemized Distributions (Eff. 08/03); and Form DS-DE 94, Campaign Treasurer's Report Itemized Fund Transfers (Eff. 08/03). Any amendment to a campaign treasurer's report that covered a reporting period filed prior to January 1, 2005 and that was filed by magnetic diskette, may be submitted on magnetic diskette and shall conform to Division specifications.~~

~~(b)(e) Prior to filing the first campaign treasurer's report in electronic format, each person or political party must obtain credentials for a secure sign-in to the Division's electronic filing system. Each person or political party is responsible for protecting the credentials from disclosure and is responsible for all filings using these credentials unless the person has notified the Division that his or her credentials have been compromised.~~

~~(c)(d) The Division shall issue credentials for a secure sign-in when a person or political party files a completed Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates (Eff. _____ 08/03); or a completed Form DS-DE 5, Statement of Organization of Political Committee (Eff. _____ 08/03); or a completed Form DS-DE 103, Electioneering Communication Statement of Organization (Eff. _____ 08/04). The Division shall issue credentials for a secure sign-in upon request to candidates and their treasurers or deputy treasurers and to chairpersons, treasurers, and deputy treasurers of committees, organizations, and political parties.~~

~~(d)(e) Each individual who receives secure sign-in credentials will also furnish the Division with confidential personal information, which involves supplying the answer to a personal question relating to the particular individual, that shall be used by the Division to allow access by the individual~~

in the event that credentials are forgotten or lost. Examples of confidential personal information shall include mother's maiden name, date of birth, child's name, pet's name, etc.

~~(f)~~ Electronic reports are considered to be filed under oath by the person or political party filing the report and are subject to the fines and penalties in Sections 106.04(4)(d) and (8), 106.07(5) and (8), 106.0705, and 106.29(2) and (3), F.S., as applicable.

~~(e)(g)~~ Electronic reports must be completed and filed through the Division's electronic filing system no later than midnight 12:00 p.m., Eastern Standard Time, of the due date. In the event that the electronic filing system is inoperable on the date a report is due, the report will be accepted as timely filed if filed no later than midnight 12:00 p.m., Eastern Standard Time, of the first business day the electronic filing system becomes operable again. No fine will be levied during the period the electronic filing system was inoperable.

~~(f)(h)~~ A report shall be deemed filed through the electronic filing system upon the issuance of an electronic receipt indicating and verifying that the report was filed.

~~(2) State Matching Funds Program.~~

~~(a)~~ Pursuant to Section 106.33, F.S., a candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall, upon qualifying for office, file a request for such contributions with the Division on Form DS-DE 98, "Candidate for Governor or Cabinet Officer Request for Contributions (Eff. 1/02)".

~~(b)~~ To be eligible to receive state matching funds, a candidate for Governor or member of the Cabinet must not be an unopposed candidate as defined in Section 106.011(15), F.S., and shall:

1. Agree to abide by the expenditure limits provided in Section 106.34, F.S.

2. Raise qualifying matching contributions as provided in Sections 106.33 and 106.35, F.S.

3. Retain copies of all checks received, in-kind documentation, credit or debit card receipts, if applicable, and, in the case of cash, copies of the accompanying deposit slips, and copies of cashiers checks. Each campaign treasurer shall submit copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashiers checks to the Division at each applicable reporting period; and

4. Submit to a post-election audit of the campaign account and financial records by the Division. Surplus matching funds must be returned before the post-election audit is conducted.

~~(c)~~ State matching funds shall be distributed within 7 days after the close of qualifying and every 7 days thereafter, to eligible candidates. The first distribution shall be based on verified matching contributions as shown on quarterly reports, filed after September 1 of the calendar year prior to the election, through June 30 of the election year. Thereafter, distribution of funds will be based on weekly reports as

~~provided by Section 106.07(1)(b), F.S. Each weekly distribution of funds will be based on the prior week's report as verified by the Division, if timely received; otherwise, the distribution will be made in the next applicable weekly cycle. The Division shall verify matching contributions contained in the reports with copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashier's checks which have been submitted by the candidates.~~

~~(d)~~ For candidates who are eligible to receive state matching funds, a report is timely if it is received in the Division by 12:00 noon, Eastern Standard Time, on the date it is due. If a report is received after 12:00 noon, Eastern Standard Time, on the due date, such report will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle. If any fines are due for late filing they will be assessed pursuant to Section 106.07, F.S. For all other candidates, filing deadlines shall be as provided in Section 106.07, F.S.

~~(e)~~ Reports filed by candidates requesting matching funds must include all information required by this rule and Sections 106.07 and 106.30-36, F.S. If information related to a matchable contribution is missing, incomplete or cannot be verified, no match will be made for that contribution and the candidate will be notified by the Division. However, upon supplying such missing or incomplete information and upon verification by the Division, matching funds will be provided on the next applicable cycle.

~~(f)~~ If a candidate requesting matching funds submits a report and subsequently amends such report, any adjustment, up or down, to the candidate's distribution of funds will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically to the Division.

~~(g)~~ The Division shall record the time that reports are received from candidates requesting matching contributions and distribute funds on a first-in, first-out basis.

~~(h)~~ An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.

~~(3) Voluntary Expenditure Limits.~~ Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90, "Irrevocable Statement to Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds (Eff. 12/93)", upon qualifying for office.

~~(2)~~(4) All forms and filing specifications contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250, from the Division's website at <http://election.dos.state.fl.us>, or by calling (850)245-6240.

Specific Authority 106.0705 ~~106.35(4), (5), 106.0706~~ FS. Law Implemented 106.04, 106.07, 106.0705, 106.29, ~~106.30-36~~ FS. History--New 11-13-88, Formerly 1C-7.017, Amended 2-28-90, 9-5-93, 1-1-96, 3-5-96, 7-20-98, 7-31-02, 1-1-05, 6-2-05, _____.

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NOS.:	RULE TITLES:
IT-1.001	Division of Cultural Affairs
IT-1.002	Application Requirements
IT-1.003	Application Review

PURPOSE AND EFFECT: This amendment will transfer the Historical Museums Grants-in-Aid Program from the management of the Division of Historical Resources to the Division of Cultural Affairs, and will incorporate statutory changes to the program that became effective July 1, 2008, as authorized by Section 265.708, Florida Statutes. The amendment will also establish new and existing eligibility criteria for the Cultural Support Grants Program and Historical Museum Grants-in-Aid Program, and will delete Indemnity Grant Program, because this program was repealed by the 2005 Legislature (see former Sections 265.51 – 265.55), Florida Statutes).

SUBJECT AREA TO BE ADDRESSED: This amendment will incorporate the recommendations of The Historical Museums Taskforce by it creating a two (2) year funding period, rather than annual one; it will provide three (3) levels of funding, rather than two (2) for the General Program Support category; and it will provide for alternate years in which museums requesting certain levels of funding will compete with each other for funding. This amendment will also provide that non-program-related operating costs, such as utilities, may not be included in the Grant Proposal Budget, and it clarifies the eligibility criteria for multidisciplinary museums who apply for funding. The amendment will require that grant deadlines be posted on the Division of Cultural Affairs' website, rather than in the Division's online newsletter.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), 265.2861(2)(b), (f), 265.2865(6), 265.51, 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8), 265.708(3) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561, 265.708 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: December 1, 2008, 1:00 p.m.
 PLACE: R. A. Gray Building, 500 South Bronough, Room 307, 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: Morgan Barr, (850)245-6470. If you are 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: Sarah Stage or Scott Moore, (850)245-6470

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09432	Assessment of Limited English Proficient Students

PURPOSE AND EFFECT: The pupose of this rule development is to update terminology to reflect current practice in the field and update statutory references; modifies and/or creates inservice requirements for school personnel providing services to students enrolled in the ESOL program; deletes outdated "grandfathering" method of endorsement in ESOL; incorporates newly revised template for District English Language Learners Plans; modifies exemptions to statewide assessments for newly arrived English Language Learners; and establishes competencies for ESOL endorsement.

SUBJECT AREA TO BE ADDRESSED: Programs for English to Speakers of Other Languages (ESOL) and English Language Learners.

SPECIFIC AUTHORITY: 1001.02(1), 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

LAW IMPLEMENTED: 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

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

DATES AND TIMES: December 2, 2008, 2:00 p.m. – 4:00 p.m.; December 12, 2008, 1:00 p.m. –3:00 p.m.; December 15, 2008, 10:00 a.m. – 12:00 Noon

PLACES: December 2, 2008, Hyatt Regency Orlando International Airport, Mirabel Ballroom, 9300 Airport Boulevard, Orlando, FL 32827; December 12, 2008, Turlington Building, Room 1703, 325 West Gaines Street,

Tallahassee, FL 32399; December 15, 2008, Miami-Dade College, Wolfson Campus, Chapman Conference Center, 245 N.E. 4th Street, Miami, Florida 32132

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Rodriguez, Bureau of Student Achievement through Language Acquisition, Department of Education, 325 West Gaines Street, Room 501, Tallahassee, Florida 32399-0400, (850)245-0417. TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.	RULE TITLES:
6A-4.0244	Specialization Requirements for the Endorsement in English to Speakers of Other Languages – Academic Class
6A-4.02451	Endorsement Competencies for the Endorsement in English to Speakers of Other Languages

PURPOSE AND EFFECT: The pupose of the rule developments is to update terminology to reflect current practice in the field and update statutory references; modifies and/or creates inservice requirements for school personnel providing services to students enrolled in the ESOL program; deletes outdated “grandfathering” method of endorsement in ESOL; incorporates newly revised template for District English Language Learners Plans; modifies exemptions to statewide assessments for newly arrived English Language Learners; and establishes competencies for ESOL endorsement.

SUBJECT AREA TO BE ADDRESSED: Programs for English to Speakers of Other Languages (ESOL) and English Language Learners.

SPECIFIC AUTHORITY: 1001.02(1), 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

LAW IMPLEMENTED: 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

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PLACES: December 2, 2008, Hyatt Regency Orlando International Airport, Mirabel Ballroom, 9300 Airport Boulevard, Orlando, FL 32827; December 12, 2008, Turlington Building, Room 1703, 325 West Gaines Street, Tallahassee, FL 32399; December 15, 2008, Miami-Dade College, Wolfson Campus, Chapman Conference Center, 245 N.E. 4th Street, Miami, Florida 32132

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Rodriguez, Bureau of Student Achievement through Language Acquisition, Department of Education, 325 West Gaines Street, Room 501, Tallahassee, Florida 32399-0400, (850)245-0417. TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.054	K-12 Student Reading Intervention Requirements
6A-6.0900	Programs for Limited English Proficient Students
6A-6.0901	Definitions Which Apply to Programs for Limited English Proficient Students
6A-6.0904	Equal Access to Appropriate Programming for Limited English Proficient Students
6A-6.0905	Requirements for the District Limited English Proficient Plan
6A-6.0906	Monitoring of Programs for Limited English Proficient Students
6A-6.0907	Inservice Requirements for Personnel of Limited English Proficient Students
6A-6.0908	Equal Access for Limited English Proficient Students to Programs Other Than ESOL
6A-6.0909	Exemptions Provided to Limited English Proficient Students
6A-6.09091	Accommodations of the Statewide Assessment Program Instruments and Procedures for Limited English Proficient Students

PURPOSE AND EFFECT: The purpose of the rule developments is to update terminology to reflect current practice in the field and update statutory references; modifies and/or creates inservice requirements for school personnel

providing services to students enrolled in the ESOL program; deletes outdated "grandfathering" method of endorsement in ESOL; incorporates newly revised template for District English Language Learners Plans; modifies exemptions to statewide assessments for newly arrived English Language Learners; and establishes competencies for ESOL endorsement.

SUBJECT AREA TO BE ADDRESSED: Programs for English to Speakers of Other Languages (ESOL) and English Language Learners.

SPECIFIC AUTHORITY: 1001.02(1), 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

LAW IMPLEMENTED: 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

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

DATES AND TIMES: December 2, 2008, 2:00 p.m. – 4:00 p.m.; December 12, 2008, 1:00 p.m. – 3:00 p.m.; December 15, 2008, 10:00 a.m. – 12:00 noon

PLACES: December 2, 2008, Hyatt Regency Orlando International Airport, Mirabel Ballroom, 9300 Airport Boulevard, Orlando, FL 32827; December 12, 2008, Turlington Building, Room 1703, 325 West Gaines Street, Tallahassee, FL 32399; December 15, 2008, Miami-Dade College, Wolfson Campus, Chapman Conference Center, 245 N. E. 4th Street, Miami, Florida 32132

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Rodriguez, Bureau of Student Achievement through Language Acquisition, Department of Education, 325 West Gaines Street, Room 501, Tallahassee, Florida 32399-0400, (850)245-0417. **TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact:** Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

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

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.: 33-401.701
RULE TITLE: Medical and Substance Abuse Clinical Files

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide one location for all provisions related to maintenance of and access to inmate medical and substance abuse clinical files.

SUBJECT AREA TO BE ADDRESSED: Department of Corrections comprehensive inmate medical files and substance abuse files.

SPECIFIC AUTHORITY: 944.09, 945.10, 945.6034 FS.

LAW IMPLEMENTED: 119.07, 944.09, 945.10, 945.25, 945.6034 FS, 42 USCS 290 ee-3, 45 CFR Parts 160 and 164.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-401.701 Medical and Substance Abuse Clinical Files.

(1) The Department of Corrections Office of Health Services shall maintain a comprehensive medical file (including medical, dental and mental health components) and a comprehensive substance abuse file, should one exist, on every person committed to the custody and care of the Florida Department of Corrections. Information included in the inmate's medical file is protected health information and shall be used or disclosed in accordance with the Health Insurance Portability and Accountability Act Privacy Rule of 1996, (HIPAA) and Florida law.

(2) Definitions.

(a) Business Associate – refers to a person or entity who is not a member of the Department of Corrections' workforce and who, on behalf of the department, performs a function or activity involving the use or disclosure of individually identifiable health information. A business associate agreement or contract requiring a business associate to appropriately safeguard protected health information is required from business associates.

(b) Designated Records Set – refers to an inmate's medical, mental health, dental, Reception Medical Center hospital file, and substance abuse clinical files that are maintained by the Department.

(c) Department workforce – includes employees, volunteers, interns, trainees and other persons whose conduct, in the performance of work for the Department, is under the direct control of such the Department, whether or not they are paid by the Department.

(d) Disclose – refers to the release, transfer, provision of access to, or divulging in any other manner of information outside the Department.

(e) Health Services Administrator – refers to designated Department employees responsible for working with the privacy officer to ensure that all Department privacy procedures are implemented.

(f) Medical file – as used in this rule refers to the inmate’s medical, mental health, and dental files maintained by the department.

(g) Personal Representative – as used in this rule, means, with respect to a deceased inmate, an executor, administrator, or other person with authority under Florida law to act on behalf of the deceased inmate or the inmate’s estate. With respect to a living inmate, a personal representative means a health care surrogate, proxy, guardian, or other person with authority under Florida law to make decisions related to the inmate’s health care.

(h) Protected health information (PHI) – where used herein, refers to inmate or offender information that is created or received by the Department of Corrections, whether oral, recorded, transmitted, or maintained in any form or medium, that relates to the past, present, or future physical or mental health or condition of an inmate or offender, the provision of health care to an inmate or offender, or the past, present, or future payment for the provision of health care to an inmate or offender and identifies an inmate or offender or there is a reasonable basis to believe the information can be used to identify an inmate or offender.

(i) Psychotherapy notes – refers to notes recorded by a mental health professional documenting or analyzing the contents of conversation during a private or group session. The term does not include medication prescription and monitoring, session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

(j) Substance abuse clinical file – refers to the department’s inmate file containing all written documents, records and forms compiled to detail an inmate’s substance abuse history, substance abuse screening, assessment, intervention, and other substance abuse services, including the results of urinalysis testing done for treatment, program participation, and admission and discharge summaries.

(k) Substance abuse progress notes – refers to notes recorded by a substance abuse health care professional documenting or analyzing the contents of conversation during a private or group session. The term does not include session

start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

(l) Use – refers to, with respect to protected health information, the sharing, employment, application, utilization, examination, or analysis of such information within the Department.

(3) Inmate and offender access to their own protected health information in a designated records set.

(a) Except as otherwise provided in this rule, an inmate shall be allowed to have access to his or her own protected health information contained in a designated records set. An inmate desiring access to his or her own medical file shall submit a written request using Form DC6-236, Inmate Request, to the health services administrator or his or her designee. An inmate desiring access to his own substance abuse clinical file shall submit a written request using DC6-236, Inmate Request, to the substance abuse program manager or his or her designee. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) The department does not maintain medical files or substance abuse clinical files on offenders under community supervision. Access to records maintained by treatment providers under contract with the department should be requested by contacting the treatment provider.

(c)1. Inmates shall have no access to psychotherapy notes or substance abuse progress notes maintained in the department’s records.

2. Inmates shall have no access to protected health information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.

3. Inmates shall have no access to protected health information maintained by the Department that is subject to the Clinical Laboratory Improvements Amendments of 1988, 42 U.S.C. 263a, to the extent that the provision of access to the inmate is prohibited by law, or is exempt from the Clinical Laboratory Improvement Amendments of 1988, pursuant to 42 C.F.R. 493.3(a)(2).

(d) An inmate’s request for access shall be denied in whole or in part due to any of the following reasons:

1. The request is for records or information identified in paragraph (c) above.

2. The request is for protected health information that was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would with reasonable likelihood reveal the source of the information.

3. The request is for information not maintained or no longer maintained by the department in its files.

4. There has been a determination by a licensed or certified health care professional that:

a. The requested access is reasonably likely to endanger the life or physical safety of the inmate or another person;

b. The requested access is to protected health information that makes reference to another person (other than a health care provider) and such access is reasonably likely to cause substantial harm to such other person; or

c. The access is requested by a personal representative of the inmate and such access is likely to cause substantial harm to the inmate.

(e) Except as otherwise provided in this rule, all requests shall be granted, including providing access or copies or both, or denied, in whole or in part, by the health services administrator or his designee or substance abuse program manager or his designee in writing within 30 days of the date of receipt of the request. However, if the requested files are not maintained on-site, the department shall provide or deny access, in whole or in part, within 60 days from receipt of the request. If the department is unable to grant or deny, in whole or in part, the request for access within the 30 or 60 day time periods, the department is authorized to extend the time for such action an additional 30 days by providing the inmate a written statement that the time period has been extended for 30 days and the reason(s) for the extension. This extension is available only one time.

(f) Denials must provide:

1. The basis for the denial;

2. Information on where the requested information is maintained if subparagraph (d)3. applies, and the department knows where the information is maintained;

3. Notification that the inmate may request a review of a denial based on subparagraph (d)4. by submitting a written request to the health services administrator or his or her designee in the case of medical files, or the substance abuse program manager or his or her designee in the case of substance abuse clinical files; and

4. That the inmate may grieve the denial through the inmate grievance process pursuant to Chapter 33-103, F.A.C.

5. Upon written request of the inmate to the staff member designated above, denials based on subparagraph (d)4. shall be reviewed by a licensed or certified health care professional who is designated by the health services administrator or his or her designee or substance abuse program manager or his or her designee, and who did not participate in the original decision to deny the request. Review of the denial must be completed within a reasonable time after receipt of the request for review. Immediately upon determination on review, the inmate shall be notified in writing of the decision.

(g) Where a request for access to an inmate's medical file or substance abuse clinical file is denied in part, the department shall provide access to the requested file after excluding the information for which access was denied.

(h) Providing Access.

1. Before any inmate reviews his or her medical file or substance abuse clinical file the Department will verify the inmate's identity using the inmate's ID card.

2. Medical files and substance abuse clinical files must be reviewed in a secure area in the presence of health record staff or the health service administrator.

3. No information shall be copied or removed from the file by the inmate at the time of the review. Form DC6-236, Inmate Request, shall be submitted by the inmate to obtain any copies.

(i) Copies will be provided upon receipt of payment as provided in subsection 33-601.901(2), F.A.C., except that when providing the inmate a copy of the requested information would jeopardize either the health, safety, security, custody of the inmate or of other inmates; or the safety of any officer, employee, or other person at the correctional institution or a person responsible for the transporting of the inmate, no copies shall be provided. A denial of copies on this basis shall not be subject to review under subparagraph (3)(f)3. above.

(4) Requesting Restrictions on the Use and Disclosure of Protected Health Information in a designated records set.

(a) An inmate may request that the Department restrict the uses and disclosures of his or her protected health information to carry out treatment, payment, health care operations, and for notification for involvement in the inmate's care. Inmates shall submit requests for restrictions on Form DC6-236, Inmate Request, to the health services administrator and provide a reason to support the requested restriction.

(b) In accordance with 45 C.F.R. § 164.522 the Department is not required to agree to a request for restriction and the Department shall not restrict disclosures of protected health information to other government agencies providing benefits or services to the inmate, to government agencies that oversee health care providers, or that are required by law.

(c) The Department shall notify the inmate of the denial or acceptance of the request to restrict information and a copy of the notice of denial or acceptance shall be filed in the inmate's designated record set and sent to other workforce members with a need to know. The written request and notification of denial or acceptance must be kept for six years from the date it was created or the date it was last in effect, whichever is later.

(d) If the Department agrees to the restriction, the Department and its business associates shall honor the restriction unless the inmate is in need of emergency treatment and the restricted information is needed to provide the emergency treatment. If restricted information is disclosed to a health care provider for emergency treatment, the Department shall request that the health care provider not further use or disclose the information.

(e) The Department shall terminate its agreement to a restriction, if:

1. The inmate agrees to or requests the termination in writing;

2. The inmate orally agrees to the termination and the oral agreement is documented; or

3. The Department informs the inmate that it is terminating its agreement to a restriction. The termination is only effective for protected health information created or received after the Department informed the inmate of the termination.

(5) Requesting Confidential Communications.

(a) An inmate or offender may request that the Department communicate protected health information with him or her by alternative means or at alternative locations. Inmates must make requests for confidential communication in writing on Form DC6-236, Inmate Request. The Department shall refuse an inmate's request if the inmate has not specified a reasonable method of communication or if the request would jeopardize or disrupt the safety, security or operations of the institution. The health services administrator shall notify the inmate that the request for confidential communication was denied or accepted.

(b) The Department shall retain the inmate's request and notification of denial or acceptance for a minimum of six years in the inmate's medical file.

(6) Request to amend protected health information in a designated record set.

(a) An inmate may request that the Department amend a designated record set for as long as the Department maintains the protected health information in the designated record set. Inmates shall make requests for amendments in writing on Form DC6-236, Inmate Request, and provide a reason to support the requested amendment.

(b) In accordance with 45 C.F.R. § 164.526, the Department shall act on the inmate's request for an amendment no later than 60 days after receipt of the request. If the Department is unable to act on the amendment within 60 days, the Department may extend the time by no more than 30 days, provided that within 60 days, the Department provided the inmate with a written statement of the reasons for the delay and the date by which the Department will complete its action on the request. The Department shall have one time extension for action on the request.

(c) If the Department is informed by another health care provider of an amendment to an inmate's protected information, the Department shall amend the protected information in its designated record sets.

(d) Pursuant to 45 C.F.R. § 164.526, the Department shall deny an inmate's request for an amendment to protected health information if it determines that the protected information:

1. Was not created by the Department, unless the inmate provides a reasonable basis to believe that the originator of protected information is no longer available to act on the requested amendment;

2. Is not part of the designated record set;

3. Is information that is not available for inspection by the inmate as provided in subsection (3) above; or

4. Is accurate and complete.

(e) If the Department denies the requested amendment, in whole or in part, the Department shall send the inmate a written denial notice, in plain language that contains:

1. The basis for the denial;

2. The inmate's right to submit a written statement disagreeing with the denial and how the inmate may submit such a statement on Form DC6-236, Inmate Request;

3. A statement that if the inmate does not submit a statement of disagreement, the inmate may request that the Department provide the inmate's request for amendment and the denial with any future disclosures of the protected information that is the subject of the amendment; and

4. A description of how the inmate may complain through the inmate grievance process.

(f) The Department shall permit the inmate to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. The statement of disagreement is limited to 100 words. The Department shall prepare and submit a written rebuttal to the statement of disagreement.

(g) The Department shall identify the protected health information in the designated record set that is the subject of the disputed amendment and append the inmate's request for an amendment, the Department's denial of the request, the inmate's statement of disagreement, if any, and the Department's rebuttal, if any, in the designated record set.

(h) When a subsequent disclosure of the protected health information is made, the Department shall submit the material required in paragraph (g) with the requested protected health information.

(i) If the Department accepts the requested amendment, in whole or in part, the Department shall comply with the following requirements:

1. The Department shall make the amendment to the designated records set by identifying the portions in the record that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.

2. The Department shall inform the inmate that the amendment is accepted and obtain the inmate's identification of, and agreement to have the Department notify relevant persons with which the amendment needs to be shared as described below within 60 days.

3. The Department shall make reasonable efforts to inform and provide the amendment within a reasonable time to:

a. Persons identified by the inmate as having received protected information about the inmate and needing the amendment; and

b. Persons, including business associates, that the Department knows have the protected information that is the subject of the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the inmate.

(7) Request for Accounting of Disclosures.

(a) Inmates may request that the Department provide them with an accounting of disclosures of protected health information.

(b) Inmates shall make requests for an accounting of disclosures on Form DC6-236, Inmate Request to the health services administrator.

(d) The Department shall provide the inmate with a written account that includes the following information:(c) Pursuant to 45 C.F.R. § 164.528 the Department shall provide the accounting of disclosures within 60 days of the request. If the Department is unable to provide the accounting within 60 days, it shall inform the inmate of the reason for the delay and when it expects to provide the accounting. One extension of 30 days is permitted per request. Inmates may request an accounting of disclosures for up to six years prior to the date on which the accounting is requested. Disclosures made prior to April 14, 2003 are excluded from this requirement.

1. The date of the disclosure;
2. The name and address of the entity or person who received the protected health information;
3. A brief description of the protected health information disclosed; and
4. A brief statement of the purpose of the disclosure or a copy of a written request from the entity or person that received the protected information.

(e) The accounting of disclosures is not required to contain the following disclosures of protected health information:

1. Disclosures for the purpose of treatment, payment and health care operations;
2. Disclosures to law enforcement or correctional officers for the health and safety of the inmate, other inmates, officers, employees of the correctional institution or others at the correctional institution;
3. Disclosures to law enforcement on the premises of the correctional institutions;
4. Disclosures for the administration and maintenance of the safety, security, and good order of the correctional institution;
5. Disclosures for national security or intelligence purposes;
6. Disclosures made to inmates of their own protected information;
7. Disclosures made as part of a limited data set;
8. Disclosures made to third parties pursuant to the inmate's request written authorization; and
9. Disclosures made prior to April 14, 2003.

(f) If the Department made multiple disclosures of protected information to the same entity for a single purpose, the accounting for a given period of time shall provide:

1. The required information listed above for the first disclosure; and

2. The frequency, periodicity, or number of disclosures made; and the date of the last disclosure.

(g) The Department shall provide the first accounting to an inmate in any 12-month period without charge.

(h) If the second or subsequent request for disclosure within a 12-month period requires duplication, the inmate shall pay the cost of duplication in accordance with subsection 33-601.901(2), F.A.C. and the inmate will sign a receipt for such copies.

(i) The Department shall document the following information regarding accounting of disclosures:

1. The date of disclosure;
2. The information listed in the accounting;
3. Written accounting that is provided to the inmate; and
4. The titles and names of the people who were responsible for receiving and processing the request.

(j) The documentation shall be retained for six years.

(k) The Department shall track disclosures other than for treatment, payment and health care operations. This includes the following disclosures even if the disclosure was to a business associate. The Department shall track disclosures:

1. To other government agencies providing benefits or services to the inmate;
2. To government agencies that oversee health care providers;
3. For research; and
4. Which are required by law.

(l) The following specific information about each disclosure shall be included and documented in the medical file on Form DC4-534, Health Care Information Request Record:

1. The date of the disclosure;
2. The name and address of the entity or person who received the protected information;
3. A brief description of the protected health information disclosed;
4. A brief statement of the purpose of the disclosure; and
5. Written account that was provided to the inmate.

(m) In accordance with 45 C.F.R. § 164.528, the Department shall temporarily suspend an inmate's right to receive an accounting of disclosures to a health care oversight agency with authority by law to oversee the health care system of the department or a law enforcement official upon written statement from the oversight agency or law enforcement official. The written statement shall specify that the accounting to the inmate would be reasonably likely to impede the agency or official's activities and the time period for which such suspension is required.

(n) Although the accounting of disclosures is not released during a suspension, the Department shall continue tracking and storing the information for future releases.

(8) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health, including substance abuse information, regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the information or discuss the medical, mental health or substance abuse condition of the inmate or offender with any person except persons directly necessary to the performance of the employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health or substance abuse treatment team shall not disseminate inmate medical or substance abuse information or discuss the medical or mental health or substance abuse condition of an inmate with any person except other members of the healthcare transfer team, medical, mental health or substance abuse staff, release officers or any other employees designated to facilitate reentry, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall acknowledge receipt and review of Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, indicating that he understands the medical and substance abuse confidentiality requirements.

(9) Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall maintain as confidential all health or substance abuse information that he sees or hears while performing his duties and responsibilities, and shall not disseminate the information or discuss the medical or substance abuse information with any person except health care staff or substance abuse program staff. Failure to keep health or substance abuse information confidential and private shall subject the inmate to disciplinary action. Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall acknowledge receipt and review of Form DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, indicating that he understands the medical and substance abuse confidentiality requirements.

(10) Use and disclosure of protected health information.

(a) Inmate protected health information shall be used or disclosed in accordance with the Health Insurance Portability and Accountability Act Privacy Rule of 1996, (HIPAA) and Florida law.

(b) Requests for access to a current inmate's protected health information shall be submitted to the health services administrator at the institution where the inmate is housed.

Requests for access to a former inmate's protected health information shall be submitted to: Inactive Medical Records, Reception and Medical Center, P. O. Box 628, Lake Butler, Florida 32054.

(c) All requests for access to an inmate's protected health information shall be specific and in writing.

(d) If use or disclosure of an inmate's protected health information is not otherwise permitted by law, an inmate must authorize the use or disclosure by giving written consent using Form DC4-711B, Consent and Authorization for Use and Disclosure, for Inspection and Release of Confidential Information or a legally approved, HIPAA compliant release of protected health information form from another governmental agency. Form DC4-711B is incorporated by reference in Rule 33-601.901, F.A.C.

(e) The DC4-711B or other authorization shall be submitted with the written request for access to an inmate's protected health information. A copy of the authorization shall be provided to the inmate and the inmate shall acknowledge receipt of the copy by signing in the appropriate location on the authorization. The authorization and acknowledgement of receipt of copy shall become a part of the inmate's medical file.

(f) Form DC4-711B Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information must be notarized when the authorization is not from a current inmate personally known to the witness or is from a source external to the Department. All authorization forms shall be witnessed by at least one person who can verify the fact that he witnessed the signing of the authorization by the inmate and that, to the best of his knowledge, the inmate knew what was signed.

(g) A disclosure of protected health information may not be made on the basis of an authorization which:

1. Has expired;
2. On its face substantially fails to conform to any of the requirements of the Health Insurance Portability and Accountability Act Privacy Rule of 1996;
3. Is known to have been revoked; or
4. Is known, or through a reasonable effort could be known, by the person holding the records to be materially false.

(h) In accordance with 45 C.F.R. § 164.502, a personal representative of a deceased inmate or a deceased inmate's estate shall have access to or authorize the disclosure of the deceased inmate's protected health information that is relevant to the personal representative's legal authority to act on behalf of the deceased inmate or the deceased inmate's estate. A certified copy of a letter of administration or other document demonstrating such authority shall be filed in the inmate's medical file and Form DC4-711B, Consent and Authorization for Use and Disclosure, for Inspection and Release of Confidential Information must be signed by a personal representative.

(i) In accordance with 45 C.F.R. § 164.502, personal representatives having authority under Florida law to make decisions related to a living inmate's health care shall have access to or authorize the disclosure of the inmate's protected health information that is relevant to the personal representative's legal authority to make health care decisions on behalf of the inmate. Form DC4-711B, Consent and Authorization for Use and Disclosure, for Inspection and Release of Confidential Information shall be signed by the inmate's personal representative in accordance with Florida law. A copy of the document demonstrating the personal representative's authority shall be filed in the inmate's medical file.

(j) In accordance with 45 C.F.R. § 164.514(h), the department shall verify the identity and the authority of a person requesting access to an inmate's protected health information if the identity or authority of such person is not known.

(k) No information concerning test results, or other protected health information, shall be released over the telephone without proper verification that the caller is the person authorized to receive such information. All calls requesting the disclosure of protected health information over the telephone shall be forwarded to the Chief Health Officer, the Nursing Supervisor or their designees.

(l) Copies of protected health information will be provided upon receipt of payment as provided in subsection 33-601.901(2), F.A.C.

(11) Alcohol and Drug Abuse Treatment Files: Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:

(a) With the prior written authorization of the inmate or offenders described in subsection (10) above.

(b) Pursuant to 42 C.F.R. Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:

1. The disclosure is made only to those individuals within the criminal justice system who have a need for the information in connection with their duty to monitor the inmate or offender's progress; and

2. The inmate or offender has signed Form DC4-711B meeting the requirements of paragraph (9)(a) except for the revocation provision in subparagraph (9)(a)8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:

a. The anticipated length of the treatment;

b. The type of criminal proceeding involved, the need for the information in connection with the final disposition of that proceeding, and when the final disposition will occur; and

c. Such other factors as the program, the inmate or offender, and the persons who will receive the disclosure consider pertinent. The written consent shall state that it is revocable upon the passage of a specified amount of time or the occurrence of a specified, ascertainable event. The time or occurrence upon which consent becomes revocable shall be no later than the final disposition of the action in connection with which consent was given.

(c) Each disclosure made with the inmate or offender written consent shall be accompanied by the following written statement:

This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

(d) Whether or not the inmate or offender has given written consent, 42 C.F.R. Part 2 permits disclosure of information as follows:

1. To medical personnel to the extent necessary to meet a medical emergency and for continuity of care;

2. To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel shall not identify, directly or indirectly, any individual inmate or offender in any report of such research, audit, or evaluation, or otherwise disclose inmate or offender identities in any manner.

3. To communicate within a program or between a program and an entity having direct administrative control over that program;

4. To law enforcement officers concerning crimes on program premises or against program personnel, or when a threat to commit such a crime has been made;

5. Reports of suspected child abuse and neglect; and

6. If authorized by a court order.

(12) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) DC4-534, Health Care Information Request Record, effective _____.

(b) DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, effective _____.

(c) DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, effective

Specific Authority 944.09, 945.10, 945.6034 FS, Law Implemented 119.07, 944.09, 945.10, 945.25, 945.6034 FS., 42 USCS 290 ee-3, 45 CFR Parts 160 and 164, FS. History–New

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 move language related to maintenance of and access to inmate medical and substance abuse clinical files to a new proposed Rule 33-401.701, F.A.C., to provide one location for all medical and substance abuse file provisions for easier access.

SUBJECT AREA TO BE ADDRESSED: Department of Corrections comprehensive inmate medical files and substance abuse files.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.10 FS.

LAW IMPLEMENTED: 119.07, 944.09, 945.10, 945.25 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.901 Confidential Records.

(1) Inmate and offender access to records or information.

(a) No change.

(b) Inmate and offender access to their own medical or substance abuse clinical files is addressed in Rule 33-401.701, F.A.C. records:

1. Definitions:

a. "Medical record" as used in this rule includes the inmate's medical, mental health, and dental files maintained by the department.

b. "Protected health information" or "PHI" as used in this rule means individually identifiable health information about an inmate or offender.

c. "Psychotherapy notes" as used in this rule means notes recorded by a mental health professional documenting or analyzing the contents of conversation during a private or group session. The term does not include medication prescription and monitoring, session start and stop times, the modalities and frequencies of treatment furnished, results of

clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

d. "Substance abuse clinical record" as used in this rule means the department inmate file containing all written documents and records, including department forms compiled to detail an inmate's substance abuse history, substance abuse screening, assessment, intervention, and other substance abuse services, including the results of urinalysis testing done for treatment, program participation, and admission and discharge summaries.

e. "Substance abuse progress notes" as used in this rule means notes recorded by a substance abuse health care professional documenting or analyzing the contents of conversation during a private or group session. The term does not include session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

2. An inmate shall be allowed to have access to his own medical record and, if such exists, his own substance abuse clinical record. An inmate desiring access to his own medical record shall submit a written request to the health services administrator or his designee; an inmate desiring access to his own substance abuse clinical record shall submit a written request to the substance abuse program manager or his designee.

3. The department does not maintain medical records or substance abuse clinical records on offenders under community supervision. Access to records maintained by treatment providers under contract with the department should be requested by contacting the treatment provider.

4.a. Inmates shall have no access to psychotherapy notes or substance abuse progress notes maintained in the department's records.

b. Inmates and offenders shall have no access to health information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.

5. The request for access shall be denied in whole or in part due to any of the following reasons:

a. The request is for records or information identified in subparagraph 4. above.

b. The request is for PHI that was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would with reasonable likelihood reveal the source of the information.

c. The request is for information not maintained or no longer maintained by the department in its files.

d. There has been a determination by a licensed or certified health care professional that:

I. The requested access is reasonably likely to endanger the life or physical safety of the inmate or another person;

H. The requested access is to PHI that makes reference to another person (other than a health care provider) and such access is reasonably likely to cause substantial harm to such other person; or

HH. The access is requested by a personal representative of the inmate and such access is likely to cause substantial harm to the inmate.

6. All requests shall be granted, including providing access or copies or both, or denied, in whole or in part, by the health services administrator or his designee or substance abuse program manager or his designee in writing within 30 days of the date of receipt of the request, except that where the requested records are not maintained on-site, the department shall provide or deny access, in whole or in part, within 60 days from receipt of the request. If the department is unable to grant or deny, in whole or in part, the request for access within the 30 or 60 day time periods, the department is authorized to extend the time for such action an additional 30 days by providing the inmate a written statement that the time period has been extended for 30 days and the reason(s) for the extension. This extension is available only one time.

7. Denials must provide:

a. The basis for the denial;

b. Information on where the requested information is maintained if sub-subparagraph 5.c. applies, and the department knows where the information is maintained;

c. Notification that the inmate may request a review of the denial by submitting a written request to the health services administrator or his designee in the case of medical records, or the substance abuse program manager or his designee in the case of substance abuse clinical records; and

d. That the inmate may grieve the denial through the inmate grievance process pursuant to Chapter 33-103, F.A.C.

8. Upon written request of the inmate to the staff member designated above, denials based on sub-subparagraph 5.d. shall be reviewed by a licensed or certified health care professional who is designated by the health services administrator or his designee or substance abuse program manager or his designee, and who did not participate in the original decision to deny the request. Review of the denial must be completed within a reasonable time after receipt of the request for review. Immediately upon determination on review, the inmate shall be notified in writing of the decision. The determination on review shall be followed by the department.

9. Where a request for access to an inmate's medical record or substance abuse clinical record is denied in part, the department shall provide access to the requested record after excluding the information for which access was denied.

(e) Copies will be provided upon receipt of payment as provided in subsection (2) of this rule, except that when providing the inmate a copy of the requested information would jeopardize either the health, safety, security, custody of the inmate or of other inmates; or the safety of any officer,

employee, or other person at the correctional institution or a person responsible for the transporting of the inmate, no copies shall be provided. A denial of copies on this basis shall not be subject to review under subparagraph (b)8. above.

(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 or in Rule 33-401.701, F.A.C.:

(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 compliant release of protected health information form from another governmental agency shall be utilized in accordance with Rule 33-401.701, F.A.C. 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 November 27, 2007. 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.

(b) through (8) No change.

(9) Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:

(a) With the prior written consent of the inmate or offender. The written consent shall include the following information:

1. The specific name or general designation of the program or person permitted to make the disclosure;

~~2. The name or title of the individual or the name of the organization to which disclosure is to be made;~~

~~3. The name of the inmate or offender;~~

~~4. The purpose of the disclosure;~~

~~5. How much and what kind of information is to be disclosed;~~

~~6. The signature of the inmate or offender; or, when required for an inmate or offender who is incompetent or deceased, the signature of a person authorized to sign in lieu of the inmate or offender;~~

~~7. The date on which the consent is signed;~~

~~8. A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it.~~

~~9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.~~

If a request for inmate medical records is submitted upon consent given by the patient inmate/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 compliant release of protected health information form from another governmental agency shall be utilized in order to obtain medical records held by the department.

~~(b) Pursuant to 42 C.F.R. Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:~~

~~1. The disclosure is made only to those individuals within the criminal justice system who have a need for the information in connection with their duty to monitor the inmate or offender's progress; and~~

~~2. The inmate or offender has signed Form DC4-711B meeting the requirements of paragraph (9)(a) except for the revocation provision in subparagraph (9)(a)8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:~~

~~a. The anticipated length of the treatment;~~

~~b. The type of criminal proceeding involved, the need for the information in connection with the final disposition of that proceeding, and when the final disposition will occur; and~~

~~e. Such other factors as the program, the inmate or offender, and the persons who will receive the disclosure consider pertinent. The written consent shall state that it is revocable upon the passage of a specified amount of time or the occurrence of a specified, ascertainable event. The time or~~

~~occurrence upon which consent becomes revocable shall be no later than the final disposition of the action in connection with which consent was given.~~

~~(c) A disclosure may not be made on the basis of a consent which:~~

~~1. Has expired;~~

~~2. On its face substantially fails to conform to any of the requirements set forth in paragraph (9)(a) above;~~

~~3. Is known to have been revoked; or~~

~~4. Is known, or through a reasonable effort could be known, by the person holding the records to be materially false.~~

~~(d) Each disclosure made with the inmate or offender written consent shall be accompanied by the following written statement:~~

~~This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.~~

~~(e) Whether or not the inmate or offender has given written consent, 42 C.F.R. Part 2 permits disclosure of information as follows:~~

~~1. To medical personnel to the extent necessary to meet a medical emergency and for continuity of care;~~

~~2. To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel shall not identify, directly or indirectly, any individual inmate or offender in any report of such research, audit, or evaluation, or otherwise disclose inmate or offender identities in any manner.~~

~~3. To communicate within a program or between a program and an entity having direct administrative control over that program;~~

~~4. To law enforcement officers concerning crimes on program premises or against program personnel, or when a threat to commit such a crime has been made;~~

~~5. Reports of suspected child abuse and neglect; and~~

~~6. If authorized by a court order.~~

~~(10) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health, including substance abuse information, regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the information or discuss the medical, mental health or substance abuse condition of the inmate or offender with any person except persons directly necessary to the performance of the~~

~~employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health or substance abuse treatment team shall not disseminate inmate medical or substance abuse information or discuss the medical or mental health or substance abuse condition of an inmate with any person except other members of the healthcare transfer team, medical, mental health or substance abuse staff, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall acknowledge receipt and review of Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC2-813 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.~~

~~(11) Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall maintain as confidential all health or substance abuse information that he sees or hears while performing his duties and responsibilities, and shall not disseminate the information or discuss the medical or substance abuse information with any person except health care staff or substance abuse program staff. Failure to keep health or substance abuse information confidential and private shall subject the inmate to disciplinary action. Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall acknowledge receipt and review of Form DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC1-206 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 7-8-03.~~

Specific Authority 20.315, 944.09, 945.10 FS. Law Implemented 119.07, 944.09, 945.10, 945.25 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, 11-27-07,_____.

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 establish minimum levels for Lake Anoka in Highlands County pursuant to Section 373.042, Florida Statutes and to establish guidance levels for this lake.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lake Anoka in Highlands County, Florida.

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: December 4, 2008, 5:00 p.m.

PLACE: Highlands County Agri Civic Center, 4509 George Boulevard, Sebring, FL 33875

Pursuant to the provisions of 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 Projects 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.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.: 59A-4.202, 59A-4.206
 RULE TITLES: Quality of Care, Termination and Frequency of Review

PURPOSE AND EFFECT: The Agency proposes to amend Chapter 59A-4, F.A.C., consistent with Section 400.235, F.S. The proposed revisions reflect recommendations made by the Panel on Excellence in Long-Term Care. The Gold Seal Program is developed and implemented by this Panel.

SUBJECT AREA TO BE ADDRESSED: Specific to the Gold Seal Program including defining quality of care standards and termination criteria.

SPECIFIC AUTHORITY: 400.235(9) FS.

LAW IMPLEMENTED: 400.235 FS.

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

DATE AND TIME: December 8, 2008, 1:00 p.m.

PLACE: Hurston South Tower, 400 W. Robinson St., First Floor, Conference Room A, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Dombrowski, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-3.0251	Definitions Relating to Emergency Unemployment Compensation
60BB-3.0252	Emergency Unemployment Compensation
60BB-3.0253	Emergency Unemployment Compensation Individual Accounts
60BB-3.0254	How to Apply for Emergency Unemployment Compensation
60BB-3.0255	Applicability of Emergency Unemployment Compensation Rules
60BB-3.029	Public Use Forms

PURPOSE AND EFFECT: The new rules and rule amendments set forth in this Notice of Proposed Rule Development implement the procedures and policy relating to the federally funded Emergency Unemployment Compensation Program created by Public Law 110-252 and implemented in Florida through an agreement between the Agency for Workforce Innovation and the United States Department of Labor.

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Claims and Benefits.

SPECIFIC AUTHORITY: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.036, 443.091, 443.101, 443.111, 443.151, 443.171(5), 43.1715(1), 443.191, 443.221(3) FS.

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

DATE AND TIME: Monday, December 1, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Agency for Workforce Innovation, 107 E. Madison Street, Room B-049, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Audrey L. Gaten, 107 E. Madison Street, Room 110, Tallahassee, Florida 32399; (phone) (850)245-7150; (fax) (850)921-3230; (email) audrey.gaten@flaawi.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John R. Perry, Assistant General Counsel, 107 E. Madison Street, Room 110, Tallahassee, Florida 32399; (phone) (850)245-7150; (fax) (850)921-3230; (email)

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.:	RULE TITLE:
61G10-14.001	Probable Cause Determination

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to clarify probable cause panel composition.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Determination.

SPECIFIC AUTHORITY: 455.225(3) FS.

LAW IMPLEMENTED: 455.225(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.:	RULE TITLE:
61G14-15.004	Boarding and Disembarking

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule related to boarding and disembarking for Fort Pierce pilots.

SUBJECT AREA TO BE ADDRESSED: Boarding and Disembarking.

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.002, 310.141 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.007 RULE TITLE: Application Closure After 24 Months

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide instruction concerning application closure after 24 months.

SUBJECT AREA TO BE ADDRESSED: Application Closure After 24 Months.

SPECIFIC AUTHORITY: 490.004(4), 490.005(3) FS.

LAW IMPLEMENTED: 490.005(3) 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: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-11.007 Application Closure After 24 Months.

(1) The Board shall close the application file of and issue a final order of denial to any applicant for licensure by examination who fails to pass the Examination for Professional Practice in Psychology and the Florida laws and rules

examination or who fails to submit evidence of completion of the postdoctoral, supervised experience within 24 months of the issuance of the Board's letter advising that the applicant has been approved for examination.

(2) The Board may grant an additional twelve (12) months to comply with the requirements of subsection (1) above, of up to 36 months, to any applicant who files a written request for extension and demonstrates that the applicant has made a good faith effort to comply but has failed to comply because of illness or unusual hardship.

Specific Authority 490.004(4), 490.005(3) FS. Law Implemented 490.005(3) FS. History-New

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-18.008 RULE TITLE: Board Approval of Specialty Certifying Bodies

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

SUBJECT AREA TO BE ADDRESSED: Board Approval of Specialty Certifying Bodies.

SPECIFIC AUTHORITY: 490.0149, 490.004(4) FS.

LAW IMPLEMENTED: 490.0149 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.: 1B-24.001 RULE TITLES: General
1B-24.003 Records Retention Scheduling and Disposition

PURPOSE AND EFFECT: The purpose of this amendment is to update guidelines for scheduling and disposing of public records. Updated guidelines reflect current best practices in

managing public records and ensuring their retention and secure disposition in accordance with public records provisions of Florida Statutes, Chapters 119 and 257.

SUMMARY: This amendment properly alphabetizes and clarifies existing definitions and adds or deletes definitions as needed; reorganizes certain sections to put like subjects together and provide better flow; clarifies requirements for disposition documentation; adds new language regarding methods of destruction; and provides improved language, grammar, and punctuation throughout.

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: 119.021(2)(a), 257.14, 257.35(7), 257.36(6) FS.

LAW IMPLEMENTED: 119.021(2)(b)-(d), 257.35, 257.36 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, December 8, 2008, 2:00 p.m.

PLACE: Conference Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jim Berberich, Program Manager, Information Resources Management, (850)245-6750. If you are 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: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail jberberich@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

PUBLIC RECORDS SCHEDULING AND
DISPOSITIONING

1B-24.001 General.

(1) This chapter establishes standards and procedures for the scheduling and dispositioning of public records to promote economical and efficient management of records and to ensure that records of archival value under an agency's control are so

designated and ultimately transferred to the Florida State Archives or to a local records office, archives, or historical records repository.

(2) Each agency in the State of Florida is responsible for complying with the provisions of this chapter.

(3) For the purpose of this chapter:

(a) "Agency" means any state, county, or municipal officer, department, district, division, board, bureau, commission or other separate unit of government created or established by law.

(b) "Custodian" means the elected or appointed state, county, district, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.

(c) "Disposition" means final actions taken with regard to public records that have met all retention requirements and are no longer needed for current government business as indicated in General Records Schedules or Records Retention Schedules. Disposition may include either destruction of public records or transfer of public records to the custody of another public agency such as the Florida State Archives or a local government archives or records repository. "Database Management System" means a set of software programs that controls the organization, storage, and retrieval of data (fields, records and files) in a database. The system also controls the security and integrity of the database.

(d) "Division" means the Division of Library and Information Services of the Department of State.

(e) "Electronic records" means any information that is recorded in machine readable form. "Florida State Archives" means the program maintained by the Division for the preservation of those public records and other papers that have been determined by the Division to have sufficient historical or other value to warrant their continued preservation by the State and which have been accepted by the Division for deposit in its custody.

(f) "~~General Records Schedules~~" means ~~retention requirements issued by the Division to establish disposition standards for public records common to specified agencies within the State of Florida which state the minimum time such records are to be kept.~~ "Florida State Archives" means the program maintained by the Division for the preservation of those public records and other papers that have been determined by the Division to have sufficient historical or other value to warrant their continued preservation by the State and which have been accepted by the Division for transfer to deposit in its custody.

(g) "~~Electronic Records~~" means ~~any information that is recorded in machine readable form.~~ "~~General Records Schedules~~" means retention requirements established ~~issued~~ by the Division ~~to establish disposition standards~~ for public

records common to all agencies or specified types of agencies within the State of Florida indicating which state the minimum time such records must be kept.

(h) “Intermediate files” (processing files) are temporary electronic files used to create, correct, reorganize, update, or derive output from master data files. Intermediate files are precursors of public records, and are not, in themselves, public records which must be retained. Intermediate files only exist provided a final product is subsequently generated which perpetuates, communicates, or formalizes knowledge of some type. In the absence of such a final product, processing files constitute final evidence of the knowledge to be recorded and shall not be construed as intermediate files for the purposes of this chapter. “Public Records” are those as defined in section 119.011, Florida Statutes.

(i) “Record (Master) Copy” means public records specifically designated by the custodian as the official record. “Public Records” are those as defined in Section 119.011, Florida Statutes and include records that are designated by statute as confidential or exempt from public disclosure.

(j)(i) “Duplicate (or Convenience) Records” means reproductions of record (master) copies, prepared simultaneously or separately, which are designated as not being the official copy. “Record (m)Master cCopy” means public records specifically designated by the custodian as the official record.

(k) “Record sSeries” means a group of related public records documents arranged under a single filing arrangement or kept together as a unit (physically or intellectually) because they consist of the same form, relate to the same subject or function, result from the same activity, document a specific type of transaction, or have some other relationship arising from their creation, receipt, or use certain common characteristics. A record series might contain records in a variety of forms and formats that document a particular program, function, or activity of the agency.

(l) “Records Retention Schedule” means retention requirements established by the Division for public records held by a specified agency within the State of Florida indicating the minimum time such records must be kept a standard approved by the Division for the agency’s orderly retention, transfer, or disposition of public records taking into consideration their legal, fiscal, historical, and administrative values.

(m) “Retrospective conversion project” means the bulk microfilm or digital reformatting of existing backfiles; it does not refer to day-to-day scanning of current items conducted as part of daily workflow. “Records Management Liaison Officer” means an individual designated by the agency that serves as a contact person to the Division and is assigned responsibilities by the Custodian.

~~(n) “Intermediate Records” (Processing Files) are temporary records used to create, correct, reorganize, update, or derive output from master data files. Intermediate records are precursors of public records, and are not, in themselves, public records which must be retained. Intermediate record only exist provided a final product is subsequently generated which perpetuates, communicates, or formalizes knowledge of some type. In the absence of such a final product, processing files constitute final evidence of the knowledge to be recorded and shall not be construed as intermediate files for the purposes of this chapter.~~

~~(o) “Supporting Documents” means public records assembled or created to be used in the preparation of other records which are needed to trace actions, steps, and decisions covered in the final or master record.~~

~~(p) “Drafts” are materials, which constitute precursors of governmental “records” and are not, in themselves, intended as final evidence of the knowledge to be recorded. Information in a form which is not intended to perpetuate, communicate, or formalize knowledge of some type and which is fully represented in the final product is a “draft” and not a “public record.”~~

Specific Authority 257.14, 257.35(7), 257.36(6) FS. Law Implemented 257.35, 257.36 FS. History—New 1-8-80, Formerly 1A-24.01, 1A-24.001, Repromulgated 3-23-93, Amended 2-20-01,

1B-24.003 Records Retention Scheduling and Dispositioning.

(1) The Division issues General Records Schedules which establish minimum retention requirements for record series common to all agencies or specified types of agencies based on the legal, fiscal, administrative, and historical value of those record series to the agencies and to the State of Florida.

(2)(4) For each record series not covered by General Records Schedules established by the Division, each Eac agency shall submit to the Division a request for a records retention schedule on Department of State Form LS5E-105REff.1-09+, “Request for Records Retention Schedule” which is hereby incorporated by reference and made part of this rule, for all records series. A copy of Form LS5E-105REff.1-09+, effective; January 2009+, may be obtained from the Division of Library and Information Services Bureau of Archives and Records Management, Department of State, Mail Station 9A, The Capitol, Tallahassee, Florida 32399-0250, or from the Division’s Records Management Web site at <http://dlis.dos.state.fl.us/RecordsManagers>. This schedule shall be developed to reflect the legal, fiscal, historical and administrative requirements of the agency for each record series The schedule shall designate whether the series constitutes a record (master) copy or duplicate. Form LS5E-105REff.1-01 is to be signed by the

eustodian of the records, or his or her designee, and submitted to the Division for determination of official retention requirements.

(3) In completing Form LS5E-105REff.1-09, "Request for Records Retention Schedule," the agency shall consider the legal, fiscal, administrative, and historical value of each record series to the agency and to the State of Florida. The custodian of the records or his or her designee shall sign the Form LS5E-105REff.1-09 and submit it to the Division for determination of official retention requirements.

(4)(2) Retention and scheduling of intermediate files are not feasible due to their transitory nature; therefore, and do not require submission of Form LS5E-105REff.1-09, "Request for Records Retention Schedule" is not required for intermediate files.

(5)(3) Each Request for Records Retention Schedule is shall be analyzed by the Division in the context of the submitting agency's statutory functions and authorities. Florida Statutes, administrative rules, operating procedures, applicable federal regulations, and other such sources shall be researched to assist in the Division's determination of the value and retention requirements of each record series a record's value.

(6)(4) The Division shall review Request for In addition, the Records Retention Schedule forms is reviewed to determine whether the records may merit transfer to further retention by the State in the Florida State Archives or to a local records office, archives, or historical records repository. This determination is based upon whether the records' enduring have significant legal, fiscal, administrative, and or historical information values (archival value) to merit such further retention. If the Division determines that the records may have archival value, an indication of such potential archival value shall be made on the Request for Records Retention Schedule form. The main objectives of this determination are to identify and ensure the preservation of preserve those records of archival value pertaining to the operation of government and to protect the rights and interests of the citizens of the state.

(5) In the event that records are of archival value, an indication is made on the Records Retention Schedule that such historical records are to be transferred to the Florida State Archives as part of the retention requirements.

(6) Local government records having archival value may be loaned to local historical records repositories for preservation provided they are maintained under the provisions of Chapter 119, Florida Statutes.

(7) The Division, with information submitted on Form LS5E-105REff.1-09, "Request for Records Retention Schedule" and its own research into the legal, fiscal, administrative, and historical and administrative value of the record series, shall create an official "Records Retention Schedule." Once the Division has approved an official Records Retention Schedule, the submitting agency shall adhere to the terms of that schedule for the record series

described therein. Once approved by the Division, the Records Retention Schedule becomes the official retention for the record series of the submitting agency.

(8) An approved Records Retention Schedule may later need to be revised based on new statutory, regulatory, or other requirements or agency needs. When changes are necessary, the agency shall submit a new Form LS5E-105REff.1-09, "Request for Records Retention Schedule" for the record series indicating the nature of the changes and the reason they are necessary. Revised Records Retention Schedules shall be processed in the manner specified in subsections 1B-24.003(2)-(8), F.A.C., above. After an agency has established an approved Records Retention Schedule in accordance with the foregoing procedures, it may become apparent that the schedule needs to be revised. When changes are necessary, the specific record series of the approved schedule shall be resubmitted by the agency, with an appropriate explanation for the revision. The approved Records Retention Schedule shall receive the next consecutive number.

(9) General Records Schedules are originated by the Division and are used by agencies designated by the Division. Utilization of General Records Schedules eliminates the need to comply with the provisions of subsection 1B-24.003(1), F.A.C. of this chapter.

(9)(a) Public records may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division. Photographic reproductions or reproductions through electronic recordkeeping systems may substitute for the original or paper copy, per Section 92.29, F.S., Photographic or electronic copies. Minimum standards for image reproduction shall be in accordance with Rules 1B-26.0021 and 1B-26.003, Florida Administrative Code. An electronic or microfilmed copy serving as the record (master) copy must be retained for the length indicated for the record (master) copy in the applicable retention schedule. An agency that designates an electronic or microfilmed copy as the record (master) copy may then designate the paper original as a duplicate and dispose of it in accordance with the retention requirement for duplicates in the applicable retention schedule unless another law, rule, or ordinance specifically requires its retention.

(b) Any state agency record series identified by either a General Records Schedule or approved Records Retention Schedule as having possible archival value shall not be destroyed without the approval of the Florida State Archives.

(c) Where a local government has formally established a records office, archives, or historical records repository, local government agencies within that jurisdiction may transfer records of archival value to that repository. An agency may also loan records to another governmental jurisdiction or to a non-government historical records repository or historical society provided an agreement is signed by both parties specifying the required conditions of the loan, including the

responsibilities of both parties for the management of public records in accordance with Chapter 119, Florida Statutes. The loaning agency shall remain the legal custodian and retain ultimate responsibility for the maintenance and preservation of the records, including ensuring accessibility to the records and non-disclosure of statutorily exempt or confidential information.

(d)(10) Prior to records disposition, agencies an agency must ensure that all retention requirements have been satisfied. For each record series being disposed of, agencies shall identify and document The minimum requirements for each records disposition is the identification and documentation of the following:

- 1.(a) Records retention sSchedule number;
- 2.(b) Item number;
- 3.(c) Record series title;
- 4.(d) The Inclusive dates of the records; and

5.(e) The Vvolume in cubic feet- for paper records; for electronic records, record the number of bytes and/or records and/or files if known, or indicate that the disposed records were in electronic form; and

6. Disposition action (manner of disposition) and date.

Agencies are not required to document the disposition of records with a retention of "Retain until obsolete, superseded or administrative value is lost" (OSA) except for records that have been microfilmed or scanned as part of a retrospective conversion project in accordance with Rules 1B-26.0021 or 1B-26.003, Florida Administrative Code, where the microfilm or electronic version will serve as the record (master) copy. A public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division. Photographic reproductions or reproductions through electronic recordkeeping systems may substitute for the original or paper copy, per Section 92.29, F.S. Minimum standards for image reproduction shall be in accordance with Rules 1B-26.0021 and 1B-26.003, Florida Administrative Code.

(10) Agencies shall ensure that all destruction of records is conducted in a manner that safeguards the interests of the state and the safety, security, and privacy of individuals. In destroying records containing information that is confidential or exempt from disclosure, agencies shall employ destruction methods that prevent unauthorized access to or use of the information and ensure that the information cannot practicably be read, reconstructed, or recovered. The agency shall specify the manner of destruction of such records when documenting disposition. Where possible, recycling following destruction is encouraged.

(a) For paper records containing information that is confidential or exempt from disclosure, appropriate destruction methods include burning in an industrial incineration facility, pulping, pulverizing, shredding, or macerating. High wet strength paper, paper mylar, durable-medium paper substitute,

or similar water repellent papers are not sufficiently destroyed by pulping and require other methods such as shredding or burning.

(b) For electronic records containing information that is confidential or exempt from disclosure, appropriate destruction methods include physical destruction of storage media such as by shredding, crushing, or incineration; high-level overwriting that renders the data unrecoverable; or degaussing/demagnetizing.

(c) For other non-paper media containing information that is confidential or exempt from disclosure, such as audio tape, video tape, microforms, photographic films, etc., appropriate destruction methods include pulverizing, shredding, and chemical decomposition/recycling.

(d) Agencies shall not bury confidential or exempt records since burying does not ensure complete destruction or unauthorized access.

(11) Each agency shall submit to the Division, once a year, a signed statement attesting to the agency's compliance with records management laws, rules, and procedures.

~~(12) Any record series identified, by either a General Records Schedule or approved Records Retention Schedule, indicating archival value cannot be destroyed without the approval of the Florida State Archives.~~

~~(12)(13) The Division shall compile an annual summary of agency records scheduling and disposition activities to inform the Governor and the Legislature regarding on statewide records management practices and program compliance.~~

Specific Authority 119.021(2)(a), 257.35(7), 257.36(6) FS. Law Implemented 119.021(2)(b)-(d), 257.35, 257.36 FS. History--New 2-20-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail jberberich@dos.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Judith Ring, Division of Library and Information Services, Kurt S. Browning, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 14, 2008

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.047 RULE TITLE: State Building Code Adopted

PURPOSE AND EFFECT: To address statutorily defined issues within the 2007 Edition of the Florida Building Code and establish March 1, 2009 as the effective date for that edition.

SUMMARY: Stakeholders have identified many issues within the 2007 Florida Building Code relating to internal conflict of the Code's provisions, conflict with the Florida Fire Prevention Code, provisions impacted by changes to law, and the other statutory grounds identified in Section 553.73(7), F.S. Additionally, by amendment to Chapter 9B-13, F.A.C., the Commission is enhancing energy conservation measures required by the Florida Energy Efficiency Code for Building Construction. This rule amendment adopts the 2007 Edition of the Florida Building Code as amended to address the foregoing, and delays its effective date until March 1, 2009. The specific text of amendments to the Code can be accessed at www.floridabuilding.org. If assistance is required locating amendments, please contact staff as indicated below.

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: 553.73(1), (2), (6), (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, Section 10, Chapter 2007-1, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida.

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

DATE AND TIME: December 10, 2008, 8:30 a.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Embassy Suites, 3705 Spectrum Boulevard, Tampa, Florida 33612

Pursuant to the provisions of 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247. If you are 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 Edition, as updated by the Florida Building Commission on July 1, 2005, and as amended by the Commission on December 11, 2005, December 8, 2006, and May 21, 2007, incorporated herein by reference is hereby adopted as the building code for the State of Florida until February 28, 2009.

(2)(+) Effective March 1, 2009, the Florida Building Code, 2007 edition, as updated by the Florida Building Commission, and as approved by the Commission on August 21, 2007, and amended by the Commission on December 10, 2008, incorporated herein by reference is hereby adopted as the building code for the State of Florida.

(3)(-) Modifications and Amendments. All proposed modifications to the selected base codes and amendments to the Florida Building Code shall be submitted on the form adopted by reference in subsection 9B-3.050(4), F.A.C., that must be completed in full prior to submittal. The text of the proposed modification or amendment must be provided in legislative format, with underlining indicating where new language is added to the existing provisions and strikeout indicating where existing language is deleted. Copies of the form may be obtained by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

(4) PROPOSED EFFECTIVE DATE MARCH 1, 2009.

Specific Authority 553.73(1), (2), (6), (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, Section 10, Chapter 2007-1, Laws of Florida Law Implemented 553.72, 553.73(2), (3), (6), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, 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, 5-21-07, 10-1-08, 3-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas G. Pelham, Secretary, Department of Community Affairs

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

RULE NO.: 9B-70.002
 RULE TITLE: Commission Approval and Accreditation of Advanced Building Code Training Courses

PURPOSE AND EFFECT: To include within the forms adopted by reference space for additional information required by previous amendment, add features to the forms to accommodate users, correct form numbers and more specifically identify internet location of forms.

SUMMARY: Forms are renumbered to reflect the rule in which they are adopted and functionally titled consistent with their use online; the internet location of the screens is more explicitly identified; effective date provided within the rule and on the forms themselves; and the forms provide a mechanism whereby incomplete work may be saved for completion at a later time.

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: 553.841(2) FS.

LAW IMPLEMENTED: 553.841 FS.

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

DATE AND TIME: December 10, 2008, 8:30 a.m. (or as soon thereafter as the matter is brought before the Commission in accordance with its agenda)

PLACE: Embassy Suites Hotel, 3075 Spectrum Boulevard, Tampa, Florida 33612

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using the Register Accreditor function and associated online screens, Form # 9B-70.002(1), effective January 1, 2009 ~~FBCED 2003-001~~ adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org/BCISOld/ce/ce_pb_ce.aspx. Applications shall be accompanied by an application fee of \$100.00.

Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, or equivalent as specified below, or possesses an active license issued pursuant to Section 471.015, 481.213, 481.311, 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. When an accreditor application is submitted to accredit only accessibility courses by an individual who can demonstrate proficiency acceptable to the Commission as a subject matter expert in the field of accessibility the Commission shall approve that applicant to accredit accessibility courses. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

(a) through (3) No change.

(4) Course Accreditation by the Florida Building Commission. Accredited Courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code; or Florida Statutes or rules related to the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education with an insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced Building Code courses shall register with the Building Code Information System using the Register Training Provider function and associated online screens, Form 9B-70.002(4)(a) effective January 1, 2009 ~~FBCED 2003-002, Provider Registration~~, adopted herein by reference and available from the Building Code Information System at http://www.floridabuilding.org/BCISOld/ce/ce_pb_ce.aspx, and pay a registration fee of \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing the Submit a Course Application function and associated online screens, Form 9B-70.002(4)(b) effective January 1, 2009 ~~FBCED 2003-003, Course Accreditation Application~~, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.

(c) through (g) No change.

(5) PROPOSED EFFECTIVE DATE MARCH 1, 2009.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History--New 6-8-05, Amended 4-30-07, 6-12-08, 3-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas G. Pelham, Secretary, Department of Community Affairs

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE NO.: 20-39.003
 RULE TITLE: Approved Boxes

PURPOSE AND EFFECT: Deleting provision requiring fiberboard honeycomb cells from approved cartons DOC-20-P and DOC-31-P.

SUMMARY: Deleting requirement for using fiberboard honeycomb cells from two approved containers.

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: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

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

DATE AND TIME: December 17, 2008, 10:30 a.m.

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

20-39.003 Approved Boxes.

(1) Unless otherwise noted, all approved boxes are 4/5 bushel capacity.

(2) The name of the manufacturer and the official container number as designated in subsection (3) below shall be printed on the bottom outside flap of each approved box body in plainly legible characters.

(3) The following containers are hereby designated as approved boxes and, unless otherwise noted, may be used for shipment of all varieties of citrus fruit:

Approved Container Number	Construction Styles	Inside Body Dimension in inches (L x W x D)	Minimum Board Weights (actual weight may be heavier)*** Body	Minimum Board Weights (actual weight may be heavier)*** Cover
DOC-01-P	Singlewall	17 x 10 5/8 x 9 5/8**	42-33-69	42-33-42
DOC-02-V	Singlewall	17 x 11 1/2 x 9 3/4	42-33-69	42-33-42
DOC-03-V	Singlewall	Oversized 17 x 12 x 9 3/4	42-33-69	42-33-42
DOC-04-PT	Tray style	17 x 10 5/8 x 9 5/8**	42-33-42	42-33-42
DOC-05-PB	Bliss style	17 x 10 5/8 x 9 5/8**	42-33-42	33-33-33
DOC-06-VT	Tray style	17 x 11 1/2 x 9 3/4	42-33-42	42-33-42
DOC-07-VT	Tray style	Oversized 17 x 12 x 9 3/4	42-33-42	42-33-42
DOC-08-VB	Bliss style	Oversized 17 x 11 1/2 x 9 3/4	42-33-42	33-33-33

DOC-09-VB	Bliss style	17 × 12 × 9 3/4	42-33-42	33-33-33
DOC-10-P	Doublewall	Oversized 17 × 10 5/8 × 9 5/8	42-33-42-33-42	42-26-42
DOC-11-XP	Singlewall	Partial telescope self-locking lid Tangerines and citrus hybrids only.**	90-33-90	42-33-42
DOC-12-XPT	Tray style	17 × 10 5/8 × 10 1/8**	69-33-69	42-33-42
DOC-13-XPS	Super X style	17 × 10 5/8 × 10 1/8**	42-40-69	42-33-42
DOC-14-P‡‡	Singlewall	15 7/8 × 10 5/8 × 6	42-33-42	42-33-42
DOC-15-PT‡‡	Tray style	Full Telescope** 17 5/8 × 10 5/8 × 6	42-33-42	42-33-42
DOC-16-WP	Wood slat	Full Telescope** 16 1/8 × 10 5/8 × 10 5/8	Wood slat	Wirebound
DOC-17-WP	Wood slat	End panels may be of material other than wood.** 19 7/8 × 7 1/2 × 11 1/2	Wood slat	Wirebound
DOC-18-P	Singlewall	End panels may be of material other than wood. Tangerines and citrus hybrids only.**	42-40-42	42-33-42
DOC-19-P	Singlewall	17 × 10 5/8 × 9 5/8**	45-33-45	42-33-42
DOC-20-XP‡‡	Singlewall	17 × 10 5/8 × 9 5/8**	69-40-69	42-33-42
DOC-21-PT	Tray style	17 × 10 9/16 × 9 5/8	42-40-69	42-33-42
DOC-22-P‡‡	Singlewall	4" partial telescope tray cover. Tangerines and citrus hybrids only.**	42-33-42	42-33-42
DOC-23-VT	Tray style	13 1/4 × 10 5/8 × 7	42-33-42	42-33-42
DOC-24-P	Singlewall	Full telescope** 17 × 12 × 9 5/8	69-33-42	42-33-42
DOC-25-PT‡‡	Tray style	End slotted with short end flaps. Oversized	42-33-42	42-33-42
DOC-26-P	Singlewall	17 × 10 5/8 × 9 5/8	69-40-90	42-33-42
DOC-27-WV‡‡	Collapsible wooden bin	4" partial telescoping tray cover. Tangerines and citrus hybrids only.**	42-33-42	42-33-42
DOC-28-P‡‡	Singlewall	Full Telescope** 16 1/8 × 10 5/8 × 6	42-33-42	42-33-42
DOC-29-P	Singlewall	18 1/4 × 12 1/2 × 11 3/4	90-40-90	42-33-42
		Having three plastic trays per carton**	Wooden bin	None
		46 × 38 × 21		
		Holds approximately 20 4/5 bu. equiv. units.		
		17 × 10 5/8 × 6	42-33-42	42-33-42
		Full Telescope**		
		16 3/4 × 11 1/2 × 11 3/8	42-40-69	42-33-42

		<u>Used with or without Having</u> fiberboard honeycomb cells**		
DOC-30-P††	Singlewall	17 × 10 × 6 15/16	90-40-90	42-33-42
DOC-31-P	Singlewall	Corrugated, full telescope** 16 11/16 × 11 8/16 × 11 14/16	69-40-42	42-33-42
DOC-32-OV††	Triplewall-Bulk bin	Corrugated with <u>or without</u> <u>use of</u> honeycomb dividers** 46 1/2 × 38 × 36	69-33-69-33-69- 33-90	69-26-69
DOC-33-P	Singlewall	Octagonal watermelon bin with self-locking lid. Holds appx. 28 4/5 bu. equiv.	42-33-69	42-33-42
DOC-34-OV††	Triplewall-Bulk bin	20 5/16 × 11 13/16 × 7 Telescoping with two trays per carton** 46 × 37 1/2 × 36	42-40-90-42-40- 90-40-90	42-26-69
DOC-35-OV††	Triplewall-Bulk bin	Octagonal with interlocking flaps. Holds approx. 28 4/5 bu. equiv.	90-33-42-33-42- 33-90	69-26-69
DOC-36-P	Doublewall	46 × 38 × 26 1/2 Tuff octagonal tube, holding appx. 24 4/5 bu. equiv.	42-36-33-26-42	
DOC-37-RV††	Triplewall-Bulk bin	23 5/8 × 15 5/8 × 7 Die cut platform tray, open top 46 1/2 × 38 1/2 × 26 1/2	64-33-35-64-33- 96	35-26-35
DOC-38-P	Singlewall	Corrugated rectagon with diagonal corners and interlocking bottom (holds appx. 20 to 24 4/5 bu. equiv.)	99-33-90	42-33-69
DOC-39-P	Doublewall	16 3/4 × 11 1/2 × 10 3/8 Telescoping, half-slotted, optional molded fiber spring cushion trays.**	42-33-33-33-42	42-33-42
DOC-40-P	Doublewall	17 × 10 5/8 × 9 5/8 Corrugated, half-slotted	42-33-42-33-42	n/a
DOC-41-P	Plastic	18 15/16 × 14 3/16 × 11 13/16 One-piece, die cut	n/a	n/a
DOC-42-P††	Singlewall	22 1/2 × 14 9/16 × 7 1/8 One-piece, reusable/recyclable high-density polyethylene	90-40-90	42-33-42
		17 1/2 × 11 1/8 × 8 3/4 Holding 2/3 of a standard 4/5 bu.		

DOC-43-OV‡‡	Triplewall 1/2 bulk bin	container, two-layer, full telescoping 38 1/4 x 23 3/4 x 25 1/4 Space-saver, octagon 1/2 bin holding appx. 10 1/2 4/5 bu. equiv. loose or 7-8 4/5 bu. equiv. bagged	69-26-38-26-38-26-65	38-26-38
DOC-44-PT	Doublewall	22 1/8 x 14 11/16 x 6 3/8 B/c flute tray body, C flute cover	42-40-41-40-56	42-33-42
DOC-45-P	Singlewall	17 1/8 x 10 5/8 x 10 3/8 4/5 c-flute, two piece, partial telescoping cover	42-33-57	42-26-35
DOC-46-PT	Doublewall	23 5/8 x 15 5/8 x 7 4/5 40 x 60 Euro Wave Tray	42-40-42-40-42	n/a
DOC-47-PT	Doublewall	14 1/2 x 11 3/8 x 6 5/16 2/5 bu, die-cut, open top, platform tray	33-69-33-69	n/a
DOC-48-PT	Doublewall	22 1/4 x 14 1/2 x 6 3/4 40 x 60 Euro Tray	42-33-42-34-42	n/a
DOC-49-RP	Plastic	22 1/4 x 14 1/2 x 10 3/4 Recyclable plastic container model RPC3	n/a	n/a
DOC-50-RP	Plastic	22 1/4 x 14 1/2 x 8 Recyclable plastic container model RPC2	n/a	n/a
DOC-51-P	Doublewall	22 1/8 x 14 11/16 x 3 13/16 2/5 bu, fully telescoping, singlewall lid and doublewall body; 200# b flute corrugated divider	42-40-42-40-42	42-33-56
DOC-52-PB	Doublewall	22 11/16 x 15 1/4 x 9 1/2 bagmaster Defor XD + vertical tray	42-33-57-33-69	n/a
DOC-53-RP	Plastic	22 7/16 x 14 1/2 x 11 1/16 reusable standard footprint container IFCO model 628	n/a	n/a
DOC-54-P	Doublewall	22 1/8 x 14 11/16 x 6 7/8 40 x 60 body, fully telescoping cover, c-flute	42-40-42-40-56	42-33-69
DOC-55-RP	Plastic	22 3/8 x 14 5/8 x 7 1/4 Recyclable crate model GP6419	n/a	n/a
DOC-56-RP	Plastic	22 3/8 x 14 5/8 x 9 7/8 Recyclable bagmaster crate model GP6425	n/a	n/a

** Container may be volume filled provided the sizes designated for each variety of fruit meet the requirements of subsections 20-39.007(1), 20-39.008(1) and 20-39.009(1), F.A.C.

‡‡ Container does not conform to 4/5 bushel requirement of subsection 20-39.003(1), F.A.C.

*** Minimum board weight requirements shall be waived when a compression strength test by an independent testing laboratory or manufacturer's test report shows that the

container made with a new material is equal to, or better than, compression strength of the container with minimum approved board weight. It shall be the responsibility of the first packinghouse using such container to acquire and provide records of such compression strength testing to the Department of Citrus prior to first use of the container. Each such container shall be identified by the placement of three asterisks (***) printed after the official container number on the bottom outside flap of the box body.

(4) Each container must be ventilated.

Specific Authority 601.11 FS. Law Implemented 601.11 FS. History—Formerly 105-1.03(1)(a), Revised 1-1-75, Amended 8-16-75, 8-11-77, 8-1-78, 8-21-79, 1-15-80, 10-20-80, 5-1-81, 9-1-82, 11-6-83, 10-21-84, 1-1-85, Formerly 20-39.03, Amended 9-11-86, 12-20-87, 10-14-90, 8-23-92, 10-18-92, 1-19-93, 5-23-93, 10-10-93, 1-9-94, 10-16-94, 8-29-95, 10-13-96, 10-26-97, 12-6-98, 2-20-01, 12-26-01, 4-27-03, 10-21-03, 3-22-05,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.731
 RULE TITLE: Revocation or Suspension of Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to elaborate on the types of electronic communication and recording devices that subject an inmate or a visitor to suspension or revocation of visiting privileges.

SUMMARY: The proposed amendment to Rule 33-601.731 would place the components and accessories of electronic communication devices on the list of contraband subjecting inmates and visitors to revocation or suspension of visiting privileges. The amendment would add recording devices to the list of contraband requiring an automatic suspension of inmates' visiting privileges.

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, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.731 Revocation or Suspension of Visiting Privileges.

- (1) No change.
- (2) Indefinite suspension of an inmate's visiting privileges shall be considered by the Institutional Classification Team (ICT) as a management tool when an inmate is found guilty of the following offenses:
 - (a) No change.

(b) Criminal activity, serious rule violations, repeated visiting rule or procedure infractions or security breach. A serious rule violation is a violation that subjects the violator to suspension of privileges for a minimum of two years or to revocation of visiting privileges:-

(c) Possessing or using: a cellular telephone or other portable communication device as defined in Section 944.47(1)(a)6., F.S.; any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under the statute.

- (3) No change.
- (4) An inmate shall be subject to suspension of visiting privileges for three months for a first offense, six months for a second offense and two years for a third or subsequent offense, by the ICT as a management tool when an inmate is found guilty of possessing any of the following contraband or illegal items:
 - (a) Intoxicating beverages,
 - (b) ~~Cellular phone or~~ Recording devices, ~~or~~
 - (c) ~~Pager.~~
 - (5) through (8) No change.
 - (9) Suspension of Visitor's Visiting Privileges.
 - (a) A visitor's visiting privileges shall be revoked by the warden or designee when the visitor:
 - 1. through 6. No change.

7. Is found in possession of or is found passing or attempting to pass to an inmate: a cellular telephone or other portable communication device, as defined in Section 944.47(1)(a)6., F.S.; any components or peripherals to such devices, including but not limited to SIM cards, Bluetooth items, batteries, and charging devices; any other technology that is found to be in furtherance of possessing or using a communication device prohibited under the statute.

- (b) through (c) No change.
- (10) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.044
RULE TITLE: Organ Transplantation
PURPOSE AND EFFECT: The Agency is proposing to update the rule that defines organ transplantation reporting requirements found in Chapter 59C-1, F.A.C.
SUMMARY: The proposed rule is updated to reduce and clarify reporting requirements for organ transplants currently defined in subsection 59C-1.044(5), F.A.C.

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

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

SPECIFIC AUTHORITY: 408.15(8), 408.034(3), (5) FS.
LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(h), (m) FS.

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

DATE AND TIME: Tuesday, December 9, 2008, 1:00 p.m.
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Calvin J. Vice, Sr., PhD, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida 32308 or call (850)488-8762

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.044 Organ Transplantation.

(1) through (4) No change.

(5) Data Reporting Requirements. Facilities with organ transplantation programs shall submit data regarding each transplantation program to the agency or its designee as required by the Florida Center for Health Information and Policy Analysis and the appropriate local health council twice a year. The first submission shall be by August 1 of each year, and shall cover the period between January 1 through June 30 of the same calendar year. The second submission shall be by February 1 of each year, and shall cover the period between July 1 through December 31 of the preceding year. The following data shall be provided for each type of organ transplanted:

- ~~(a) The number of patients by county origin and by zip code.~~
- ~~(b) The average gross revenue per admission.~~
- ~~(c) The average length of stay.~~
- ~~(d) Mortality rates.~~

(6) through (11) No change.

Specific Authority 408.034(3), (5), 408.15(8) FS. Law Implemented 408.034(3), 408.035, 408.036(1)(h), (m) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(x), 10-5.044, Amended 8-24-93, 12-13-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Calvin J. Vice, Sr., PhD, Health Facilities Consultant
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: 60L-32.007
RULE TITLE: Selected Exempt Service Extraordinary Payment Plan

PURPOSE AND EFFECT: Creates a new rule establishing the criteria to allow excluded Selected Exempt Service employees to be eligible to receive extraordinary pay.

SUMMARY: The rule allows excluded Selected Exempt Service employees to be eligible to receive extraordinary compensation; sets forth the eligibility requirements and procedures for such payments; allows the agency/department head the discretion to create and activate an agency-wide extraordinary payment plan.

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

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

SPECIFIC AUTHORITY: 110.1055, 110.201(1), 110.602, 110.605(1), (2) FS.

LAW IMPLEMENTED: 110.201, 110.603 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: December 10, 2008, 10:00 a.m.
PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, FL 32399-0950
 Pursuant to the provisions of 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. Phil Spooner, phil.spooner@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Phil Spooner, Workforce Design and Compensation Manager, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-32.007 Selected Exempt Service Extraordinary Payment Plan.

Notwithstanding the provisions of subsection 60L-34.0031(3), F.A.C., an agency/department may propose, for Department approval, an agency-wide plan to compensate excluded Selected Exempt Service employees who are directed to work hours in excess of the contracted hours in the regular work period due to extraordinary circumstances or critical agency/department need subject to the following:

(1) The plan must be activated in writing by the agency/department head or designee and must document the critical agency/department need, or extraordinary circumstances which include danger or potential danger to life, physical or mental health of employees, clients, the public or other recipients of services provided by the agency which justify activation.

(2) Plan activation shall be contingent upon the availability of budget and revenue to fund the payments and shall include a beginning and ending date.

(3) Payment shall be made at the employee's straight time hourly regular rate of pay on an hour-for-hour basis for any hours worked in excess of the contracted hours during the regular work period.

(4) A record must be maintained of all hours worked and payments made in connection with each plan activation.

Specific Authority 110.1055, 110.201(1), 110.602, 110.605(1), (2) FS. Law Implemented 110.201, 110.603 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Sharon D. Larson, Director of Human Resource Management, Department of Management Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ms. Linda H. South, Secretary of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-27.0041
 RULE TITLE: One Year of Work Experience

PURPOSE AND EFFECT: The Board proposes to promulgate the rule to set forth the documentation requirements regarding the one year of work experience required for licensure.

SUMMARY: The documentation requirements regarding the required one year of work experience for licensure will be stated in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Veloria Kelly, Division Director, at the address listed below.

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: 473.304, 473.308(4) FS.

LAW IMPLEMENTED: 473.306, 473.308(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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.0041 One Year of Work Experience.

If application for licensure is made after December 31, 2008, and the applicant has not applied for and been approved to take the licensure examination by January 1, 2009, the applicant must document one year of work experience as follows:

(1) Definitions. Within the context of this rule, the following definitions apply:

(a) "Applicant." An applicant is a person who has met Florida's educational requirements for licensure and intends from the outset of the supervised experience to meet the supervised experience requirement for licensure.

(b) "Supervised" and "supervision:" the subsection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished.

(c) “Supervisor.” A supervisor is either a licensed certified public accountant in good standing with any regulating body or a chartered accountant recognized by the International Qualifications Appraisal Board (IQAB).

(2) One year of work experience shall be held and understood to mean the rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as required by the employing certified public accountant, commencing after the completion of the educational requirements set forth in subsection 61H1-27.002(3), F.A.C. The experience must either average at least twenty (20) hours a week over no more than one hundred and four (104) weeks or average no more than forty (40) hours a week over no more than fifty-two (52) weeks. Reasonable vacation time and sick leave or other required absences may be permitted. The supervisor, in her or his report to the Department, shall certify that the applicant rendered such services as are customarily performed by full-time, regularly employed staff employees for a minimum of 2,000 hours gained over a period of not less than fifty-two (52) or more than one hundred and four (104) weeks. The sequence of the experience is considered immaterial, that is, whether the experience was secured before or after taking the examination, or partly before the examination and partly after the examination, provided the two periods combined equal at least one year.

(3) The one year of work experience may be achieved by teaching accounting full time for one year at an accredited college or university, as defined in subsection 61H1-27.001(1), F.A.C., under the following conditions:

(a) Full-time teaching as described by the rules of the educational institution where the applicant taught will be accepted by the Board to be full-time teaching. However, in no case will less than twelve (12) semester hours, or the equivalent, be accepted by the Board as full-time teaching.

(b) If the applicant has not taught accounting full time for one year, credit will be allowed by the Board for teaching accounting less than full time on a pro rata basis based upon the number of semester or quarter hours required for full-time teaching at the educational institution where the applicant taught. However, in no case will an applicant receive credit for a full-time teaching year for teaching done in less than one academic year or more credit than one full-time teaching year for teaching done within one calendar year.

(c) Courses outside the fields of accounting and general business will not be counted toward full-time teaching.

(4) Documentation of the one year of work experience shall be made using the Certification of Work Experience form (DBPR Form CPA 32/Revised 9/08) which is hereby incorporated by reference, effective _____, a copy of which may be obtained from the Board office located at 240 NW 76th Drive, Suite A, Gainesville, FL 32607-6655.

Specific Authority 473.304(1), 473.308(4) FS. Law Implemented 473.308(4) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2008

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-710.210	Documents Incorporated by Reference
62-710.500	Registration and Notification
62-710.850	Management of Used Oil Filters
62-710.901	Forms

PURPOSE AND EFFECT: To delete Form 62-710.901(1), Application for Registration of Used Oil and Used Oil Filter Handlers, effective June 9, 2005, and incorporate Form 62-730.900(1)(b) “8700-12FL – Florida Notification of Regulated Waste Activity.”

SUMMARY: Form 62-730.900(1)(b) “8700-12FL – Florida Notification of Regulated Waste Activity” is being revised to include registration of handlers of used oil and used oil filters. The existing used oil registration form will be deleted.

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: 403.704, 403.754, 403.760 FS.

LAW IMPLEMENTED: 403.704, 403.754, 403.760 FS.

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

DATE AND TIME: Thursday, December 12, 2008, 1:00 p.m.

PLACE: Room 609 Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by

contacting: Julie Rainey at (850)245-8713 or julie.c.rainey@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Rainey, Environmental Manager, Department of Environmental Protection, 2600 Blair Stone Road, MS 4560, Tallahassee, FL 32399-3000, (850)245-8713, julie.c.rainey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-710.210 Documents Incorporated by Reference.

(1) through (8) No change.

~~(9) EPA Form 8700-12 has been adopted by reference in Rule 62-730, F.A.C., and may be used when referred to in 40 C.F.R. Part 279.~~

Specific Authority 403.061, 403.704, 403.7545, 403.8055 FS Law Implemented 403.704, 403.7545 FS. History–New 6-8-95, Amended 12-23-96, 3-25-97, 6-9-05,_____.

62-710.500 Registration and Notification

(1) The following persons shall annually register their used oil handling activities with the Department using Form 62-730.900(1)(b), “8700-12FL – Florida Notification of Regulated Waste Activity,” effective date _____, which is hereby adopted and incorporated by reference. This Form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. ~~on DEP Form 62-710.901(1):~~

- (a) Used oil transporters and transfer facilities;
- (b) Used oil processors;
- (c) Used oil fuel marketers who sell used oil fuel; ~~and~~
- (d) Used oil burners of off-specification used oil;
- (2) through (5) No change.

Specific Authority 403.061, 403.704 FS Law Implemented 403.704, 403.754, 403.760 FS. History–New 2-25-85, Formerly 17-7.63, 17-7.630, Amended 1-17-90, Formerly 17-710.500, Amended 6-8-95, 12-23-96, 3-25-97, 6-9-05,_____.

62-710.850 Management of Used Oil Filters.

(1) through (4)(b) No change.

(c) No later than March 1 of each year, each registered used oil filter processor shall submit an annual report for the preceding calendar year to the Department on Form 62-710.901(2)(5). This report shall summarize the records kept pursuant to paragraph (a) of this subsection.

(5) No change.

Specific Authority 403.061, 403.704 FS Law Implemented 403.751, 403.754, 403.769 FS. History–New 6-8-95, Amended 12-23-96, 6-9-05,_____.

62-710.901 Forms.

The forms used by the Department in the used oil management program are adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, and with the subject, title and effective date. The forms can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-710.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Copies of forms may be obtained from a local District Office or by writing to the Used Oil Management Coordinator, MS 4555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) ~~[reserved]~~ Application for Registration of Used Oil and Used Oil Filter Handlers, effective June 9, 2005.

(2) through (7) No change.

Specific Authority 120.53(1), 403.061, FS Law Implemented 403.754, 403.769 FS. History–New 12-23-96, Amended 6-9-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Tim J. Bahr

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

RULE TITLES:

62-730.150

General

62-730.171

Transfer Facilities

62-730.186

Universal Pharmaceutical Waste

62-730.900

Forms

PURPOSE AND EFFECT: To adopt a revised Form 62-730.900(1)(b), “8700-12FL – Florida Notification of Regulated Waste Activity.”

SUMMARY: Form 62-730.900(1)(b), “8700-12FL – Florida Notification of Regulated Waste Activity.” is being revised to include transfer facility notification and to clarify other reporting requirements.

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

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

SPECIFIC AUTHORITY: 403.704, 403.721, 403.7211 FS.

LAW IMPLEMENTED: 403.704, 403.721, 403.7211 FS.

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

DATE AND TIME: Thursday, December 12, 2008, 1:00 p.m.

PLACE: Room 609 Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Julie Rainey at (850)245-8713 or julie.c.rainey@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Rainey, Environmental Manager, Department of Environmental Protection, 2600 Blair Stone Road, MS 4560, Tallahassee, FL 32399, (850)245-8713, julie.c.rainey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-730.150 General.

(1) No change.

(2)(a) All generators (except generators that are conditionally exempt pursuant to 40 CFR 261.5 [as adopted in subsection 62-730.030(1), F.A.C.]), all transporters, and all persons who own or operate a facility which treats, stores, or disposes of hazardous waste, must notify the Department using Form 62-730.900(1)(b), "8700-12FL – Florida Notification of Regulated Waste Activity," effective date April 22, 2007, which is hereby adopted and incorporated by reference, unless they have previously notified. This Form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Rule 62-730.900, F.A.C., contains information on obtaining a copy of this form. In addition, transporters are subject to the reporting requirements of Rule 62-730.170, F.A.C.

(b) All generators, transporters, or persons who own or operate a facility which treats, stores, or disposes of hazardous waste, and everyone required to notify under Rule 62-730.181, F.A.C., shall notify the Department of all changes in status and shall use the "8700-12FL – Florida Notification of Regulated

Waste Activity," Form 62-730.900(1)(b), [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.], form to do so. Changes in status include, but are not limited to: changes in the facility name, location, mailing address, business form, ownership or management control of the facility or its operations; ownership of the real property where the facility is located; facility contact person; type of regulated waste activity; going out of business; tax default; or petition for bankruptcy protection.

(3) through (7) No change.

Specific Authority 403.0611, 403.087, 403.704, 403.721, 403.7234, 403.8055 FS. Law Implemented 403.061, 403.0611, 403.091, 403.151, 403.704, 403.721, 403.722, 403.7222, 403.7234 FS. History—New 5-19-82, Amended 1-5-84, 7-5-85, 7-22-85, Formerly 17-30.15, Amended 5-5-86, Formerly 17-30.150, Amended 8-13-90, 10-14-92, 10-7-93, Formerly 17-730.150, Amended 1-5-95, 9-7-95, 10-10-02, 10-1-04, 1-29-06, 4-22-07, _____.

62-730.171 Transfer Facilities.

(1) No change.

(2)(a) The transporter who is owner or operator of a transfer facility which stores manifested shipments of hazardous waste for more than 24 hours but 10 days or less (hereinafter referred to as "the transfer facility") shall obtain an EPA/DEP identification number for each transfer facility location and notify the Department using Form 62-730.900(1)(b), 62-730.900(1)(e), "8700-12FL – Florida Notification of Regulated Waste Activity," effective date October 28, 2008, which is hereby adopted and incorporated by reference. This Form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(b) through (c) No change.

(d) The transfer facility shall annually submit updated information on Form 62-730.900(1)(b), 62-730.900(1)(e), "8700-12FL – Florida Notification of Regulated Waste Activity," effective date October 28, 2008, which is adopted and incorporated by reference at paragraph 62-730.150(2)(a) 62-730.171(2)(a), F.A.C.

(3)(a)1. No change.

2. Completed Form 62-730.900(1)(b), 62-730.900(1)(e), "8700-12FL – Florida Notification of Regulated Waste Activity," effective date October 28, 2008, which is adopted and incorporated by reference at paragraph 62-730.150(2)(a), F.A.C., 62-730.171(2)(a), F.A.C.

3. through (8) No change.

Specific Authority 403.0877, 403.704, 403.721 FS. Law Implemented 403.0877, 403.704, 403.721 FS. History--New 3-2-86, Amended 6-28-88, Formerly 17-30.171, Amended 8-13-90, 9-10-91, 10-14-92, Formerly 17-730.171, Amended 1-5-95, 1-29-06, 10-28-08,_____.

62-730.186 Universal Pharmaceutical Waste.

(1) through (5)(b) No change.

(6) A handler or a transporter of universal pharmaceutical waste shall notify the Department in writing and receive an EPA Identification Number before accumulating universal pharmaceutical waste, or offering such waste for transport, or transporting such waste, and shall use Form 62-730.900(1)(b), "8700-12FL, Florida Notification of Regulated Waste Activity," effective date April 22, 2007 [as adopted by reference in paragraph 62-730.150(2)(a) ~~62-730.150(2)(b)~~, F.A.C.] to do so. A handler or transporter of hazardous waste that has already notified the Department of its hazardous waste management activities and obtained an EPA Identification Number is not required to renotify under this section.

(7) through (13) No change.

Specific Authority 403.061, 403.151, 403.704, 403.72, 403.721 FS. Law Implemented 120.52, 120.54, 403.061, 403.151, 403.704, 403.72, 403.721 FS. History--New 4-22-07, Amended_____.

62-730.900 Forms.

Forms are listed here by form number. Copies of all forms can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In order to facilitate the initial submission of a complete application, applicants for hazardous waste permits are encouraged to use the Hazardous Waste Facility Permit Application Instructions, which provide guidance to the forms and assistance in assuring that the application complies with the provisions of 40 CFR Part 270 and this chapter.

(1) Notification Forms.

(a) Application for Transfer of a Permit, January 29, 2006. [Form number 62-730.900(1)(a)].

(b) 8700-12FL – Florida Notification of Regulated Waste Activity, April 22, 2007. [Form number 62-730.900(1)(b)].

~~(c) 8700-12FL – Florida Notification of Regulated Waste Activity, October 28, 2008. [Form number 62-730.900(1)(c)].~~

(2) through (8) No change.

Specific Authority 120.53, 403.061, 403.0611 FS. Law Implemented 120.52, 120.53, 120.55, 403.0611, 403.0875, 403.7234 FS. History--New 11-30-82, Amended 4-1-83, 5-5-83, 8-21-83, 3-1-84, 5-31-84, 9-17-84, 10-29-84, 2-11-85, Formerly 17-1.207(1), (3)-(6), Amended 2-6-86, 4-8-86, 9-23-87, Formerly 17-30.401, Amended 6-28-88, 12-12-88, Formerly 17-30.900, Amended 7-3-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.900, Amended 1-5-95, 10-10-02, 1-29-06, 4-22-07, 10-28-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim J. Bahr

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

62-737.400

62-737.900

RULE TITLES:

Requirements and Management Standards for Handlers and Transporters of Spent Universal Waste Lamps and Devices

Forms

PURPOSE AND EFFECT: To delete Form 62-737.900(1), Universal Waste Mercury-Containing Lamp and Device Transporter and Handler Registration Forms and Instructions, Effective 5-20-98, and incorporate Form 62-730.900(1)(b), "8700-12FL – Florida Notification of Regulated Waste Activity."

SUMMARY: Form 62-730.900(1)(b), "8700-12FL – Florida Notification of Regulated Waste Activity," is being revised to include registration of handlers and transporters of universal waste mercury lamps and devices. The existing mercury registration form will be deleted.

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: 403.704, 403.7186, 403.721, FS.

LAW IMPLEMENTED: 403.704, 403.7186, 403.721 FS.

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

DATE AND TIME: Thursday, December 12, 2008, 1:00 p.m.

PLACE: Room 609 Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Julie Rainey at (850)245-8713 or julie.c.rainey@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Rainey, Environmental Manager, Department of Environmental Protection, 2600 Blair Stone Road, MS 4560, Tallahassee FL 32399-3000, (850)245-8713 or julie.c.rainey@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-737.400 Requirements and Management Standards for Handlers and Transporters of Spent Universal Waste Lamps and Devices.

(1) through (3)(a)1. No change.

2. Before beginning operations and annually thereafter by March 1, a handler or a transporter of spent universal waste lamps or devices, excluding a person specified in paragraph 1. above, and the sponsor of a reverse distribution program shall register by notifying the Department, ~~using DEP Form 62-737.900(1),~~ of its intent to be a handler or transporter or to operate a reverse distribution program, and certifying that it has employee training procedures in place for the proper handling, emergency response, and containment and cleanup of its spent universal waste lamps or devices. This registration/notification shall be made by submitting a completed Form 62-730.900(1)(b), "8700-12FL - Florida Notification of Regulated Waste Activity," effective date _____, which is hereby adopted and incorporated by reference [this Form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400]; and

3(a)3. through c. No change.

4. Within 60 days of receipt of a completed registration form (DEP Form 62-730.900(1)(b) [adopted by reference in subparagraph 62-737.400(3)(a)2., F.A.C.] ~~62-737.900(1)~~ and supporting material, including the registration fee if applicable, the Department shall review the form and supporting material and shall either:

4.a. through (b) No change.

1. Before meeting or exceeding an accumulation amount of 5,000 kilograms of lamps or devices, a generator, reverse distribution handler facility, or other handler shall notify the Department per 40 CFR 273.32(b) as adopted by reference under Rule 62-730.185, F.A.C., using DEP Form 62-730.900(1)(b) [adopted by reference in subparagraph 62-737.400(3)(a)2., F.A.C.] ~~EPA Form 8700-12~~ and receive a DEP/EPA ID number;

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

Specific Authority 403.061, 403.7186 FS Law Implemented 403.704, 403.7186, 403.721 FS. History--New 5-10-95, Amended 5-20-98, _____.

62-737.900 Forms.

The following forms are hereby adopted and incorporated by reference. The forms are listed by form number, title, and effective date. The forms can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-737.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Copies of the forms and instructions may be obtained by writing to the Hazardous Waste Management Section (MS 4555), Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) ~~[reserved] DEP Form 62-737.900(1), Universal Waste Mercury-Containing Lamp and Device Transporter and Handler Registration Form and Instructions. Effective 5/20/98.~~

(2) through (3) No change.

(4) ~~[reserved] EPA Form 8700-12, Notification of Regulated Waste Activity (and accompanying instructions). Effective 10/9/96.~~

(5) through (14) No change.

Specific Authority 403.061, 403.7186 FS Law Implemented 403.7186, 403.721 FS. History--New 5-10-95, Amended 5-20-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim J. Bahr
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007
RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the revised application form.

SUMMARY: The proposed rule amendment incorporates the revised application form into the forms rule.

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

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

SPECIFIC AUTHORITY: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) DH-MQA 1000, entitled "Board of Medicine Medical Doctor Application for Licensure," (08/08 ~~07/06~~).

(2) through (32) No change.

Specific Authority 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, 6-25-08,_____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2008

DEPARTMENT OF HEALTH

Board of Medicine

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

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the licensure application in the application rule.

SUMMARY: The proposed rule amendment incorporates the revised application form into the Board's application rule.

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

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

SPECIFIC AUTHORITY: 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.009 Applications.

(1) All persons applying for licensure shall submit an application to the Executive Director ~~on forms approved by the Board and provided by the Department. The application shall be made on Form DH-MQA 1000 (revised 08/08), hereby adopted and incorporated by reference, and can be obtained from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html.~~ The application must be accompanied by the application fee.

(2) through (9) No change.

Specific Authority 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History--New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06,_____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2008

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.002
 RULE TITLE: Requirements for Certification
 PURPOSE AND EFFECT: The purpose and effect is to add another approved certification body for advanced registered nurse practitioners and to clarify that the certification requirements include a current national certification.

SUMMARY: In this amendment another approved certification body for advanced registered nurse practitioners is added and it is clarified that the certification requirements include a current national certification.

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: 456.048, 464.006, 464.012 FS.
 LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-4.002 Requirements for Certification.

(1) No change.

(2) Applicant shall submit proof of national advanced practice certification from an approved nursing specialty board. After July 1, 2006, applications for certification as an Advanced Registered Nurse Practitioner pursuant to Section 464.012(3), F.S., shall submit proof of current national advanced practice certification from an approved nursing specialty board.

(3) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:

(a) through (e) No change.

(f) National Board for Certification of Hospice and Palliative Nurses.

(4) through (5) No change.

Specific Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 210-11.23, Amended 3-19-87, 4-6-92, Formerly 210-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-13.003
 RULE TITLE: Continuing Psychological Education Credit

PURPOSE AND EFFECT: The Board proposes the rule amendment to specify the requirements for continuing psychological education credit.

SUMMARY: The requirements for continuing psychological education credit will be specified.

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

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

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.003 Continuing Psychological Education Credit.

(1) through (4) No change.

(5) Every six years, each licensee shall complete two (2) hours of continuing psychological education on domestic violence as defined in Section 741.28, F.S.; these two (2) hours shall be part of the forty (40) hours otherwise required for each biennial licensure renewal. The licensee shall maintain documentation to substantiate timely completion of these two (2) hours and make said documentation available upon request

~~Every third biennial licensure renewal period, two (2) of the forty (40) hours of continuing psychological education must be on domestic violence as defined in Section 741.28, F.S.~~

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04, 1-2-06, 12-31-06, 2-24-08, 5-26-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: RULE TITLES:

64E-11.002 Definitions

64E-11.013 Sanitation Certificates and Fees

PURPOSE AND EFFECT: County health departments have reported a financial deficit in the statewide food hygiene program for each of the last four complete fiscal years (2003-2004 through 2006-2007). The purpose of the proposed changes is to help the department recover the costs incurred in administering this program. The effect of the changes will be to help reduce the annual financial deficit the program faces. This proposal should close the deficit.

Another purpose of the proposed changes is to add new definitions and language related to the process of issuing sanitation certificates. The effect of those changes will be to better clarify the types of establishments that are impacted by the certificate and fee requirements of this rule and the process for issuing those certificates and charging those fees.

SUMMARY: The Department proposes to increase the annual fees for each existing category of food service establishment listed in paragraph 64E-11.013(3)(b), F.A.C. The proposed fee increase will range from \$5-\$25 per establishment or service provided for existing fee categories. Specific fees will also be established for certain caterers, mobile units, vending machines, and temporary events. New terms will be defined that describe the types of food establishments that will be charged fees under this rule; those terms include caterer, institution, other food service, residential facility, and sanitation certificate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The principal financial impact of this rule will come from program fees. It is estimated that approximately \$888,000 in fees will be generated. These fees include annual sanitation certificate fees, re-inspection fees,

and temporary event fees. Since this rule impacts food service operations at establishments such as schools, child care centers, other institutions, some churches, civic and fraternal organizations, and bar and lounges, the program fees will impact small businesses.

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

SPECIFIC AUTHORITY: 381.0072 FS.

LAW IMPLEMENTED: 381.0072 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: December 8, 2008, 10:00 a.m.

PLACE: Room 225Q, 4042 Bald Cypress Way, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Leslie Harris, Environmental Administrator, Bureau of Community Environmental Health. If you are 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: Leslie Harris, Environmental Administrator, Bureau of Community Environmental Health, Bin #A08, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1710. Email address is Leslie_Harris@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-11.002 Definitions.

(1) through (4) No change.

(5) “Caterer” – A food service establishment listed under Section 381.0072, F.S., that prepares food at one location for delivery to and individual portion service at another location.

~~(6)(5)~~ “Civic” – Any organization, excluding Division of Blind Services, offering food service to the public; and

(a) Possesses tax exempt status under 501(c)(4); or

(b) Which has a chartered body of citizens, recognized by a municipality, whether for profit or not, that operates primarily to further the common good and general welfare of the people of the community.

~~(7)(6)~~ “Commissary” – A food service establishment or any other commercial establishment where food, containers, or supplies are stored, prepared, or packaged, or where utensils are sanitized for transit to, and sale or service at, other locations.

~~(8)~~(7) “Comminuted” – Fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

~~(9)~~(8) “Corrosion-resistant” – Those materials which maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions-of-use environment.

~~(10)~~(9) “Easily cleanable” – Surfaces that are readily accessible and of such material, finish and so fabricated that residue may be effectively removed by normal cleaning methods.

~~(11)~~(10) “Easily movable” – Small equipment weighing 30 pounds or less; or mounted on casters, or provided with mechanical means of safely tilting for cleaning purposes; and has no utility connection, or has a utility connection that disconnects quickly, or has a flexible utility connection line of sufficient length to permit the equipment to be moved for cleaning of the area.

~~(12)~~(11) “Employee” – Any person working in or for a food service establishment who engages in food preparation or service, who transports food or food containers, or who comes in contact with any utensil or equipment.

~~(13)~~(12) “Equipment” – All stoves, ranges, hoods, meatblocks, tables, counters, cabinets, refrigerators, freezers, sinks, dishwashing machines, steam tables and similar items, other than utensils, used in the operation of a food service establishment.

~~(14)~~(13) “Extensively remodeled” – For the purpose of this Chapter, the term extensively remodeled means structural changes to an existing establishment which costs in excess of 50 percent of the assessed value of the facility as determined by the county property appraiser.

~~(15)~~(14) “Fixed food establishment” – A food service establishment which operates at a specific location and is connected to electrical, water, and sewage disposal systems.

~~(16)~~(15) “Food” – Any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use in whole, or in part, for human consumption.

~~(17)~~(16) “Food-contact surfaces” – Surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip or splash back onto surfaces normally in contact with food.

~~(18)~~(17) “Food preparation” – The manipulation of foods intended for human consumption by such means as washing, slicing, peeling, chipping, shucking, scooping, and/or portioning. The term also includes those activities involving temperature changes, combining ingredients, opening ready-to-eat food packages, or any other activity causing physical or chemical alterations in the food.

~~(19)~~(18) “Fraternal” – An organization primarily operating for social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purposes for the benefit of its members, that offers food service to its members or the public at their facility, and possess a charter.

~~(20)~~(19) “Garbage” – Food waste generated on premises that is not disposed of through the sewage disposal system. The term also includes solid waste such as discarded containers or wrappers that are contaminated with food waste.

~~(21)~~(20) “Guest” – As it relates to churches, synagogues, or other not-for-profit religious organizations, an individual who is not a member of the religious organization; and

(a) Who does not regularly attend non-food service events at the religious organization; and

(b) Whose participation in a food service event is not contingent upon attending non-food service activities of the religious organization; and

(c) Who receives food service without cost or donation, excluding bake sales that are limited to non-potentially hazardous baked goods.

(d) This term does not include patrons of a soup kitchen or similar operation.

~~(22)~~(21) “HACCP Plan” – A written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

~~(23)~~(22) “Hermetically sealed container” – A container designed and intended to be secure against the entry of microorganisms to maintain the commercial sterility of its contents after processing.

~~(24)~~(23) “Highly susceptible population” – A group of persons who are more likely than other populations to experience foodborne disease because they are immunocompromised or older adults institutionalized or preschool age children in custodial care.

~~(25)~~(24) “Hot water” – For the purposes of this chapter, hot water means a water temperature of 100 degrees Fahrenheit or above.

~~(26)~~(25) “Indirect waste connection” – An indirect waste connection is a liquid waste pipe that is connected with the sewerage system through an air gap or air break.

~~(27)~~ “Institution” – A place that provides food service as that term is defined in Section 381.0072, F.S., established and operated to provide: care for persons who are destitute, disabled, mentally ill, or incarceration of prisoners and inmates; medical care or treatment; education; or services as part of a group care facility as that term is defined in Section 381.006(16), F.S. Examples of such places include state mental health facilities, substance abuse treatment facilities, jails or prisons, hospitals, schools, colleges and universities.

~~(28)~~(26) “Kitchenware” – All multi-use utensils other than tableware.

~~(29)~~~~(27)~~ “Limited food service establishment” – Any establishment with a food service operation, so limited by the type and quantity of foods prepared and the equipment utilized, that it poses a lesser degree of risk to the public’s health, and, for the purpose of fees, requires less time to monitor. The term includes small seasonally operated concessions stands at schools, satellite kitchens that dispense catered meals and similar facilities.

~~(30)~~~~(28)~~ “Manager” – An individual who has direct authority, control or supervision over employees engaged in the storage, preparation, display and serving of food to the public.

~~(31)~~~~(29)~~ “Misbranded” – Food shall be considered to be misbranded:

(a) If in packaged form it lacks a label containing the name and place of business of the manufacturer, packer, or distributor; or an accurate statement of the contents; or

(b) If it is offered for sale under the name of another food; or

(c) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed and it is not.

~~(32)~~~~(30)~~ “Mobile food unit” – Any food service unit which is self-propelled or otherwise moveable from place to place and is self-sufficient for utilities, such as gas, water, electricity and liquid waste disposal, whose commissary is a DOH regulated food service establishment.

~~(33)~~ “Other Food Service” – Any food service establishment located at or operated by a church, synagogue, or other not for profit religious organization that advertises food or drink for public consumption, an adult day care center, or a prescribed pediatric extended care center.

~~(34)~~~~(31)~~ “Perishable food” – Any food of such type or in such condition as may spoil; provided, that foods which are in hermetically sealed containers processed by heat or other means to prevent spoilage and properly packaged, dehydrated, dry or powdered foods so low in moisture content as to retard development of microorganisms shall not be considered readily perishable.

~~(35)~~~~(32)~~ “Plumbing authority” – The local governing body, such as a county or city building inspection department which has adopted a plumbing code and has authority to interpret, inspect, and provide enforcement of plumbing standards.

~~(36)~~~~(33)~~ “Potentially hazardous food” – Any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form:

(a) through (c) No change.

~~(37)~~~~(34)~~ “Premises” – The physical food service establishment and the contiguous land or property under the control of the manager, operator or owner.

~~(38)~~~~(35)~~ “Product thermometer” – A thermometer, thermocouple, thermistor or other device that when inserted into food indicates the temperature of the food. This term does not include non-product ambient temperature sensing devices.

~~(39)~~~~(36)~~ “Ready-to-eat food” – Food that is in a form that is edible without washing, cooking, or additional preparation by the establishment or the consumer and that is reasonably expected to be consumed in that form. This includes:

(a) through (d) No change.

~~(40)~~~~(37)~~ “Reconstitute” – The recombination of dehydrated food products with potable water or other suitable liquids.

~~(41)~~ “Residential Facility” – A food service establishment located at a community based residential facility as defined in Chapter 64E-12, F.A.C. For the purpose of issuing sanitation certificates and charging fees, this term does not apply to establishments that are residential in nature, but which are already specifically categorized in Section 381.0072, F.S., or this rule, such as hospitals, nursing homes, and detention facilities; nor does the term apply to public lodging establishments licensed under Chapter 509, F.S.

~~(42)~~ “Sanitation Certificate” – A license issued by the department to operate a food service establishment.

~~(43)~~~~(38)~~ “Safe materials” – Articles manufactured from or composed of materials that may not be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.

~~(44)~~~~(39)~~ “Sanitize” – The effective treatment of clean surfaces of equipment and utensils by an approved process which provides enough accumulative heat or concentration of chemicals for enough time that when evaluated for efficacy, yields a reduction of 5 logs, which is equal to a 99.999% reduction of representative disease microorganisms of public health importance.

~~(45)~~~~(40)~~ “Snack” – A commercially pre-packaged non-potentially hazardous ready-to-eat-food item that is wrapped for individual consumption.

~~(46)~~~~(41)~~ “Sealed” – Free of cracks or other junctures or openings which permit the entry or passage of moisture.

~~(47)~~~~(42)~~ “Single-service articles” – Any cups, containers, closures, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily destructible materials, and which are intended by the manufacturers to be for one-time, one-person use, then to be discarded.

~~(48)~~~~(43)~~ “Tableware” – Multi-use eating and drinking utensils.

~~(49)~~~~(44)~~ “Temporary food service event” – Any event offering food service on the premises of a food service establishment approved by the department. These events are at

a fixed location for a temporary period of time not to exceed any combination of 18 days within a calendar year and in conjunction with a single event or celebration.

~~(50)(45)~~ “Theater” – A facility that shows motion pictures and offers food for consumption that is customarily served to the admittees of such theaters, such as popcorn, hot dogs, soft drinks, nachos and cheese, and pre-packaged snack items.

~~(51)(46)~~ “Utensils” – Implements such as pots, pans, ladles or food containers used in the preparation, storage, transportation or serving of food.

~~(52)(47)~~ “Vending machine” – Any self-service device which, upon insertion of coin or token, or by any other means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each operation.

~~(53)(48)~~ “Wholesome” – Food which is in sound condition, clean, free from adulteration and otherwise suitable for human consumption.

Specific Authority 381.0072 FS. Law Implemented 381.0072 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.22, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.009, Amended 6-1-93, 11-30-93, 8-28-96, Formerly 10D-13.022, Amended 3-15-98, 7-14-03, _____.

64E-11.013 Sanitation Certificates and Fees.

(1) Sanitation Certificate Required.

(a) All food service establishment sanitation certificates shall expire on September 30. Sanitation certificates ~~may be issued for a period less than a calendar year shall be so long as they are~~ prorated on a quarterly basis, in accordance with Section 381.0072(4), Florida Statutes. Certificates shall be posted in a conspicuous location in the establishment.

(b)1. Food service establishments containing multiple food operations housed in the same building, at the same location, under the same ownership and operation must function according to either one of the following:

a. Each food operation shall operate under the umbrella of the sanitation certificate issued to the main food service operation, in which case the sanitation certificate shall be posted in a conspicuous location at the main food service establishment, or

b. Each food operation shall be issued its own individual sanitation certificate, in which case each food service establishment shall post their own sanitation certificate in a conspicuous location in their establishment. The owner or operator of the food service establishment shall decide which of the sanitation certificate processes listed above, will be followed.

2. Food service establishments where multiple food operations are located in different buildings at the same location regardless of ownership shall each be issued their own

individual sanitation certificate, in which case each such food operation shall post their own sanitation certificate in a conspicuous location in their food service operation.

(2) Application and Renewal of Sanitation Certificates.

(a) through (b) No change.

(c) Prior to the renovation of a food service establishment, notification shall be provided to the department. This notification shall include construction schedules and details of the work to be completed. Prior to the construction or extensive remodeling of a food service establishment, or the conversion of a structure for use as a food service establishment, or remodeling which includes the addition or relocation of major equipment, plans of the facility and its operation shall be submitted to and approved by the department. Plans may be submitted by the owner, prospective operator or their designated representative. All plans shall comply with the requirements of this chapter. Plans shall be drawn to scale, describe the layout, construction, and general operation of the facility, equipment design and installation, the intended menu, and similar aspects of the facility’s operation that relate to the requirements of this chapter. The department shall grant or deny approval of the plans in writing ~~within 30 days of receipt of a complete set of plans~~ pursuant to the provisions of Chapter 120, F.S. Approval or denial shall be based on whether or not the plans comply with the requirements of Section 381.0072, Florida Statutes, and the provisions of this chapter.

~~(d) Whenever construction plans are disapproved, a certificate is denied, suspended or revoked or the department takes similar action that affects the substantial interests of a food service establishment certificate holder, the department shall notify the certificate holder of their right to request a hearing on the matter. Notification shall be in writing, and it shall indicate that a hearing must be requested within 30 days of the certificate holder’s receipt of the notice. The department shall grant or deny a hearing request within 10 days of receipt. All notices and hearings shall conform with the provisions of Chapter 120, F.S.~~

~~(d)(e)~~ Before a certificate is issued to a newly constructed or extensively remodeled food service establishment, an inspection shall be made by a representative of the department for the determination of compliance with the requirements of this chapter and Section 381.0072, F.S.

(3) Fees.

(a) Fees shall be submitted to the department for certificates, as well as the provision of other required public health services at food service establishments. A food service establishment which applies for an annual certificate shall pay the full fee. Fees for a All other certificates, such as change of ownership, reinstatement after revocation of certificate or new establishments after the first quarter shall be prorated on a quarterly basis. Proration shall be based on the quarter the department receives an application for a Sanitation Certificate

to operate a food service establishment. For establishments that normally operate nine months or less out of the year, such as nine month schools, proration shall be based on the number of months the establishment normally operates during a year. Proration shall not apply to annual renewals of Sanitation Certificates.

(b) Except for establishments specifically exempted from fees in subsection (4), all food service establishments shall pay an annual or prorated fee to the department according to the following schedule:

Annual <u>Sanitation Certificate</u> Fee per Food Service Establishment;	Total
1. Hospital	235.00 210.00
2. Nursing Home	235.00 210.00
3. Detention Facility	235.00 210.00
4. Bar/Lounge	180.00 160.00
5. Fraternal/Civic Organization	180.00 160.00
6. Movie Theater	180.00 160.00
7. School Cafeteria	
a. Operating for 9 months out of a year	150.00 130.00
b. Operating for more than 9 months	180.00 160.00
8. Residential Facility	125.00 110.00
9. Other Food Service	180.00 160.00
10. Child Care Center	100.00 85.00
11. Limited Food Service	100.00 85.00
12. Caterer	160.00
13. Mobile Food Unit	160.00
14. Vending Machine	85.00

(c)1.a. Food service establishments with multiple food operations housed in the same building, at the same location, under the same ownership and operation, which operate under the umbrella of the sanitation certificate of the main food service establishment (as addressed in (1)(b)1., of this rule), shall be assessed a single annual fee. That fee shall be assessed on the main food service establishment, it shall be the maximum allowed in Section 381.0072, F.S., which is \$300, and it shall cover the other food service facilities operating in that same building under the umbrella of the main food service establishment.

b. Food service establishments with multiple food operations housed in the same building, at the same location, under the same ownership and operation choosing not to operate under the umbrella of the sanitation certificate of the main food establishment (as addressed in subparagraph (1)(b)2., of this rule) shall be assessed separate annual fees for each food operation based on the category of establishments listed in subparagraph (b)1. above.

c. Food service establishments with multiple food operations located in different buildings at the same location, regardless of ownership, shall be assessed separate annual fees for each food operation based on the category of establishments listed in subparagraph (b)1. above.

2. Caterers, mobile food units, and vending machines that are located or operated at an establishment listed in Section 381.0072, F.S., shall be charged the fees listed in subparagraph (b)1. above when they are not operating under an existing Sanitation Certificate that has already been issued for the main food service establishment where they are located.

(d)(e) The following schedule of fees is established for plan reviews, food service worker training and testing, alcoholic beverage establishment sanitation inspections, reinspections, late renewals:

1. Plan review	\$40.00 35.00
per hour	
Public schools, colleges, and vocational teaching facilities are exempt from this fee.	
2. Food establishment worker training course (per person)	\$10.00
3. Sanitation inspection	
a. No change.	
b. No change.	
4. <u>Reinspection</u>	40.00 30.00
(for each reinspection after the first)	
5. Late renewal of certificate	\$25.00
6. <u>Temporary event food service establishment</u>	
a. <u>Sponsor without an existing sanitation certificate</u>	\$150
b. <u>Vendor or booth at an establishment or location without an existing sanitation certificate</u>	\$100

(e)(d) No change.

(e) ~~For establishments with multiple food operations, a single fee shall be assessed based on the food activity which dominates the available work space of the facility.~~

(4) Exemptions. The following limited food service establishments are exempted from the fee requirements of this section:

- (a) No change.
- (b) Child care facilities and other institutions that serve only snacks, as that term is defined in Rule 64E-11.002, F.A.C., of this chapter, or that require individuals in attendance to bring their own meals to the facility, which do not require any food preparation.

Specific Authority 381.0072, 154.06 FS. Law Implemented 381.0072(2), 154.06 FS. History—New 2-21-91, Amended 5-12-92, Retained here and Transferred to 7C-4.024, Amended 6-1-93, 11-30-93, 8-28-96, Formerly 10D-13.038, Amended 3-15-98, 7-14-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Leslie Harris, Environmental Administrator, Bureau of
Community Environmental Health

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Dr. Ana Viamonte Ros, State Surgeon
General, Department of Health

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 3, 2007, March 11, 2008

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: RULE TITLE:

64J-1.001 Definitions

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) is required to review administrative rules and advise agencies concerned of its findings. This charge applies to existing as well as proposed rules. JAPC notified the Bureau of Emergency Medical Services that subsection 64J-1.001(16), F.A.C., formerly subsection 64E-2.001(16), F.A.C., did not satisfy its objections when it replaced Rule 64E-2.032, F.A.C., which appeared to contravene the law implemented, Section 401.27, F.S., in certain parts. The purpose of this rule revision is to provide clarification for the EMS community regarding the Certificate of Public Convenience and Necessity (COPCN) requirement for licensure and satisfy JAPC's objections.

SUMMARY: The purpose of this rule is to strike the definition of "operate" and define "Certificate of Public Convenience and Necessity" to ensure consistency with the law implemented.

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: 401.35 FS.

LAW IMPLEMENTED: 401.25(2)(d) 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: December 10, 2008, 9:30 a.m. – 11:00 a.m. Eastern Standard Time

PLACE: Southwood Office Complex – Betty Easley Meeting Rooms, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

A conference line will be available for those unable to attend in person. We request that parties from the same agency utilize one line if possible to allow other participants to dial in.

Toll free conference number: (888)808-6959; Conference code: 1454440

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Walker, Government Analyst II, Phone: (850)245-4440, ext. 2733; or email Lisa_Walker2@doh.state.fl.us. NOTE: If you have written comments that you wish to be added to the record please send them to Lisa Walker before the hearing so your comments may be read into the record

THE FULL TEXT OF THE PROPOSED RULE IS:

64J-1.001 Definitions.

(1) through (3) No change.

(4) "Certificate of Public Convenience and Necessity" or COPCN means a writing permitting an applicant or licensee to provide services, not exceeding the authorization of their expected or actual license, for the benefit of the population of that county or the population of some geographic area thereof.

(4) through (15) renumbered (5) through (16) No change.

~~(16) Operate For purposes of Section 401.25(2)(d), F.S., means performing services requiring licensure under Section 401.25(1), F.S., but does not include:~~

~~(a) Advertising the availability of services requiring licensure under Section 401.25(1), F.S., for a county in which the advertiser is a licensee;~~

~~(b) Proposing to engage in services requiring licensure under Section 401.25(1), F.S.;~~

~~(c) Interfacility transfer between two counties by a licensee possessing a Certificate of Public Convenience and Necessity from only one of the counties if the other county does not prohibit such transfer or transport;~~

~~(d) Transfer or transport by a licensee through, but not to or from, one or more counties;~~

~~(e) Transfer or transport by a licensee as part of a coordinated response to a disaster or a mass casualty incident;~~

~~(f) Transfer or transport by a licensee, after pickup of the patient not otherwise prohibited under Section 401.25(2)(d), F.S. and this rule, to an appropriate facility; or~~

~~(g) Transfer or transport by a licensee under an agreement sanctioned by the governing bodies of the affected counties.~~

(17) through (26) No change.

The proposed effective date is April 1, 2009.

Specific Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.4001, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History—New 4-26-84, Amended 3-11-85, Formerly 10D-66.485, Amended 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, 6-9-05, 10-24-05, 4-22-07, Formerly 64E-2.001, Amended 4-1-09.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John C. Bixler, Bureau of EMS Chief, Florida Department of Health, 4052 Bald Cypress Way, C-18, Tallahassee, FL 32399-1738

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: State Surgeon General Ana Viamonte Ros, Florida Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 29, 2008, Vol. 34/35 Under 64E-2, F.A.C. Notice of Correction reflecting conversion to 64J-1 published on October 24, 2008, Vol. 34/43

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-24.001	Definition of Terms
65C-24.002	Federal Funding Requirements
65C-24.003	Home Study Requirements
65C-24.004	Relative Caregiver Program Benefit Payments
65C-24.005	Legal Requirements
65C-24.006	Permanency Planning Requirements
65C-24.007	Placement Supervision
65C-24.008	Child Care
65C-24.009	Child Support Collection
65C-24.010	Eligibility Requirements
65C-24.011	Eligibility Process
65C-24.012	Determining the Amount of the Monthly Benefit Payment

PURPOSE AND EFFECT: To repeal duplicative administrative rules relating to requirements established for the Relative Caregiver Program, which are available Chapter 65C-28, F.A.C.

SUMMARY: This rule outlines the relative caregiver program requirements, including definition of terms, federal funding, home study, benefit payments, legal, permanency planning, placement supervision, child care, child support collection, eligibility, eligibility process, and amount of monthly benefit. These requirements are listed in Rule 65C-28.008, F.A.C., (Relative Caregiver Program Requirements), which became effective May 4, 2006.

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: 39.012, 39.0121(10), 39.5085(2)(a), (d) FS.

LAW IMPLEMENTED: 39.5085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Mayo, 1317 Winewood Boulevard, Building 6, Floor 1, Tallahassee, Florida 32399, (850)922-0375

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-24.001 Definition of Terms.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.002 Federal Funding Requirements.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.003 Home Study Requirements.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.004 Relative Caregiver Program Benefit Payments.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.005 Legal Requirements.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.006 Permanency Planning Requirements.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.007 Placement Supervision.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.008 Child Care.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS. Law Implemented 39.5085 FS. History–New 6-1-99, Repealed.

65C-24.009 Child Support Collection.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS.
 Law Implemented 39.5085 FS. History–New 6-1-99,
Repealed.

65C-24.010 Eligibility Requirements.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS.
 Law Implemented 39.5085 FS. History–New 6-1-99,
Repealed.

65C-24.011 Eligibility Process.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS.
 Law Implemented 39.5085 FS. History–New 6-1-99,
Repealed.

65C-24.012 Determining the Amount of the Monthly Benefit Payment.

Specific Authority 39.012, 39.0121(10), 39.5085(2)(a), (b), (d) FS.
 Law Implemented 39.5085 FS. History–New 6-1-99,
Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Julie Mayo

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Don Winstead

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2008

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-33.001	Definitions
65C-33.002	Certification for Child Protection Professionals
65C-33.003	Child Welfare Pre-Service Training
65C-33.004	Pre-Service Training Assessments
65C-33.005	Phase II of Child Welfare Training
65C-33.006	Performance Assessment
65C-33.007	Additional Requirements for Supervisor Certification
65C-33.008	Recertification
65C-33.009	Certificate Issuance
65C-33.010	Break in Service
65C-33.011	Waiver Process
65C-33.012	Child Welfare Trainer Certification
65C-33.013	“Supervising for Excellence” Trainer Certification

PURPOSE AND EFFECT: Child Welfare Training and Certification. The purpose of this rule is to carry out the provisions of Section 402.40, F.S. regarding child welfare training. This rule will set forth the minimum standards for a Child Welfare Professional training and certification process; continuing training requirements; supervisor training and

certification requirements; and trainer certification requirements. These minimum standards ensure that each participant has successfully attained the knowledge, skills and abilities necessary to competently carry out his or her work responsibilities.

SUMMARY: This rule establishes definitions of terms relating to the training and certification of child protection professionals and child welfare trainers. The proposed rule establishes the training and certification requirements for Child Protection Professionals and establishes the position classifications for Child Protection Professionals. The proposed rule establishes that certification must be obtained within one (1) year of the individual’s date of hire, or date of passing the post-test or waiver test, whichever is later. The proposed rule establishes that certification is required for certification designations, except for Specialists, QA Professionals and Field Trainers, for whom certification is optional. The proposed rule sets forth the pre-test, post-test and waiver test protocols. The proposed rule establishes guidelines for protected training caseloads, and requires that the employing agency develop a policy addressing the establishment of a training caseload range, specifying number and types of cases to be assigned to trainees for the first 30 calendar days following successful completion of pre-service training. The proposed rule requires that each agency utilize a standardized, “core” Performance Assessment for certification of each certification designation, developed by the department (2 components: Casework and Interpersonal Skills), to which each agency may add agency-specific elements which reflect the agency’s own System of Care and/or Quality Assurance measures. The proposed rule establishes the competencies to be demonstrated and evaluated in each of the Child Protection Professional position classifications in order to become certified, including additional requirements for supervisor certification. The proposed rule requires supervisors to complete a Performance Assessment and complete “Supervising for Excellence” training to be certified. The proposed rule sets forth the procedures for Performance Assessment test-case assignment and the criteria for serving as an Independent Evaluator. The proposed rule addresses break in service and waiver plan guidelines, by length of break in service. The proposed rule establishes guidelines for Individualized Training and Performance Plans. The proposed rule reinstates the Recertification process, and sets forth the requirements for recertification, which include obtaining and documenting 48 professional development (in-service) training hours every three (3) years. The proposed rule establishes the requirements that (a) no more than 25% of the required 48 professional development training hours may come from college or graduate-level courses in which the individual is enrolled as a degree-seeking or non-degree seeking student, and (b) no more than 50% of the mandatory 48 professional development training hours may be credited from trainings which are required by the department (including but not

limited to SACWIS/FSFN trainings). The proposed rule establishes Skillnet as the official tracking database system that shall be used by the department and all agencies to document training. The proposed rule establishes the protocol for certificate issuance upon an individual fulfilling the requirements for initial certification or recertification. The proposed rule establishes the waiver process to be followed when an individual, by virtue of his or her certification status, educational credentials or employment experience, meets certain minimum criteria. The proposed rule establishes that, for any individual meeting the criteria, the employing agency shall exercise sole discretion as to whether to authorize a waiver test (and subsequent waiver plan upon successful completion of the test), or require the entire pre-service training and post-test. The proposed rule requires that the waiver test, when given, be administered within five (5) business days of the individual's start date in the position into which he or she was hired. The proposed rule establishes the requirement that the waiver test may only be given once during any one period of employment. The proposed rule provides for "special and other circumstances" to be accommodated by the employing agency. The proposed rule establishes new criteria to be eligible for consideration to be a Child Welfare Trainer. The proposed rule establishes new certification criteria for Child Welfare Trainers, that within one year of the date of hire, each candidate shall complete. The proposed rule establishes new recertification requirements for Child Welfare Trainers in order to achieve recertification every three years. The proposed rule establishes new guidelines for certification to train the "Supervising for Excellence" curriculum.

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: 402.40 FS.

LAW IMPLEMENTED: 402.40 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

HEARING 1

DATE AND TIME: December 9, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Children and Families, 201 W. Broward Boulevard, Room 510, Ft. Lauderdale, Florida 33301

HEARING 2

DATE AND TIME: December 11, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Children and Families, 401 W. Robinson Street, 10th Floor, Room 1006, Orlando, Florida 32801

HEARING 3

DATE AND TIME: December 17, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, 3rd Floor, Room 301, 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 7 days before the workshop/meeting by contacting: Julie Mayo at (850)922-0375 or julie_mayo@dcf.state.fl.us, or in writing to: Julie Mayo, 1317 Winewood Boulevard, Building 6, Floor 1, Tallahassee, Florida 32399. If you are 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: Arlene Carey at (850)921-1928 or 1317 Winewood Boulevard, Building 6, Floor 1, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-33.001 Definitions.

(1) "Agency" refers to the Department, or any Sheriff's Office or Community-Based Care (CBC) provider under contract with the Department to provide core child protection or child welfare services, including protective investigations, protective supervision, post-placement supervision, foster care and other out-of-home care or adoption services.

(2) "Break in Service" refers to an interruption of an individual's continuous employment in a position requiring Child Protection Professional certification.

(3) "Certification" refers to the process whereby an individual must demonstrate the knowledge, skills, abilities, values and attitudes necessary to competently discharge the duties of a Florida Child Protection Professional, as evidenced by the successful completion of all applicable classroom instruction, field training, testing, and job-performance requirements of his or her position classification. Unless accommodations are made by the employing agency to address an individual's special or other circumstances, each individual in a position requiring certification must be certified within one (1) year of the date of having successfully completed the post-test or the waiver test. Absent special circumstances, certification is valid for a period of no longer than three (3) years. Certification is a condition of employment in those positions requiring certification.

(4) "Certification Designation" refers to one of the ten Child Protection Professional categories in which an individual is eligible for certification, depending upon his or her position classification. Each position classification has a different training, testing and certification requirement, all of which are established by the Department:

(a) Child Protective Investigator;

(b) Child Protective Investigations Supervisor;

(c) Child Protective Investigations Specialist/Quality Assurance Professional/Field Trainer;

(d) Child Protection Case Manager;

(e) Child Protection Case Management Supervisor;

(f) Child Protection Case Management Specialist/Quality Assurance Professional/Field Trainer;

(g) Child Protection Licensing Counselor;

(h) Child Protection Licensing Supervisor;

(i) Child Protection Licensing Specialist/Quality Assurance Professional/Field Trainer;

(j) Child Welfare Trainer.

(5) “Certification Plan” refers to an individualized, time-limited written contract between the Trainee or Child Protection Professional, his or her supervisor, and a Certified Child Welfare Trainer, which, at the discretion of the employing agency, may be developed when the need for such a plan is indicated by the individual’s job performance; the individual’s inability to fulfill all training and certification requirements as necessary; or as a result of the agency’s accommodation of the individual’s special or other circumstances.

(6) “Certified Florida Child Protection Professional” or “Certified” refers to the designation earned by an individual who has met the criteria for Florida certification as a Child Protective Investigations Professional, a Child Protection Case Management Professional, or a Child Protection Licensing Professional, by demonstrating the knowledge, skills abilities, values and attitudes necessary to competently discharge the duties of his or her position classification, as evidenced by the successful completion of all applicable classroom instruction, field training, testing, and job-performance requirements necessary for certification as a Florida Child Protection Professional.

(7) “Child Protection/Child Welfare Services” or “Child Protection Services” as defined in subsection 65C-30.001(21), F.A.C., means “core child protection programs such as protective investigations, protective supervision, post-placement supervision, foster care and other out-of-home care, or adoption services.”

(8) “Child Protective Investigations Professional” means a Department or designated sheriff’s office or contracted service provider employee who conducts, supervises, trains, or is in any capacity responsible for either the performance, oversight, or the quality assurance review of investigations of reports of child abuse, neglect, or abandonment received by the Florida Abuse Hotline as defined in Section 39.01(61), F.S.

(9) “Child Protection Professional” refers to any Department or designated sheriff’s office or contracted service provider employee who conducts, supervises, trains, or is in any capacity responsible for either the performance, oversight, or the quality assurance review of child protection services

such as protective investigations, protective supervision, post-placement supervision, foster care, licensing and other out-of-home care or adoption services.

(10) “Child Welfare Pre-Service Training Program” refers to “Phase I,” the multi-faceted child welfare pre-service curriculum, the primary component of which is classroom instruction. The Pre-Service Training Program may also include opportunities for on-line learning as well as supervised, agency-specific field activities. Program participants must successfully complete all Phase I pre-service training requirements, including passing the post-test, in order to be eligible to move on to Phase II, the field portion of the Child Protection Professional certification process.

(11) “Child Protection Case Management Professional” refers to any Department or designated contracted service provider employee who conducts, supervises, trains, or is in any capacity responsible for either the performance, oversight, or the quality assurance review of child protection services such as protective supervision, post-placement supervision, foster care, licensing and other out-of-home care, or adoption services.

(12) “Classroom Instruction” refers to one of the facets of the State of Florida Child Protection Professional Pre-Service Training Program, the other facets of which may include opportunities for on-line learning as well as supervised, agency-specific field activities. Classroom instruction involves the delivery and facilitation of approved, mandatory child welfare curricula by at least one Certified Child Welfare Trainer in the classroom at all times.

(13) “Core Competency Elements,” or “Core Competencies,” as described in Section 402.40(5)(a), F.S., refer to the range of fundamental and essential knowledge, skills, abilities, values and attitudes as determined by the Department, that every Child Protection Professional must achieve, demonstrate and maintain in order to competently perform his or her work responsibilities. These competencies are posted on the Training Academy website.

(14) “Department” refers to the Florida Department of Children and Families.

(15) “Field Activities” or “Field Training” refers to one type of experiential learning which may be included in the State of Florida Child Welfare Pre-Service Training Program. When agency-designed field activities are included as part of a trainee’s pre-service training experience, the trainee must be accompanied by and under the direct and constant supervision of a Certified Child Protection Professional; the activities can take place in the field (e.g. accompanying certified staff on home visits or to court), or in the trainee’s unit (e.g., reviewing documentation in a case record).

(16) “Independent Evaluator” refers to an individual, in addition to a Child Protection Professional’s supervisor, who is responsible for reviewing and impartially evaluating the casework and interpersonal skills portions of the Performance

Assessment of a Child Protection Professional who is a candidate for certification. The independent evaluator is "independent" in the sense that he or she is not in the candidate's direct line of supervision within the employing agency. Examples of those individuals outside of a candidate's chain of command, who may serve as independent evaluators include Certified Child Protection Professionals such as: Child Protection Supervisors, Program Specialists, Quality Assurance staff, Child Welfare Trainers and Training Managers.

(17) "In-Service Training" (see "Professional Development Training").

(18) "Intern" refers to an undergraduate or graduate college student undergoing supervised, practical training in the field of social work, child welfare/child protection, or similar human services field.

(19) "Interpersonal Skills Evaluation" refers to that portion of the Performance Assessment wherein a meeting between the Child Protection Professional and a client, family, or other party is observed by the individual's supervisor and an independent evaluator (either together or separately), in order to assess the individual's competence in interacting with others in a professional manner.

(20) "On-Line Learning" refers to one type of learning experience, provided via a computer, which may be included in the State of Florida Child Welfare Pre-Service Training Program.

(21) "Performance Assessment/Skills Demonstration" refers to the competency-based performance evaluation which is conducted on one of the cases assigned to each Child Protection Professional for which the individual has primary case responsibility, in order to help measure the knowledge, skills, abilities, values and attitudes he or she demonstrates on the job. The Performance Assessment is the skills demonstration component of the certification process, the successful completion of which is required for certification of staff in the position classifications of Protective Investigations, Case Management and Licensing. The two-part assessment is considered to be the culmination of the "Phase II" portion of the Child Protection Professional Certification process, and is designed to assess both casework and interpersonal skills. Absent special or other circumstances, the "window" period during which all portions of a candidate's initial Performance Assessment must be completed extends from no sooner than 6 months from the date of the candidate's successful completion of the waiver or post-test, to no later than 9 months from the date of the individual's waiver or post-test.

(22) "Performance Improvement Plan" refers to an individualized, time-limited written contract between the individual, his or her supervisor, that supervisor's supervisor, and a Certified Child Welfare Trainer (as well as any other appropriate individuals), which, at the discretion of the employing agency, may be developed when the individual has

failed to successfully carry out his or her job responsibilities or has otherwise failed to meet the agency's job performance expectations, absent special or other circumstances accommodated by the employing agency.

(23) "Phase I" refers to the "Child Welfare Pre-Service Training Program," the multi-faceted child protection pre-service curriculum, the primary component of which is classroom instruction. Phase I may also include opportunities for on-line learning as well as supervised, agency-specific field activities. Program participants must successfully complete all pre-service training requirements, including passing the post-test, in order to be eligible to move on to Phase II, the field portion of the Child Protection Professional certification process.

(24) "Phase II" refers to the period of time between an individual's successful completion of the pre-service requirements and successful completion of the Performance Assessment/Skills Demonstration. At the beginning of Phase II, the Child Protection Professional is given a caseload and other duties, and, under close supervision, is guided through the process of learning how to competently manage the responsibilities of his or her position. Phase II is performance-driven in that it examines the degree to which, with supervision and support, the Child Protection Professional is able to transfer the knowledge, skills, abilities, values and attitudes developed during the pre-service training to actual casework application. Phase II culminates with the Performance Assessment/Skills Demonstration, the successful completion of which leads to initial certification when all other agency requirements are met.

(25) "Position Classification" in Child Protection refers to such categories of Child Protection Professionals as Protective Investigations, Case Management, and Licensing.

(26) "Post-Test" refers to the competency-based, criterion-referenced, proctored, written or on-line test which is administered at the conclusion of the State of Florida Child Welfare Pre-Service Training Program classroom curriculum. The post-test is designed both to measure the level of each trainee's basic knowledge of Florida child protection laws, principles and policies, and to gauge each individual's ability to appropriately integrate and apply fundamental child welfare/child protection concepts in his or her decision-making, when determining how best to meet the safety, permanency and well-being needs of a child. Upon successful completion of the post-test, the trainee may progress to Phase II, and assume the role and responsibilities of a Child Protection Professional.

(27) "Pre-Service" is an abbreviated name for the "Child Welfare Pre-Service Training Program," and refers to "Phase I," the multi-faceted child welfare pre-service curriculum, the primary component of which is classroom instruction. The Pre-Service Training Program may also include opportunities for on-line learning as well as supervised, agency-specific field

activities. Program participants must successfully complete all pre-service training requirements, including passing the post-test, in order to be eligible to move on to Phase II, the field portion of the Child Protection Professional certification process.

(28) “Pre-Test” refers to the written or on-line test which is administered at the commencement of the Pre-Service training curriculum. The pre-test is designed to record baseline data on each trainee’s basic understanding of child protection issues prior to training, and to provide the trainee with an opportunity to gain familiarity with the testing instrument as well as some of the curriculum course content.

(29) “Primary case responsibility” refers to the principal or foremost person, unit or geographical area assigned to perform child welfare/child protection services for a specific child or family case. Neither interns nor trainees shall carry a caseload, be assigned any cases, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, be responsible for any assessment of risk, or have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training, including having passed the post-test.

(30) “Professional Development Plan” (please see “Recertification Plan”).

(31) “Professional Development Training” (also known as “In-Service Training”), refers to all relevant training in which a Certified Child Protection Professional participates in order to help develop or enhance his or her core competencies on an on-going basis. Each Certified Child Protection Professional must successfully complete 48 Professional Development training hours every three (3) years in order to be eligible for recertification.

(32) “Provisional Certification” refers to the certification status of a Certified Child Protection Professional whose most recent certification has expired as a result of the individual not having met the Professional Development training (or other) requirements for recertification. Provisional Certification may not exceed 60 days from the date of the expiration of the individual’s most recent certification. While provisionally certified, the individual may carry a caseload and continue to perform his or her job responsibilities, but must complete all requirements for recertification addressed in the Professional Development Plan within the specified time frame (no later than 60 days from the date of expiration of the individual’s most recent certification), or be removed from any position requiring certification.

(33) “Recertification” refers to the process whereby the certification of a currently Certified Child Protective Investigations Professional or Child Protection Case Management Professional must be renewed every three (3) years, based upon the individual’s continuing ability to satisfy on-going training requirements, and meet both the demands of

the job and the expectations of the employing agency. Unless accommodations are made by the employing agency to address an individual’s special or other circumstances, each individual in a position requiring certification must either be recertified within three (3) years of the date of the most recent (current) certification, or enter into a Recertification Plan.

(34) “Recertification Plan” refers to an individualized, time-limited written contract between the Certified Child Protection Professional, his or her supervisor, and a Certified Child Welfare Trainer, which shall be developed when the Certified Child Protection Professional has failed to complete the required 48 Professional Development training hours as required for recertification, absent special or other circumstances accommodated by the employing agency. The agency-designed Recertification Plan must identify the roles and responsibilities of all plan participants, must address the training, activities and other action steps necessary in order for the Child Protection Professional to achieve recertification, and must include a specific time frame for successful completion of all activities. During this period of time, the individual is “provisionally certified.”

(35) “Remedial Training Plan” refers to an individualized, time-limited written contract between the trainee, his or her supervisor, and a Certified Child Welfare Trainer, which shall be developed when the trainee has failed to successfully complete his or her first attempt of the post-test, absent special or other circumstances accommodated by the employing agency.

(36) “Secondary case responsibility” refers to the designation of a person, unit or geographical area assigned by the supervisor to perform child welfare/child protection services for a specific child or family case in a minor capacity or to a lesser degree than that which maintains the “primary” case responsibility, in cases such as out of town inquiry (OTI), out of county, and courtesy supervision. Neither interns nor trainees shall carry a caseload, be assigned any cases, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, be responsible for any assessment of risk, or have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training, including having passed the post-test.

(37) “Special or Other Circumstances” refer to those instances in which an individual may be on approved, extended medical or family leave, or when an individual cannot assume full or partial responsibility for a caseload, or is unable to be involved as required in pre-service or professional development (in-service) training due to unforeseen conditions which may limit the individual’s ability to perform some or all required job functions. The nature and extent of any accommodation of special or other circumstances is at the sole discretion of the employing agency.

(38) “Supervising for Excellence” refers to the Department-approved curriculum required of supervisors as part of their certification process; an individual’s participation in this course is subsequent to successful completion of all certification activities, including the Performance Assessment.

(39) “Trainee” means a participant in the State of Florida Child Welfare Pre-Service Training Program. A trainee remains in this status during the entire period of time he or she is in the pre-service training; during this time, the trainee may only assist Child Protection staff in the performance of their job duties, if he or she is accompanied by and under the direct and constant supervision of a Certified Child Protection Professional. Upon successful completion of the post-test, the trainee is eligible to progress to Phase II, and may assume the role and responsibilities of a Child Protection Professional.

(40) “Training Academy” refers to The Child Welfare Training Academy, which is responsible for the training and certification of Child Welfare Trainers, and for the administration of the State of Florida’s Child Protection Professional Certification Program. The mission of the Training Academy is to ensure that Child Welfare Trainers have the skills and supports necessary to help provide Child Protection Professionals with the knowledge, skills, abilities, values and attitudes needed to make decisions that provide Florida children with safe and permanent homes.

(41) “Training Case Load” refers to the reduced number of cases assigned to each Child Protection Professional after having successfully completed the pre-service curriculum and passing the post-test.

(42) “Waiver Plan” refers to an individualized, written contract between the Child Protection Professional, his or her supervisor, and a Certified Child Welfare Trainer, which, when the waiver process is implemented, must be developed within five (5) business days of the individual having passed the waiver test. The “Waiver Plan” must address any identified training or activities needed by the Child Protection Professional in order to fulfill certification (or recertification) requirements, must assign responsibilities to each party, and must include specific time frames for completion.

(43) “Waiver Process” refers to the procedure whereby an individual who meets the minimum educational and experiential criteria of a Child Protection Professional may be eligible, at the discretion of the employing agency, to take a “Waiver Test” and enter into an individualized “Waiver Plan,” usually in lieu of requiring that the individual participate in all of the pre-service training and post-test requirements of Phase I. There is no waiver procedure for any part of Phase II, the Performance Assessment/Skills Demonstration portion of the certification process; similarly, there is no waiver procedure for the 48 hours of professional development (in-service) training required every three (3) years for recertification.

(44) “Waiver Test” refers to the competency-based, criterion-referenced, proctored, written or on-line test which, at the discretion of the employing agency, may be administered to an individual whose credentials and qualifications meet the minimum educational and experiential criteria of a Child Protection Professional as outlined in Rule 65C-33.011, F.A.C. The waiver test is designed to measure the level of the individual’s basic knowledge of Florida child protection laws, principles and policies, and to assess the individual’s ability to appropriately integrate and apply fundamental child welfare/child protection concepts in his or her decision-making, when determining how best to meet the safety, permanence and well-being needs of a child. The waiver test must be administered within five (5) business days of the individual’s start date in the position into which he or she was hired.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History—New _____.

65C-33.002 Certification for Child Protection Professionals.

(1) It is the responsibility of each employing agency to ensure the integrity of the training and certification process, by ensuring compliance with this Rule and by establishing agency policies that reflect the fact that child protection certification is a condition of employment for those positions requiring certification.

(2)(a) It is the supervisor’s responsibility to support the evolving capacity of each individual under his or her supervision to effectively and competently carry out his or her job responsibilities.

(b) On an on-going basis, the supervisor must assess the individual’s level of job-related knowledge, skills, abilities, values and attitudes, and must identify, arrange for, or provide additional assistance as necessary to help enhance the individual’s overall development as a proficient Child Protection Professional.

(3) Absent special or other circumstances, every Child Protection Professional is required to be certified within one (1) year of the date of having successfully completed either the post-test or the waiver test for his or her position classification. Unless accommodations are made by the employing agency to address an individual’s special or other circumstances, certification is valid for a period of no longer than three (3) years.

(a) At the discretion of the employing agency, arrangements may be made to accommodate an individual’s special or other circumstances in those cases in which the individual is unable to assume full or partial responsibility for a caseload, or fulfill the attendance requirements of pre-service or in-service training due to a medical, personal, family, or other situation.

(b)1. Accommodation includes extending the individual's pre-service or in-service training period, approving limited additional time within which the individual can become certified or recertified, or effecting such other accommodation as is reasonable based upon the individual's situation.

2. At the discretion of the employing agency, accommodation of an individual's special or other circumstances may be restricted to a specified time frame, or may extend until such time as the individual is able to fully resume his or her regular duties; the individual no longer occupies a position requiring certification; the individual is no longer employed by the agency; or the agency can no longer provide the accommodation.

(c) On a case-by-case basis, and at the discretion of the employing agency, individuals affected by special or other circumstances, as well as those not similarly affected, may be required by the employing agency to enter into a Certification Plan.

1. The agency-designed Certification Plan must identify the roles and responsibilities of all plan participants, and must set forth specific training and other job performance requirements which must be met in order for the Trainee or Child Protection Professional to achieve certification. The plan must address each of the necessary steps, and must include a specific time frame (not to exceed 60 days from one year after the individual's having successfully completed the post-test or the waiver test) within which the individual must satisfy the training and other job performance requirements in order to achieve certification, or be removed from any position requiring such certification. It is the responsibility of the employing agency to help ensure that the Trainee or Child Protection Professional has access to the resources and supports necessary for his or her successful completion of the certification process.

2. A Certification Plan is not required for every Trainee or Child Protection Professional; it is applicable only in those cases where, in the judgment of the employing agency, compelling circumstances exist that warrant accommodations such as supplementary or remedial training, additional time allowance(s) for the fulfillment of certification requirements, or any other special considerations to be afforded the individual in order to provide him or her with every possible opportunity for success.

(4) Certification is based upon successful completion of both the pre-service curriculum component and the Performance Assessment element of the State of Florida's Child Protection Professional Certification Program.

(5) Each type of Child Protection Certification has a different training, testing and certification requirement, all of which are established by the Department.

(6) There are ten types of certification designations for Child Protection Professionals:

(a) Child Protective Investigator;

(b) Child Protective Investigations Supervisor;

(c) Child Protective Investigations Specialist/Quality Assurance Professional/Field Trainer;

(d) Child Protection Case Manager;

(e) Child Protection Case Management Supervisor;

(f) Child Protection Case Management Specialist/Quality Assurance Professional/Field Trainer;

(g) Child Protection Licensing Counselor;

(h) Child Protection Licensing Supervisor;

(i) Child Protection Licensing Specialist/Quality Assurance Professional/Field Trainer;

(j) Child Welfare Trainer.

(7) Other types of certification designations may be authorized by the Department of Children and Families.

(8) As determined by the Department, each certification type shall be indicative of core competencies achieved within the job responsibilities of each respective position classification and be so designated.

(9) Certification is a requirement for individuals in the following positions:

(a) Child Protective Investigator;

(b) Child Protective Investigations Supervisor;

(c) Child Protection Case Manager;

(d) Child Protection Case Management Supervisor;

(e) Child Protection Licensing Counselor;

(f) Child Protection Licensing Supervisor;

(g) Child Welfare Trainer.

(10) Certification is optional for individuals in the following positions, at the discretion of the employing agency:

(a) Child Protective Investigations Specialist; Quality Assurance Professional; Field Trainer;

(b) Child Protection Case Management Specialist; Quality Assurance Professional; Field Trainer;

(c) Child Protection Licensing Specialist; Quality Assurance Professional; Field Trainer;

(11) The employing agency is responsible for ensuring that all certification requirements are met within the specified time frame for those positions requiring certification.

(a) To be certified, each Child Protection Professional candidate must meet the training and certification requirements for his or her position classification (Protective Investigations; Case Management; Licensing; Child Welfare Trainer) and certification designation (e.g., Protective Investigator; Supervisor) within one (1) year of the date of hire, or the date of having successfully completed the waiver or post-test for the position, whichever is later, absent special or other circumstances accommodated by the employing agency.

(b) Prior to successfully completing the waiver or post-test, the individual is considered to be a trainee, and, as such, under no circumstances shall he or she carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits,

perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.

(12) In those instances in which an individual, by virtue of promotion or other means of transfer into another position is actively, concurrently certified in more than one position classification (Protective Investigations; Case Management; Licensing) or more than one certification designation (e.g., Protective Investigator; Supervisor), the individual may hold two such certifications simultaneously until recertification, upon which he or she may be recertified in only the one position classification and the one certification designation in which he or she is currently employed.

(13) The employing agency is responsible for the internal tracking and documentation of all trainings, certification activities and certification status of every Child Protection Professional employed by the agency.

(a) The official tracking system that shall be used by the Department and all agencies to document training is SkillNET (or other Department-approved tracking database).

(b) All training, testing and certification information must be current and maintained in SkillNET (or other Department-approved tracking database).

1. The training entity is responsible for entering and maintaining pre-service course and testing information in the SkillNET (or other Department-approved tracking database) system.

2. The Office of Family Safety is responsible for verifying certification information in the SkillNET (or other Department-approved tracking database) system, prior to certificate issuance.

(14)(a) Upon any of the following: an individual's loss of or inability to achieve certification; promotion, demotion or transfer to a position not requiring certification; termination from the position or agency; or other such status-changing event, the employing agency Training Manager or designee shall notify the Training Academy in writing of the individual's status within three (3) business days of the effective date of the event.

(b) Within two (2) business days of same notification, the Training Academy will update the individual's status in the SkillNET or other Department-approved tracking database system.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History--New _____.

65C-33.003 Child Welfare Pre-Service Training.

(1) The Department-approved State of Florida Child Welfare Pre-Service Training Program curriculum is primarily comprised of classroom instruction, but may also include opportunities for on-line learning as well as agency-specific field activities.

(2) The pre-service classroom instruction involves the delivery and facilitation of approved, mandatory child welfare/child protection curricula by at least one Certified Child Welfare Trainer in the classroom at all times.

(a) At the discretion of the training entity, some pre-service classes may include guest speakers as subject matter experts regarding relevant topics; however, although agency or area-specific information may be added to the curriculum, nothing in the existing, Department-approved curriculum may be deleted or revised.

(b)1. Pre-service classroom instruction may be observed by individuals involved in the administration, delivery, design, or oversight of pre-service training for purposes of assessing the effectiveness of training delivery, or evaluating the need for enhancement of curriculum design.

2. Although classroom observation shall not require prior authorization from the agency training entity, no more than two (2) individuals shall observe the same class session at any one time, and the observer(s) shall neither disrupt the class nor interact with the trainer(s) or class participants at any time while the class is in session.

(3) There is a 100% mandatory attendance requirement for all pre-service classroom instruction, absent special or other circumstances documented and accommodated by the employing agency or the training entity.

(a) It is the responsibility of the employing agency to ensure that each trainee attends and completes all of the pre-service classroom, on-line and field instruction pertinent to and required for his or her position classification (Child Protective Investigations or Child Protection Case Management).

(b) Any missed training classes, modules or material must be completed by the trainee prior to the trainee being eligible to take the post-test.

(4) The training entity is responsible for establishing and implementing a code of conduct for class participants to follow during all pre-service classroom instruction. This code of conduct shall, at a minimum, address trainee punctuality; courtesy and professionalism in the classroom; and respect for others' opinions.

(5) On-line Learning. When opportunities for on-line learning are included as part of the pre-service training, certain approved course content may be presented in a web-based format, enabling each participant to assimilate the information at an individual pace, thereby helping to meet the unique needs and accommodate the different learning styles of each trainee.

(6) Field Activities. As the classroom training experience helps introduce trainees to basic competencies, various supervised, agency-specific field activities, when included as part of the pre-service training, can help illustrate and augment classroom training content as well as any available and accessible on-line learning opportunities, by providing each

trainee with a forum within which to observe, question and practice on-the-job application of the concepts learned in classroom training, while under guidance.

(a) It is the responsibility of the employing agency to ensure that, if field activities are provided to trainees during the pre-service training, the activities are overseen/supervised and reviewed by Certified Child Protection Professionals such as Supervisors, Specialists, Quality Assurance Professionals, Field Trainers, or other certified individuals performing similar functions or having similar responsibilities within the employing agency.

(b) At the discretion of the supervisor, field activities may include opportunities for the trainee to shadow or be mentored by experienced certified staff, and may take place in the agency unit or in the field, as long as the trainee is accompanied by and under the direct and constant supervision of a Certified Child Protection Professional at all times.

(7) Each trainee must successfully complete all pre-service training requirements for his or her position classification prior to taking the post-test.

(8) Under no circumstances shall any trainee carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.

(9) Interns.

(a) Interns may be utilized to assist Child Protection staff in the performance of their job duties, however, every intern must be accompanied by and under the direct and constant supervision of a Certified Child Protection Professional at all times.

(b) At the discretion of the agency, an intern may be required to attend pre-service training, fulfill the same on-line and field training requirements, and be expected to conduct himself or herself in the same responsible manner as other trainees employed by the agency.

1. Any intern who attends the pre-service training will remain in trainee status for the duration of the pre-service training. As a trainee, under no circumstances shall an intern carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.

2. The agency shall develop a policy addressing, at a minimum, the scope, limitations and required supervision of interns who have successfully completed the pre-service training, with regard to such issues as case assignments, caseload size, continuity of service provision to families, and child safety.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History–New _____.

65C-33.004 Pre-Service Training Assessments.

(1) Pre-Test.

(a) The training entity is responsible for the administration of the pre-test. Individuals who may take the pre-test as part of the pre-service training curriculum include those persons hired by the employing agency in a Child Protection Professional position, as well as interns working with the agency in a paraprofessional capacity.

(b) The pre-test shall not be authorized to be used as a study guide, as preparation for the post-test, or for any other purpose(s) for which it has not been validated and approved. An individual may take the pre-test only once during any one period of employment.

(c) The training entity is responsible for the scoring and dissemination of the results of the pre-test. The employing agency may have access to the trainee's pre-test score for purposes of performance evaluation, however, the pre-test score is not to be used for any type of pre-employment screening or for any other purpose(s) for which it has not been validated.

(2) Post-Test.

(a)1. The training entity is responsible for the administration of the post-test, and for ensuring that there is adequate and appropriate technical support available at or within close proximity to the testing site, in the event of emergencies.

2. Disruptions During Testing.

a. Should equipment failure, building disruption, or other unforeseen circumstance occur during the course of the administration of the post-test, and should the failure affect one, several, or all participants involved in taking the test, arrangements shall be made by the training entity to re-administer the post-test as soon as practical to those participants affected by the disruption.

b. The re-administration of the post-test to the affected participant(s) must be conducted in a manner consistent with the time and proctoring standards followed in the initial post-test administration, ensuring that all participants are treated fairly and provided with equal opportunities for successful post-test completion.

c. For issues not addressed above which arise during the administration of the post-test, the trainer/test proctor shall contact the Training Academy for immediate guidance. The Training Academy shall keep a record of these issues/requests detailing the date and time of the call; the name, title and agency of the caller; the nature of the issue; and the resolution provided by the Academy. A copy of this log will be provided to the Department on a quarterly basis, or as requested.

(b) Prior to administering the post-test, the training entity is responsible for verifying each trainee's eligibility to take the post-test, by ensuring that every trainee has satisfactorily completed all pre-service training requirements, including all classroom instruction as well as any required on-line courses and applicable field activities for his or her position classification.

(c) The training entity is responsible for addressing and accommodating the special testing needs of a trainee, by prior discussion with the trainee and the supervisor, in order to determine if reasonable accommodation is warranted and able to be afforded the trainee, while ensuring that all pre-service participants are treated fairly and provided with equal opportunities for successful post-test completion.

(d)1. The training entity is responsible for the scoring and dissemination of the results of the post-test.

2.a. Post-test scores are confidential; other than the employee, the only individuals or agencies who may have access to an employee's post-test score without the employee's prior written consent are the training entity and the Training Academy.

b. Upon conclusion of the post-test, the employee shall be provided with his or her score; however, the employee's supervisor shall be notified only as to whether or not the employee passed the post-test and, if not, whether or not the trainee is eligible to retake the post-test once, by virtue of his or her score.

(3) Post-Test (First Attempt).

(a) A trainee must achieve the minimum established passing score or higher on the post-test in order to progress to Phase II.

(b) At the discretion of the employing agency, any trainee who scores one to four points below the minimum passing score on the first attempt of the post-test may either take the post-test one (1) additional time, or be removed from the position no later than ten (10) business days of receipt of the post-test results.

1. If re-taking the post-test, the re-test must be administered no later than 15 business days following the date of the initial post-test, absent special or other circumstances accommodated by the employing agency or the training entity.

2.a. Prior to scheduling a re-take of the post-test, a Remedial Training Plan must be developed between the trainer, the trainee, and his or her supervisor, to address the trainee's area(s) of deficiency on the post-test and a plan for remediation.

b. The agency-designed Remedial Training Plan must identify the roles and responsibilities of all plan participants, must address the trainee's area(s) of deficiency on the post-test, and must include a schedule of dates and times during which specific portions of the pre-service curriculum (as well as any other relevant training materials) will be reviewed with the trainee in an effort to ensure that the individual is provided

with access to all of the resources and supports available to help increase the likelihood of successful completion of the re-take of the post-test.

(c)1. At the discretion of the employing agency, any trainee who scores five or more points below the established minimum passing score on the first attempt of the post-test may either take the entire pre-service training again during the next training cycle, or be removed from the position no later than ten (10) business days after receipt of the post-test results.

2. If retaking the entire pre-service training, the trainee shall remain in trainee status, and therefore shall not carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case while in trainee status.

(4) Post-Test (Second Attempt):

(a) For those trainees re-taking the post-test, the employing agency shall make arrangements for the second attempt of the post-test to be administered within 15 business days following the date of the initial post-test, absent special or other circumstances accommodated by the employing agency or the training entity.

(b)1. At the discretion of the employing agency, any trainee who fails to achieve the minimum passing score on the second attempt of the post-test must either take the entire pre-service training again during the next training cycle, or be removed from the position within ten (10) business days after receipt of the post-test results.

2. If re-taking the entire pre-service training, the trainee shall remain in trainee status, and therefore shall not carry a caseload, be assigned any cases, be responsible for any assessment of risk, or otherwise have either primary or secondary responsibility for any investigation, child, family or case while in trainee status.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History-New _____.

65C-33.005 Phase II of Child Welfare Training.

(1) A trainee must successfully complete all of the required pre-service training and pass the post-test in order to progress to Phase II as a Child Protection Professional.

(2)(a) Upon successful completion of either the waiver test, or the pre-service training requirements and the post-test, each Child Protection Professional shall be granted caseload protection for 30 calendar days, during which time a training caseload of a reduced number of investigations (for Child Protective Investigators), a reduced number of cases (for Child Protection Case Managers), or a reduced number of foster family home studies (for Child Protection Licensing Counselors) will be provided to the new Child Protection Professional.

(b) The employing agency shall develop a policy which addresses the establishment of a training caseload range (pursuant to the following guidelines), specifying both the maximum number as well as the type of investigations, cases, or home studies to which a new Child Protection Professional may be assigned as either primary or secondary worker within 30 calendar days of having passed the post-test.

1. The training caseload for Child Protective Investigators should be limited to no more than two (2) open, active investigations at any time; the number of children on the training caseload should not exceed ten (10).

2. The training caseload for Child Protection Case Managers should be limited to no more than five (5) open, active cases at any time; the number of children on the training caseload should not exceed ten (10).

3. The training caseload for Child Protection Licensing Counselors should be limited to no more than three (3) open, active home studies at any time; the number of licensed foster homes on the training caseload should not exceed five (5).

(3) After the 30 calendar day period of caseload protection, the caseload of a new Child Protection Professional may be increased gradually over time, based upon the ongoing assessment of the individual's developing knowledge, skills, abilities, values and attitudes, by the Supervisor, Specialist, Trainer, or other certified individual performing similar functions or having similar responsibilities within the employing agency.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History—New _____.

65C-33.006 Performance Assessment.

(1) The employing agency is responsible for the administration, tracking and oversight of the Performance Assessment.

(2) Every agency shall utilize the core standardized, competency-based skills evaluation instrument ("Performance Assessment") developed by the Department, in order to address core competency elements by objectively assessing and measuring each candidate's proficiency in executing identified key activities essential to and representative of the responsibilities and duties of the individual's position, when performed as mandated by statute, rule and policy within required time frames.

(3)(a) Each component of the Performance Assessment is designed to address those fundamental competency elements pertinent to the job responsibilities of each respective position classification (Protective Investigations; Case Management; Licensing), and each Child Protection Professional shall be evaluated in terms of the primary function(s) of the position which he or she occupies.

(b) Although every agency must utilize the standard Performance Assessment developed by the Department, each agency may incorporate into the Performance Assessment additional components which reflect the agency's own System of Care or Quality Assurance measures.

1. These additions must not change the core elements of the Assessment, and although they may be more prescriptive than statute, rule and Department policy, they may not be less so.

2. The agency-specific additions to the core Performance Assessment are not required to be forwarded to the Office of Family Safety for approval prior to use.

(4) There are two portions of the core Performance Assessment; the first is the casework portion, which includes an evaluation of actual case documents, and the second is the interpersonal skills portion, which includes an evaluation of a professional interaction.

(5)(a) There is no requirement as to which component of the Performance Assessment is evaluated first, the casework or the interpersonal skills portion, provided that all evaluations of each component are completed within the established "window" period.

(b) Absent special or other circumstances, the "window" period during which all portions of a candidate's initial Performance Assessment must be completed extends from no sooner than 6 months from the date of the candidate's successful completion of the waiver or post-test, to no later than 9 months from the date of the individual's waiver or post-test.

(6) Each Child Protection Professional shall have two (2) opportunities to successfully complete all portions of the Performance Assessment.

(7) Each portion of the Performance Assessment shall be evaluated by the candidate's immediate supervisor (if certified) and an independent evaluator.

(a) If the candidate's immediate supervisor is not yet certified, he or she may not conduct an evaluation of either portion of the Performance Assessment; a supervisor who is certified in the same position classification as that in which the candidate is seeking certification (Protective Investigations; Case Management; Licensing) must conduct the evaluation.

(b) Each agency shall establish a protocol within the following parameters for determining who shall serve as independent evaluators, and how assessments are to be assigned to those individuals serving as independent evaluators:

1. In order for an individual to serve as an independent evaluator, he or she must:

a. Be a Certified Child Welfare Trainer, or

b. Be a Certified Child Protection Professional, whose most recent certification is in the same position classification as that in which the candidate is seeking certification (Protective Investigations; Case Management; Licensing), and

who is currently employed as a Supervisor, Specialist, Quality Assurance Professional, Field Trainer, or higher level position within the same program area as that of the candidate when possible (Protective Investigations; Case Management; Adoptions; Licensing).

2. The independent evaluator may be an individual from within the same employing agency as that of the candidate, or from another agency which performs the same or substantially similar child welfare/child protection work, provided that the individual meets the above criteria as an independent evaluator.

3. Under no circumstances shall an independent evaluator conduct an assessment of any candidate within his or her chain of command, or of any candidate with whom there may exist a personal relationship or conflict of interest.

4. Absent special or other circumstances, the same independent evaluator shall be responsible for evaluating a candidate's Performance Assessment in its entirety, including both the Casework and Interpersonal portions, as well as any agency-specific additions to the assessment.

(8) Casework Component of the Performance Assessment.

(a) Each employing agency will establish a protocol for determining how to select a case to be identified for the casework component of the Performance Assessment, within the guidelines set forth for each candidate's position classification and certification designation.

(b)1. The Performance Assessment enables child protection professionals to demonstrate their skills consistent with the specific tasks their job requires. Each individual shall complete the casework component of the Performance Assessment that is most representative of or most closely matches his or her job responsibilities.

2. In those situations where an individual works in a "mixed" unit and performs several job functions, or works in a highly specialized unit and performs a very specific or limited job function, the individual will meet with his or her supervisor in order to determine which casework component of the Performance Assessment would be the most appropriate.

(c)1. All documents, completed forms and information in the electronic SACWIS record of the case (FSFN) must be printed out and placed into the case file to be evaluated, prior to the scheduled starting date of the supervisor's evaluation.

2. No documents may be added to, removed from, or changed within the printed case file once the Performance Assessment has begun.

(d) Absent special or other circumstances accommodated by the employing agency, the supervisor must begin his or her evaluation of the casework portion of the assessment no sooner than six (6) months from the date of the candidate's successful completion of the waiver or post-test, and must conclude his or her evaluation within 10 business days of having the completed case file provided to him or her by the candidate.

(e) An independent evaluation of the casework portion of the Performance Assessment may be conducted only after the initial evaluation has been completed by the candidate's immediate supervisor.

1. The results of the supervisor's evaluation and rating of the casework portion of the Performance Assessment shall not be shared with the candidate, the independent evaluator or any other party prior to the independent evaluator having completed his or her evaluation.

2. Upon completion of his or her evaluation, the supervisor will provide the case file to the independent evaluator, regardless of the results of the supervisor's evaluation.

(f) The independent evaluator has 10 business days from the date he or she has been provided with the completed case file to conclude his or her evaluation of the candidate's work products.

(9) Casework Component of the Performance Assessment for Child Protective Investigator candidates:

(a) The case for evaluation shall be selected and agreed upon jointly by the candidate and his or her supervisor, and will be identified early enough in the case flow process for the candidate to personally complete all of the case documents being evaluated.

(b) The case shall be a judicial case with findings, which was staffed and referred for on-going case management service provision.

(c) The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under court-ordered supervision.

(d)1. Demonstration of core competency elements through skilled performance of the following minimum applicable key case activities is required for successful completion of the casework component of the Performance Assessment by a Child Protective Investigator candidate:

2. All of the following must be completed pursuant to statute, rule and policy, including adhering to applicable time frames:

a. Information gathering, to include:

I. On-site, face-to-face visits as required (home; school; field);

II. Frequency of visits/contact with child, caregivers, and birth parent(s) as required, and as consistent with risk;

III. Level of intervention is consistent with risk;

IV. Thorough assessment of safety and on-going risk factors at each home visit/contact;

V. Safety Plan (if applicable), addresses all identified safety concerns;

VI. Background records checks (as required);

VII. Relevant collateral contacts as required.

b. Documentation, to include:

I. Case record contents are well-organized and easy to understand;

II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Pre-Disposition Study/Report (if applicable to the case being evaluated and completed solely by the candidate), meets all statutory and rule requirements; and the content is accurate, informative, timely and well-written;

V. The Home Study for relative or non-relative placement (if applicable) is of such quality that it: includes enough relevant information to support appropriate decision making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.

c. Assessment, to include:

I. Child Safety Assessment (Initial) and Risk Assessment (On-going): Includes complete information on all family/household members and other relevant individuals. The information in the Family Assessment(s) is of such quality that it: supports appropriate decision-making, addresses the strengths and needs of all family/household members and other significant individuals, addresses all safety and risk factors as appropriate, and includes all applicable background checks completed within required time frames. The initial and on-going assessment of the family and home address potential immediate safety and long-term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-making, to include:

I. Both reasonable efforts and removal/placement activities were conducted consistent with risk and as required by statute and rule;

II. Case activity/documentation reflects that there was preparation for and participation in the Early Services Intervention/Case Transfer Staffing and other required staffings as appropriate; and that the information provided to receiving unit was timely, accurate and complete;

III. Case documentation reflects that there was discussion with the supervisor (and other high level agency personnel, if necessary) regarding case issues, if applicable;

IV. Appropriate findings and case disposition.

(10) Casework Component of the Performance Assessment for Child Protective Investigations Professionals (Supervisor, Specialist, Quality Assurance Professional and Field Trainer candidates).

(a) A Supervisor, Specialist, Quality Assurance Professional or Field Trainer candidate shall conduct an analysis of the casework of a Child Protective Investigator.

(b) The candidate shall conduct his or her analysis on a case which is to be randomly selected and agreed upon jointly by the candidate and his or her supervisor, and is to be selected from the candidate's unit or program area caseload. Under no circumstances shall a candidate be assigned to evaluate a case on which he or she provided supervision or consultation prior to the assessment.

(c) The case shall be an open or closed judicial case with findings, which was staffed and referred for on-going case management service provision, and which has/had been open for a sufficient amount of time to enable the primary investigator on the case to have completed an initial and updated Child Safety Assessment, a Predisposition Study/Report (or similar document, containing similar information), and a Home Study (if applicable).

(d) The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under supervision.

(e) I. Demonstration of core competency elements through skilled critical analysis of the strengths, omissions and errors in the case, in addition to identification of the improvements needed in the work product(s) analyzed per the following case criteria is required for successful completion of the casework component of the Performance Assessment by a Child Protective Investigations Supervisor, Specialist, Quality Assurance Professional or Field Trainer candidate:

2. Each of the following must be analyzed using the requirements of statute, rule and policy (including applicable time frames), and the guidelines set forth below:

a. Information gathering, to include:

I. On-site, face-to-face visits as required (home; school; field);

II. Frequency of visits/contact with child, caregivers, and birth parent(s) as required, and as consistent with risk;

III. Level of intervention is consistent with risk;

IV. Thorough assessment of safety and on-going risk factors at each home visit/contact;

V. Safety Plan (if applicable), addresses all identified safety concerns;

VI. Background records checks (as required);

VII. Relevant collateral contacts as required.

b. Documentation to include:

I. Case record contents are well-organized and easy to understand;

II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Pre-Disposition Study/Report (or similar document, containing similar information), if applicable to the case being evaluated, meets all statutory and rule requirements; and the content is accurate, informative, timely and well-written;

V. The Home Study for relative or non-relative placement (if applicable to the case) is of such quality that it: includes enough relevant information to support appropriate decision making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.

c. Assessment to include:

I. Child Safety Assessment (Initial) and Risk Assessment (On-going): Includes complete information on all family/household members and other relevant individuals. The information in the Family Assessment(s) is of such quality that it: supports appropriate decision-making, addresses the strengths and needs of all family/household members and other significant individuals, addresses all safety and risk factors as appropriate, and includes all applicable background checks completed within required time frames. The initial and on-going assessment of the family and home address potential immediate safety and long-term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-Making, to include:

I. Both reasonable efforts and removal/placement activities were conducted consistent with risk and as required by statute and rule;

II. Case activity/documentation reflects that there was preparation for and participation in the Early Services Intervention/Case Transfer Staffing and other required staffings as appropriate; and that the information provided to receiving unit was timely, accurate and complete;

III. Case documentation reflects that there was discussion with the supervisor (and other high level agency personnel, if necessary) regarding case issues, if applicable;

IV. Appropriate findings and case disposition.

(f)1. For Child Protective Investigator Supervisor candidates, the successful completion of the "Supervising for Excellence" curriculum as addressed in Rule 65C-33.007, F.A.C., is an additional requirement for certification.

2. A Child Protective Investigator Supervisor candidate shall successfully complete the Performance Assessment prior to participating in the required "Supervising for Excellence" training; the "Supervising for Excellence" curriculum is not a requirement for certification of Child Protective Investigations Specialist, Quality Assurance Professional, or Field Trainer candidates.

(11) Casework Component of the Performance Assessment for Child Protection Case Manager candidates.

(a) The case for evaluation shall be selected and agreed upon jointly by the candidate and his or her supervisor, and will be identified early enough in the case flow process for the candidate to personally complete all of the case documents being evaluated.

(b) The case shall be a judicial case with findings, which was staffed and referred for on-going case management service provision, and to which the candidate was assigned at the time of or shortly after the Early Services Intervention/Case Transfer Staffing, and for which the candidate has primary responsibility.

(c) The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, foster parent or prospective adoptive parent; or the case may be an in-home case, where the child is living with one or both parents, under court-ordered supervision.

(d)1. Demonstration of core competency elements through skilled performance of the following minimum applicable key case activities is required for successful completion of the casework component of the Performance Assessment by a Child Protection Case Manager candidate:

2. All of the following must be completed pursuant to statute, rule and policy, including adhering to applicable time frames:

a. Information gathering, to include:

I. Home visits (announced/unannounced) as required;

II. Frequency of visits/contact with child, caregivers and birth parent(s), as required;

III. Quality of engagement of child and parents during visits/contact;

IV. Level of supervision or other intervention is consistent with risk;

V. Thorough assessment of safety and on-going risk factors at each home visit/contact;

VI. Safety Plan (if applicable), addresses all identified safety concerns;

VII. Background records checks (as required);

VIII. Contacts are purposeful and address case plan goal appropriateness as well as progress/degree of compliance of all parties.

b. Documentation, to include:

I. Case record contents are well-organized and easy to understand;

II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Pre-Disposition Study/Report (or similar document, containing similar information), if applicable to the case being evaluated and completed solely by the candidate, meets all statutory and rule requirements; and the content is accurate, informative, timely and well-written;

V. The Case Plan meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well-written; the goal is current and appropriate for the case; services are relevant and accessible; tasks are

achievable and individualized; desired outcomes are measurable; and the case plan has been updated when appropriate;

VI. The Judicial Review Social Study Report meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well-written; and the document includes all attachments and assurances as required;

VII. The material included in the Home Study for relative or non-relative placement, if applicable (or either the Adoptive Home Study, or Child Study, as applicable for Adoption Case Managers), is of such quality that it: includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; background checks completed within required time frames; addresses all safety and risk factors as appropriate; and includes all applicable.

c. Assessment, to include:

I. The initial Family Assessment (and updated Family Assessment, if applicable), includes complete information on all family and household members and other relevant individuals. The information in the Family Assessment(s) is of such quality that it: supports appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames. The initial and on-going assessments of the family and home address potential immediate safety and long-term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-Making, to include:

I. Placement activities (if required), considered the needs of the child, engaged the family (when appropriate), and were conducted consistent with risk and as required by statute and rule;

II. Case activity/documentation reflects that there was preparation for and participation in both internal (agency) and external (e.g., IEP) staffings as appropriate;

III. Case documentation reflects that there was discussion with the supervisor (and other high level agency personnel, if necessary) regarding case issues, if applicable.

IV. The case goal is current, appropriate and achievable.

(12) Casework Component of the Performance Assessment for Child Protection Case Management Professionals (Supervisor, Specialist, Quality Assurance Professional, and Field Trainer candidates).

(a) A Supervisor, Specialist, Quality Assurance Professional, or Field Trainer candidate shall conduct an analysis of the casework of a Case Manager.

(b) The candidate will conduct his or her analysis on a case which shall be randomly selected and agreed upon jointly by the candidate and his or her supervisor, and is to be selected from the candidate's unit or program area caseload. Under no circumstances shall a candidate be assigned to evaluate a case on which he or she provided supervision or consultation prior to the assessment.

(c) The case shall be a judicial case with findings, which was staffed and referred for on-going case management service provision, and to which a Case Manager was assigned at the time of or shortly after the Early Services Intervention/Case Transfer Staffing, and for which a Case Manager continues to have primary responsibility.

(d) The case may be an out-of-home case, where the child was removed and is living with a relative, non-relative, legal custodian, or foster parent; or the case may be an in-home case, where the child is living with one or both parents, under court-ordered supervision.

(e) I. Demonstration of core competency elements through skilled critical analysis of the strengths, omissions and errors in the case, in addition to identification of the improvements needed in the work product(s) analyzed per the following case criteria, is required for successful completion of the casework component of the Performance Assessment by a Child Protection Case Management Supervisor, Specialist, Quality Assurance Professional, or Field Trainer candidate:

2. Each of the following must be analyzed using the requirements of statute, rule and policy (including applicable time frames), and the guidelines set forth below:

a. Information gathering, to include:

I. Home visits (announced/unannounced) as required;

II. Frequency of visits/contact with child, caregivers and birth parent(s), as required;

III. Quality of engagement of child and parents during visits/contact;

IV. Level of supervision or other intervention is consistent with risk;

V. Thorough assessment of safety and on-going risk factors at each home visit/contact;

VI. Safety Plan (if applicable), addresses all identified safety concerns;

VII. Background records checks (as required);

VIII. Contacts are purposeful and address case plan goal appropriateness as well as progress/degree of compliance of all parties.

b. Documentation, to include:

I. Case record contents are well-organized and easy to understand;

II. All demographic, participant, and relationship information in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the case file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Pre-Disposition Study/Report (or similar document, containing similar information), if applicable to the case being evaluated, meets all statutory and rule requirements; and the content is accurate, informative, timely and well-written;

V. The Case Plan meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well-written; the goal is current and appropriate for the case; services are relevant and accessible; tasks are achievable and individualized; desired outcomes are measurable; and the case plan has been updated when appropriate;

VI. The Judicial Review Social Study Report meets all statutory requirements for format, content, and timeframes; the content is accurate, timely, and well-written; and the document includes all attachments and assurances as required;

VII. The material included in the Home Study for relative or non-relative placement, if applicable (or either the Adoptive Home Study, or Child Study, as applicable for Adoption Case Managers), is of such quality that it: includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.

c. Assessment, to include:

I. The initial Family Assessment (and updated Family Assessment, if applicable), includes complete information on all family and household members and other relevant individuals. The information in the Family Assessment(s) is of such quality that it: supports appropriate decision-making, addresses the strengths and needs of all family and appropriate

decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames. The initial and on-going assessments of the family and home address potential immediate safety and long-term risks to children (which includes present and emerging dangers, child vulnerability, and caregiver protective capacity implications), and the information is updated and documented with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs provides accurate and relevant information for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed);

d. Decision-Making, to include:

I. Placement activities (if required), considered the needs of the child, engaged the family (when appropriate), and were conducted consistent with risk and as required by statute and rule;

II. Case activity/documentation reflects that there was preparation for and participation in both internal (agency) and external (e.g., IEP) staffings as appropriate;

III. Case documentation reflects that there was discussion with the supervisor (and other high level agency personnel, if necessary) regarding case issues, if applicable.

IV. The case goal is current, appropriate and achievable.

(f)1. For Child Protection Case Management Supervisor candidates, the successful completion of the "Supervising for Excellence" curriculum as addressed in Rule 65C-33.007, F.A.C., is an additional requirement for certification; the "Supervising for Excellence" curriculum is not a requirement for certification of Child Protection Case Management Specialist, Quality Assurance Professional, or Field Trainer candidates.

2. A Child Protection Case Management Supervisor candidate shall successfully complete the Performance Assessment prior to participating in the required "Supervising for Excellence" training.

(13) Casework Component of the Performance Assessment for Child Protection Licensing Counselor candidates.

(a) The case for evaluation shall be selected and agreed upon jointly by the candidate and his or her supervisor, and will be identified early enough in the case flow process for the candidate to personally complete all of the case documents being evaluated.

(b) The case shall be that of an actively-licensed foster home for which the candidate completed both the licensing checklist and the licensing home study, and for which the candidate has primary responsibility.

(c)1. Demonstration of core competency elements through skilled performance of the following minimum applicable key case activities is required for successful completion of the casework component of the Performance Assessment by a Child Protection Licensing Professional:

2. All of the following must be completed pursuant to statute, rule and policy, including adhering to applicable time frames:

a. Information gathering, to include:

I. Home visits as required;

II. Frequency of visits with licensed caregivers as required;

III. Thorough assessment of safety and on-going risk factors at each home visit/contact;

IV. Safety Plan (if applicable), addresses all identified safety concerns;

V. Background records checks (as required);

VI. Contacts are purposeful and address placement and foster home compliance issues.

b. Documentation, to include:

I. Case record contents are well-organized, and easy to understand;

II. All foster family demographic information in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Licensing Checklist and the Licensing Home Study include complete information on all family and household members and other relevant individuals. The material in the Home Study is of such quality that it: includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.

c. Assessment, to include:

I. The initial assessment of the prospective foster family and home as well as the on-going assessment of the licensed family and home both address potential immediate safety and long-term risks to children (which includes present and emerging dangers, foster child vulnerability, and caregiver protective capacity implications), and the information is updated with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs in both the Licensing Checklist and the Licensing Home Study provides accurate and relevant information for licensing/placement purposes, as well as for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention (if applicable) was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-Making, to include:

I. Licensing/relicensing decisions were made in accordance with statute, rule and child safety factors;

II. The strengths of the foster family were matched to the needs of the child when possible;

III. Case documentation/activity reflects that there was preparation for and participation in staffings or other agency mechanisms for ensuring that relevant information was reviewed and shared between affected parties (e.g., exit interviews; meeting with case managers who had placed children in the home, etc.);

IV. Case documentation reflects that there was coordination with other individuals or entities in order to help enhance timely service provision or to address concerns.

(14) Casework Component of the Performance Assessment for Child Protection Licensing Professionals (Supervisor, Specialist, Quality Assurance Professional, and Field Trainer candidates).

(a) A Supervisor, Specialist, Quality Assurance Professional, or Field Trainer candidate shall conduct an analysis of the casework of a Licensing Counselor.

(b) The candidate will conduct his or her analysis on a case which shall be randomly selected and agreed upon jointly by the candidate and his or her supervisor, and is to be selected from the candidate's unit or program area caseload. Under no circumstances shall a candidate be assigned to evaluate a case on which he or she provided supervision or consultation prior to the assessment.

(c) The case shall be that of an actively-licensed foster home for which a Licensing Counselor completed the licensing study, and for which a Licensing Counselor has primary responsibility.

(d)1. Demonstration of core competency elements through skilled critical analysis of the strengths, omissions and errors in the case, in addition to identification of the improvements needed in the work product(s) analyzed per the following case criteria, is required for successful completion of the casework component of the Performance Assessment by a Child Protection Licensing Supervisor, Specialist, Quality Assurance Professional, or Field Trainer candidate:

2. Each of the following must be analyzed using the requirements of statute, rule and policy (including applicable time frames), and the guidelines set forth below:

a. Information gathering, to include:

I. Home visits as required;

II. Frequency of visits with licensed caregivers as required;

III. Thorough assessment of safety and on-going risk factors at each home visit/contact;

IV. Safety Plan (if applicable), addresses all identified safety concerns;

V. Background records checks (as required);

VI. Contacts are purposeful and address placement and foster home compliance issues.

b. Documentation, to include:

I. Case record contents are well-organized, and easy to understand;

II. All foster family demographic information in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN) is correct and current;

III. The case documentation in the printed, hard copy of the licensing file, as well as that which is in the SACWIS system of record (FSFN) is of good quality, accurate, relevant, well-written, and the entries have consistently been completed in a timely manner;

IV. The Licensing Checklist and the Licensing Home Study include complete information on all family/household members and other relevant individuals. The material in the Home Study is of such quality that it: includes enough relevant information to support appropriate decision-making; addresses special placement or other considerations, including matching the strengths of the family to the needs of the child; addresses all safety and risk factors as appropriate; and includes all applicable background checks completed within required time frames.

c. Assessment, to include:

I. The initial assessment of the prospective foster family and home as well as the on-going assessment of the licensed family and home both address potential immediate safety and

long-term risks to children (which includes present and emerging dangers, foster child vulnerability, and caregiver protective capacity implications), and the information is updated with sufficient thoroughness at each home visit/contact to identify possible risks, and enable development of a safety plan if needed;

II. A Safety Plan (if applicable) is documented, and safety planning is addressed appropriately (if necessary);

III. The documentation of identified issues, strengths and needs in both the Licensing Checklist and the Licensing Home Study provides accurate and relevant information for licensing/placement purposes, as well as for immediate and long-term safety planning, case planning, and permanency considerations;

IV. Case activity/documentation reflects that intervention (if applicable) was consistent with risk, that appropriate referral(s) were initiated in a timely manner, that services were provided consistent with needs in a timely manner, and that there was appropriate follow-up to verify service provision (including documentation as to why such identified/needed services were not provided or accessed).

d. Decision-Making, to include:

I. Licensing/relicensing decisions were made in accordance with statute, rule and child safety factors;

II. The strengths of the foster family were matched to the needs of the child when possible;

III. Case documentation/activity reflects that there was preparation for and participation in staffings or other agency mechanisms for ensuring that relevant information was reviewed and shared between affected parties (e.g., exit interviews; meeting with case managers who had placed children in the home, etc.);

IV. Case documentation reflects that there was coordination with other individuals or entities in order to help enhance timely service provision or to address concerns.

(e)1. For Child Protection Licensing Supervisor candidates, the successful completion of the "Supervising for Excellence" curriculum as addressed in Rule 65C-33.007, F.A.C., is an additional requirement for certification; the "Supervising for Excellence" curriculum is not a requirement for certification of Child Protection Licensing Specialist, Quality Assurance Professional, or Field Trainer candidates.

2. A Child Protection Licensing Supervisor candidate shall successfully complete the Performance Assessment prior to participating in the required "Supervising for Excellence" training.

(15) Interpersonal Skills Component of the Performance Assessment.

(a) It is the responsibility of the candidate to select the interaction(s) for the interpersonal skills evaluation(s) and to schedule the observation(s). Each interaction may take place in any setting in which the candidate typically engages in a professional interaction with others as part of his or her job.

1. For Child Protective Investigator, Child Protection Case Manager, and Child Protection Licensing Counselor candidates, the interpersonal skills evaluation(s) may be scheduled in a client or family home, in the candidate's office, or in any other professional setting.

2. For Supervisor, Specialist, Quality Assurance Professional and Field Trainer candidates, the interpersonal skills evaluations may be scheduled in the office or field, where the candidate interacts with staff, peers, or other professionals.

(b) The interpersonal skills evaluation(s) may be scheduled any time after the Performance Assessment "window" period opens, from no sooner than six (6) months from the date of the candidate's hire into the position, or successful completion of the waiver or post-test (whichever is later), to no later than nine (9) months from the date of the candidate's hire into the position, or successful completion of the waiver or post-test, whichever is later.

(c)1. There is no requirement that the supervisor and the independent evaluator observe separate interactions, although they may do so, based upon such factors as scheduling availability and sensitivity to the needs of clients and families.

2. If the supervisor and independent evaluator observe separate interactions, the supervisor's observation must be completed prior to the independent evaluator conducting his or her evaluation.

(d) For all candidates for certification, the professional interaction shall be evaluated in terms of each of the following minimum applicable key activities, which must be demonstrated in a manner consistent with generally accepted standards of professional conduct:

1. Demonstration of advanced preparation for the interaction;

2. Performance of introduction(s);

3. Knowledge and explanation of the purpose of the visit/interaction;

4. Ability to maintain an objective, professional approach;

5. Ability to engage children (as appropriate for age and developmental level) and caregivers/family members in discussion and planning;

6. Ability to communicate professionally with all visit/meeting participants;

7. Demonstration of active listening skills;

8. Ability to maintain the focus of the interaction;

9. Ability to appropriately respond to unexpected events as necessary;

10. Ability to verbalize participants' strengths and needs;

11. Demonstration of knowledge about and ability to offer service/provider alternatives to children and families;

12. Ability to conduct closing activities at conclusion of interaction.

(16) Completion of the Performance Assessment.

(a) All initial and subsequently attempted Performance Assessment activities and evaluations must be concluded no later than 12 months from the date the individual was hired into the position, or passed the waiver or post-test (whichever is later), by which time the individual shall have either achieved Child Protection Professional certification or shall be removed from any position requiring such certification.

(b)1. All portions of the Performance Assessment, including any agency-designed and agency-required additional components, must be successfully completed in order for the Child Protection Professional to fulfill the minimum performance standards required for initial certification as a Child Protection Professional.

2. Successful completion requires that both the individual's supervisor and the assigned independent evaluator concur that the candidate effectively demonstrated the knowledge, skills, abilities, values and attitudes necessary for the competent performance of the duties required by his or her position.

(c) At such time as the independent evaluator has completed both the casework and interpersonal evaluations, he or she and the supervisor shall meet to review and discuss their findings, prior to meeting with the candidate to present the results.

1. If both the Independent Evaluator and the candidate's supervisor agree that the individual successfully completed all portions of the Performance Assessment, the candidate has met the standard for initial certification as a Child Protection Professional, and the necessary paperwork shall be completed per the process set forth in Rule 65C-33.009, F.A.C., in order for the candidate to be issued his or her certificate.

2. If both the Independent Evaluator and the candidate's supervisor agree that the individual did not successfully complete all portions of the Performance Assessment (including any agency-designed additional components), the candidate may engage in one (1) more attempt to demonstrate those skill areas which he or she did not pass the first time during the initial assessment.

a. If a candidate passes only one portion of the Performance Assessment (either the Casework or the Interpersonal Skills portion), it is not necessary for the candidate to take the entire assessment again; he or she will only need to re-take the failed portion of the assessment.

I. On the casework portion of the Performance Assessment, each of the written work products and criteria included in one standard (e.g., Documentation) must be passed in order to have passed that standard.

II. All standards must be passed in order to successfully complete the casework portion of the Performance Assessment.

III. Any standard(s) not passed may be attempted a second time in a re-take of the Casework portion of the Performance Assessment.

b. Inasmuch as a candidate's second Performance Assessment casework attempt shall not be conducted on the same case as previously evaluated, the employing agency will have established a protocol for random case selection for re-takes of any standards of the Casework component of the Performance Assessment.

c. Should a second attempt at the Interpersonal Skills portion of the Performance Assessment be necessary, the second attempt shall be observed during a professional interaction between the candidate and different participants than those observed in the first attempt.

I. As in the initial attempt, it is the responsibility of the candidate to select the interaction(s) for the Interpersonal Skills evaluation(s) and to schedule the observation(s); there is no requirement that the supervisor and the independent evaluator observe separate interactions, however they may do so.

II. If, during the first attempt of the Interpersonal Skills evaluation, the Supervisor and the Independent Evaluator observed different interactions, and only one of them failed the candidate, both the Supervisor and the Independent Evaluator must evaluate the second attempted interaction.

d. Absent special or other circumstances, the employing agency shall make arrangements for the second attempt of the failed portion(s) of the Performance Assessment to be conducted within 30 calendar days following the date on which the initial Performance Assessment was failed.

e. At the beginning of the 30 calendar day period prior to the individual's second attempt, the candidate, his or her Supervisor, and a Certified Child Welfare Trainer may, at the discretion of the employing agency, enter into a Certification Plan to identify the areas of deficiency and develop the strategy for remediation.

3.a. The employing agency shall have established a protocol for the resolution of differences which arise in the event that, after a review of their findings, the Independent Evaluator and the candidate's Supervisor differ in their perspective on whether or not the candidate successfully completed all portions of the Performance Assessment.

b. Such agency protocol may include convening a review panel, consisting of agency executive staff, to evaluate the same work products or skills assessed during the initial evaluation; or some similar resolution process, the decision made by which is binding.

4. Absent special or other circumstances, the independent evaluator for the individual's second Assessment attempt shall be the same individual who served as Independent Evaluator for the candidate's first attempt of the Performance Assessment.

(17) Absent special or other circumstances, should the Child Protection Professional fail to successfully complete the second Performance Assessment attempt (either portion), the employing agency shall do one of the following:

(a) Afford the individual the opportunity to enter into a one time, time-limited Performance Improvement Plan (“PIP”) with his or her immediate and next level Supervisor, a Certified Child Welfare Trainer, and the Independent Evaluator, in order to best decide on a plan of action, which may, at the discretion of the employing agency, include one final Performance Assessment attempt.

1. The time frame for completion of the Performance Improvement Plan (including, if applicable, the individual’s one final Performance Assessment attempt), shall be no longer than 60 calendar days from the date the individual failed the second attempted Performance Assessment, or 12 months from the date of having successfully completed the waiver or post-test, whichever occurs first, absent special or other circumstances accommodated by the employing agency.

2. There are no second Performance Improvement Plans applicable under this section.

(b)1. Terminate the individual from the agency, or remove the individual from any position requiring Child Protection Certification no later than ten (10) business days from the date of receipt of the results of the second failed Performance Assessment, absent special or other circumstances accommodated by the employing agency.

2. If special or other circumstances exist, it is up to the sole discretion of the employing agency as to the accommodation, if any, to be extended to the individual, within these guidelines:

a. Under no circumstances shall any individual in one of the Child Protection Professional positions of Protective Investigator, Case Manager or Licensing Counselor, who has failed to achieve certification due to two unsuccessful attempts to successfully complete the Performance Assessment, carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.

b. Similarly, under no circumstances shall any individual in one of the Child Protection Professional positions of Supervisor, Specialist, Quality Assurance Professional, or Field Trainer, who has failed to achieve certification due to two unsuccessful attempts to successfully complete the Performance Assessment, be responsible for any assessment of risk, any oversight or approval of the work of others, or otherwise provide oversight of any investigation, child, family or case.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History—New _____.

65C-33.007 Additional Requirements for Supervisor Certification.

(1) Absent special or other circumstances accommodated by the employing agency, each Child Protection Professional who occupies a supervisory position must meet all of the training and certification requirements to become certified as a Supervisor in that position classification (Protective Investigations; Case Management; Licensing) within one year of hire into the supervisory position, or within one year of passing the waiver or post-test for the position, whichever is later.

(2) In order to achieve certification as a Child Protection Professional Supervisor, each candidate occupying a supervisory position must:

(a)1. Successfully complete both the Casework and Interpersonal Skills portions of the Performance Assessment applicable to his or her position classification (Protective Investigations; Case Management; Licensing), developed for Supervisor, Specialist, Quality Assurance Professional, and Field Trainer candidates, as described in Rule 65C-33.006, F.A.C.:

2. Should the individual fail to successfully complete both portions of the Performance Assessment, the process to be followed is set forth in subparagraph 65C-33.006(16)(c)2., F.A.C.

(b) Successfully complete the child welfare “Supervising for Excellence” or other Department-approved supervisory curriculum.

1. Absent special or other circumstances, successful completion of the child welfare “Supervising for Excellence” curriculum is achieved by the individual attending and participating in all sessions of the course, completing all assignments, and completing and presenting the project component as required by the curriculum. All missed classes shall be made up by the individual prior to the conclusion of the course.

2.a. At the discretion of the employing agency, should the candidate fail to successfully complete the child welfare “Supervising for Excellence” or other Department-approved curriculum, the agency shall either:

b. Afford the individual the opportunity to enter into a one-time, time-limited Certification Plan with his or her immediate and next level Supervisor, a Certified Child Welfare Trainer, and any other interested parties, in order to help identify the issue(s) and develop a specific plan for remediation which may, at the discretion of the employing agency, include one final attempt to successfully complete the child welfare “Supervising for Excellence” curriculum.

1. The time frame for completion of the Certification Plan (including, if applicable, the individual’s one final “Supervising for Excellence” attempt), shall be no longer than 60 calendar days from the date the individual failed to successfully complete the first attempted “Supervising for

Excellence” curriculum, or within one (1) year of hire into the supervisory position, or within one (1) year of passing the waiver or post-test for the supervisory position, whichever is later, absent special or other circumstances accommodated by the employing agency.

II. There are no additional Certification Plans applicable under this section.

(b) Remove the individual from any position requiring supervisory Child Protection Certification no later than ten (10) business days from the date the candidate failed to successfully complete the child welfare “Supervising for Excellence” curriculum, absent special or other circumstances accommodated by the employing agency.

1. If special or other circumstances exist, it is up to the sole discretion of the employing agency as to the accommodation, if any, to be extended to the individual, within these guidelines.

2. Under no circumstances shall any individual who has failed to achieve certification as a Supervisor due to two or more unsuccessful attempts to successfully complete the child welfare “Supervising for Excellence” curriculum be responsible for any assessment of risk, any approval of the work of others, or otherwise provide oversight of any investigation, child, family or case.

(c) Terminate the individual from the agency within ten (10) business days of notice to the individual that the requirements of certification have not been met within the required period of time.

(3) Within 30 calendar days of a Child Protection Professional having successfully completed the supervisory certification process, the employing agency Training Manager or designee shall forward to the Office of Family Safety a completed Department-generated “Request for Certificate” form, attesting to the fact that the individual successfully completed all requirements necessary for certification as a Child Protective Investigator Supervisor, a Child Protection Case Management Supervisor, or a Child Protection Licensing Supervisor.

(4) The complete process to be followed for the request and issuance of all certificates is set forth in Rule 65C-33.009, F.A.C.

(5) The recertification requirements for a Child Protection Professional Supervisor and the implications of not achieving timely recertification are identical to those for any other Certified Child Protection Professional, as set forth in Rule 65C-33.008, F.A.C.

Specific Authority 402.40, 39.0121 FS, Law Implemented 402.40 FS, History—New _____.

65C-33.008 Recertification.

(1) Certification is a condition of employment for those positions requiring certification.

(2) In order to achieve recertification, it is required that every Certified Child Protection Professional continue to fulfill his or her job requirements and participate in a minimum of 48 hours of professional development (“in-service”) training every three (3) years from the date of his or her most recent certification, in order to help enhance professional growth and development on an on-going basis, and as the means by which to fulfill the training requirements for recertification. Unless accommodations are made by the employing agency to address an individual’s special or other circumstances, each individual in a position requiring certification must be recertified within three (3) years of the date of the most recent certification.

(3) The employing agency shall ensure that obtaining recertification every three (3) years through the fulfillment of job requirements and documented professional development training is included as a performance standard for each Certified Child Protection Professional, and that each individual employed in a position requiring certification is made aware of the ramifications of not meeting the requirement.

(4)(a) It is the responsibility of the employing agency to ensure that each Certified Child Protection Professional is notified of and encouraged to attend and participate in a variety of professional development training opportunities in order to help enhance each individual’s professional evolution on an on-going basis, as well as to meet recertification requirements.

(b) An individual may not be recertified in more than one position classification (Protective Investigations; Case Management; Licensing) or in more than one certification designation (e.g., Protective Investigator; Supervisor) at the same time. In those instances in which an individual, by virtue of transferring, promoting, or being hired into another position requiring certification, is actively, concurrently certified in more than one position classification or certification designation, and meets the requirements for recertification, the individual’s recertification shall only be granted in his or her current position classification and current certification designation.

(5) The employing agency is responsible for verifying attendance and maintaining documentation of each individual’s professional development training hours.

(6) The Department will not review or approve professional development (“in-service”) training courses.

(7) It is the responsibility of the employing agency to validate professional development training course content as to subject relevance, with regard to each individual’s position classification, job requirements, and identified or observed needs.

(8) Although there are no specific course requirements for the mandatory 48 hours of professional development training, employing agencies shall provide or make available training opportunities which address a wide variety of core competency elements (e.g., ethics, interpersonal skills, conflict resolution,

law and policy issues, cultural diversity, and case practice-related processes) in order to help expand the knowledge, proficiency and awareness of each Certified Child Protection Professional.

(a) Professional development training hours may be obtained by attending relevant workshops, conferences, other trainings, or participating in pertinent on-line learning opportunities approved by the employing agency. In some cases whereby individuals are pursuing undergraduate or graduate degrees, certain courses may be pre-approved by the employing agency to count as a portion of the individual's professional development training hours, as long as the course and the degree sought are relevant to the individual's current position classification (Protective Investigations; Case Management; Licensing).

1. Professional development training hours garnered through agency-approved, successfully completed college or graduate-level courses shall be credited as the number of total credit hours for the course; for example, a three (3) credit-hour course shall be credited as three (3) professional development training hours toward recertification.

2. No more than 25% of the required 48 professional development training hours may come from college or graduate-level courses in which the individual is enrolled as a degree-seeking or non-degree seeking student.

(b) No individual may take the pre-test, post-test or waiver test in lieu of all or any part of the required 48 hours of professional development training hours.

(c) No individual may attend pre-service classes that he or she previously attended as part of the pre-service curriculum or waiver plan in order to obtain any professional development ("in-service") training hours.

1. Pre-service curriculum courses that are new, or in which the individual has not previously participated (including relevant on-line instruction that may be a new part of the pre-service curriculum, but was not included in the individual's previous pre-service experience) may be considered as professional development training hours which count toward meeting the requirement for recertification.

2.a. Training provided by the Department on updated statutory, administrative code and policy requirements may be considered as professional development training hours which count toward meeting the requirement for recertification.

b. In order to help promote each individual's professional development, enhancement of skills and assimilation of information beyond that which is routinely required as part of each individual's job function, no more than 50% of the mandatory 48 professional development training hours may be credited from trainings which are required by the Department.

(9) The employing agency is responsible for the tracking of all professional development trainings, activities and recertification information for every Certified Child Protection Professional employed by the agency.

(a) The official tracking system that shall be used by the Department and all agencies to document training is SkillNET, or other Department-approved tracking database.

(b) Each individual shall enter and regularly maintain all professional development training information in SkillNET, or other Department-approved tracking database.

(10) Every Supervisor of a Certified Child Protection Professional shall ensure, prior to the expiration of the individual's certification, that his or her professional development training hours are appropriate and sufficient to meet job performance expectations and recertification requirements.

(a) Absent accommodated special or other circumstances, when professional development training or other identified requirements for recertification are not met, the Certified Child Protection Professional whose certification has expired may, at the discretion of the employing agency:

1. Enter into a Recertification Plan with his or her Supervisor and a Certified Child Welfare Trainer, in order to identify available courses and specific time frames for satisfactorily meeting the requirement, as well as to help ensure that the individual has access to the resources and supports necessary to do so. The formulation of a Recertification Plan is applicable in those cases where, in the judgment of the employing agency, compelling circumstances exist that warrant the allowance of limited additional time for the fulfillment of recertification requirements to be afforded the individual in order to provide every possible opportunity for his or her successful completion of the recertification process within the prescribed time frame.

a. The agency-designed Recertification Plan must identify the roles and responsibilities of all plan participants, must address each of the training, activities, and other steps necessary in order for the Child Protection Professional to satisfy the job performance requirements and achieve recertification, and must include a specific time frame (not to exceed 60 days from the date of expiration of the individual's most recent certification) within which the individual must either complete all requirements for recertification, be removed from any position requiring certification, or be terminated from the agency (absent any special or other circumstances accommodated by the employing agency).

b. A copy of the Recertification Plan will be placed into the individual's personnel file, and a copy will be sent to the employing agency's Training Manager or designee, who will provide one copy each to the Training Academy and the Office of Family Safety.

c. There is a limited process for "provisional certification," the informal certification status of the individual during the period of time between entering into the Recertification Plan and the 60th day after the date of expiration of the individual's most recent certification. While provisionally certified (for a period not to exceed 60 days), the individual may carry a

caseload and continue to perform his or her job responsibilities, but must complete all of the trainings and other recertification activities identified in the Recertification Plan within the specified time frame, or be removed from any position requiring certification.

2. Be removed from the position within ten (10) business days of notice to the individual by the employing agency that the requirements of recertification have not been met within the required period of time.

(11)(a) Upon any of the following: an individual's loss of or inability to achieve certification; promotion, demotion or transfer to a position not requiring certification; termination from the position or agency; or other such status-changing event, the employing agency Training Manager or designee shall notify the Training Academy in writing of the individual's status within three (3) business days of the effective date of the event.

(b) Within two (2) business days of same notification, the Training Academy will update the individual's status in the SkillNET or other Department-approved tracking database system.

(12) For any individual whose certification expired prior to June 24, 2005, his or her certification status is not active, unless recertification requirements were met and documented prior to the expiration date of his or her most recent certificate.

(a) If recertification requirements were not met prior to the expiration date of the most recent certificate, the individual is not certified, and as such, must successfully complete either the waiver test or the pre-service curriculum (including the post-test) and the Performance Assessment, as well as any other certification requirements in order to obtain initial certification. Absent special or other circumstances accommodated by the employing agency, any individual to whom this is applicable shall successfully complete all initial certification requirements and become certified in his or her current position classification no later than one (1) year from the date of having passed the waiver or post-test (whichever is later).

(b) Should an individual covered under this section fail to successfully complete any portion of the initial certification process (including the waiver or post-test, the casework or interpersonal portions of the Performance Assessment), the appropriate steps shall be followed, as set forth in the applicable sections of this Rule.

(13) For any individual whose most recent certification expired between June 24, 2005 and the effective date of this Rule, his or her certification status is active until January 1, 2010, at which time the individual shall be eligible for recertification in his or her current position classification and certification designation, provided that:

(a) He or she has been actively employed and has participated in and documented a minimum of 48 hours of professional development training in the SkillNET or other Department-approved tracking database system, and

(b) Within 30 calendar days before January 1, 2010, the employing agency Training Manager or designee forward to the Office of Family Safety a signed, completed Department-generated "Request for Certificate" form (Attachment A), attesting to the fact that the individual successfully completed all requirements necessary for recertification.

(14) For any individual whose most recent certification date was between June 24, 2005 and January 1, 2007, his or her certification status is active until January 1, 2010, at which time the individual shall be eligible for recertification in his or her current position classification and certification designation, provided that:

(a) He or she has been actively employed and has participated in and documented a minimum of 48 hours of professional development training in the SkillNET or other Department-approved tracking database system, and

(b) Within 30 calendar days before January 1, 2010, the employing agency Training Manager or designee forward to the Office of Family Safety a signed, completed Department-generated "Request for Certificate" form (Attachment A), attesting to the fact that the individual successfully completed all requirements necessary for recertification.

(15) For any individual whose most recent certification date was after January 1, 2007, his or her certification status is active for three (3) years from the date of the certificate, at which time the individual shall be eligible for recertification in his or her current position classification and certification designation, provided that:

(a) He or she has been actively employed and has participated in and documented a minimum of 48 hours of professional development training in the SkillNET or other Department-approved tracking database system, and

(b) Within 30 calendar days before the expiration date of the individual's certificate, or three (3) years from the date of the certificate (if there is no expiration date), the employing agency Training Manager or designee forward to the Office of Family Safety a signed, completed Department-generated "Request for Certificate" form (Attachment A), attesting to the fact that the individual successfully completed all requirements necessary for recertification.

Specific Authority 402.40, 39.0121 FS, Law Implemented 402.40 FS, History-New _____.

65C-33.009 Certificate Issuance.

(1) Within 30 calendar days after any Child Protection Professional has successfully completed all requirements of the certification or recertification process, the employing agency

Training Manager or designee shall forward to the Office of Family Safety a completed and signed Department-generated "Request for Certificate" form (Attachment A), attesting to the fact that the individual successfully completed all requirements necessary for certification or recertification.

(a) The completed "Request for Certificate" form shall include:

1. The date of the request;
2. The name of the employing agency;
3. The individual's full name;
4. The name of the individual's supervisor;
5. The name of the employing agency's Training Manager or designee;
6. The effective date of the individual's certification/recertification;
7. The individual's position classification (Child Protective Investigations; Child Protection Case Management; Child Protection Licensing);
8. The individual's certification designation (Professional; Supervisor; Specialist; QA Professional; Field Trainer); and
9. The signature of the individual, his or her Supervisor, the Program Administrator or agency head, and the employing agency's Training Manager or designee.

(b) The signed, completed "Request for Certificate" form may be faxed, mailed, or sent by electronic mail by the employing agency's Training Manager or designee to the Office of Family Safety.

(2) Within 30 calendar days from the date of receipt of the signed, completed "Request for Certificate" by the Office of Family Safety, an electronic certificate will be issued for the individual named on the request form, and will be sent via electronic mail to the Training Academy for forwarding to the individual's employing agency.

(a) In order to issue a certificate, the name of the individual on the "Request for Certificate" form must be the same name as that which is listed in the SkillNET or other Department-approved tracking system for that individual.

(b) In those cases where an individual's name may have changed during the employment or certification period, it is the responsibility of the employing agency to ensure that the individual's current and correct name is reflected in the SkillNET or other Department-approved tracking system, and is identical to the name on the "Request for Certificate," prior to sending the request to the Office of Family Safety.

(3) Within 15 calendar days from the date of receipt of the electronic certificate by the Training Academy, the electronic certificate and congratulatory letter will be forwarded via electronic mail by the Academy to the employing agency's Training Manager or designee, to be printed and provided to the newly-certified Child Protection Professional.

(4) All issues or questions about a Child Protection Professional's certification or recertification status shall come to the Office of Family Safety through the employing agency's Training Manager or designee.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History--New _____.

65C-33.010 Break in Service.

(1) A break in service is considered to have occurred when there has been any departure from continuous employment within one agency in a position requiring Child Protection Professional certification.

(2) Inasmuch as there is no break in service in any instance in which the individual remains employed by the agency, arrangements to approve accommodation of an individual's special or other circumstance(s) may be made and documented on a case-by-case basis at the discretion of the employing agency.

(3) It is at the sole discretion of the employing agency as to whether to authorize the waiver process or require the Pre-service curriculum for individuals meeting the following criteria; the agency may be more prescriptive than the following guidelines, but may not be less so.

(4)(a) A break in service for a period of less than three (3) months; same position classification:

(b) For a currently Certified Child Protection Professional who experiences a break in service for a period of less than three (3) months and is subsequently hired into the same position classification and certification designation as that in which the current certification is held, no waiver test or waiver plan is required, but may be authorized at the discretion of the employing agency.

(5) A break in service for any period up to two (2) years; same position classification:

(a)1. For a currently Certified Child Protection Professional who experiences a break in service for a period of more than three (3) months but less than two (2) years, and who is subsequently hired into the same position classification as that in which the current certification is held, the employing agency may authorize the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training.

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend those pre-service classes and participate in those pre-service activities in which changes have occurred since the individual last attended pre-service training or obtained his or her certification. In addition, the waiver plan shall address the requirement that all professional development training hours and recertification activities for the individual's position classification be completed prior to the expiration of the

individual's current certification or within one (1) year of the individual passing the waiver test, whichever occurs first. If the individual is hired into a new certification designation, the waiver plan shall address the fact that all certification activities for the individual's new certification designation must be completed within one (1) year of the individual passing the waiver test.

(b)1. For a previously certified Child Protection Professional whose certification has expired, and who is subsequently hired into the same position classification as that in which certification was obtained, the employing agency may authorize the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training; or the agency may require that the individual be hired in trainee status and participate in the entire pre-service training (including the post-test).

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend those pre-service classes and participate in those pre-service activities in which changes have occurred since the individual last attended pre-service training or obtained his or her certification. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification, and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(c)1. For a Child Protection Professional who successfully completed pre-service training (including having passed the post-test), but whose break in service occurred prior to the individual being able to achieve certification, and he or she is subsequently hired into the same position classification as the track in which he or she participated in both the pre-service training and post-test (e.g., Case Management or Investigations), the employing agency may authorize the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training; or the agency may require that the individual be hired in trainee status and participate in the entire pre-service training (including the post-test).

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend those pre-service classes and participate in those pre-service activities in which changes have occurred since the individual last attended pre-service training. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position

classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(6) A break in service for any period up to two (2) years; different position classification:

(a)1. For a currently Certified Child Protection Professional who is subsequently hired into a different position classification than that in which certification was obtained (e.g., Investigations to Case Management), the employing agency may authorize the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training; or the agency may require that the individual be hired in trainee status and participate in the entire pre-service training (including the post-test).

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend all pre-service classes in the track of the new position classification that he or she had not previously attended. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's new position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(b)1. For a previously certified Child Protection Professional whose certification has expired, and who is subsequently hired into a different position classification as that in which certification was obtained, the employing agency may authorize the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training; or the agency may require that the individual be hired in trainee status and participate in the entire pre-service training (including the post-test).

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend all pre-service classes in the track of the new position classification that he or she had not previously attended. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's new position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(c)1. For a Child Protection Professional who successfully completed pre-service training (including having passed the post-test), but whose break in service occurred prior to the individual being able to achieve certification, and he or she is subsequently hired into a different position classification as the track in which he or she participated in both the pre-service training and post-test (e.g., Protective Investigations; Case Management; Licensing) the employing agency may authorize

the waiver test, in addition to requiring that the individual attend specified portions of the pre-service training; or the agency may require that the individual be hired in trainee status and participate in the entire pre-service training (including having to successfully complete the post-test).

2. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend all pre-service classes and participate in all pre-service activities in the track of the new position classification that he or she had not previously attended. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's new position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(7) A break in service for a period of two (2) years to three (3) years:

(a) Regardless of certification status or the position classification into which the individual is hired, any individual with a break in service for a period of two (2) to three (3) years shall only be authorized to take a waiver test if it can be determined from documentation that the individual engaged in recent, relevant education or employment during a majority of the period of broken service. If the individual cannot meet this criterion, he or she must participate in the entire pre-service training (including the post-test) for the position classification into which he or she is hired.

(b) Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual attend, as applicable, those pre-service classes and participate in those pre-service activities in which changes have occurred since the individual last attended pre-service training, or that the individual attend those pre-service classes and participate in those pre-service activities in the track of the new position classification that he or she had not previously attended. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification or recertification activities for the individual's position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(8) A break in service for a period of over three (3) years:

(a) Regardless of certification status, prior education or previous experience, any individual with a break in service for a period of over three (3) years shall not be authorized to take a waiver test, and must successfully complete all pre-service requirements of the position classification into which he or she is hired, as would any other trainee.

(b) As a trainee, the individual shall not carry a caseload, be assigned any cases, be responsible for any assessment of risk, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, or otherwise have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training, including having passed the post-test.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History—New _____.

65C-33.011 Waiver Process.

(1) The waiver process is the procedure by which individuals who already meet certain educational and experiential criteria as Child Protection Professionals pursuant to this Rule and as determined by the employing agency, may be eligible to take a waiver test and enter into an individualized waiver plan in lieu of participating in all of the training, activities and post-test requirements of the pre-service curriculum.

(2) The employing agency is responsible for the administration and oversight of the waiver process, including authorization of the waiver test and development of the individualized waiver plan.

(3) In order to exercise the waiver process option, the individual must meet the minimum educational and experiential criteria as set forth by the employing agency, must pass the waiver test upon the first and only attempt, and must enter into a Waiver Plan with his or her Supervisor and a Certified Child Welfare Trainer, prior to the assignment of any cases.

(4) The Waiver Test.

(a) The waiver test is designed both to measure the level of the individual's basic knowledge of Florida child protection laws, principles and policies, and to assess the individual's ability to appropriately integrate and apply fundamental child welfare/child protection concepts in his or her decision-making, when determining how best to meet the safety, permanence and well-being needs of a child.

(b) The waiver test must be administered within five (5) business days of the individual's start date in the position into which he or she was hired.

(c) The employing agency shall maintain written documentation of the individual's applicable educational and employment experience as verification of the employee's eligibility to take the waiver test.

(d) Although an individual may qualify to be given a waiver test by virtue of his or her certification status, educational credentials or employment experience, the employing agency shall exercise sole discretion as to whether to authorize a waiver test (and subsequent waiver plan upon

successful completion of the test), or require the entire pre-service training and post-test for any individual meeting the following criteria:

1.a. A currently Certified Child Protection Professional who experiences no break in service, and who has been hired or otherwise appointed into a different position classification than that in which the current certification is held (e.g., Protective Investigations to Case Management).

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in the track of the new position classification that he or she had not previously attended or completed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's new position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

2.a. A currently Certified Child Protection Professional who experiences a break in service for a period of up to 3 months and who is subsequently hired into the same position classification and certification designation as that in which the current certification is held.

b. Although no waiver test is required in this instance for the individual to be able to resume his or her duties, one may be authorized at the discretion of the employing agency.

3.a. A currently Certified Child Protection Professional who experiences a break in service for a period of three (3) months to two (2) years, and who is subsequently hired into the same position classification and certification designation as that in which the current certification is held.

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in which changes have occurred since the individual last attended pre-service training or obtained his or her certification. In addition, the waiver plan shall address the requirement that all professional development training hours and recertification activities for the individual's position classification be completed prior to the expiration of the individual's current certification or within one (1) year of the individual passing the waiver test, whichever occurs first.

4.a. A currently Certified Child Protection Professional who experiences a break in service for any period up to two (2) years, and who is subsequently hired into a different position classification (e.g., Protective Investigations to Case Management) or a different certification designation in the same or other position classification (e.g., Case Manager to Supervisor).

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in the track of the new position classification that he or she had not previously attended or completed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's new position classification or new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

5.a. A previously Certified Child Protection Professional in any position classification or certification designation, whose certification has expired, and who experiences a break in service for any period up to two (2) years, and who is subsequently hired into a position requiring Child Protection Professional certification.

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in which changes have occurred since the individual last attended pre-service training, or participate in those pre-service classes and activities in the track of the new position classification that he or she had not previously attended or completed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification or new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

6.a. A Child Protection Professional in any position classification, who, after having successfully completed the pre-service training (including having passed the post-test), but prior to having achieved certification, experiences a break in service for any period up to two (2) years.

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in which changes have occurred since the individual last attended pre-service training, or participate in those pre-service classes and activities in the track of the new position classification that he or she had not previously attended or completed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

7.a. A Child Protection Professional (or similarly-titled individual) who has gained relevant child welfare/child protection experience for the one (1) year period immediately preceding the individual's date of hire, through comparable employment as a licensed or certified Child Protection (or similar) Professional in another state.

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include the requirement that the individual participate in those pre-service classes and activities in which Florida legislation, policies, procedures and practices are reviewed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification be completed within one (1) year of the individual passing the waiver test.

8. A Child Protection Professional in any certification status and in any position classification, who experiences a break in service for a period of over two (2), but less than three (3) years.

a. The waiver process may only be authorized in this instance if it can be established and documented that the individual was actively engaged in relevant training, education or employment for the majority of the period of broken service.

b. Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual (as applicable) participate in those pre-service classes and activities in which changes have occurred since the individual last attended pre-service training, or participate in those pre-service classes and activities in the track of the new position classification that he or she had not previously attended or completed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification and new certification designation, if applicable, be completed within one (1) year of the individual passing the waiver test.

(9)(a) Regardless of certification status, prior education or previous experience, any individual with a break in service for a period of more than three (3) years shall not be authorized to take a waiver test, and must complete all pre-service requirements as would any other trainee, including passing the post-test.

(b) As such, the individual shall not carry a caseload, be assigned any cases, conduct any unaccompanied or unsupervised home visits, perform any home studies or interviews of children or adults, be responsible for any assessment of risk, or have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training, including having passed the post-test.

(10)(a) Any individual, including an intern, who meets the educational and experiential criteria established by the employing agency, and for whom it can be established and documented by the employing agency that he or she was actively engaged in relevant training, education or employment in child welfare/child protection, human services, investigations or law enforcement for the one (1) year period immediately preceding the individual's hire.

(b) Upon successful completion of the version of the waiver test designed for the position classification into which the individual is hired, the waiver plan shall include, at a minimum, the requirement that the individual participate in those pre-service classes and activities in which Florida legislation and policies, along with child welfare/child protection procedures and practices are reviewed. In addition, the waiver plan shall address the requirement that the Performance Assessment and all other certification activities for the individual's position classification be completed within one (1) year of the individual passing the waiver test.

(11) An individual may take the waiver test only once during any one period of employment.

(a) An individual authorized to take the waiver test must pass the test on the first attempt; there are no subsequent re-take attempts of a failed waiver test.

(b) If the individual fails the waiver test, no waiver plan is developed, and the individual must participate in the pre-service training in trainee status, regardless of any prior education or previous experience. As such, the individual shall not carry a caseload, be assigned any cases, be responsible for any assessment of risk, or otherwise have either primary or secondary responsibility for any investigation, child, family or case until successful completion of the pre-service training (including having passed the post-test).

(12) The Waiver Plan. The employing agency is responsible for ensuring that within five (5) business days of having passed the waiver test, the Child Protection Professional meets with his or her supervisor and a Certified Child Welfare Trainer in order to enter into and sign an agency-designed, individualized Waiver Plan, which must specifically include a review of each of the following:

(a) Any identified pre-service and in-service classes, on-line instruction, field activities, or other specific training needed by the Child Protection Professional, with specific time frames for completion, in order to enhance or update current knowledge;

(b) Performance Assessment criteria, time frames and expectations (if applicable);

(c) Certification (or recertification) requirements, as applicable; and

(d) Roles, tasks, responsibilities and time frames assigned to each party, in order to help ensure that the Child Protection Professional has access to the resources and supports necessary for his or her successful completion of Phase II and the certification (or recertification) process.

(13)(a) As part of any waiver plan, the employing agency may require that any individual participate in additional trainings and activities, regardless of certification status, education or experience. These additional requirements depend upon such factors as the type, length and degree of the individual's previous child welfare/child protection experience; the individual's prior employment history; duration of the individual's break in service (if applicable); and changes in law, policy and practice which may have occurred during the individual's break in service.

(b) Beginning caseload size shall be based upon information in the individual's waiver plan as well as the Supervisor's assessment of the individual's knowledge, skills, abilities, values and attitudes as they relate to child welfare/child protection and job performance.

(14) Regardless of certification status, or any prior education or previous experience, until such time as the waiver plan has been executed, the Child Protection Professional who has passed the waiver test shall not carry a caseload, be assigned any cases, be responsible for any assessment of risk, or otherwise have either primary or secondary responsibility for any investigation, child, family or case.

(a) The Child Protection Professional who passes the waiver test is not required to be given a protected training caseload for 30 days following the test, but may be given such a protected caseload, at the discretion of the Supervisor.

(b) In determining beginning caseload size, the supervisor shall also consider the type, length and degree of the individual's previous child welfare or other applicable experience, as well as the duration of the individual's break in service, if applicable, including any changes in law, policy and practice which may have occurred during the break in service and for which the individual may need specific training.

(14) There is no waiver procedure for either the Performance Assessment portion of the certification process, or for the 48 professional development training hours required every three (3) years for recertification.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History--New _____.

65C-33.012 Child Welfare Trainer Certification.

(1) In order to ensure that Child Welfare Trainers have the proficiency and support necessary to help provide Child Protection Professionals with the knowledge, skills, abilities, values and attitudes needed to make decisions that provide Florida children with safe and permanent homes, every trainer of the State of Florida Child Welfare Pre-Service Training

Program curriculum shall be certified by the Department-approved Training Academy under contract at that time.

(2) The Child Welfare Training Academy is responsible for the training and certification of Child Welfare Trainers and the administration of the State of Florida's Child Protection Professional Certification Program.

(a) In order to eligible to apply for consideration to be a Child Welfare Trainer, the following requirements must be met:

1. The candidate must have been previously certified as a Child Welfare Trainer in the state of Florida; or

2. The candidate must have passed the State of Florida Child Welfare Pre-Service Training post-test (or waiver test); and

3. The candidate must be a Florida Certified Child Protection Professional, with two (2) or more years of experience; or

4.a. The candidate must have two (2) years of child welfare/child protection experience, or two (2) years of verifiable, comparable criminal child abuse/neglect related experience.

b. At the discretion of the Training Academy, any candidate who is not a Florida Certified Child Protection Professional at the time of hire may be required to successfully complete both the casework and interpersonal skills portions of the Performance Assessment for Field Trainers in the individual's area of expertise (Protective Investigations; Case Management; Licensing) prior to achieving certification as a Child Welfare Trainer.

(b) In order to achieve Child Welfare Trainer certification, within one (1) year of the date of hire as a Child Welfare Trainer, the candidate:

1. Shall successfully complete all Train-the-Trainer course requirements mandated by the Training Academy within specified time frames; and

2. Shall be proficient in the use of the SACWIS system of record (FSFN), and be able to demonstrate proficiency in training the FSFN system; and

3. Shall successfully complete at least one mandatory observation of his or her classroom training skills by a Certified Academy Training Manager or Master Trainer, utilizing a standardized observation rating tool.

(c) Unless accommodations are made by the employing agency to address an individual's special or other circumstances, Each individual in a position requiring certification must be recertified within three (3) years of the date of the most recent certification.

(d) In order to achieve recertification, every Certified Child Welfare Trainer shall:

1. Continue to successfully fulfill the job requirements;

2.a. Participate in a minimum of 48 hours of professional development (“in-service”) training every three (3) years from the date of his or her most recent trainer certification;

b. Same professional development training to be verified and tracked by the employing agency, documented in the SkillNET or other Department-approved tracking system by the individual, and overseen by the Training Academy.

3. Successfully complete at least two (2) mandatory, separate observations of his or her classroom training skills, one by a Certified Academy Training Manager or Master Trainer, and one by a training peer (from the same or different agency), utilizing the standardized observation rating tool;

4.a. Successfully complete at least one (1) mandatory observation of a training peer (from the same or different agency), utilizing the standardized observation rating tool.

b. Although classroom observation shall not require prior authorization from the agency training entity, no more than two (2) individuals shall observe the same class session at any one time, and the observer(s) shall neither disrupt the class nor interact with the trainer(s) or class participants at any time while the class is in session.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History–New _____.

65C-33.013 “Supervising for Excellence” Trainer Certification.

(1) It is not required that a trainer of the “Supervising for Excellence” curriculum be a Florida Certified Child Welfare Trainer.

(2)(a) In order to be certified to train the “Supervising for Excellence” curriculum, an individual shall have at least one (1) year of prior child welfare/child protection supervisory experience, and shall have successfully completed the Train-the-Trainer course provided by the Training Academy.

(b) This criteria does not preclude an agency from contracting with a credentialed expert trainer to train some portions of the “Supervising for Excellence” curriculum, provided that a trainer certified by the Training Academy to train “Supervising for Excellence” or other Department-approved curriculum is present at all times during the training.

(3) Every trainer who currently trains the “Supervising for Excellence” curriculum shall become certified by the Training Academy within nine (9) months of the effective date of this Rule, by either the successful completion of the Training Academy’s Train-the-Trainer course, or by meeting the requirements of subsection (5) below.

(4) Any trainer who was issued a Certificate of Completion during the 2006 “Supervising for Excellence” Train-the-Trainer pilot may submit a copy of that certificate to the Training Academy for certification to train the “Supervising for Excellence” curriculum.

(5) Any trainer who has the required prior supervisory experience and who has been certified by an entity other than the Training Academy may request Academy certification to train “Supervising for Excellence.” by submitting to the Academy documented verification of his or her experience and credentials.

(6)(a) The Department may approve other supervisory training curricula, which shall, at a minimum, contain the same elements as those trained in “Supervising for Excellence.”

(b) In order to request approval of other training curricula, said curricula as well as trainer credentials must be submitted to the Department. The trainer shall have been approved to train the substitute curriculum by the entity responsible for the development of the curriculum, and the trainer shall have at least one (1) year of prior child welfare/child protection supervisory experience.

Specific Authority 402.40, 39.0121 FS. Law Implemented 402.40 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Arlene Carey

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Don Winstead

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2007, Vol. 33, No. 41

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-163.0075	Term and Evidence of Insurance
690-163.009	Determination of Reasonableness of Benefits in Relation to Premium Charge
690-163.011	Credit Disability Insurance Rates

PURPOSE AND EFFECT: Credit Life and Credit Disability Insurance is being amended to address the statutory changes contained in House Bill 343, which the Governor approved on May 28, 2008. The bill removes the fifty thousand dollar (\$50,000) for credit life, but did not remove the ten (10) year limit that is still contained in Section 627.681, Florida Statutes. Similarly, the bill removed the ten (10) year limit for credit disability, but did not remove the fifty thousand dollar limit (\$50,000) that is still contained in Section 627.679, Florida Statutes.

SUMMARY: Credit Life and Credit Disability Insurance is being amended to address the statutory changes contained in House Bill 343, which the Governor approved on May 28, 2008.

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: 627.678, 627.6785 FS.

LAW IMPLEMENTED: 627.681, 627.682 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: December 11, 2008, 2:30 p.m.

PLACE: 143 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: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, E-mail gerry.smith@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: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-163.0075 Term and Evidence of Insurance.

~~The term of insurance and evidence of insurance shall not exceed ten years subject to the following limitations:~~

~~(1) Credit life insurance shall not exceed ten years from the date of issue and provide coverage for at least 5 years or the term of the loan if the loan is for less than 5 years;~~

~~(2) Credit disability insurance shall provide for monthly payments which are the lesser of 60 monthly payments or the number of monthly payments for the full term of the loan.~~

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.681, 627.6785(3), 627.681(3) FS. History—New 2-11-03, Formerly 4-163.0075, Amended.

690-163.009 Determination of Reasonableness of Benefits in Relation to Premium Charge.

(1) Section 627.682, Florida Statutes, requires that benefits provided by credit insurance policies must be reasonable in relation to the premium charged. This requirement is satisfied if the premium rate charged develops or may be reasonably expected to develop a loss ratio of claims incurred to premiums earned of not less than:

- (a) 55% for credit life insurance, and
- (b) 50% for credit disability insurance.

(2) Use of rates not greater than those contained in Rules 690-163.010 and 690-163.011, F.A.C., (“prima facie rates”) shall be deemed premium rates reasonably expected to develop the required loss ratio. An insurer may only file and use rates with such forms which are greater than prima facie rates upon a satisfactory filing with the Office showing to the Director that the use of such rates will not result on a statewide basis for that insurer of a ratio of claims incurred to premiums earned of less than the required loss ratio.

(3) If an actual rate is greater than the prima facie rates, the actual rate may not exceed the prima facie rates plus the difference between:

- (a) Claims which may be reasonably expected, and
- (b) The product of the required loss ratio and the prima facie rate set forth for the coverage being provided.

(4) When some rates are based on subsection (1) above and others on the prima facie rate, the expected loss ratios of statewide business must meet the minimum loss ratio standard in subsection (1) above.

(5) Nonstandard Coverage. If any insurer files for approval of any form providing coverage more restrictive than that described in Rules 690-163.010 and 690-163.011, F.A.C., the insurer shall make a filing to demonstrate to the satisfaction of the Office Director that the premium rates to be charged for such restricted coverage comply with subsection (1) above or, are less than or equal to rates which are actuarially equivalent to the prima facie rates.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.682 FS. History—New 5-9-82, Formerly 4-7.09, Amended 6-11-91, Formerly 4-7.009, Amended 3-15-94, 2-11-03, Formerly 4-163.009, Amended.

690-163.011 Credit Disability Insurance Rates.

(1) Credit disability insurance premium rates for the insured portion of an indebtedness repayable in equal monthly installments, where the insured portion of the indebtedness decreases uniformly by the amount of the monthly installment paid, shall not be greater than in paragraphs (a) and (b). Paragraphs (c), (d) and (e) refer to premium rates for other types of coverages either alone or in combination with the type of coverages applicable to paragraphs (a) and (b).

(a) If premiums are payable on a single-premium basis for the duration of the coverage:

TABLE I

No. of months in which indebtedness is repayable	14-Day Non-Retroactive	30-Day Non-Retroactive	7-Day Retroactive	14-Day Retroactive	30-Day Retroactive
6 or less	\$0.81	\$0.36	\$1.47	\$1.30	\$1.05
7-12	1.13	0.72	1.76	1.58	1.36
13-18	1.46	1.08	2.05	1.87	1.67
19-24	1.78	1.44	2.34	2.16	1.97
25-30	2.11	1.80	2.64	2.45	2.28
31-36	2.43	2.16	2.93	2.74	2.58
37-48	2.84	2.70	3.34	3.10	2.97
49-60	3.16	2.97	3.69	3.38	3.28
61-72 [⊛]	3.43	3.27	3.97	3.62	3.53
73-84 [⊛]	3.61	3.47	4.18	3.79	3.70
85-96 [⊛]	3.76	3.64	4.34	3.92	3.84
97-108 [⊛]	3.86	3.75	4.46	4.01	3.94
109-120 [⊛]	3.95	3.85	4.55	4.09	4.02
<u>Per month for terms exceeding 120 months</u>	<u>.0303</u>	<u>.0296</u>	<u>.0348</u>	<u>.0313</u>	<u>.0308</u>

[⊛]Maximum benefit is 60 monthly payments.

(b) If premiums are paid on the basis of a premium rate per month per thousand of outstanding insured indebtedness, these premiums shall be computed according to the formula: $OP_n = (20XSP_n) / (n + 1)$ using a rate no less than the 24 month rate in Table I above. A company may submit a different formula for approval which produces rates actuarially equivalent to the single premium rates in Table I:

Where

- SP_n = Single Premium Rate per \$100 of initial insured indebtedness repayable in equal monthly installments (Table I). The Single Premium Rate shall not be less than the 19-24 month rate for the appropriate coverage.
- OP_n = Monthly Outstanding Balance Premium Rate per \$1,000.
- n = Original repayment period, in months.

(c) Coverage which provides a constant maximum indemnity for a given period of time shall use rates no greater than those rates which are actuarially equivalent to the rates in paragraph (a) or (b).

(d) If the coverages provided are other than those described in this subsection (1), rates for such coverages shall be actuarially equivalent to the rates provided in paragraph (a), (b) or (c).

(e) Joint coverage rates shall be no greater than 175% of the specific rate for that type of coverage.

(f) The monthly outstanding balance rate for credit disability insurance may be either a term specified rate or may be a single composite term rate applicable to all insured loans.

(2) The premium rates in subsection (1) shall apply to policies providing credit disability insurance to be issued with or without evidence of insurability, to be offered to all eligible debtors, and containing:

(a)1. No provision excluding or denying a claim for disability resulting from pre-existing conditions, except for those conditions for which the insured debtor received medical advice, diagnosis, or treatment within six months preceding the effective date of the debtor's coverage, and which caused loss within the 6 months following the effective date of coverage;

2. Disability commencing after 6 months following the effective date of coverage resulting from the condition shall be covered.

3. Coverage with no pre-existing provision limitation shall result in an additional premium of 10% of the amounts shown in subsection (1), above.

(b) No other provision which excludes or restricts liability in the event of disability caused in a specific manner, except that it may contain provisions excluding or restricting coverage for intentionally self-inflicted injuries and normal pregnancy.

(c) No provision which requires that the debtor be employed more than thirty (30) hours per week in order to be eligible for insurance coverage.

(d) No age restrictions, or only age restrictions making ineligible for coverage debtors 66 or over at the time the indebtedness is incurred.

(e) However, coverage shall be provided, at a minimum, until the earlier of the maturity date of the loan or the loan anniversary at age 66. Where loans are in the form of revolving credit arrangements, an insurer may terminate coverage when the debtor attains the age 66.

(f) A daily benefit equal in amount to one-thirtieth of the monthly benefit payable under the policy for the indebtedness.

(g)1. A definition of "disability" which provides that during the first 12 months of disability the insured shall be unable to perform the duties of his occupation at the time the

disability occurred, and thereafter the duties of any occupation for which the insured is reasonably fitted by education, training or experience.

2. This paragraph shall not apply to lump sum disability coverage.

Specific Authority 624.308(1), 627.678 FS. Law Implemented 624.307(1), 627.678, 627.6785, 627.682 FS. History—New 5-9-82, Formerly 4-7.11, Amended 6-11-91, Formerly 4-7.011, Amended 2-11-03, Formerly 4-163.011, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerry Smith, Division of Life and Health, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 29, July 18, 2008 issue of the Florida Administrative Weekly.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) through (4) No change.

(5) Business license application: In accordance with Section 482.071(1), F.S., the following information shall be submitted on, attached to, and made a part of the Department’s pest control business license application form, DACS 13605, Pest Control Business License Application, Rev. 09/08 ~~3/02~~, which is hereby adopted and incorporated by reference and is available on the department’s website under the header “Forms” at <http://www.doacs.state.fl.us/onestop/aes/pestcont.html>.

(a) through (i) No change.

(6) through (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.021(21), 482.061, 482.071, 482.091, 482.111(5), (9), 482.161(1)(g), (h), 482.226(1), (6) FS. History—New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, 6-1-06, 7-23-08, 9-17-08, 9-17-08, _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-13.0041
 RULE TITLE: Thermal Efficiency Standards 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. 34, No. 31, August 1, 2008 issue of the Florida Administrative Weekly.

The Commission voted to further modify the proposed reference document building on the change published in Vol. 34, No. 31, August 1, 2008 issue of the Florida Administrative Weekly, realigning criteria of Chapter 13 of the Florida Building Code, Building, and Chapter 11 of the Florida Building Code, Residential, to fit within the revised code structure created by the Commission at its May, 2008, meeting in its effort to make the energy code provisions 15 percent more stringent than the energy provisions previously in effect. Changes include the following:

1. The commercial building compliance method B was expanded to cover building renovations, replacement of mechanical building systems, change of occupancy type for older buildings, shell buildings at first permit, and limited and special use buildings. Also, a new Form 400B-08 was adopted for this method.

2. Changes such as adding omitted references to appendices, adding omitted scoping criteria, options and figures from the 2004 code, fixing minimum duct R-values on tables, fixing a gas water heater minimum to reflect the national standard, making definitions and code text internally consistent, incorporating a code clarification into the code and general cleanup are made to resolve conflicts within the updated code.

3. Updates were made to the computer programs EnergyGauge Summit Fla/Com and EnergyGauge USA Fla/Res (2008) to make them 15 percent more stringent than the 2007 code and to add or delete provisions to make them consistent with relevant energy provisions of the Florida Building Code.

9B-13.0041 Thermal Efficiency Standards Adopted.

Proposed Effective Date ~~March 1, 2009~~ ~~December 31, 2008~~.

(1) The Florida Energy Efficiency Code for Building Construction, 2007 Edition (the Code), is hereby adopted by reference. The Florida Building Commission shall revise, update and maintain the Code.

(2) A copy of the above referenced Code as amended has been filed with these rules with the Secretary of State. The Code is also available for reference and inspection at the Department offices in Tallahassee, Division of Housing and Community Development, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

Specific Authority 553.901 FS. Law Implemented 553.901, 553.903 FS. History–New 12-10-96, Amended 10-19-97, 1-19-98, 12-27-98, 9-12-00, ~~3-1-09~~ ~~12-31-08~~.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
 RULE TITLE: Use of Force

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 41, October 10, 2008 issue of the Florida Administrative Weekly.

33-602.210 Use of Force.

(1) through (15) no change.

(16) Use of Chemical Agents.

(a) through (k) No change.

(l) Issuance of chemical agents.

1. No change.

2. Certified officers assigned to major institutions and posted to internal security, recreation field, shift supervisor posts, or designated as “A” team response members are authorized by the Secretary to be issued one ~~twelve to thirteen~~ ~~one~~ MK-9, or equivalent, fogger type dispenser of OC in addition to the dispenser issued in accordance with subparagraph (16)(l)1. These officers are authorized to administer the chemical agents listed in this subparagraph in spontaneous disturbance situations involving multiple inmates in locations where large numbers of inmates are present, such as recreation fields, canteen, and meal lines. This option shall only be utilized in disturbance situations rising to the level of inmate involvement where this enhanced option is deemed necessary and shall not be used indoors.

3. No change.

(m) through (q) No change.

(17) Specialty Impact Munitions. Specialty impact munitions shall be used primarily by the department’s rapid response teams and correctional emergency response teams during riots and disturbances. They are intended as a less lethal

alternative to the use of deadly force. Specialty impact munitions shall only be employed by officers trained in their use and effects.

(a) no change.

(b) The following specialty impact munitions have been approved for use by the department:

1. 37-mm rubber ball pellet rounds,

2. 12 gauge rubber ball pellet rounds,

3. 37-mm wooden baton rounds,

4. 40-mm direct impact – OC marking rounds.

(c) through (h) No change.

(18) through (22) No change.

Specific Authority 944.09 FS. Law Implemented 776.07, 944.09, 944.35 FS. History–New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07, 3-3-08, 8-4-08,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.020
 RULE TITLE: Payment Methodology for Inpatient Hospital Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 40, October 3, 2008 issue of the Florida Administrative Weekly.

Based upon comments received at the public hearing held on October 28, 2008, the Agency is making the following change to the proposed rule:

In the Title XIX Inpatient Hospital Reimbursement Plan, Sections I.J, II.F. and IV H.3, the language “For cost reports received on or after October 1, 2003” and the word “these” will not be deleted from the rule language and will be retained in the rule language in current form.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.030
 RULE TITLE: Payment Methodology for Outpatient Hospital Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 40, October 3, 2008 issue of the Florida Administrative Weekly.

Based upon comments received at the public hearing held on October 28, 2008, the Agency is making the following change to the proposed rule:

DEPARTMENT OF FINANCIAL SERVICES**Securities**

RULE NO.: 69W-600.0133
 RULE TITLE: Use of Senior – Specific
 Certifications and Professional
 Designations by Associated
 Persons and Investment Advisers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 39, September 26, 2008 issue of the Florida Administrative Weekly.

The rule has been changed to address concerns raised by the Joint Administrative Procedures Committee. In summary, the changes include removing the word “reasonable” from subparagraphs 2., 3., and 4. of paragraph 69W-600.0133(1)(d). In addition, the rule is clarified to indicate that Rule 69W-600.0133, F.A.C., is based on the model rule of the North American Securities Administrators Association (NASAA) regarding the use of senior-specific certifications and professional designations.

69W-600.0133 Use of Senior – Specific Certifications and Professional Designations by Associated Persons and Investment Advisers.

(1) The use of a senior specific certification or designation by any person in connection with the offer, sale, or purchase of securities, or the provision of advice as to the value of or the advisability of investing in, purchasing, or selling securities, either directly or indirectly or through publications or writings, or by issuing or promulgating analyses or reports relating to securities, that indicates or implies that the user has special certification or training in advising or servicing senior citizens or retirees, in such a way as to mislead any person shall be a dishonest and unethical business practice in the securities industry in violation of Section 517.161(1)(d) or 517.161(1)(h), F.S., by an associated person of a dealer or investment adviser. The prohibited use of such certifications or professional designation includes, but is not limited to, the following:

(a) Use of a certification or professional designation by a person who has not actually earned or is otherwise ineligible to use such certification or designation;

(b) Use of a nonexistent or self-conferred certification or professional designation;

(c) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the certification or professional designation does not have; and

(d) Use of a certification or professional designation that was obtained from a designating or certifying organization that:

1. Is primarily engaged in the business of instruction in sales and/or marketing;

2. Does not have standards or procedures for assuring the competency of its designees or certificants;

3. Does not have standards or procedures for monitoring and disciplining its designees or certificants for improper or unethical conduct; or

4. Does not have continuing education requirements for its designees or certificants in order to maintain the designation or certificate.

(2) There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of paragraph (1)(d) above when the organization has been accredited by:

(a) The American National Standards Institute; or

(b) The National Commission for Certifying Agencies; or

(c) An organization that is on the United States Department of Education’s list entitled “Accrediting Agencies Recognized for Title IV Purposes” and the designation or credential issued therefrom does not primarily apply to sales and/or marketing.

(3) In determining whether a combination of words (or an acronym standing for a combination of words) constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include:

(a) Use of one or more words such as “senior,” “retirement,” “elder,” or like words, combined with one or more words such as “certified,” “registered,” “chartered,” “adviser,” “specialist,” “consultant,” “planner,” or like words, in the name of the certification or professional designation; and

(b) The manner in which those words are combined.

(4) For purposes of this rule, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title:

(a) Indicates seniority or standing within the organization; or

(b) Specifies an individual’s area of specialization within the organization.

For purposes of this subsection, financial services regulatory agency includes, but is not limited to, an agency that regulates brokers, dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-2, 80a-3 (2006). The cited sections of the Investment Company Act of 1940 are hereby incorporated by reference.

(5) Nothing in this rule shall limit the Office of Financial Regulation’s authority to enforce existing law.

(6) This rule is based on the model rule adopted on March 20, 2008, by the North American Securities Administrators Association (NASAA) regarding the use of senior-specific certifications and professional designations. The NASAA model rule is hereby by incorporated by reference.

(7) All materials incorporated by reference in this rule may be obtained by writing to: Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375

Specific Authority 517.03(1), 517.1215(2), 517.1217 FS. Law Implemented 517.1215(2), 517.1217, 517.161 FS. History—New

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 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 LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on October 30, 2008, the Criminal Justice Standards and Training Commission has issued an order.

The CJSTC has granted, with modifications, the request for waiver of subsection 11B-27.00212(14), F.A.C., by Camile Araujo, Miami Dade Police Department and the Metropolitan Police Institute. Petitioner has requested that the Commission waive the requirement that a person complete firearms qualification by June 30, 2008, and delete the "break-in-service" in the petitioner's record for failure to complete the firearms qualification on time. Petitioner suffered a life-threatening injury in the line of duty and is physically unable to complete the requirement at this time. Notice of the receipt of Petitioner's request was published in the Florida Administrative Weekly, Vol. 34, No. 39, September 26, 2008. The Commission granted the requested waiver with modifications. The Commission has granted the Petitioner two

additional years to meet firearms qualification. Upon submission of proof of completion of firearms qualification by Petitioner's employer within the two-year window, Commission staff shall remove Petitioner's break-in-service from the Petitioner's officer record.

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, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on October 30, 2008, the Criminal Justice Standards and Training Commission has issued an order.

The CJSTC has granted, with modifications, the request for waiver of subsection 11B-27.00212(14), F.A.C., by Paula Boyd, Miami Dade Police Department, and the Metropolitan Police Institute. Petitioner has requested that the Commission waive the requirement that a person complete firearms qualification by June 30, 2008, and delete the "break-in-service" in the petitioner's record for failure to complete the firearms qualification on time. Petitioner suffered injuries in the line of duty and is physically unable to complete the requirement at this time. Notice of the receipt of Petitioner's request was published in the Florida Administrative Weekly, Vol. 34, No. 39, September 26, 2008. The Commission granted the requested waiver with modifications. The Commission has granted the Petitioner two additional years to meet firearms qualification. Upon submission of proof of completion of firearms qualification by Petitioner's employer within the two-year window, Commission staff shall remove Petitioner's break-in-service from the Petitioner's officer record.

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, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on October 30, 2008, the Criminal Justice Standards and Training Commission has issued an order.

Petitioner Bobby J. Lingold requested a waiver of subsection 11B-27.002(4), F.A.C., which requires officers to become employed within four years of beginning basic recruit training. Petitioner requested an additional year to obtain employment in law enforcement. Notice of the receipt of Petitioner's request was published in the Florida Administrative Weekly, Vol. 34, No. 44, October 31, 2008. The Commission denied the requested waiver because the Petitioner did not present any evidence that he was affected by the rule in any manner differently than others who are subject to the rule. The application of the rule in Petitioner's case would not violate the principles of fairness.

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, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on October 30, 2008, the Criminal Justice Standards and Training Commission has issued an order.

Petitioner Brittany Szoke requested that the Commission waive Rule 11B-30.0062, F.A.C. Notice of the receipt of the petition was published in the Florida Administrative Weekly, Vol. 34, No. 45, November 7, 2008. Petitioner wished to waive the requirement that a recruit complete basic recruit training and take the State Officer Certification Examination that corresponds to the specific training curriculum completed. Petitioner failed to complete either of the types of basic recruit training that she began, but was permitted erroneously to take the SOCE, which she passed. Petitioner wishes the Commission to honor her passing grade on the SOCE. The Request for Rule Waiver was granted as modified. Petitioner must complete basic recruit training in the FCMS curriculum before her passing grade on the SOCE will be honored by the Commission.

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, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on October 30, 2008, the Criminal Justice Standards and Training Commission has issued an order.

Petitioner James Hudson requested that the Commission waive Rule 11B-30.0062, F.A.C. Notice of the receipt of the petition was published in the Florida Administrative Weekly, Vol. 34, No. 45, November 7, 2008. Petitioner wished to waive the requirement that a recruit complete basic recruit training and take the State Officer Certification Examination (SOCE) that corresponds to the specific training curriculum completed. Petitioner failed to complete either of the two types of basic recruit training that he began. He was permitted erroneously to take the SOCE, which he passed. Petitioner wishes the Commission to honor his passing grade on the SOCE. The Request for Rule Waiver was granted as modified. Petitioner must complete basic recruit training in FCMS curriculum before his passing grade on the SOCE will be honored by the Commission.

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, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on October 30, 2008, the Criminal Justice Standards and Training Commission has issued an order.

The CJSTC has granted, with modifications, the request for waiver of subsection 11B-27.00212(14), F.A.C., by Linda Cain, Miami Dade Police Department, and the Metropolitan Police Institute. Petitioner has requested that the Commission waive the requirement that a person complete firearms qualification by June 30, 2008, and delete the "break-in-service" in the petitioner's record for failure to complete the firearms qualification on time. Petitioner suffered an injury in the line of duty and was physically unable to complete the requirement on time. Petitioner has met the firearms qualification at this time and has retired from Miami-Dade Police Department. Notice of the receipt of Petitioner's request was published in the Florida Administrative Weekly, Vol. 34, No. 39, September 26, 2008. Commission staff shall remove Petitioner's break-in-service from the Petitioner's officer record from the time the break-in-service was inserted into her record through the date of her retirement.

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, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on October 30, 2008, the Criminal Justice Standards and Training Commission has issued an order.

The CJSTC has granted, with modifications, the request for waiver of subsection 11B-27.00212(14), F.A.C., by Yuniel Escalona, Miami Dade Police Department, and the Metropolitan Police Institute. Petitioner has requested that the Commission waive the requirement that a person complete firearms qualification by June 30, 2008, and delete the "break-in-service" in the petitioner's record for failure to complete the firearms qualification on time. Petitioner suffered an injury in the line of duty and was physically unable to complete the requirement on time. Notice of the receipt of Petitioner's request was published in the Florida Administrative Weekly, Vol. 34, No. 39, September 26, 2008. The Commission has directed Commission staff to remove the break-in-service from Petitioner's officer records. Petitioner has completed firearms qualification and is back working full-time.

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, (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."

ADMINISTRATION COMMISSION

NOTICE IS HEREBY GIVEN THAT on October 28, 2008, the Administration Commission has issued an order.

On September 29, 2008, the Administration Commission received a "Petition for a Variance from or Waiver of 20 Percent ROGO Allocation Reduction in Rule 28-20.110, F.A.C." filed by the Monroe County Board of County Commissioners. The petition was noticed in the October 10, 2008, edition of the Florida Administrative Weekly to allow interested parties an opportunity to comment. The comment period concluded on October 24, 2008, without any comments being provided to the Commission.

On October 28, 2008, the Administration Commission met to consider the petition. Upon consideration, the Commission granted the petition and determined that no twenty percent reduction in new residential building permit allocations shall be imposed notwithstanding the fact that Monroe County did not achieve substantial progress in completing the Year 10 Work Program tasks provided in Rule 28-20.110, F.A.C. The Commission's Final Order in this matter shall remain in effect until September 30, 2009.

A copy of the Order may be obtained by contacting: Barbara Leighty, Clerk, Administration Commission, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)487-1884.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on October 13, 2008, the St. Johns River Water Management District, received a petition for variance from Honda R & D Americas, Inc., in relation to Environmental Resource Permit Application 4-009-103222-3 for a boat ramp in Brevard County. Pursuant to Sections 120.542 and 373.414(17), F.S., the petitioner is seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c) of the Applicant's Handbook: Management and Storage of Surface Waters. These rules are designed to protect Class II or Class III waters which are classified as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting and require permit applicants to comply with the additional criteria when the proposed work is located in such waters. The petitioner seeks the variance to reconstruct a boat ramp for an outboard engine research and development facility. The work is proposed to occur directly in the Indian River, which in this area is a Class II water. Comments on this petition should be

filed with: Robert Nawrocki, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned File of Record Number 2008-107.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mary Ellen Winkler, Assistant General Counsel, St. Johns River Water Management District at the foregoing address or at (386)312-2340.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on October 16, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Café Con Leche Express located in Pembroke Pines. 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 requests to utilize public bathrooms that are over 300 feet away from the food service establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on October 3, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code, from The Roll Bar located in Orlando. The above referenced F.A.C. states...the physical facilities at public food service establishments shall be subject to provisions of Chapter 6, FDA 2001 Food Code...The Food Code states...studs, joists, and rafters may not be exposed in areas subject to moisture. The proposed establishment request to have exposed joists in the ceiling of the inside bars.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on October 24, 2008, the Board of Architecture and Interior Design, received a petition for Miriam Collada-Myers, seeking a variance or waiver of subsection 61G1-21.001(1), Florida Administrative Code, which requires that a Florida licensed interior designer shall reestablish professional knowledge and competency by completing 20 contact hours of continuing professional education per biennium.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street,

Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Board of Architecture and Interior Design within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Board of Professional Engineers, received a petition for Variance or Waiver filed on October 31, 2008 on behalf of Simon Coleman. Pursuant to Chapter 28-104, F.A.C and Section 120.542, F.S., Petitioner seeks a waiver of the provisions of Rule 61G15-20.007, Florida Administrative Code, which is entitled "A Demonstration of Substantial Equivalency." Specifically, the Petitioner requests, for reasons set forth in the petition, a waiver of those requirements under subsection 61G15-20.007(2), F.A.C., that govern the stated amount of credit hours required in the humanities and social sciences by either counting his additional hours in Engineering Science and Design or his experience and involvement in professional and academic activities as humanities and social sciences, or waive that particular requirement altogether.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on July 10, 2008, the Bureau of Beaches and Coastal Systems has issued an order.

On this date March 23, 2007, the bureau received a request for variance from sub-subparagraph 62-4.242(2)(a)2.b., subsections 62-302.700(1) and 62-312.080(3), F.A.C. The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of sub-subparagraph 62-4.242(2)(a)2.b., subsections 62-302.700(1) and 62-312.080(3), F.A.C., to the U.S. Navy, Pensacola Naval Air Station c/o LCDR Gregory K. Worley, 190 Radford Blvd., Building #38, Pensacola, Florida 32508, (File No.0247518-003-EV) to establish a maximum allowable turbidity level above background (3.5 NTUs above background) for work within Fort Pickens Aquatic Preserve, which is an Outstanding Florida Water (OFW). The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201, (850)488-7708. A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing)

under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Mediation under Section 120.573, F.S. is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired. Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect. In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. In accordance with subsection 28-106.111(2) and paragraphs 62-110.106(3)(a), (4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an

administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed. This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department. This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with: Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399 3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

A copy of the Order may be obtained by contacting: Jamie Christoff at Jamie.Christoff@dep.state.fl.us, (850)414-7756, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399- 3000.

NOTICE IS HEREBY GIVEN THAT on July 10, 2008, the Bureau of Beaches and Coastal Systems has issued an order.

On this date of March 23, 2007 the bureau received a request for variance from paragraph 62 4.244(5)(c), F.A.C., to allow the turbidity mixing zone to exceed 150 meters; and from sub-subparagraph 62-4.242(2)(a)2.b., subsections 62-302.700(1) and 62-312.080(3), F.A.C. The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62 4.244(5)(c), F.A.C., to allow the turbidity mixing zone to exceed 150 meters; and from sub-subparagraph 62-4.242(2)(a)2.b., subsections 62-302.700(1) and 62-312.080(3), F.A.C., to the U.S. Navy, Pensacola Naval Air Station c/o LCDR Gregory K. Worley, 190 Radford Blvd., Building #38, Pensacola, Florida 32508, (File No. 0247518-004-EV) to establish a maximum allowable turbidity level above background for work within Fort Pickens Aquatic Preserve, Outstanding Florida Waters (OFW). At the dredge sites, the mixing zone would extend 1,500 meters downcurrent of the dredge. At the beach placement areas, the mixing zone would extend 3,000 meters downdrift from the point where water from the sand discharge pipe re-enters the Gulf of Mexico. The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201, (850)488-7708. A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel, Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Mediation under Section 120.573, F.S. is not available. Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired. Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for

extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect. In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. In accordance with subsection 28-106.111(2) and paragraphs 62-110.106(3)(a), (4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action. A petition that does not

dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.S. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed. This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department. This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with: Clerk of the Department, Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

A copy of the Order may be obtained by contacting: Jamie Christoff at Jamie.Christoff@dep.state.fl.us, (850)414-7756, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000.

NOTICE IS HEREBY GIVEN THAT on October 30, 2008, the Bureau of Beaches and Coastal Systems, received a petition for variance, pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, F.A.C., from subsections 62B-33.002(18), (43) and (63), F.A.C., which defines "eligible structures", "nonconforming structures," and "vulnerable," respectively, and from subparagraphs 62B-33.0051(1)(a)2., (2)(b), (2)(b)1., (2)(b)3., F.A.C., which provides that the structure to be protected is vulnerable, provides design criteria, provides that the structure be designed for the anticipated run-up, overtopping, erosion, scour, and water loads of the design storm event, and that the armoring be designed to remain stable under the hydrodynamic and hydrostatic conditions for which they were proposed, respectively. The petition was received from Ong-In Shin, on behalf of Mr. & Mrs. Buntin, Mr. & Mrs. Stovall, and Mr. & Mrs. Ketchum, regarding WL-940 AR ATF. The properties are located at 701 and 711 Eastern Lake Rd., Santa Rosa Bch., in Walton County.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail: rosaline.beckham@dep.state.fl.us. Any comments should be filed in writing with the Department, 3900

Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399-3000, and should be submitted within 14 days of the date of this publication.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on November 4, 2008, the Board of Clinical Laboratory Personnel, received a petition for variance or waiver filed with the Office of the Deputy Clerk on November 4, 2008 from Petitioner Ivonne Caparros, who seeks a variance from the education and certification requirements set forth in subsection 64B3-5.007(2), Florida Administrative Code, for laboratory directors.

Comments on this petition should be filed with: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 within 14 days of publication of this notice.

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that it has received a petition for waiver filed on November 4, 2008, by Rachel E. VandeRiet, seeking a waiver from Rule 64B4-2.002, F.A.C. and Section 491.005(4)(c), Florida Statutes, with regard to the requirement of face- to-face contact between an intern and supervisor.

Comments on this petition should be filed with: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at above address or telephone (850)245-4444.

The Board of Hearing Aid Specialists hereby gives notice that it has received a petition, filed on November 3, 2008, by Dawn M. Ramon seeking a waiver or variance of paragraph 64B6-8.002(2)(a), F.A.C., regarding the requirements for sponsors and designated person.

Comments on this petition should be filed with: Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

NOTICE IS HEREBY GIVEN THAT on November 4, 2008, the Board of Medicine received a petition filed by Jyoti Swaroop Kalra, M.D., seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the requirement for the passing score on the FLEX examination to be obtained in one administration of the examination. Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on October 29, 2008, the Board of Medicine, received a petition for waiver or variance filed on behalf of Asad Raza, M.D., from Rule 64B8-4.018, F.A.C., with regard to the requirement for core clerkships by foreign medical graduates to be completed in a hospital accredited by the ACGME in the specialty area in which the clinical training was being obtained.

Comments on this petition should be filed with: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on October 30, 2008, the Board of Physical Therapy Practice, received a petition for Chein Shing Liu-Cudnik, seeking a variance or waiver of subsection 64B17-3.001(4), F.A.C., which requires for foreign graduates to have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

Comments on this petition should be filed with the Board of Physical Therapy Practice within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373, ext. 3480.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Camacol Tower, Ltd.

DATE PETITION WAS FILED: September 29, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0075(7)(a), Florida Administrative Code
REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41
THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Cape Morris Cove Partners, L.L.L.P.

DATE PETITION WAS FILED: September 29, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0075(7)(a), Florida Administrative Code
REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41
THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Cape Morris Cove II Partners, L.L.L.P.

DATE PETITION WAS FILED: September 29, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0075(7)(a), Florida Administrative Code
REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41
THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Fountains at Falkenburg II, L.L.L.P.

DATE PETITION WAS FILED: September 29, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0075(7)(a), Florida Administrative Code
REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41
THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing’s website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Fountains at Millenia IV, L.L.L.P.

DATE PETITION WAS FILED: September 30, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-48.004, Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Liberty Gateway, Ltd.

DATE PETITION WAS FILED: October 7, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0075(7)(a), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 17, 2008, Vol. 34, No. 42

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Malabar Cove, L.L.L.P.

DATE PETITION WAS FILED: September 29, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0075(7)(a), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Malabar Cove II, L.L.L.P.

DATE PETITION WAS FILED: September 30, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-48.004, Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Oviedo Town Centre II Partners, L.L.L.P.

DATE PETITION WAS FILED: September 29, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0075(7)(a), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Oviedo Town Centre III, L.L.L.P.

DATE PETITION WAS FILED: September 30, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-48.004, Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

NAME OF THE PETITIONER: Oviedo Town Centre Development Group, L.L.L.P.

DATE PETITION WAS FILED: September 30, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-48.004, Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE FILE: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Rolling Acres Club II, L.L.L.P.

DATE PETITION WAS FILED: September 29, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0075(7)(a), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Sea Grape II, Ltd.

DATE PETITION WAS FILED: September 26, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.004(14)(e), Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on October 31, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Granting a Petition for Waiver or Variance
 NAME OF THE PETITIONER: Southwinds Partners, L.L.P.
 DATE PETITION WAS FILED: September 29, 2008

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Paragraph 67-48.0075(7)(a), Florida Administrative Code
 REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, October 10, 2008, Vol. 34, No. 41

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: October 31, 2008

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order may be obtained by contacting: Sherry Green, Corporation Clerk, at the above address, telephone (850)488-4197 or e-mail to: Sherry.Green@floridahousing.org. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services, Division of Animal Industry** announces a public meeting to which all persons are invited.

DATE AND TIME: December 5, 2008, 2:00 p.m. – 5:00 p.m.
 PLACE: University of Florida, College of Veterinary Medicine, Lecture Hall A, Gainesville, Florida 32610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Animal Industry Technical Council (AITC), an advisory council to the Commissioner of Agriculture and Consumer Services. The meeting is open to the public.

A copy of the agenda may be obtained by contacting: Anne Vuxton at (850)410-0914.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Anne Vuxton at (850)410-0914. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: December 4, 2008, 9:00 a.m.
 PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida, (850)487-2130

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: Pesticide Registration Section at (850)487-2130 or from the PREC Website at: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

The Florida **Alligator Marketing and Education Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 3, 2008, 10:00 a.m.
 PLACE: Bob Crawford Agricultural Center Auditorium, 605 East Main Street, Bartow, FL 33830, (863)519-8468

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct general business of the Florida Alligator Marketing and Education Committee, and to discuss marketing and education initiatives for the current and next fiscal year.

A copy of the agenda may be obtained by contacting: John Easley or Martin May at (850)488-0163.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: John Easley or Martin May at (850)488-0163. If you are 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 Easley or Martin May at (850)488-0163.

DEPARTMENT OF EDUCATION

The **Distance Learning Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9223157

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workgroup will develop learning object repository recommendations regarding distance learning in postsecondary education.

A copy of the agenda may be obtained by contacting: John Oppen at jopper@distancelearn.org.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: November 25, 2008, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 9221867.

Public point of access: Room 210L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Product Approval Program Oversight Committee to consider applications for statewide product approval.

A copy of the agenda may be obtained by contacting: Mr. Azhar Khan, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Betty Stevens, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 3 hereby announces public hearings for Tentative Program of Work for Fiscal Years July 1, 2009 through June 30, 2014, to which all persons are invited.

1. Escambia, Santa Rosa, Okaloosa, and Walton Counties

DATE AND TIME: Tuesday, December 2, 2008, 10:00 a.m. – 11:00 a.m. (CST)

PLACE: FDOT, Milton Operations Center, Conference Room, 6025 Old Bagdad Highway, Milton, FL 32583

2. Bay, Calhoun, Gulf, Jackson, Holmes and Washington Counties

DATE AND TIME: Wednesday, December 3, 2008, 10:00 a.m. – 11:00 a.m. (CST)

PLACE: FDOT, District 3, Headquarters Design, Conference Room, 1074 Highway 90, Chipley, FL 32428

3. Franklin, Gadsden, Liberty, Jefferson, Leon and Wakulla Counties

DATE AND TIME: Thursday, December 4, 2008, 11:00 a.m. – 12:00 Noon (EST)

PLACE: FDOT, Midway Operations Center, Conference Room, 17 Commerce Blvd., Midway, FL 32343

GENERAL SUBJECT MATTER TO BE CONSIDERED: These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes. The purpose of the public hearings is to consider the Department's Improved Tentative Work Program for District Three, for the period 2009/2010 through 2013/2014, and to consider the necessity of making any changes to the program.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact the District's ADA Office, (850)415-9520 at least seven days prior to the meeting.

Written comments from TPOs/TPAs and other interested parties will be received by the Department at the Public Hearings and within 10 days thereafter. Comments should be addressed to: Mr. Larry F. Kelley, P.E., District Secretary, FDOT, District Three, Post Office Box 607, Chipley, FL 32428.

The Florida **Department of Transportation**, District Seven announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, December 9, 2008, 5:00 p.m. – 7:00 p.m.

PLACE: Pasco County Government Center, Board of County Commission Chambers, 7530 Little Road, New Port Richey, FL 34654

DATE AND TIME: Thursday, December 11, 2008, 5:00 p.m. – 7:00 p.m.

PLACE: Florida Department of Transportation, Headquarters, Auditorium, 11201 N. McKinley Drive, Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation, District Seven, invites you to attend and participate in the Five-Year Tentative Work Program Public Hearings for Fiscal Years July 1, 2009 through June 30, 2014. The Tentative Work Program covers the next five years of preliminary engineering, right-of-way acquisition, construction, and public transportation projects for Citrus, Hernando, Hillsborough, Pasco, and Pinellas Counties and includes Florida Turnpike Enterprise projects in these counties. These hearings are being conducted pursuant to Chapter 120 and Section 339.135(4)(d), Florida Statutes.

The department will receive verbal and written comments from organizations and the general public at the hearings. Written comments not received at the public hearings must be postmarked by December 22, 2008 to become part of the official public hearing record. Written comments may be mailed to: Donald J. Skelton, P.E., District Secretary, Florida Department of Transportation, District Seven, 11201 N. McKinley Drive, MS 7-100, Tampa, Florida 33612-6456.

A copy of the agenda may be obtained by contacting: Robert M. Clifford, AICP, Department Head, Intermodal Systems Development, 11201 N. McKinley Drive, MS 7-500, Tampa, FL 33612-6456.

Pursuant to the provisions of 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: Ms. Lee Royal, Community Liaison Administrator, at (813)975-6427 or 1(800)226-7220. If you are 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. Lee Royal, Community Liaison Administrator at (813)975-6427 or 1(800)226-7220.

The **Department of Transportation**, District One and Florida's Turnpike Enterprise announce public hearings to which all persons are invited. Specific notice is provided to the Polk Transportation Planning Organization, Lee County, Sarasota/Manatee, Charlotte County-Punta Gorda and Collier Metropolitan Planning Organizations, Central Florida Metropolitan Planning Organization Alliance, West Central Florida Metropolitan Planning Organizations Chairs Coordinating Committee, Tampa Bay Area Regional Transportation Authority and the county commission chairpersons of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Polk and Sarasota Counties.

DATE AND TIME: Wednesday, December 10, 2008, 9:30 a.m. or soon thereafter

PLACE: Central Florida Regional Planning Council, Bob Crawford Agricultural Center, 605 East Main Street, Bartow, Florida

DATE AND TIME: Friday, December 19, 2008, 9:00 a.m. or soon thereafter

PLACE: Lee County Metropolitan Planning Organization, Southwest Florida Regional Planning Council Office, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearings are being held to present the District One Tentative Five Year Work Program for fiscal years beginning July 1, 2009, through June 30, 2014. The hearings will consist of presentations on the tentative work program by the Department followed by a public testimony period. The public hearings are conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. At each hearing, the public is invited to review the tentative work program.

Department staff will be available for information discussion and assistance. A court reporter will be available to accept public comments, if desired, for entry into the public record. Written comments from all interested parties will be accepted by the Department at the public hearings or if received by January 20, 2009. Comments should be mailed to: Stanley M. Cann, P.E., District Secretary, Florida Department of Transportation, Post Office Box 1249, Bartow, Florida 33831.

The hearings are being developed in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact: Cindy Clemmons-Adente, Public Information Director, Florida Department of Transportation, Bartow District Office at (863)519-2362 or Debbie Tower, Public Information Director, Florida Department of Transportation, Southwest Area Office for District One, (239)461-4300 at least ten days prior to the public hearings.

The **Department of Transportation**, District 4 announces a hearing to which all persons are invited.

DATE AND TIMES: Wednesday, December 10, 2008, 6:00 p.m.; Formal presentation: 6:30 p.m.

PLACE: Indiantown Civic Center, 15675 S. W. Osceola Street, Indiantown, FL 34956

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, and natural and human environmental effects on Financial Project ID Number 419348-3-22-01, otherwise known as the SR 710 Bridge Replacement Project Development and Environment (PD&E) Study. The limits of the project are from SW Trail Drive to east of the SR 76 (S. W.

Kanner Highway) connector ramps in Martin County, Florida. This Public Hearing will also address the reclassification of the existing access management classification from an Access Class 6 to an Access Class 5 from S. W. Trail Drive to S. W. Citrus Boulevard and from an Access Class 4 to an Access Class 3 from S. W. Citrus Boulevard to the SR 76 connector ramps, per Rule 14-97.005, F.A.C., and FDOT Procedure 525-030-155-c.

A copy of the agenda may be obtained by contacting: Patrick Glass, Project Manager, Florida Department of Transportation, District Four, Office of Planning and Environment Management, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

Pursuant to the provisions of 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: Patrick Glass, Project Manager, Florida Department of Transportation, District Four, Office of Planning and Environment Management, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421, (954)777-4681, toll free: 866)336-8435, ext. 4681 or by email: patrick.glass@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **Audit Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 3, 2008, 1:30 p.m.

PLACE: Emerald Coast Room, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Audit Committee.

A copy of the agenda may be obtained by contacting: Susan Johnson, State Board of Administration at (850)413-1248.

Pursuant to the provisions of 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: James Linn at (850)488-4406. If you are 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 **Investment Advisory Council (IAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 4, 2008, 9:00 a.m.

PLACE: The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council. The IAC is a six-member advisory council, which reviews the investments made by the staff of the State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444, Florida Statutes.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, (850)413-1253.

Pursuant to the provisions of 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: James Linn at (850)413-1166. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *December 1, 2008, 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, Tallahassee, Florida.

*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: December 2, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting the Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website, 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, Tallahassee, Florida.

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, December 3, 2008, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue development of a Renewable Portfolio Standard rule as required by HB 7135 (Chapter Law No. 2008-227). Navigant Consulting, Inc. will present preliminary results of its

assessment of current and projected renewable energy resources in Florida. Staff will provide information in response to issues raised by the Commissioners. Docket No. 080503-EI. A copy of the agenda may be obtained by contacting: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us. A copy of the agenda may be obtained after November 19, 2008.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Cindy Miller at the above contact information or Judy Harlow, Strategic Analysis and Governmental Affairs, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6842, jharlow@psc.state.fl.us.

The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATES AND TIME: Monday, December 8, 2008, 9:30 a.m. (December 9-11, 2008, if needed)

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080121-WS – Application for increase in water and wastewater rates in Alachua, Brevard, DeSoto, Highlands, Lake, Lee, Marion, Orange, Palm Beach, Pasco, Polk, Putnam, Seminole, Sumter, Volusia and Washington Counties by Aqua Utilities Florida, Inc.

PURPOSE: To permit parties to present testimony and exhibits relative to the petition for increased water and wastewater rates by Aqua Utilities, Florida, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties the prehearing conference held on December 1, 2008. The proceedings will be governed by the provisions of Chapters 120 and 367, F.S., and Chapters 25-9, 25-22, 25-30, 28-106, F.A.C.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Office of 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).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Faith-based and Community Advisory Council**, Adoption sub-committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, November 7, 2008, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Passcode: 4130909

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Adoption sub-committee business.

A copy of the agenda may be obtained by contacting: Amy Bradbury at (850)410-0696.

For more information, you may contact: Amy Bradbury at (850)410-0696.

The **Agency for Enterprise Information Technology** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 17, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: State of Florida, Agency for Enterprise Information Technology announces a presentation of our Agency's proposed Operational Work Plan to be delivered at the State CIO Council meeting, to which all persons are invited.

To enhance communication among state agencies, assist in identifying statewide enterprise information technology solutions, and assist the agency in meeting their statutory requirements. 282.0056 Development of work plan; development of implementation plans; and policy recommendations. (1) For the purposes of carrying out its responsibilities under Section 282.0055, F.S., the Agency for Enterprise Information Technology shall develop an annual work plan within 60 days after the beginning of the fiscal year describing the activities that the agency intends to undertake for that year, including proposed outcomes and completion timeframes. The work plan must be presented at a public hearing that includes the Agency Chief Information Officers Council, which may review and comment on the plan.

The presentation will be made available on our website after the meeting. <http://www.myflorida.com/myflorida/cabinet/aeit>. A copy of the agenda may be obtained by contacting: Lauren Pope, Florida Fish and Wildlife Conservation Commission, (850)414-2870, 620 South Meridian St., Tallahassee, FL 32399.

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

agency at least 3 days before the workshop/meeting by contacting: The Agency for Enterprise Information Technology, email: ContactAEIT@myflorida.com or call (850)922-7502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Agency for Enterprise Information Technology, email: ContactAEIT@myflorida.com or call (850)922-7502.

REGIONAL PLANNING COUNCILS

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 17, 2008, 8:30 a.m.

PLACE: 631 N. Wymore Road, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the ECFRPC Executive Committee including the members of the Office Space Search Committee. The SRPP Task Force will meet immediately following, beginning at 10:00 a.m.

A copy of the agenda may be obtained by contacting: Ruth Little at (407)623-1075 or by email: rlittle@ecfrpc.org.

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

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 19, 2008, 10:00 a.m.

PLACE: 631 N. Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Ruth Little at (407)623-1075 or by email at rlittle@ecfrpc.org.

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

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 1, 2008, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting; Proposed Local Government Comprehensive Plan Amendments for Bay Harbor Islands and North Miami Beach; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments for North Bay Village; Any Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Amendments received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Marathon, Weston and West Miami; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location. Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416 (Broward).

A copy of the agenda may be obtained by contacting: (954)985-4416.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: (954)985-4416.

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 3, 2008, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY08-09.

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), visiting the LEPC website (www.sfrpc.com/lepc.htm) or by calling (954)985-4416 in Broward or 1(800)985-4416 toll-free statewide.

For more information, you may contact: Manny Cela (celam@sfrpc.com), by calling (954)985-4416 in Broward or 1(800)985-4416 toll-free statewide.

REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 25, 2008, 2:00 p.m.

PLACE: Main Conference Room, SFRTA Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Marketing Committee Meeting.

A copy of the agenda may be obtained by contacting: SFRTA Marketing Office at (954)788-7935.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

Public Meeting for Matanzas River Basin Work Plan

DATE AND TIME: Monday, December 1, 2008, 7:00 p.m.

PLACE: University of Florida, Whitney Laboratory for Marine BioScience, Lohman Auditorium, 9505 Ocean Shore Blvd., St. Augustine, FL 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the St. Johns River Water Management District plan to protect the water quality and water resources of the Matanzas River basin area.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Missy McDermont, 4049 Reid Street, Palatka, FL 32177, (386)329-4347.

Pursuant to the provisions of 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: Missy McDermont 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 **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 16, 2008, 9:00 a.m.

PLACE: Southwest Florida Water Management District, Governing Board Room, 2379 Broad Street, Brooksville, FL 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: The District is coordinating rulemaking with the St. Johns River Water Management District and the South Florida Water Management District to adopt consistent year round water conservation measures among these districts. The Southwest Florida Water Management District is proposing to amend its rules in Chapter 40D-22, F.A.C., to incorporate consistent fundamental lawn and landscape irrigation measures. These include (1) a maximum of twice-per-week watering with specified days for residential properties, (2) a separate twice-per-week watering schedule for nonresidential properties, and (3) uniform allowable watering hours for all property types and sources of water, including reclaimed water. The Governing Board approved the amendments at its October 2008 meeting. However, in response public comment regarding the allowable hours for irrigation with reclaimed water, the Board scheduled a final meeting at its December 16, 2008, meeting to consider those reclaimed water measures.

A copy of the agenda may be obtained by contacting: Charlotte Edwards, Sr., Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

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

For more information, you may contact: Charlotte Edwards, Sr., Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

The **South Florida Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: December 1, 2008, 1:00 p.m.

PLACE: South Florida Water Management District, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Additional rule development workshop to propose new Rule Chapter 40E-10, F.A.C., regarding protection of waters for the natural system from consumptive uses, Rule 40E-10.011, F.A.C., Purpose and General Provisions; Rule 40E-10.021, F.A.C., Definitions; Rule 40E-10.031, F.A.C., Implementation Tools; Rule 40E-10.221, F.A.C., Protected Natural Systems Water Bodies; Rule 40E-10.321, F.A.C., Regional Wetland Systems; Rule 40E-10.421, F.A.C., Water Reservations; Rule 40E-10.431, F.A.C., Water Reservation Areas: Lower West Coast; Rule 40E-10.441, F.A.C., and amendments to Rules 40E-2.011, 40E-2.091, 40E-2.301, 40E-2.331, 40E-20.091, 40E-20.301, 40E-20.302 and 40E-20.331, F.A.C. The purpose of the proposed new rules and amendments it is identify authorities and regulatory tools to be used to protect water for the natural system from consumptive uses and define the volume and timing of water to be reserved from allocation for the Picayune Strand Restoration Project.

These workshops are in addition to the workshops previously conducted on June 17, 2008, July 24, 2008, August 27, 2008, September 24, 2008, and September 30, 2008, October 22, 2008 and October 23, 2008. The purpose of this additional workshop is to present the fourth draft of proposed rule text based on additional comments received. The fourth draft of the proposed rule text will be posted on the District's website on November 24, 2008 at www.sfwmd.gov/watersupplyrule development, or may be obtained by contacting one of the contact persons listed below.

A copy of the agenda may be obtained by contacting: Brenda Mills, Lead Planner, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 4208 or (561)682-4208.

Pursuant to the provisions of 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: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 4224 or (561)682-4224; Brenda Mills, Lead Planner, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 4208 or (561)682-4208; Beth Lewis,

Senior Supervising Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6343 or (561)682-6343.

For procedural issues, contact: Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Quarterly meeting of the Everglades Technical Oversight Committee (TOC)

DATE AND TIME: December 16, 2008, 10:00 a.m.

PLACE: South Florida Water Management District, Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website (http://www.sfwmd.gov/org/ema/toc/draft_agenda.html) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

SPACE FLORIDA

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 26, 2008, 9:00 a.m. – 10:00 a.m. (Eastern Time)

PLACE: Space Florida, Conference Room – Teleconference, Kennedy Space Center Visitor Complex, Cape Canaveral, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Budget and Finance Committee Meeting.

A copy of the agenda may be obtained by contacting: Denise Swanson at dswanson@spaceflorida.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Denise Swanson at dswanson@spaceflorida.gov. If you are 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 Swanson at dswanson@spaceflorida.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: December 2, 2008, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Health Information Exchange Coordinating Committee will meet to review the current status of health information exchange and strategies to promote the use of electronic health records. The Health Information Exchange Coordinating Committee will make recommendations regarding Point of Care Model Electronic Health Record Demonstration Grants.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at: <http://www.fhin.net/FHIN/workgroups/HIECC.shtml> seven (7) days prior to the meeting.

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

For more information, you may contact: Christopher Sullivan at (850)414-5421.

The Florida **Center for Health Information and Policy Analysis** announces a public meeting to which all persons are invited.

DATE AND TIME: December 17, 2008, 10:00 a.m. – 3:00 p.m.

PLACE: Betty Easley Conference Center, Room 180, 2075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review laws and regulations 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: Diane Leiva at leivad@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 14 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: Diane Leiva at leivad@ahca.myflorida.com.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: December 8, 2008, 10:00 a.m.

PLACE: Agency for Health Care Administration, Hurston South Tower, First Floor, Conference Room A, 400 W. Roberson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Panel on Excellence in Long-Term Care will be reviewing applications for the Gold Seal and other matters as determined necessary by the Panel.

A copy of the agenda may be obtained by contacting: Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, FL 32308, (850)488-5861.

DEPARTMENT OF MANAGEMENT SERVICES

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 24, 2008, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1721, 325 W. Gaines St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the SSRC Board of Trustees. Section 282.205, F.S., establishes the Southwood Shared Resource Center, formerly the Shared Resource Center, to enhance communication among state agencies and identify statewide enterprise information technology solutions.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@

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

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIME: November 18, 2008, 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: December 2, 2008 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 8, 2008, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee meeting.

A copy of the agenda may be obtained by contacting the Board office.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

NOTICE OF AMENDMENT – The Florida **Board of Professional Engineers** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 12, 2008, 8:30 a.m.

PLACE: Ramada Inn & Conference Center, 2900 North Monroe Street, 4th Floor, Board Room, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants and other business of the Board.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Wendy Gregory.

The Florida **Board of Professional Engineers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, November 21, 2008, 10:00 a.m.

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, FL 32303, Conference Call: 1(866)895-8146, Passcode 30295716. (Amended as to Passcode Only)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by contacting: Wendy Gregory.

Pursuant to the provisions of 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: Wendy Gregory. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Wendy Gregory.

The **Building Code Administrators and Inspectors Board** announces a public meeting to which all persons are invited.

DATES AND TIME: December 9-12, 2008, 9:00 a.m. each day

PLACE: Department of Business and Professional Regulation, Professions Board Room, 1940 N. Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review, Rules and Legislation, Examination and Continuing Education, Executive Committee meetings and General Board and Business meeting.

A copy of the agenda may be obtained by contacting the Board Office.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Accountancy** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, December 3, 2008, Probable Cause: 9:00 a.m. until all business is concluded; Long Range Planning: 1:00 p.m. until all business is concluded; Thursday, December 4, 2008, Board meeting: 9:00 a.m. until all business is concluded

PLACE: Department of Business and Professional Regulation, Board Room, 1940 North Monroe Street, Tallahassee Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. This is a public meeting. The Long Range Planning Committee will meet to discuss long range issues. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting.

A copy of the agenda may be obtained by contacting: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607.

Pursuant to the provisions of 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 hours before the workshop/meeting by contacting: June Carroll. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: June Carroll.

The **Florida Mobile Home Relocation Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 3, 2008, 9:30 am.

PLACE: Holiday Inn, Lido Beach, 233 Ben Franklin Drive, Sarasota, FL 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

A copy of the agenda may be obtained by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32317-4125, 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32317-4125, 1(888)862-7010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Janet Garrett, Executive Director, FMHRC, P. O. Box 3047, Tallahassee, FL 32317-4125, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, December 9, 2008, 10:00 a.m. (EST)

PLACE: Department of Environmental Protection, Bob Martinez Center (formerly Twin Towers Office), Room 609, 2600 Blair Stone Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present background information and receive public comments on proposed revisions to Chapter 62-302, F.A.C., regarding the

revision of criteria for Specific Conductance and proposed criteria for Un-ionized Ammonia in marine waters as part of the current Triennial Review of state surface water quality standards. This workshop follows earlier public workshops held on July 23, 2008, July 30, 2008 and September 11, 2008, as well as the public workshop scheduled for November 18, 2008, and will focus solely on the proposed revisions to criteria for Specific Conductance and proposed criteria for Un-ionized Ammonia in marine waters in Chapter 62-302, F.A.C. Additional public workshops addressing all surface water quality standards as part of the Triennial Review will be held in the future. A separate Notice of Rule Development for both Chapters 62-302 and 62-303, F.A.C., was published on July 3, 2008, in Vol. 34, No. 27 of the Florida Administrative Weekly. This rulemaking, associated with Chapters 62-302 and 62-303, F.A.C., has been given OGC Case Nos. 08-1729 and 08-1730 respectively.

A copy of the agenda may be obtained by contacting: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS 3560, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us. Further information and updates on this rule development also may be obtained from the Department's website: http://www.dep.state.fl.us/water/wqssp/tr_review.htm.

Pursuant to the provisions of 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: Eric Shaw at (850)245-8429. If you are 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 Greenways and Trails Council** announces a public meeting to which all persons are invited.

DATE AND TIME: December 3, 2008, 9:00 a.m. – 12:00 Noon

PLACE: Hyatt Regency Jacksonville Riverfront, 225 Coast Line Drive East, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adoption of an update to the Florida Ecological Greenways Network Map, election of officers, and other business. The council may also consider designations of the Bayshore Linear Greenway in Pinellas County, the Fort Center Trail in Glades County, the Potano Paddling Trail in Alachua County, the Shingle Creek Regional Park in Osceola County, the Shingle Creek Paddling Trail in Osceola County, and the following trails in St. Johns County: the Nocatee/Deep Creek Paddling Trail, the San Sebastian/Pomar Park Paddling Trail, and the Canopy Shores/Mango Creek Paddling Trail, as part of the Florida Greenways and Trails System.

A copy of the agenda may be obtained by contacting: Tammy Salmon, Office of Greenways and Trails, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS795, Tallahassee, Florida 32399-3000. Ms. Salmon may also be reached by telephone at (850)245-2052 or by email: Tammy.Salmon@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 3 days before the workshop/meeting by contacting: Tammy Salmon at (850)245-2052. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Florida Coastal Management Program announces a public meeting to which all persons are invited.

Committee "A"

DATE AND TIME: Friday, December 5, 2008, 9:00 a.m. – 12:00 Noon

Committee "B"

DATE AND TIME: Friday, December 5, 2008, 1:00 p.m. – 4:00 p.m.

PLACE: Conference Room A, Douglas Bldg., 3900 Commonwealth Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these meetings is for the Coastal Partnership Initiative (CPI) evaluation committees to score and rank CPI applications to be considered for funding in FY 09-10 pursuant to Rule 62S-4.007, F.A.C.

Committee "A" will score and rank applications submitted under the Community Stewardship and Working Waterfronts CPI categories.

Committee "B" will score and rank applications submitted under the Remarkable Coastal Places and Access to Coastal Resources CPI categories.

A copy of the agenda may be obtained by contacting: Susan Goggin, Department of Environmental Protection, MS 47, 3900 Commonwealth Blvd., Tallahassee, FL 32399, (850)245-2161, email: Susan.Goggin@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: Susan Goggin at (850)245-2161 or email: susan.goggin@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).

DEPARTMENT OF HEALTH

The **Board of Acupuncture** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 5, 2008, 9:00 a.m. or soon thereafter

PLACE: Renaissance Orlando Hotel Airport, 5445 Forbes Place, Orlando, FL 32812, (407)240-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he 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 special accommodations at this meeting due to disability or physical impairment should contact the Board of Acupuncture, (850)245-4161 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Pharmacy**, Professional Practice Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2008, 9:00 a.m.

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from the previous meeting; Rules Update and Forms Review; review Rules 64B16-26.103, 64B16-26.1031, 64B16-26.204, 64B16-26.300, 64B16-26.403, 64B16-27.410, 64B16-27.430, 64B16-28.140, 64B16-28.301, 64B16-28.303, 64B16-28.840 and 64B16-28.880, F.A.C.; Citations-Bad Checks; Weight Loss Drugs; and open discussion.

The agenda will be available at: www.doh.state.fl.us/mqa/pharmacy, one week prior to the meeting.

For more information, you may contact: Board of Pharmacy at (850)245-4292.

The **Board of Pharmacy** announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, December 9, 2008, 1:00 p.m.

PLACE: Embassy Suites, 1100 S. E. 17 Street, Ft. Lauderdale, Florida 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Pharmacy to discuss the language for Rule 64B16-27.420, F.A.C.

A copy of the agenda may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Pharmacy**, Tripartite Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2008, 3:30 p.m.

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700. The meeting will also be available via conference call. The conference number is 1(888)808-6959, Code: 5642037.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will Approve Minutes from Previous Meeting; Rules Update; review Rules 64B16-26.103, 64B16-26.302, 64B16-26.204, 64B16-26.403 and 64B16-26.6012, F.A.C.; Pharmacy Technician Program; and open discussion.

The agenda will be available at: www.doh.state.fl.us/mqa/pharmacy, one week prior to the meeting.

For more information, you may contact: Board of Pharmacy at (850)245-4292.

The **Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2008, 8:00 a.m.

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254. The agenda will also be available one week prior to the meeting date at www.doh.state.fl.us/mqa/pharmacy.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Board of Pharmacy at (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Podiatric Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 12, 2008, 9:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/podiatry/index.html.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health**, Drugs, Devices and Cosmetics Program, Drug Wholesale Distributor Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 4, 2008, 9:30 a.m.

PLACE: 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399. The meeting will also be available via Conference Number: 1(888)808-6959, Conference Code: 9766152.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Welcome/Introductions, Approval of Minutes from the Previous Meeting; Old Business; New Business; Council Member Update, Program Office Update, CCOS Demonstration; Penalty Guideline Presentation; Legislative Activities Outside of Florida; Select meeting Date for May 2009; and Open Discussion.

The agenda will be sent out electronically to the interested party distribution list and placed on the website and web board one week prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 24, 2008, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 N. Bronough Street, Suite 5000, Seltzer Room, 6th Floor, Tallahassee, Florida 32301. Conference Call: 1(888)808-6959, Conference Code: 3884197.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Second Public Meeting to discuss the implementation of appropriation of \$20,000,000 in non-recurring funds from the State Housing Trust Fund to be used for homeownership assistance in counties and municipalities which have reduced impact fees within twelve months prior to this act or reduce impact fees subsequent to the act by a minimum of 25% for a period of not less than 18 months. Florida Housing will be administering the funds through the State Housing Initiatives Partnership (SHIP) program. At this meeting, Florida Housing will further explain the proposed process for local government participation in this initiative and take comments and questions.

Florida Housing will receive public written comments prior to the meeting. Please send comments to Rob Dearduff at the address above or via e-mail at robert.dearduff@floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Robert Dearduff at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: December 3-4, 2008, 8:30 a.m. each day

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Blvd., Key West, Florida 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the agenda may be obtained by contacting: Kathleen Hampton, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

Pursuant to the provisions of 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: Mr. Jim Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 3, 2008, 10:00 a.m.
 PLACE: EM Ballroom AB, Hilton San Destin, 4000 San Destin Blvd., South Destin, Florida 32550

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by contacting: Donald Rollins, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3628.

Pursuant to the provisions of 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 person listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

SOIL AND WATER CONSERVATION DISTRICTS

The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: November 17, 2008, 8:15 a.m.
 PLACE: USDA-NRCS Service Center, 1416 U.S. 90 E., Madison, FL 32340

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Doris Newman at (850)973-6595.

The **Collier Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATES AND TIME: 3rd Thursday of each month, 8:30 a.m.
 PLACE: 14700 Immokalee Rd., Naples, FL 34120
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Business Meeting.

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.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority (TRDA)** announces a public meeting to which all persons are invited.

DATE AND TIME: November 19, 2008, 2:00 p.m.
 PLACE: TRDA, Business Innovation Center, 1050 West NASA Boulevard, Melbourne, FL 32901

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting of the Board of Directors.

A copy of the agenda may be obtained by contacting: Dave Kershaw at (321)872-1050, ext. 102, dkershaw@trda.org.

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 20, 2008, 10:00 a.m.
 PLACE: Dial 1(866)200-9760 followed by PIN 8938936# to participate

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors meeting.

A copy of the agenda may be obtained by contacting: Susan Moore at susan.a.moore@comcast.net or visit the website: www.floridapatientssafetycorp.com on or after November 13, 2008.

For more information, you may contact: Susan Moore at susan.a.moore@comcast.net.

The **Florida Patient Safety Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, November 24, 2008, 3:00 p.m.
 PLACE: Conference Call: 1(866)200-9760, Code PIN: 8938936#

GENERAL SUBJECT MATTER TO BE CONSIDERED: meeting of the Nominating Committee.

A copy of the agenda may be obtained by contacting: Susan Moore, CEO at susan.a.moore@comcast.net.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation**, Mission Review Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 20, 2008, 10:00 a.m. (EST)

PLACE: Wyndham Orlando, 8001 International Drive, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to the requirements of the task force as outlined in Florida Statute.

The Citizens Property Insurance Corporation Mission Review Task Force was created to analyze and compile available data and to develop a report setting forth the statutory and operational changes needed to return Citizens Property Insurance Corporation to it's former role as a state-created, noncompetitive residual market mechanism that provides property insurance coverage to risks that are otherwise entitled but unable to obtain such coverage in the private insurance market.

A copy of the agenda may be obtained by contacting: Sara Golding at 1(800)807-7647, ext. 3874.

Pursuant to the provision of 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 the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sara Golding at 1(800)807-7647, extension 3874.

SCRIPPS FLORIDA FUNDING CORPORATION

The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 24, 2008, 10:00 a.m. (EST)

PLACE: Teleconference: 1(877)870-8664, Passcode: 254482

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Board will hear an update from the Audit Committee and approve the 2008 SFFC annual report.

A copy of the agenda may be obtained by contacting: <http://www.flgov.com/scripps> for meeting date, time and place. The date, time, and/or place are subject to change.

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

For more information, you may contact: Jenni Garrison at jenni.garrison@myflorida.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriting Association, Inc.**, Rates and Forms Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 24, 2008, 10:00 a.m.

PLACE: To participate in the teleconference meetings, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics shall include a legislative update; review of rates; and return of premium dividend.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408 or from the FWCJUA's website: www.fwcjua.com.

FLORIDA LEAGUE OF CITIES

The **Florida League of Cities** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 4, 2008, 11:00 a.m. – 3:00 p.m.

PLACE: Jupiter Beach Resort and Spa, 5 North A1A, Jupiter, FL 33477-5190, Toll-Free: 1(800)228-8810

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Municipal Investment Trust, the Florida Municipal Pension Trust Fund Board of Trustees and the Florida Municipal Loan Council will meet on Thursday, December 4, 2008.

- 11:00 a.m. Florida Municipal Pension Trust Fund
 - 12:00 Noon Joint Luncheon (FMPTF/FMIvT)
 - 1:00 p.m. FMPTF/FMIvT Joint Meeting (to receive reports from Atlanta Capital/ACG)
 - 2:00 p.m. Florida Municipal Investment Trust
- Immediately following FMIvT meeting: Florida Municipal Loan Council.

A copy of the agenda may be obtained by contacting: Jeannie Garner, Financial Services Director, Florida League of Cities at (850)701-3649 or jgarner@flcities.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 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jeannie Garner, Financial Services Director, Florida League of Cities at (850)701-3649 or jgarner@flcities.com.

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 5, 2008, 8:00 a.m.

PLACE: Tampa Bay Marriott-Waterside, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board of Directors meeting to review and discuss budgets, programs, and other concerning issues regarding the FL Sports Foundation.

A copy of the agenda may be obtained by contacting: www.info@flasports.com.

ADVOCACY CENTER FOR PERSONS WITH DISABILITIES, INC.

The **Advocacy Center for Persons with Disabilities, Inc.** announces a public meeting to which all persons are invited.

DATES AND TIMES: December 11, 2008, 12:00 Noon through December 13, 2008 ending 12:00 Noon

PLACE: Embassy Suites Tampa Downtown, Convention Center, Skyway Conference Room, 513 S. Florida Avenue, Tampa, Florida 33602, (813)769-8300

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advocacy Center for Persons with Disabilities, Inc., Florida's Protection and Advocacy Programs Quarterly Board of Directors Joint Meeting with the Protection and Advocacy for Individuals with Mental Illness Advisory Council (PAIMI Council).

A copy of the agenda may be obtained by contacting: Paige Morgan or Leslie Evans at (850)488-9071, ext. 219 or 231.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least seven days before the workshop/meeting by contacting: The Advocacy Center for Persons with Disabilities, Inc., 2728 Centerview Drive, Suite 102, Tallahassee, Florida 32301, 1(800)346-4127. If you are 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: Dawn Williams, Paige Morgan or Leslie Evans at (850)488-9071, ext. 218/219 or 231.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. John Berry, AIA, on behalf of Cole & Russell Architects, Inc. on May 27, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA08-DEC-147. The Commission determined that Rule 9B-3.0472, Florida Administrative Code, only requires carbon monoxide detectors within the sections of the building identified by the Petitioner as areas where fossil fueled appliances are used, where these building sections are completely separated from other building sections by fire walls.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. James Paula, Plans Examiner, on behalf of the St. Johns County Building Department on June 2, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA08-DEC-150. The Commission determined that Section 3109, Florida Building Code (2004 as amended 7/06) requires a pile foundation with a design ratio of pile spacing to pile diameter of not less than 8:1, for decks and stairs attached to the structure referred to by the Petitioner, which is located seaward of the coastal construction control line (CCCL), and that if any portion of the structure extends seaward of the CCCL, the bottom of the lowest horizontal structural member must be located above the 100 year storm elevation.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Chris Shepherd, on behalf of System Component Corporation, on April 30, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA08-DEC-124. The Commission determined that roofing underlayments referenced in Section 201.2, item (c) of the Manual of Hurricane Mitigation Retrofits for Existing Site-Built Single Family Residential Structures, Version 2, adopted by reference in Rule 9B-3.0475, F.A.C., must comply with ASTM D 226, Type I or II, or its equivalent.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Mr. Jerry Sparks, AIA, CBO, on behalf of the Hillsborough County Building Services Division on June 21, 2008. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA08-DEC-142. The Commission determined that the Florida Building Code allows the local building official to withhold a certificate of occupancy for enforcement of other laws and ordinances enforced by the building department.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by from Mr. Walter A. Tillet, Jr., S.E., P.E. of TilTeco, Inc. on April 26, 2007. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA07-DEC-085. Insufficient information was provided for the Commission to dispose of the Petition. At the October 3, 2007, meeting of the Florida Building Commission, the Miami-Dade County Product Control Division (Petitioner) represented by Jamie Gascon, P.E., requested that the matter be resolved by the Commission and provided all information necessary for disposition. The Commission determined that the fasteners used to install a product which has been evaluated for Product Approval using testing methods to demonstrate compliance with the Code must be anchored in accordance with the fastener manufacturer's instructions, which have been evaluated to the materials standards referenced in the Florida building Code and/or in accordance with acceptable engineering practices.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT the Agency for Health Care Administration has received the petition for declaratory statement from American Health Associates Clinical Laboratory, Inc.

The Petition was filed with the Agency for Health Care Administration on October 16, 2008 and seeks a declaratory statement clarifying and superseding the Agency's July 7, 2008 Declaratory Statement. The statutory and administrative provisions that form the basis for the Petition are Sections 483.201(5), 483.245(1) and 400.17(2), Florida Statutes (2008) and Rule 59A-7.037, Florida Administrative Code.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

NOTICE IS HEREBY GIVEN THAT the Agency for Health Care Administration has received the petition for declaratory statement from Ameritox Ltd. The petition seeks the agency's opinion as to the applicability of Sections 483.245 and 483.825(1)(q), Florida Statutes, and subsection 59A-7.020(15) and Rule 59A-7.037, Florida Administrative Code. as it applies to the petitioner.

The Petitioner is requesting that the Agency issue a declaratory statement advising whether providing a trained clerical representative in a physician's office to obtain patient information.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from James Porter, Petitioner/Unit Owner, In RE: Highland Village Mobile Home Owners' Association, Inc., Docket No. 2008057907. The petition seeks the agency's opinion as to the applicability of Chapter 723, Florida Statutes, as it applies to the petitioner.

Whether “bona fide owner of a mobile home” means only a person who is named on the title to the home under Section 723.075(1), Florida Statutes (2007).

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Chandler Sweetser, Petitioner, In RE: Pelican Cove Condominium Association, Inc., Docket No. 2008058052. The petition seeks the agency's opinion as to the applicability of Chapter 718, Florida Statutes, as it applies to the petitioner.

Whether Section 718.111(11)(g)1, Florida Statutes, (2008) requires Pelican Cove Condominium Association, Inc. to assess the insurance cost of each building against only the unit owners in each building.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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

The Board of Medicine hereby gives notice that the Petition for Declaratory Statement filed on behalf of Garrett Gause, M.D., on August 21, 2008, has been withdrawn.

The person to be contacted with regard to this petition is: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has received the petition for declaratory statement from Debra Shelby, ARNP. The petition seeks the agency's opinion as to the applicability of Chapter 646, F.S., as it applies to the petitioner.

The Board of Nursing hereby gives notice that it has received a Petition for Declaratory Statement filed on July 28, 2008 by Debra Shelby, RN. The Petitioner seeks the Board's interpretation of the application of Chapter 646, F.S., Nursing Practice Act. Specifically, the Petitioner requests that the Board issue a Declaratory Statement determining under the provisions of Chapter 646, F.S., (1) whether it is within the scope of practice to allow RNs or LPNs to perform skin cancer screening assessments; (2) whether it is within the scope of practice to allow RNs or LPNs to perform skin cancer screening assessments even with formal training; (3) if the Board deems that such practice is within the scope of RNs/LPNs, who it is that determines the level of training and hours adequate to train these professions.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Anthony C. Apfelbeck, Petitioner, a Fire Official with the City of Altamonte Springs, FL with the responsibility of enforcing the Florida Fire Prevention Code on October 16, 2008. The following is a summary of the agency's disposition of the petition:

Petitioner seeks an interpretation of Section 718.112, F.S.; Section 633.0215, F.S., and Fire Prevention Code 31.3.4.1.1, as it pertains to Petitioner's particular set of circumstances. Capistrano Condominiums has voted to “forgo retrofitting a fire alarm system and/or engineered life safety system of any kind.” The Declaratory Statement answers the petition by Part one of the question asks whether a fire alarm system is an engineered life safety system. See Tavss, James M., Community Manager, Ro-Mont South Executive Council, case number 83852-05-FM, which explains that a fire alarm system is not in an of itself an engineered life safety system. Part two of the question asks whether the Capistrano Association may opt out of installing a fire alarm system as provided in Section 718.112, Florida Statutes. The Department is not authorized to issue declaratory statements that apply another Department's

statutes to the Petitioner’s particular set of circumstances, but notes that the Department of Business and Professional Regulations has answered a similar question in the negative in a Declaratory Statement captioned, In Re the Petition of James M. Tavss, Community Manager, Ro-Mont South Executive Council, Inc., case number 2006044670. Question: Does Capistrano Association’s vote or “Certificate Attesting to Vote for Waiver of Engineered Lifesafety System Requirements for Capistrano allow the Capistrano Association to forgo the retrofiting of a fire alarm system required by the NFPA 101-31.3.4.1.1?” Answer: The Code requires that apartment buildings with more than eleven dwelling units be provided with a fire alarm system. Whether the buildings in question can opt out of the Code requirements under the provisions of Section 718.112, Florida Statutes, is not within the Department’s jurisdiction to answer.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340 or (850)413-3604, (850)413-4238; Fax (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises) or by e-mailing your request to Lesley.Mendelson@fldfs.com.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO 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: UF-323, Chemistry/Chemical Biology Building and Renovation of Existing Facility, Gainesville, Florida.

This project will provide approximately 100,000 GSF for modern undergraduate teaching laboratories, classrooms, teaching support, graduate research laboratories, and offices. The new building will provide a centralized home for lower-level undergraduate chemistry instruction. It will also provide state-of-the-art research facilities for faculty and graduate students working in the areas of chemical biology and chemical synthesis. This project will include new construction and renovation of existing facilities to comply with the Program requirements.

The estimated construction budget is approximately \$49,000,000. The project will be delivered using the Construction Manager at Risk method. Gold 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 \$3,000,000 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.

At the time of application, the applicant and its landscape architectural and engineering consultants must possess current design licenses from the appropriate governing board and be

properly registered to practice its profession in the State of Florida. If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

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 OR 20 double-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. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant and all engineering and landscape architecture consultants from the appropriate governing board.
5. Proof of the applicant's and all engineering consultants' ability to be insured for the level of professional liability coverage demanded for this project.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

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 Design and Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information can be found on the Facilities Planning and Construction website.

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), Friday, December 12, 2008. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)392-1256
Fax: (352)392-6378
Internet: www.facilities.ufl.edu

Notice of Bid

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB09SVF-132, CHW Manhole Valve Automation, estimated budget: \$215,250, to be opened December 16, 2008 at 3:00 p.m. in 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: The work includes: All valve actuators (ten each), electrical wiring, hardware, controls, controls programming, pumps, piping, devices and labor required to execute the contract documents. Mandatory pre-bid meeting will be held December 2, 2008, 10:00 a.m., in the PPD A/E Conference Room, Building 700, Radio Road, Gainesville, FL. Questions should be directed to Lisa Pennington, lpenn@ufl.edu or (352)392-1331. For more information visit 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, purchasing@ufl.edu or (352)392-1331 within three (3) days of the event.

INVITATION TO BID

The Florida State University Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
Facilities Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number FAC22215-08
Purchasing Agent: B. J. Lewis, Facilities
Mandatory PreBid: December 2, 2008, 10:00 a.m.

The special prequalification submittal package may be obtained from the Architect's office prior to the Prebid meeting. It should be completed and is to be turned in to the Architect at the time of the mandatory Prebid meeting.

Location: Front of University Center A, North side
 Public Bid Opening: December 11, 2008, 2:00 p.m.
 FSU-Facilities Maintenance
 969 Learning Way
 125 Mendenhall, Building A
 Tallahassee, Florida 32306-4150
 Facilities Maintenance Purchasing

Bid Documents: The work at University Center "A" includes replacement of existing insulating window glass and glazing indicated with an approved window glass and glazing system (approximately 300 lites in base bid). Also included is cutting out perimeter window joint sealant and sealing joints, window perimeters, flashing details and wet glazing as noted with premium silicone sealant. The base bid will cover replacement of the indicated exterior window glass and glazing at all levels and replacement of seven pairs of exterior aluminum storefront doors with new aluminum storefront door systems removable astragals.

Contact Person: Randy Lewis, Project Architect
 MLD Architects
 211 John Knox Road, Suite 105
 Tallahassee, Florida 32303

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

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: DEM-28012000
 PROJECT NAME: Remodel Reception, Media, Public Information Rooms and Adjacent Areas, Rudd Building

LOCATION: Tallahassee, Florida
 ESTIMATED CONSTRUCTION BUDGET: \$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 Advertisements - Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF INVITATION TO BID

BID NO. BDC 37-08/09

CORRECTIONCORRECTION***CORRECTION***

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: Curry Hammock State Park - Bridge Replacement

SCOPE OF WORK The contractor shall provide the necessary labor, materials, equipment, and supervision for the demolition and removal of an existing timber bridge and replacement with a precast concrete bridge. Work will also include erosion control, slope stabilization, traffic maintenance, permitting, installation of auger piles, reinforced concrete foundation construction in a marine environment, provision and placement of precast concrete bridge and wing walls. Successful bidder will be responsible to for providing signed and sealed Engineers drawings suitable for permitting in the State of Florida. Refer to included specifications and drawings for additional project scope.

PROJECT BUDGET: \$420,000.00

PARK LOCATION: 56200 Overseas Hwy., Marathon, Florida, Monroe County

PROJECT MANAGER: Dean Stoddart, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, Florida 32309, (850)488-5372, Fax: (850)488-1141.

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 including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for

licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of Environmental Protection for the current biennium (July 1 – June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

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. Compact Disk (CD) containing the plans and specifications will be available on October 31, 2008 at: Curry Hammock State Park, 56200 Overseas Hwy., Marathon, Florida 33050, Attention: Kenneth Troisi, Park Manager, (305)289-2690, Fax: (305)289-2693.

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, Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. 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 p.m. (ET), Tuesday, November 25, 2008, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administer, Bureau of Design and Construction, (850)488-3572. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Tuesday, December 2, 2008, unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2242, Fax (850)245-2303, Lea.Crandall@dep.state.fl.us during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes.

Rules for bid protests can be found in Sections 120.569 and 120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

INVITATION TO BID

Proposals are requested from qualified Roofing Contractors by the Department of Children and Families, hereinafter referred to as Owner, for the construction of:

PROJECT NUMBER: DCF 09245320

PROJECT: RETROFIT METAL STANDING SEAM ROOFS BUILDINGS 1249 & 1262 FLORIDA STATE HOSPITAL CHATTAHOOCHEE, FLORIDA

PREQUALIFICATION: The Owner accepts bids from those firms which demonstrate current relevant licensure with the Florida Department of Business and Professional Registration by submittal of a copy of that license or certificate with their bid and compliance with the pre-qualification requirements as stated hereinbefore and in the project specifications.

The work includes but is not limited to the installation of metal standing seam roofing on (2) two buildings. Building 1249, a 34,000 square foot roofing project consisting of the removal of existing shingle roofing system, removal of existing roof dormers, replacement of roof decking @ removed dormer locations, and the installation of standing seam metal roof. Several dormers will be renovated to include cement board lap siding and painted. Building 1262, a 19,000 square foot roofing project consisting of the removal of existing shingle roofing system, removal of existing roof dormers, replacement of roof decking @ removed dormer locations, and the installation of standing seam metal roof.

PERFORMANCE BOND AND LABOR AND MATERIAL BOND: If the construction award is \$100,000.00 or more, a Performance Bond and Labor and Material Payment Bond are required.

BID DATE AND TIME: Sealed bids will be received at the architect's office, 1382 Timberlane Road, Suite C, Tallahassee, Florida 32312, on Tuesday, December 16, 2008, until 2:00 p.m. (Local Time), at which time they will be publicly opened and read aloud.

PRE-BID INSPECTION: The pre-bid inspection will be gathering at the Operations and Facilities Building, Florida State Hospital, on Tuesday, November 25, 2008, 2:00 p.m., (Local Time). An informative meeting will take place at this location followed by a visit to each building location. All others visiting after this time shall be by Florida State Hospital Personnel appointed set time only. Bidders setting up an appointment after November 25, 2008, must contact: Mr. Rob

Elliott, Operations at Facilities at (850)663-7152, Florida State Hospital to be informed of set date and time of the scheduled site visit. All questions pertaining to this project must be addressed to the architect.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained for \$100.00 refundable from the architect:

HICKS NATION ARCHITECTS, INC.
 1382 TIMBERLANE ROAD
 TALLAHASSEE, FLORIDA 32312
 TELEPHONE: (850)893-1130

CONTRACT AWARD: The bid tabulation and Notice of Award Recommendation will be posted by 2:00 p.m. (Local Time), on December 17, 2008, at the Architects Office. In the event that the bid tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be otherwise notified. Any protests of the bid must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes." If no protest is filed per Section B-21 of the Instructions to Bidders, "Notice and Protest Procedures: the Owner will award the contract to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C.

PETER R. BROWN CONSTRUCTION, INC.

Request for Subcontractor Proposals PCHD Tobacco Awareness Addition – Notice of Request for Proposals
 Florida Department of Health
 Pasco County Health Department
 Tobacco Awareness Addition (DOH #70751100)
 North Port, FL

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the Florida Department of Health and Florida Department of Health, Sarasota County Health Department, Tobacco Awareness Addition hereby solicits sealed subcontractor proposals for the referenced project in accordance with the proposal documents to include but not limited to the following:

- | | |
|------------------------------|-------------------------------|
| 01B Final Cleaning | 09C Ceramic Tile |
| 02A Site Work | 09D Acoustical Ceilings |
| 02B Selective Demolition | 09E Flooring |
| 02D Landscaping | 09G Painting |
| 03A Concrete | 10A Miscellaneous Accessories |
| 04A Masonry | 10C Interior Signs |
| 06A Wood Trusses & Sheathing | 10D Operable Partition |

- | | |
|--|---------------------------------|
| 07A Shingle Roofing | 11A Audio/Visual Display Boards |
| 07C Joint Sealants | 12A Window Treatments |
| 08A Doors, Frames, Hardware & Installation | 15A Fire Sprinkler System |
| 08C Windows | 15B Plumbing |
| 09A Stucco | 15C HVAC |
| 09B Drywall Partitions | 16A Electrical |

A pre-proposal meeting will be held at 10:30 a.m. (Local Time), Tuesday November 25, 2008, at the following location:

Sarasota County Health Department
 10841 Little Road
 New Port Richey, FL 34654

Deadline for receipt of All Proposal Packages has been set for 2:00 p.m., December 16, 2008. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All interested subcontractors must be pre-qualified or have completed the pre-qualification process within the last year. Subcontractors must submit pre-qualification prior to December 11, 2008, in order to be considered for this project. Please contact the following person to obtain information or documents about the pre-qualification requirements for this project:

Jenny Sanchez, Estimator
 Phone: (727)535-6407 – Fax: (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 November 7, 2008. Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

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 December 11, 2008. The Owner and Architect will not accept calls regarding this project.

Request for Subcontractor Proposals SCHD Tobacco Awareness Addition – Revised Notice of Request for Proposals
 Florida Department of Health
 Sarasota County Health Department
 Tobacco Awareness Addition (DOH #70758100)
 North Port, FL

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the Florida Department of Health and Florida Department of Health, Sarasota County Health Department, Tobacco Awareness Addition hereby solicits sealed subcontractor proposals for the referenced project in accordance with the proposal documents to include but not limited to the following:

- | | | | |
|-----|--|-----|-----------------------------|
| 01B | Final Cleaning | 09C | Ceramic Tile |
| 02A | Site Work | 09D | Acoustical Ceilings |
| 02B | Selective Demolition | 09E | Flooring |
| 02D | Landscaping | 09G | Painting |
| 03A | Concrete | 10A | Miscellaneous Accessories |
| 04A | Masonry | 10C | Interior Signs |
| 06A | Wood Trusses & Sheathing | 10D | Operable Partition |
| 07A | Shingle Roofing | 11A | Audio/Visual Display Boards |
| 07C | Joint Sealants | 12A | Window Treatments |
| 08A | Doors, Frames, Hardware & Installation | 15A | Fire Sprinkler System |
| 08C | Windows | 15B | Plumbing |
| 09A | Stucco | 15C | HVAC |
| 09B | Drywall Partitions | 16A | Electrical |

A pre-proposal meeting will be held at 10:30 a.m. (Local Time), Tuesday, November 18, 2008, at the following location:
 Sarasota County Health Department
 North Port Health & Family Service Center
 6950 Outreach Way
 North Port, FL 34287

Deadline for receipt of All Proposal Packages has been set for 2:00 p.m., December 9, 2008. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All interested subcontractors must be pre-qualified or have completed the pre-qualification process within the last year. Subcontractors must submit pre-qualification prior to December 4, 2008, in order to be considered for this project. Please contact the following person to obtain information or documents about the pre-qualification requirements for this project:

Jenny Sanchez, Estimator
 Phone: (727)535-6407 – Fax: (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 November 7, 2008. Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

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 December 4, 2008. The Owner and Architect will not accept calls regarding this project.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES DCA DOCKET NUMBER 58-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Sarasota County, Long Boat Key, North Port, Sarasota City, Venice and the Sarasota County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the School Board of Sarasota County, 1960 Landings Boulevard, Sarasota, Florida 34231.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs,

2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Sarasota County Long Boat Key, North Port, Sarasota City, Venice and the Sarasota County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
Office of Comprehensive Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE IS HEREBY GIVEN THAT the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIVR-07-2008-003
DATE RECEIVED: November 3, 2008
DEVELOPMENT NAME: SUN'N LAKES ESTATES OF SEBRING
DEVELOPER/AGENT: Jim Polatty
DEVELOPMENT TYPE: 28-24.023, F.A.C.
LOCAL GOVERNMENT: Highlands County

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES DCA DOCKET NO. 05-15

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") executed between the Brevard County School Board and the City of Titusville, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours at: City of Titusville, Planning and Growth Management Department, 555 S. Washington Avenue, Titusville, Florida 32796.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Brevard County School Board, Titusville. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not

available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

 -s- Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

SUBSTANTIAL AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ANNUAL ACTION PLAN FOR FEDERAL FISCAL YEAR 2008

The Department of Community Affairs (DCA) announces a public hearing to which all interested parties are invited.

PURPOSE: To discuss the proposed allocation of the State of Florida’s Community Development Block Grant (CDBG) Program Neighborhood Stabilization Program (NSP) funds, and to review the draft of the substantial amendment to the Action Plan.

SUMMARY: The State of Florida is required to amend its Annual Action Plan and submit the amendment to the U. S. Department of Housing and Urban Development (HUD) in order to receive NSP funding. To expedite the process and to ensure that the NSP grants are awarded in a timely manner while preserving reasonable citizen participation, HUD is waiving the requirement that the grantee follow its citizen participation plan for this substantial amendment. HUD is shortening the minimum time for citizen comments and requiring the substantial amendment materials to be posted on the grantee’s official website as the materials are developed, published, and submitted to HUD. The Action Plan must specify the manner in which the funds will be distributed to eligible applicants.

ACTION TO BE TAKEN: A draft of the substantial amendment to the Action Plan will be available for review and comment on November 14, 2008. It will also be posted to the Department’s website: <http://www.floridacommunitydevelopment.org/cdbg/ConsolidatedPlan.cfm>. Comments on the draft will be accepted from November 14, 2008 through November 28, 2008.

DATES, TIMES AND LOCATIONS:

Public Hearing on the draft of the substantial amendment to the Action Plan will be held:

November 24, 2008
 Department of Community Affairs
 Kelley Training Room, Sadowski Building
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100
 9:00 a.m. – 11:00 a.m.
 Phone In Number: 1(866)303-0038, Conference Code
 ID # 72646490

A copy of the agenda may be obtained by appearing in person at the agency headquarters, by email or by calling:

Florida Small Cities CDBG Program
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100
 Telephone: (850)487-3644
 Email: pat.harvey@dca.state.fl.us

Written comments on the draft of the substantial amendment to the Action Plan are encouraged. They may be submitted at the public hearing or mailed to the address listed above.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System at 1(800)922-8771 (TDD).

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:

All Children’s Hospital Helipad, a private airport, in Pinellas County, at Latitude 27° 45' 54" and Longitude 82° 38' 26", to be owned and operated by Ms. Tricia Fantinato, The LPA Group Incorporated, 4503 Woodland Corporate Blvd., Suite 400, Tampa, FL 33614.

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: Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450.

Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of ADS-Auto Discount Sales, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corporation (HONL) at 3265 West New Haven Avenue, West Melbourne (Brevard County), Florida 32904, on or after October 28, 2008.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Power Group International, LLC, intends to allow the establishment of Albion Golf Cars South, Inc., as a

dealership for the sale of Tomberlin golfcars (TOMB) at 931 A1A, Ponte Verda (St. Johns County), Florida 32082, on or after June 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Albion Golf Cars South, Inc. are dealer operator(s): Bruce McDonald, 931 A1A, Ponte Verda, Florida 32082; principal investor(s): Bruce McDonald, 931 A1A, Ponte Verda, Florida 32082.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michelle Nobles, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Commonwealth International, Inc., intends to allow the establishment of ECO Moto Management Co., LLC d/b/a ECO Motorsports & Scooters, as a dealership for the sale of motorcycles manufactured by Shanghai Meitian Motorcycle Co. Ltd. (MEIT) at 725 Ronald Regan Boulevard, Suite 100, Longwood (Seminole County), Florida 32750, on or after December 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of ECO Moto Management Co., LLC d/b/a ECO Motorsports & Scooters are dealer operator(s): Elliot Blackwelder, 725 Ronald Regan Boulevard, Suite 100, Longwood, Florida 32750; principal investor(s): Elliot Blackwelder, 725 Ronald Regan Boulevard, Suite 100, Longwood, Florida 32750.

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: Alexander H. Li, Commonwealth International, Inc., 1810 South Park Street, Madison, Wisconsin 53713.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Sunbeam Southeast, LLC, intends to allow the establishment of Intracoastal Custom Cycles, LLC, as a dealership for the sale of Sunbeam motorcycles (SUNB) at 14603 Beach Boulevard, Suite 1100, Jacksonville (Duval County), Florida 32250, on or after October 14, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Intracoastal Custom Cycles, LLC are dealer operator(s): Brad Ashmore, Sr., 14603 Beach Boulevard, Suite 1100, Jacksonville, Florida 32250; principal investor(s): Brad Ashmore, Sr., 14603 Beach Boulevard, Suite 1100, Jacksonville, Florida 32250.

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: John O. King, Jr., President, Sunbeam Southeast, LLC, 6917 Beach Boulevard, Jacksonville, Florida 32216.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Flyscooters, LLC, intends to allow the establishment of Travanna Management, Inc. d/b/a KC Cycle Sports, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 313 Commerce Center Drive, St. Cloud (Osceola County), Florida 34769, on or after November 14, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Travanna Management, Inc. d/b/a KC Cycle Sports are dealer operator(s): Chad Smith, 313 Commerce Center Drive, St. Cloud, Florida 34769; principal investor(s): Chad Smith, 313 Commerce Center Drive, St. Cloud, Florida 34769.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Daniel Pak, Flyscooters, LLC, 6050 Lowell Street, #111, Emeryville, California 94608.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Flyscooters, LLC, intends to allow the establishment of Travanna Management, Inc. d/b/a KC Cycle Sports, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 313 Commerce Center Drive, St. Cloud (Osceola County), Florida 34769, on or after November 14, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Travanna Management, Inc. d/b/a KC Cycle Sports are dealer operator(s): Chad Smith, 313 Commerce Center Drive, St. Cloud, Florida 34769; principal investor(s): Chad Smith, 313 Commerce Center Drive, St. Cloud, Florida 34769.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Daniel Pak, Flyscooters, LLC, 6050 Lowell Street, #111, Emeryville, California 94608.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Kinroad, LP, intends to allow the establishment of Automobile Holdings, LLC, as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacturing Co. Ltd. (KNRO) at 2316 State Road 580, Clearwater (Pinellas County), Florida 33763, on or after October 24, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Automobile Holdings, LLC are dealer operator(s): Jeffrey Lynn Roads, 2316 State Road 580, Clearwater, Florida 33763; principal investor(s): Jeffrey Lynn Roads, 2316 State Road 580, Clearwater, Florida 33763.

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: Michael Yuen, Vice President, Kinroad, LP, 1135 West Trinity Mills, Suite 100, Carrollton, Texas 75006.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Tri-Fun Incorporated, intends to allow the establishment of Palm City Corporation d/b/a Dragon Cycle, as a dealership for the sale of Tri-Fun motorcycles (TRIF) at 11100 South Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after October 30, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Palm City Corporation d/b/a Dragon Cycle are dealer operator(s): Jim Wilson, 2104 West 1st Street, Unit 1903, Fort Myers, Florida 33901 and Lucille D. Wilson, 2104 West 1st Street, Unit 1903, Fort Myers, Florida 33901; principal investor(s): Jim Wilson, 2104 West 1st Street, Unit 1903, Fort Myers, Florida 33901 and Lucille D. Wilson, 2104 West 1st Street, Unit 1903, Fort Myers, Florida 33901.

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: Robbio Stegal, Tri-Fun Incorporated, 3330 North Federal Highway, Lighthouse Point, Florida 33064.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BMS Motorsports, Inc., intends to allow the establishment of Scooter Depot, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 11100 East Colonial Drive, #136, Orlando (Orange County), Florida 32814, on or after October 27, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Depot, LLC are dealer operator(s): Alan Norris, 11100 East Colonial Drive, #136, Orlando, Florida 32814; principal investor(s): Alan Norris, 11100 East Colonial Drive, #136, Orlando, Florida 32814.

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: Patrick Kim, President, BMS Motorsports, Inc., 1201 Jellick Avenue, City of Industry, California 91748.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BMS Motorsports, Inc., intends to allow the establishment of Scooter Depot, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 11100 East Colonial Drive, #136, Orlando (Orange County), Florida 32814, on or after November 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Depot, LLC are dealer operator(s): Alan Norris, 11100 East Colonial Drive, #136, Orlando, Florida 32814; principal investor(s): Alan Norris, 11100 East Colonial Drive, #136, Orlando, Florida 32814.

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: Patrick Kim, President, BMS Motorsports, Inc., 1201 Jellick Avenue, City of Industry, California 91748.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BMS Motorsports, Inc., intends to allow the establishment of Scooter Depot, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue

Vehicle Co. Ltd. (ZXYV) at 250 East Lake Mary Boulevard, Sanford (Seminole County), Florida 32773, on or after November 3, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Depot, LLC are dealer operator(s): Alan Norris, 250 East Lake Mary Boulevard, Sanford, Florida 32773; principal investor(s): Alan Norris, 250 East Lake Mary Boulevard, Sanford, Florida 32773.

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: Patrick Kim, President, BMS Motorsports, Inc., 1201 Jellick Avenue, City of Industry, California 91748.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of O & P Technologies, Inc. d/b/a Planet Bikes, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corporation (HONL) at 15160 Southwest 136 Street, #23, Miami (Dade County), Florida 33196, on or after October 30, 2008.

The name and address of the dealer operator(s) and principal investor(s) of O & P Technologies, Inc. d/b/a Planet Bikes, Inc. are dealer operator(s): Oscar Rodriguez, 15160 Southwest 136 Street, #23, Miami, Florida 33196; principal investor(s): Oscar Rodriguez, 15160 Southwest 136 Street, #23, Miami, Florida 33196.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of O & P Technologies, Inc. d/b/a Planet Bikes, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 15160 Southwest 136 Street, #23, Miami (Dade County), Florida 33196, on or after October 30, 2008.

The name and address of the dealer operator(s) and principal investor(s) of O & P Technologies, Inc. d/b/a Planet Bikes, Inc. are dealer operator(s): Oscar Rodriguez, 15160 Southwest 136 Street, #23, Miami, Florida 33196; principal investor(s): Oscar Rodriguez, 15160 Southwest 136 Street, #23, Miami, Florida 33196.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of PC Scooter & Cycle, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 3401 East Business Highway 98, Panama City (Bay County), Florida 32401, on or after December 5, 2008.

The name and address of the dealer operator(s) and principal investor(s) of PC Scooter & Cycle, LLC are dealer operator(s): Donald Watts, 1903 Brown Avenue, Panama City, Florida 32405; principal investor(s): Donald Watts, 1903 Brown Avenue, Panama City, Florida 32405.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald P. Gardner, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of O & P Technologies, Inc. d/b/a Planet Bikes, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 15160 Southwest 136 Street, #23, Miami (Dade County), Florida 33196, on or after October 30, 2008.

The name and address of the dealer operator(s) and principal investor(s) of O & P Technologies, Inc. d/b/a Planet Bikes, Inc. are dealer operator(s): Oscar Rodriguez, 15160 Southwest 136 Street, #23, Miami, Florida 33196; principal investor(s): Oscar Rodriguez, 15160 Southwest 136 Street, #23, Miami, Florida 33196.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of ADS-Auto Discount Sales, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 3265 West New Haven Avenue, West Melbourne (Brevard County), Florida 32904, on or after October 28, 2008.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Department of Environmental Protection gives notice of the intent of Panama City to conduct a study of water quality of St. Andrew Bay, located in Bay County, Florida. The water quality study will be conducted in accordance with the Plan of Study approved by the Florida Department of Environmental Protection in accordance with Rule 62-650, Florida Administrative Code. The purpose of the study is to use a coupled hydrodynamic/water quality modeling framework to assess water quality impacts to establish Water Quality Based

Effluent Limits (WQBEL) associated with the proposed expanded effluent discharge from Panama City's St. Andrews Wastewater Treatment Plant to St. Andrew Bay. Other known affected dischargers include Panama City Millville WWTP FL0170909, City of Lynn Haven WWTP FL0169978, Panama City Beach WWTP FL0021512, Bay County Regional WWTP FL0167959, Bay County Military Point Lagoon FL0002631, and Gulf Power Plant Lansing Smith FL0002267.

The Plan of Study is available for public inspection Monday through Friday, except for legal holidays, 8:00 a.m. – 5:00 p.m. at:

Department of Environmental Protection, Room 238, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400;

Department of Environmental Protection, Northwest District Office, 160 Governmental Center, Pensacola, Florida 32502-5794; and,

Department of Environmental Protection, Northwest District Panama City Branch Office, 2353 Jenks Avenue, Panama City, Florida 32405.

Interested parties should review the Plan of Study and offer their comments in writing within 14 days of publication of this notice to: Mr. Bill Evans, Domestic Wastewater Permitting Section, Supervisor, Northwest District Office, Department of Environmental Protection, 160 Government Street, Pensacola, Florida 32502-5794 or e-mail: bill.evans@dep.state.fl.us.

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance (File No. 0151551-010) to CF Industries, Inc. (CF), Post Office Box 1549, Wauchula, Florida 33873 under Section 378.212, Florida Statutes (F.S.) from (1) the provision of paragraph 62C-16.0051(2)(a), Florida Administrative Code (F.A.C.), which requires that slopes of any reclaimed land area be no steeper than four feet horizontal to one foot vertical, (2) the provisions of paragraph 62C-16.0051(6)(a), F.A.C., which require that at least 25% of the highwater surface area of each water body other than streams consist of an annual zone of water fluctuation and that at least 20% of the low water surface consist of a zone between the annual low water line and six feet below the annual low water line, (3) the provision of paragraph 62C-16.0051(8)(b), F.A.C., which requires that the operator shall restore the original drainage pattern of the area to the greatest extent possible, that watershed boundaries shall not be crossed in restoring drainage patterns, and that watersheds shall be restored within their original boundaries, and (4) the provisions of Reclamation Form 1, incorporated by reference into Rule 62C-16.0095, F.A.C., which require that the 1999 version of the Florida Land Use, Cover, and Forms Classification System (FLUCCS) be used when identifying vegetation and land uses in an application for a conceptual reclamation plan modification. The variance from reclamation standards will only apply to an approximately 1,012 acre area

within and immediately adjacent to reclamation sub-parcels W1 Phase I and W2 Phase II within CF's South Pasture Mine to allow a water resource development project known as the Aquifer Recharge and Recovery Project. The variance from use of the 1999 FLUCCS will only apply to CF's current application for a conceptual reclamation plan modification, which was received by the Department on December 3, 2007.

The South Pasture Mine is located in Hardee County, Florida. Mandatory reclamation sub-parcels W1 Phase I and W1 Phase II are located in Sections 25 and 36, Township 33 South, Range 23 East and Sections 30 and 31, Township 33 South, Range 24 East in the Peace River Watershed, Class III waters. The site is subject to mandatory phosphate reclamation requirements under Chapter 378, F.S. and Chapter 62C-16, F.A.C.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, Bureau of Mining and Minerals Regulation, 2051 East Dirac Drive, Tallahassee, Florida 32310-3760, (850)488-8217.

Under this intent to grant, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to grant automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be granted as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Section 378.212, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) the name and address of each agency affected and each agency's file or identification number, if known; (b) the name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) a statement of when and how the petitioner received notice of the agency decision; (d) a statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) a concise statement of the ultimate facts alleged, including the specific

facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) a statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) a statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68 F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On November 4, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Humberto Gutierrez, D.C., license number CH 5761. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 30, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Denise J. Dziemianzuk, R.N., license number RN 3413622. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 4, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Faith A. Schauer-Swift, R.N., license number RN 9212121. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 4, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of William Harper Bourgeois, Jr., R.N., license number RN 9214532. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 29, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon, issued an Order of Emergency Suspension Order with regard to the license of Jerrold R. Ecklind, D.O., license number OS 7663. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

**NOTICE OF A PUBLIC MEETING
OF THE BOARD OF DIRECTORS OF THE FLORIDA CIVIL COMMITMENT CENTER FINANCING CORPORATION FOR THE PURPOSE OF ELECTING THE OFFICERS OF THE CORPORATION**

A meeting of the board of directors of the FLORIDA CIVIL COMMITMENT CENTER FINANCING CORPORATION, a Florida not-for-profit corporation (the "Corporation") whose sole member is the State of Florida Department of Children and Family Services (the "Department"), will be held at 10:00 a.m., Tuesday, November 25, 2008, at One Park Place, Suite 700, 621 N. W. 53rd Street, Boca Raton, Florida, for the purpose of electing the officers of the corporation. The Corporation leases, from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the ground in Desoto County, Florida on which the facility commonly known as the FLORIDA CIVIL COMMITMENT CENTER is being constructed and leases the improvements being constructed and the ground on which they are located (the "Project") to the Department. The rental payments paid by the Department to the Corporation are applied to the payments due on the certificates of participation sold to finance the construction of the Project.

The meeting will be open to the public. The following have been proposed for election to serve as officers of the Corporation for the offices set forth opposite their names until the next annual meeting of the directors of the Corporation or until the election and qualification of their successors or until their earlier death, resignation, or removal:

Dale L. Frick	Chairman and President
Jorge Dominicus	Secretary and Treasurer
John Bulfin	Vice President, Assistant Secretary, and Assistant Treasurer

**NOTICE OF A PUBLIC MEETING
OF THE BOARD OF DIRECTORS OF THE FLORIDA CIVIL COMMITMENT CENTER FINANCING CORPORATION FOR THE PURPOSE OF ELECTING THE OFFICERS OF THE CORPORATION**

A meeting of the board of directors of the FLORIDA CIVIL COMMITMENT CENTER FINANCING CORPORATION, a Florida not-for-profit corporation (the "Corporation") whose sole member is the State of Florida Department of Children and Family Services (the "Department"), will be held at 10:00 a.m., Tuesday, November 25, 2008, at One Park Place, Suite 700, 621 N. W. 53rd Street, Boca Raton, Florida, for the purpose of electing the officers of the corporation. The

Corporation leases, from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the ground in Desoto County, Florida on which the facility commonly known as the FLORIDA CIVIL COMMITMENT CENTER is being constructed and leases the improvements being constructed and the ground on which they are located (the "Project") to the Department. The rental payments paid by the Department to the Corporation are applied to the payments due on the certificates of participation sold to finance the construction of the Project.

The meeting will be open to the public. The following have been proposed for election to serve as officers of the Corporation for the offices set forth opposite their names until the next annual meeting of the directors of the Corporation or until the election and qualification of their successors or until their earlier death, resignation, or removal:

Dale L. Frick	Chairman and President
Jorge Dominicus	Secretary and Treasurer
John Bulfin	Vice President, Assistant Secretary, and Assistant Treasurer

**NOTICE OF A PUBLIC MEETING
OF THE BOARD OF DIRECTORS OF THE SOUTH FLORIDA EVALUATION TREATMENT CENTER FINANCING CORPORATION FOR THE PURPOSE OF ELECTING THE OFFICERS OF THE CORPORATION**

A meeting of the board of directors of the SOUTH FLORIDA EVALUATION TREATMENT CENTER FINANCING CORPORATION, a Florida not-for-profit corporation (the "Corporation") whose sole member is the State of Florida Department of Children and Family Services (the "Department"), will be held at 10:00 a.m., Tuesday, November 25, 2008, at One Park Place, Suite 700, 621 N. W. 53rd Street, Boca Raton, Florida, for the purpose of electing the officers of the corporation. The Corporation leases, from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the ground in Florida City, Florida on which the facility commonly known as the SOUTH FLORIDA EVALUATION TREATMENT CENTER is constructed and leases the improvements constructed and the ground on which they are located (the "Project") to the Department. The rental payments paid by the Department to the Corporation are applied to the payments due on the certificates of participation sold to finance the construction of the Project.

The meeting will be open to the public. The following have been proposed for election to serve as officers of the Corporation for the offices set forth opposite their names until

the next annual meeting of the directors of the Corporation or until the election and qualification of their successors or until their earlier death, resignation, or removal:

Dale L. Frick	Chairman and President
Jorge Dominicus	Secretary and Treasurer
John Bulfin	Vice President, Assistant Secretary, and Assistant Treasurer

The rental payments paid by the Department to the Corporation are applied to the payments due on the certificates of participation sold to finance the construction of the Project.

The meeting will be open to the public. The following have been proposed for election to serve as officers of the Corporation for the offices set forth opposite their names until the next annual meeting of the directors of the Corporation or until the election and qualification of their successors or until their earlier death, resignation, or removal:

Dale L. Frick	Chairman and President
Jorge Dominicus	Secretary and Treasurer
John Bulfin	Vice President, Assistant Secretary, and Assistant Treasurer

NOTICE OF A PUBLIC MEETING

OF THE BOARD OF DIRECTORS OF THE SOUTH FLORIDA EVALUATION TREATMENT CENTER FINANCING CORPORATION FOR THE PURPOSE OF ELECTING THE OFFICERS OF THE CORPORATION

A meeting of the board of directors of the SOUTH FLORIDA EVALUATION TREATMENT CENTER FINANCING CORPORATION, a Florida not-for-profit corporation (the "Corporation") whose sole member is the State of Florida Department of Children and Family Services (the "Department"), will be held at 10:00 a.m., Tuesday, November 25, 2008, at One Park Place, Suite 700, 621 N. W. 53rd Street, Boca Raton, Florida, for the purpose of electing the officers of the corporation. The Corporation leases, from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, the ground in Florida City, Florida on which the facility commonly known as the SOUTH FLORIDA EVALUATION TREATMENT CENTER is being constructed and leases the improvements being constructed and the ground on which they are located (the "Project") to the Department.

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a written withdrawal of the following application:

APPLICATION WITHDRAWN

Application to Acquire Control
Financial Institution to be Acquired: Freedom Bank, Bradenton, Florida
Proposed Purchaser: Community Bank Investors of America, L.P. (Laurence C. Fentriss and Timothy A. Anonick), Richmond, Virginia
Date of Application: August 22, 2008
Withdrawn: November 4, 2008

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN October 27, 2008
 and October 31, 2008

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
25-4.040	10/31/08	11/20/08	34/39	
25-4.077	10/31/08	11/20/08	34/39	
25-4.079	10/31/08	11/20/08	34/39	
25-4.116	10/31/08	11/20/08	34/39	
25-4.215	10/31/08	11/20/08	34/39	
25-14.001	10/30/08	11/19/08	34/39	

DEPARTMENT OF STATE
Division of Elections

1S-5.026	10/27/08	11/16/08	34/30
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STATE BOARD OF ADMINISTRATION
Florida Prepaid Postsecondary Education Expense Board

19B-4.001	10/29/08	11/18/08	34/39
19B-16.002	10/29/08	11/18/08	34/39

PUBLIC SERVICE COMMISSION

25-4.003	10/31/08	11/20/08	34/39
25-4.006	10/31/08	11/20/08	34/39
25-4.007	10/31/08	11/20/08	34/39
25-4.021	10/31/08	11/20/08	34/39
25-4.024	10/31/08	11/20/08	34/39
25-4.039	10/31/08	11/20/08	34/39

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-18.001	10/28/08	11/17/08	34/33
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.405	10/27/08	11/16/08	34/34
62-304.410	10/27/08	11/16/08	34/34

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

64B17-7.002	10/27/08	11/16/08	34/39
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