

~~(8)(a)~~ Limitations on Students Credited Back. Student performance data will only be credited back to the home school if:

~~1. The student was referred to the alternative school by the home school; and~~

~~2. The student's grade level at the alternative school is within the same grade configuration as the student's home school.~~

~~(a)(b)~~ Eligible students' performance will be included in the calculation of the home school's overall percentage of students making learning gains in reading and in math.

~~(b)(e)~~ Eligible students' performance will be included in the home school's grade calculation as long as the student is enrolled in a grade level at the alternative school that is offered by the student's home school.

Specific Authority 1008.34, 1008.341 FS. Law Implemented 1008.34, 1008.341 FS. History—New 4-14-08, Amended _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.014
 RULE TITLE: General Requirements for Adult General Education Program

PURPOSE AND EFFECT: The purpose of the rule development is to review the rule to ensure that Florida is in compliance with federal testing requirements for adult education. The effect will be that local education agencies have the most current test for reporting educational functioning levels and learning.

In addition, provisions relating to the use of the tests for both placement and reporting purposes will be reviewed to ensure compliance with the National Reporting System.

SUBJECT AREA TO BE ADDRESSED: Adult General Education.

SPECIFIC AUTHORITY: 1001.02(1) FS.

LAW IMPLEMENTED: 1008.405, 1011.80 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: Elsie Rogers at elsie.rogers@fldoe.org or call (850)245-9029

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education; lynn.abbott@fldoe.org or (850)245-9661

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.055
 RULE TITLE: Definitions of Terms Used in Vocational Education and Adult Programs

PURPOSE AND EFFECT: The purpose of the rule development is to review definitions relating to career, technical and adult education and to remove from rule the outdated term "vocational education." The effect will be to ensure that terms used in State Board Rule are consistent with current practices.

SUBJECT AREA TO BE ADDRESSED: Career and Technical Education and Adult Education Programs.

SPECIFIC AUTHORITY: 1001.03(12) FS.

LAW IMPLEMENTED: 229.551(1)(g), 233.068, 239.205, 1000.04(1), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elsie Rogers at elsie.rogers@fldoe.org or call (850)894-3880

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education; lynn.abbott@fldoe.org or (850)245-9661

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

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of the rule development is to review and proposed updates to the "Standards, Benchmarks, and Frameworks for Career and Technical Education" and the "Curriculum Frameworks Adult General Education," for the academic year 2009-2010.

SUBJECT AREA TO BE ADDRESSED: Curriculum Frameworks and Benchmarks for Career and Technical Education and Adult Education.

SPECIFIC AUTHORITY: 1004.92(2)(b)3. FS.

LAW IMPLEMENTED: 1004.92(2)(b)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elsie Rogers at elsie.rogers@fldoe.org or (850)245-9029.

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education; lynn.abbott@fldoe.org or (850)245-9661

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0970	RULE TITLE: John M. McKay Scholarship for Students with Disabilities Program
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PURPOSE AND EFFECT: The purpose of the rule development is to clarify and establish a specific timeframe for claims by private schools for supplemental payment requests. The effect is to ensure funds are paid during the fiscal year the student participated in the McKay Scholarship Program.

SUBJECT AREA TO BE ADDRESSED: Timelines and procedures relating to scholarship payments.

SPECIFIC AUTHORITY: 1002.39(1) FS.

LAW IMPLEMENTED: 1002.39 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: Mike Kooi, Esq., Executive Director, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, FL 32399; (850)245-0878

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education; (850)245-9661 or lynn.abbott@fldoe.org or <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0970 John M. McKay Scholarship for Students with Disabilities Program.

The John M. McKay Scholarship for Students with Disabilities Program will be implemented as required by Section 1002.39, Florida Statutes, in an effective and equitable manner that will maintain the integrity of the program.

(1) through (4) No change.

(5) Scholarship payments. The following provisions detail information related to scholarship payments including timeframes, eligibility, and Departmental procedures.

(a) through (e) No change.

(f) To ensure proper administration of scholarship funds, all claims by private schools for missed scholarship payments must be made by June 1 of the fiscal year in which the scholarship payment was originally due ~~within one (1) year of the date the payment was originally due.~~

(6) through (9) No change.

Specific Authority 1002.39(13) FS. Law Implemented 1002.39 FS. History–New 1-18-07, Amended_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-9.001	RULE TITLE: Investment Policy Statement
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PURPOSE AND EFFECT: To adopt the revised Investment Policy Statement, approved by the Trustees on December 9, 2008, reflecting recent investment option and other changes.

SUBJECT AREA TO BE ADDRESSED: Investment Policy Statement for the Public Employee Retirement Optional Program.

SPECIFIC AUTHORITY: 121.4501 (8)(a) FS.

LAW IMPLEMENTED: 121.4501(14) FS.

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

DATE AND TIME: Monday, February 9, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., 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: Ms. Morea. If you are 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: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1199

THE PRELIMINARY DISCUSSION DRAFT OF THE PROPOSED RULES WILL BE AVAILABLE FOR DISTRIBUTION ON JANUARY 23, 2009

Copies of the proposed rules may be obtained from: Cindy Morea, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1491

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.003	Distributions from FRS Investment Plan Accounts
19-11.005	FRS Investment Plan Complaint Procedures
19-11.006	Enrollment Procedures for New Hires
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs

PURPOSE AND EFFECT: To each rule to adopt revised forms; to amend the enrollment rule for new hires to provide a definition of “electronic means,” to amend the distributions rule and the second enrollment rule to clarify procedures regarding a Pension Plan member who has a remaining balance in his Investment Plan account after buying back into the Pension Plan.

SUBJECT AREA TO BE ADDRESSED: Revised forms; to adopt a definition of “electronic means,” and to clarify distributions to Pension Plan members with a balance in their Investment Plan accounts.

SPECIFIC AUTHORITY: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.573, 121.012(29), (39), 121.051, 121.055, 121.35, 121.4501(2),(3), (4), (5), (6), (8)(b)4., (9)(f)3., (15)(b), 121.591, 121.73, 121.77, 121.78, 215.44(8)(b), 1012.875(3) FS.

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

DATE AND TIME: Monday, February 9, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1199

THE PRELIMINARY DISCUSSION DRAFT OF THE PROPOSED RULES WILL BE AVAILABLE FOR DISTRIBUTION ON JANUARY 23, 2009.

Copies of the proposed rules may be obtained from: Cindy Morea, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1491

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

STATE BOARD OF ADMINISTRATION

RULE NO.:	RULE TITLE:
19-12.007	Acceptance of Rollovers

PURPOSE AND EFFECT: To adopt a revised form.

SUBJECT AREA TO BE ADDRESSED: Internal Revenue Service Rules for the Investment Plan regarding rollovers.

SPECIFIC AUTHORITY: 121.4501 (5)(c) FS.

LAW IMPLEMENTED: 121.4501(5)(c), (21) FS.

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

DATE AND TIME: Monday, February 9, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., 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: Ms. Morea. If you are 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: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; telephone (850)413-1199.

THE PRELIMINARY DISCUSSION DRAFT OF THE PROPOSED RULES WILL BE AVAILABLE FOR DISTRIBUTION ON JANUARY 23, 2009

Copies of the proposed rules may be obtained from: Cindy Morea, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1491

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-4.001 RULE TITLE: Application

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application Form and the updated form for the Florida Prepaid College Plan Master Covenant.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan New Enrollment Application and Master Covenant.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: February 9, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308; telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2009-10 ~~2008-10~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 2009-02 ~~2008-02~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, 11-18-08, 1-28-09,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.002 RULE TITLE: Application for Participation in the Program

PURPOSE AND EFFECT: This rule is amended to reflect the updated form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application.

SUBJECT AREA TO BE ADDRESSED: The Florida College Investment Plan application for participation.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 FS.

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

DATE AND TIME: February 9, 2009, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308; telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2009-10 ~~2008-10~~, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History–New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05,1-1-07, 11-27-07 11-18-08, 01-28-09,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.102 RULE TITLE: Legal Documents and Legal Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify what may be included in legal mailings and how such mailings shall be addressed.

SUBJECT AREA TO BE ADDRESSED: Legal Mail and Documents.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.102 Legal Documents and Legal Mail.

(1) No change.

(2) Legal mail shall be defined as

(a) Mail to and from municipal, county, state, and federal courts.

(b) through (g) No change.

(3) through (5) No change.

(6) Inmates shall be permitted to receive only legal documents, legal correspondence, written materials of a legal nature (other than publications), and self-addressed stamped envelopes through legal mail. No other items may be received through legal mail.

(a) The following items are not permissible for inclusion in legal mail, but are permissible for inclusion in routine mail, along with other materials listed in subsection 33-210.101(2), F.A.C.:

1. Greeting cards, blank greeting cards, stationery or other blank writing paper or envelopes;

2. through 4. No change.

(b) through (c) No change.

(7) When an inmate is prohibited from receiving any item of legal mail, the inmate and the sender will be notified in writing that the mail has been disapproved stating one of the authorized reasons for disapproval. Form DC2-521, The Unauthorized Mail Return Receipt, ~~Form DC2-521~~, will be placed in the original envelope with the correspondence and returned to the sender. If unauthorized items are discovered in the mail (other than items of an illegal nature), the unauthorized item and the correspondence will be returned to the sender with Form DC2-521, the Unauthorized Mail Return Receipt, included. Form DC2-521 is incorporated by reference in Rule 33-210.101, F.A.C.

(8) Processing of Legal Mail.

(a) The return address of incoming legal mail shall contain sufficient information to identify the sender as one of the persons or entities identified in subsection (2).

(b) Except as provided in Rule 33-603.103, F.A.C., the address on all incoming legal mail shall contain the inmate's committed name, identification number, institutional name, and address. The inmate's dorm and bunk locations are not required. However, if the addressee can be identified, the mail shall be delivered without delay. When legal mail cannot be delivered because the envelope does not contain enough information for a positive identification of the inmate recipient, the mail will be returned to the sender along with Form DC2-528, Legal Mail – Unable to Deliver. Form DC2-528 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(c) No packaging other than standard envelopes shall be given to inmates. The following types of packaging shall be removed before providing the contents to the inmate: boxes, padded envelopes, envelopes that include metal parts, multilayer packaging, bubble wrap, packing peanuts, or other forms of extra packaging.

(d) The sender of incoming legal mail shall mark the outside of the envelope "legal-confidential," "legal-open only in the presence of the addressee," or similar language which would put the reader on notice that the mail is legal mail of a confidential nature. Mail from courts that is subject to public inspection under Chapter 119, Florida Statutes, need not be marked as legal mail. Incoming mail which does not include a marking on the outside of the envelope requesting that it be treated as confidential legal mail shall be treated as routine mail and shall be opened and examined, and is subject to being read by a designated employee outside the presence of the inmate.

~~(e)(a)~~ All incoming legal mail will be opened in the presence of the inmate to determine that the correspondence is legal mail and that it contains no unauthorized items. Only the signature and letterhead may be read. If the incoming mail is not legal mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection (8) of this rule because it was being transmitted under the guise of legal mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(f) If legal mail is written in a foreign language the signature and letterhead shall be translated to confirm that it is legal mail. If the signature and letterhead indicate that it is legal mail, the mail shall be provided to the inmate. If the letterhead and signature cannot be translated by an employee at the facility, the envelope, letterhead, and signature of the correspondence may be photocopied and sent to another institution or the central office for translation.

(g) The return address on all outgoing legal mail must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely.

The inmate's dorm and bunk locations are not required. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's committed name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing legal mail with the complete institutional name and address and shall mail it without delay. All outgoing legal mail will be stamped "mailed from a state correctional institution" by mail room staff.

~~(h)(b)~~ Inmates shall present all outgoing legal mail unsealed to the mail collection representative to determine, in the presence of the inmate, that the correspondence is legal mail, bears that inmate's return address and signature, and that it contains no unauthorized items. Only the address may be read to determine whether it is properly addressed to a person or entity identified agency listed in subsection (2) of this rule. If the outgoing mail contains unauthorized items or is not legal mail, the inmate shall be subject to disciplinary action. If the outgoing mail is legal mail and it contains no unauthorized items, the mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp. For confinement areas, the staff member who picks up the legal mail each day shall stamp the documents, have the inmate place his or her initials next to the stamp, and have the inmate seal the envelope in the staff member's presence. The use of mail drop boxes for outgoing legal mail is prohibited.

~~(i)(e)~~ Incoming and outgoing legal mail that is properly addressed and otherwise in compliance with applicable rules shall not be held for processing for more than 24 hours of receipt by the mail room, excluding weekends and holidays.

(9) Inmates shall be allowed to keep legal material in their living area subject to storage limitations. The Department of Corrections will not be responsible for lost or stolen or misplaced legal materials. The institution shall provide white paper, envelope(s), and pen for the preparation of legal documents and legal mail for those inmates without necessary funds to purchase their own paper, envelopes, and pen. Inmates shall not utilize hand-made envelopes or packages to send out legal mail. Mail enclosed in such materials will be returned to the inmate without processing. Outgoing packages and envelopes will not bear any artwork, additional lettering, or designs other than the required address and return address.

(10)(a) The institution shall furnish postage for mail to persons or entities identified in subsection (2), courts and attorneys and for pleadings to be served upon each of the parties to a lawsuit and for mailing a complaint to the Florida Bar concerning ineffective assistance of counsel in the

inmate's criminal case for those inmates who have insufficient funds to cover the cost of mailing the documents at the time the mail is submitted to the mailroom, but not to exceed payment for the original and two copies except when additional copies are legally required. The inmate shall be responsible for proving that copies in addition to the routine maximum are legally necessary. Submission of unstamped legal mail to the mailroom or mail collection representative by an inmate without sufficient funds shall be deemed to constitute the inmate's request for the institution to provide postage and place a lien on the inmate's account to recover the postage costs when the inmate receives funds.

(b) No change.

(11) through (12) No change.

~~(13) The address on all incoming legal mail should contain the inmate's committed name, identification number, institutional name and address; the inmate's dorm and bunk locations are not required. However, if the addressee can be identified, the mail shall be delivered without delay. When legal mail cannot be delivered because the envelope does not contain enough information for a positive identification of the inmate recipient, the mail will be returned to the sender along with Form DC2-528, Legal Mail—Unable to Deliver. Form DC2-528 is hereby incorporated by reference. A copy of this form is 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 9-25-03.~~

~~(14) The return address on all outgoing correspondence must contain the inmate's committed name, identification number, and the institutional name and address spelled out completely. The inmate's dorm and bunk locations are not required. No prefix other than inmate, Mr., Ms., Miss, or Mrs., or any suffix other than Jr., Sr., or Roman numerals such as II or III may be included as part of the committed name in the return address. If the inmate's committed name or identification number is missing, the letter shall be returned to the inmate for proper addressing. If the institutional name or address is incomplete, the institution is authorized to stamp all outgoing legal mail with the complete institutional name and address and shall mail it without delay. All outgoing legal mail will be stamped "mailed from a state correctional institution" by mail room staff.~~

~~(13)(15)(a)~~ Anytime legal mail is received for an inmate who has been transferred within the Department, the institution will return the correspondence within 5 working days to the post office with the forwarding address of the facility where the inmate is presently incarcerated. If additional postage is required to forward the legal mail, regardless of the class, to the transferred inmate's new institutional assignment, the Department will pay the cost of this additional postage as long as the mail contained sufficient postage for delivery to its original destination.

~~(14)(b)~~ Anytime legal mail is received for an inmate who has been released from the Department, it shall be returned to the post office within 5 working days with a forwarding address, if available, and a request will be made to postal authorities to forward the legal mail to the former inmate. If there is no available forwarding address, all legal mail shall be returned to the sender.

~~(15)(16)~~(a) All incoming legal mail received for an inmate shall be entered on the Incoming Legal and/or Privileged Mail Log, Form DC2-522. The form shall include the inmate's name, DC number, the date the mail was received by the institution, the full address of the sender, the date the mail was received by the inmate, the signature of the inmate, and the initials of the mailroom officer who is present when the inmate signs for receipt of the mail. Form DC2-522 is hereby incorporated by reference. Copies of the 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 the form is 12-4-02.

(b) In the event that the inmate has been released or transferred, in addition to the procedures required by subsection 33-210.102~~(13)(16)~~, F.A.C., Form DC2-522 shall be completed as required in ~~subsection paragraph~~ 33-210.102~~(15)(17)(a)~~, F.A.C., except that mailroom staff shall write "Transferred" or "Released" in the "Date Mail Received By Institution" section; and shall write the date that the mail was forwarded in the "Inmate Signature" section.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, 8-25-03, 9-20-04, 12-23-07, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-504.101
 RULE TITLE: Probation and Restitution Centers
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: substantially reword and reorganize the rule for clarity; provide for residential and non-residential services; describe the process for placement, criteria for ineligibility, responsibilities of department employees and contract providers, requirements for program completion, and conditions under which offenders are discharged from programs; provide minimum standards that must be required by probation and restitution centers.
 SUBJECT AREA TO BE ADDRESSED: Probation and restitution centers.
 SPECIFIC AUTHORITY: 944.026, 944.09 FS.
 LAW IMPLEMENTED: 921.187, 944.026, 948.03, 958.04 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:

(Substantial rewording of Rule 33-504.101 follows. See Florida Administrative Code for present text.)

33-504.101 Probation and Restitution Centers.

(1) General. Probation and restitution centers (PRCs) are community-based facilities that offer residential and non-residential services to offenders within a structured environment to assist the offenders with the development of skills needed to comply with conditions of supervision and to achieve successful transition and re-entry into the community.

(2) Referral and Placement. Offenders are assigned to PRCs in the following ways:

(a) Court ordered or releasing authority ordered residential placement or non-residential participation in specific programs at the PRC as a condition of supervision. Offenders are referred to the PRC by the Correctional Probation Officer in a violation of probation report or pre-sentence investigation as a sentencing option or as a possible alternative to a recommendation of imprisonment when it is determined that a more structured supervision, programming and control is needed.

(b) Referral by Department of Corrections staff for inmates who are being released from Department custody without supervision to follow and who have the need for additional transitional services to aid in community re-entry. The released inmate's participation is voluntary.

(3) Eligibility. The following offenders shall be ineligible for assignment to a PRC:

(a) Convicted of or currently charged with a capitol or life felony;

(b) Conviction for sexual battery pursuant to Section 794.011, F.S.;

(c) Currently has a mental or physical health condition that requires services not available at the PRC; or

(d) Physically unable to work.

(4) Responsibilities.

(a) The Bureau of Substance Abuse Program Services shall be responsible for the contract management of PRCs.

(b) The contracted community-based providers shall be responsible for the management of the PRC and the care and monitoring of offenders assigned to the PRC. Contracted providers shall notify the offender’s supervising correctional probation officer of any violations by the offender.

1. The PRC provider shall provide payment receipts to each offender for payments received. The PRC provider shall have a written accounting policy and procedure.

2. Center rules governing conduct, program rules and regulations and disciplinary actions for prohibited conduct shall be clearly posted in each center. Program orientation shall include review of center rules.

(e) Supervision of offenders shall continue to be the responsibility of the assigned correctional probation officers.

(f) Transportation shall be the responsibility of the offender. Transportation shall be coordinated by the offender and the center staff as necessary.

(5) Standard Requirements. All PRCs shall require the following:

(a) Payment of Subsistence fees – PRC offenders who reside at the facility and who are employed shall pay a subsistence fee at the rate specified by the Department in writing with the service provider. The rate shall not exceed a \$25.00 daily rate and shall utilize a scale based on the amount earned by the offender.

(b) Drug screening and payment for drug screening – offenders shall submit to drug testing and shall provide payment for the cost of such testing.

(c) Employment on a full time basis or part time employment with a supplemental plan such as school or vocational training, or participation in a substance abuse or other Department-approved program.

(d) Participation in assigned programs, to include budgeting and banking of income and management of financial obligations.

(e) Adherence to curfew (by residents) as set by individual PRC regulations.

(f) Payment of court ordered financial obligations, to include restitution, court costs, and cost of supervision.

(6) Program Completion Requirements.

(a) Subsistence paid in full and current with all other court ordered financial obligations.

(b) Employment on a full time basis or part time employment with a supplemental plan such as school or vocational training, or program participation.

(c) Residential living plan that has been approved by the center staff and the supervising probation officer.

(d) Restitution plan, if applicable.

(e) Service of required period of time.

(7) Discharge from Program.

(a) Offenders’ failure to comply with program policies, rules, and regulations shall result in an unsuccessful discharge.

(b) Offenders shall be successfully discharged upon completion of all program requirements and completion of the period of time ordered by the court or releasing authority.

(c) Offenders shall be administratively discharged from the program due to court actions or medical reasons or transfer to another facility based upon the offender’s needs.

Specific Authority 944.026, 944.09 FS. Law Implemented 921.187, 944.026, 948.03, 958.04 FS. History—New 10-26-92, Amended 9-4-95, Formerly 33-24.020, Amended 12-31-00,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.091
 RULE TITLE: Publications and Agreements
 Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed revision to Section (9)(j)3. of Appendix IV of the Basis of Review for Environmental Resource Permitting is to remove the consideration of property taxes in the development of cost estimates for the perpetual maintenance of mitigation banks.

SUBJECT AREA TO BE ADDRESSED: Mitigation Banks.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen West, Deputy General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211 or 1(800)423-1476, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ ~~June 22, 2008~~. This document is available from the District upon request.

(2) through (5) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08,_____.

APPENDIX 4

BASIS OF REVIEW FOR THE ESTABLISHMENT AND USE OF

MITIGATION BANKS

(1) through (8) No change.

(9) Financial Responsibility.

(a) through (i) No change.

(j) Cost estimates.

1. through 2. No change.

3. The cost estimate for the perpetual management of the mitigation bank shall be based on the costs of maintaining and operating any structures, controlling nuisance or exotic species, fire management, consultant fees, monitoring activities and reports, taxes and any other costs associated with perpetual management. The amount of financial responsibility shall equal the cost of perpetual management for the bank, or for banks constructed in phases, for all phases for which credits have been released.

4. through 5. No change.

(k) through (l) No change.

DEPARTMENT OF MANAGEMENT SERVICES

Communications and Information Technology Services

RULE NOS.: RULE TITLES:
60FF-5.004 Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-wireless Service Providers

60FF-5.006 Requirements for Fee Remittance Submitted by or on Behalf of Prepaid Wireless Service Providers

PURPOSE AND EFFECT: For both Rules 60FF-5.004 and 60FF-5.006, F.A.C., the purpose of the development is to set forth the procedural requirements for submitting and reporting the 911 fees required by Section 365.172, F.S.

SUBJECT AREA TO BE ADDRESSED: Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-wireless Service Providers and Prepaid Wireless Service Providers.

SPECIFIC AUTHORITY: 365.172(6)(a)11., 365.172(8) FS.

LAW IMPLEMENTED: 365.172(8) 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: John C. Ford, Executive Director, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: RULE TITLE:
61B-23.002 Operation of the Association

PURPOSE AND EFFECT: Effective October 1, 2008, Section 718.112(2)(f)4., Florida Statutes was amended with respect to the waiving of reserves in a condominium. Specifically, the statute now requires that proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for other purposes shall contain a disclosure statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot. The purpose of this rule is to renumber and amend the Sample Limited Proxy Form to comply with the new law and revise the financial reporting waiver language of the proxy form.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses disclosure requirements for limited proxies that are used to waive reserves, reduce reserves, or use reserves for other purposes.

SPECIFIC AUTHORITY: 718.112(2)(b)2., (d)3., 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.1085, 718.111(12), 718.112(2)(b)2., (b), (c), (d)3., 4., (f)4., 718.117, 718.501(2)(a), 718.504 FS.

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

DATE AND TIME: February 9, 2009, 10:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II,

at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at <http://www.myflorida.com/dbpr/lsc/LSCMHRRulePromulgation.html>. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-17.510	General
62-17.520	Definitions
62-17.540	Application for Corridor Certification, Amendments, Modifications
62-17.543	Alternate or Multiple Corridor Information
62-17.545	Fees, Disbursement of Funds, Contracts
62-17.570	Insufficiency of Application, Resolution Procedures
62-17.580	Conduct of Studies
62-17.590	Agency Reports, Compiled Agencies' Report with Summaries
62-17.600	Conditions of Certification; Delegated Modifications
62-17.625	Criteria for Rejection of an Alternate Corridor
62-17.660	Post-Certification Monitoring and Reporting
62-17.665	Dredging and Filling, Water Quality; Post-Certification Review
62-17.680	Modification of Certification
62-17.695	Emergency Replacement
62-17.700	Revocation or Suspension of Certification
62-17.710	Termination of Certification
62-17.750	Public Notice
62-17.760	Evidence of Notice, Additional Notice

PURPOSE AND EFFECT: The proposed rule amendments implement recent revisions to the Florida Electric Transmission Line Siting Act, Sections 403.520-403.539, F.S. SUBJECT AREA TO BE ADDRESSED: Transmission line siting.

SPECIFIC AUTHORITY: 403.523(1) FS.

LAW IMPLEMENTED: 403.52-403.539 FS.

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

DATE AND TIME: Tuesday, February 10, 2009, 9:00 a.m.

PLACE: Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Conference Room A, Tallahassee, Florida 32399-3000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Jill Stoyshich at (850)245-2001. If you are 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: Ms. Jill Stoyshich, Florida Department of Environmental Protection, Siting Coordination Office, 3900 Commonwealth Boulevard, MS 48, Tallahassee, Florida 32399; or jill.stoyshich@dep.state.fl.us, phone (850)245-2001

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

When a draft is prepared it will be made available at no charge from the contact person listed above or at the following internet site: www.dep.state.fl.us/siting.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-304.415	Lower St. Johns River Basin TMDLs

PURPOSE AND EFFECT: The Department is initiating rulemaking to establish Total Maximum Daily Loads (TMDLs) for the Lower St. Johns River Basin. Pursuant to Section 403.067(6), F.S., TMDLs must be adopted by the Secretary of the Department by rule. Chapter 62-304, F.A.C., was established as the rule chapter within which rules adopting TMDLs shall reside. The verified list for the Group 2 Lower St. Johns basin was adopted by Secretarial Order in May 27, 2004. TMDL calculations and allocations for each waterbody or waterbody segment will be adopted by rule, by the Secretary of the Department, pursuant to Sections 120.536(1), 120.54, and 403.805, F.S. This rule has been given OGC case number 09-0077.

SUBJECT AREA TO BE ADDRESSED: TMDLs and their allocations will be established for the pollutants identified as causing the impairment for impaired waters in the above listed basin (as indicated in the order adopting the verified list for the basin and by the direction of the Florida Legislature).

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.067 FS.

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

DATE AND TIME: Friday, February 20, 2009, 1:30 p.m.

PLACE:

Northeastern District Office, Conference Room A, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

The draft TMDL documents will be placed on the Department's TMDL website by February 6, 2009: <http://www.dep.state.fl.us/water/tmdl>. Written comments should be directed to: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Assessment Section, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, or via email at jan.mandrup-poulsen@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Pat Waters at (850)245-8449. If you are 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: Jan Mandrup-Poulsen, Environmental Administrator, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.:	RULE TITLE:
64B1-4.0011	Documentation Necessary for Licensure Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt an initial license application form to provide the web address and form number where the application form can be downloaded.

SUBJECT AREA TO BE ADDRESSED: Licensure application form.

SPECIFIC AUTHORITY: 457.104, 457.105 FS.

LAW IMPLEMENTED: 457.105 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: Kaye Howerton, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.:	RULE TITLE:
64B2-11.001	Application for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the application form and Part IV of the NCBE (National Chiropractic Board Examination) by reference into the rule.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure Examination.

SPECIFIC AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 460.406 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-52.003	Procedure for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule development to clarify CE requirements.

SUBJECT AREA TO BE ADDRESSED: Procedure for Approval of Attendance at Continuing Education Courses.

SPECIFIC AUTHORITY: 478.43(1), (4), 478.50(2), (4)(a), (b) FS.

LAW IMPLEMENTED: 456.013, 456.033, 478.43(4), 478.50(2), (4)(a), (b) 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, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-26.401	Immunization Certification Application

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: Immunization Certification Application.

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.189 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-26.402	Pharmacy Permit Application; Community Pharmacy; Special Pharmacies

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to incorporate a form by reference.

SUBJECT AREA TO BE ADDRESSED: Pharmacy Permit Application; Community Pharmacy; Special Pharmacies.

SPECIFIC AUTHORITY: 465.005, 465.018, 465.0196 FS.

LAW IMPLEMENTED: 465.017, 465.018, 465.0196, 465.0197, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-1.705	Family-Related Medicaid General Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule amendments update the revised KidCare application and procedures. Technical and non-substantive changes in the rule are included.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments change the language to include the February 2008 KidCare application and procedures.

SPECIFIC AUTHORITY: 409.918, 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.818, 409.919 FS.

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

DATE AND TIME: February 16, 2009, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.:	RULE TITLE:
69K-6.009	Identification Tags – Acceptable Materials, Locations, and Methods of Affixing

PURPOSE AND EFFECT: Section 497.171, F.S., authorizes the Board to adopt rules specifying acceptable materials, locations, and methods to affix identification tags to caskets, alternative containers, cremation containers, outer burial containers, and cremation interment containers. The proposed rule amendment will add, as an acceptable material for an identification tag, the use of an electronic identification marker that uses a passive radio frequency signal to communicate between the marker and a hand held receiver to identify the deceased.

SUBJECT AREA TO BE ADDRESSED: Adding a type of electronic identification marker that uses a passive radio frequency signal as an acceptable material for affixing an identification tag to caskets, alternative containers, cremation containers, outer burial containers, and cremation interment containers.

SPECIFIC AUTHORITY: 497.103(1)(n), (5)(a), 497.171 FS.

LAW IMPLEMENTED: 497.103(1)(n), 497.171 FS.

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

DATE AND TIME: February 9, 2009, 10:00 a.m.

PLACE: Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Doug Shropshire (850)413-3039 or doug.shropshire@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-6.009 Identification Tags – Acceptable Materials, Locations, and Methods of Affixing.

(1) Caskets.

(a) Acceptable materials for an identification tag for a casket shall include only the following:

1. through 5. No change.

6. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) through (c) No change.

(2) Alternative Containers.

(a) Acceptable materials for an identification tag for an alternative container shall include only the following:

1. through 5. No change.

6. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) through (c) No change.

(3) Cremation Containers.

(a) Acceptable materials for an identification tag for a cremation container shall include only the following:

1. through 5. No change.

6. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) through (c) No change.

(4) Outer Burial Containers.

(a) Acceptable materials for a tag or permanent marker for outer burial containers shall include only the following:

1. through 3. No change.

4. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) No change.

(5) Cremation Interment Containers.

(a) Acceptable materials for a tag or permanent marker for cremation interment containers shall include only the following:

1. through 3. No change.

4. An electronic identification marker encased in plastic which uses a passive radio frequency signal to allow for communication between the marker and a hand held receiver, that will identify the deceased.

(b) No change.

Specific Authority 497.103(1)(n), (5)(a), 497.171 FS. Law Implemented 497.103(1)(n), 497.171 FS. History--New 2-6-07, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NOS.:	RULE TITLES:	69L-5.222	Revocation and Employer Compliance
69L-5.101	Definitions	69L-5.223	Election Process
69L-5.102	General Requirements	69L-5.224	Termination
69L-5.103	Application	69L-5.225	Requirements
69L-5.104	Alternate Method of Application	69L-5.226	Application Process
69L-5.105	General Requirements	69L-5.227	Alien Corporations Additional Requirements
69L-5.106	Financial Statement or Financial Summary	69L-5.228	Termination
69L-5.107	Actuarial Reports	69L-5.229	Application Process
69L-5.108	Security Deposits	69L-5.230	Contracting with a Qualified Servicing Entity
69L-5.109	Excess Insurance	69L-5.231	Forms and Instructions
69L-5.110	Experience Records	<p>PURPOSE AND EFFECT: Rule Chapter 69L-5, F.A.C., is being amended to concurrently repeal and replace all existing rules with new rules which have been restructured and renumbered to promote clarity and efficiencies to the process by which self-insured employers comply with the duties and obligations associated with the privilege of self-insuring pursuant to Chapter 440, Florida Statutes. The purpose of Rule Chapter 69L-5, F.A.C., is to interpret and implement provisions of Chapter 440, Florida Statutes, regarding regulation by the Department of Financial Services and the Florida Self-Insurers Guaranty Association, Inc. of entities self-insuring the payment of compensation for Florida employees. The proposed new rules address the scope of the self-insurance authorization, the required filings, record maintenance and audit processes for self-insurers, the self-insurance process for both governmental entities and members and former members of the Florida Self-Insurers Guaranty Association, Inc., and the application process for and regulations regarding servicing entities. The proposed new rules also adopt forms for use with said rules. The proposed new rules differ from the existing self-insurer rules in various ways, including increasing the minimum net worth requirement to qualify to self-insure and by establishing new guidelines to be used in determining the financial strength of current and former self-insurers. In addition, the proposed new rules require security deposits for current and former self-insurers to be based on the entities’ long term issuer credit rating in order to create a more structured and objective system for determining financial strength necessary to ensure timely payment of current and future claims. The proposed new rules also outline the penalties for self-insurers who late-file reports, fail to file them, fail to maintain loss records, or misclassify losses or other data which impacts the calculation and collection of assessments for the Workers’ Compensation Administration Trust Fund and the Special Disability Trust Fund. Further, the proposed new rules include a change in the specific excess insurance requirements regarding the maximum retention amount allowed without additional approval, provide for a an electronic version of Form DFS-F2-SI-17, Unit Statistical Report, and eliminate the alternative method of application to self-insure.</p>	
69L-5.111	Late Reports; Penalties		
69L-5.112	General Requirements		
69L-5.113	Application to Provide Servicing		
69L-5.114	Retaining Authorization as Service Company; Recertification		
69L-5.115	Withdrawal of Authorization		
69L-5.116	Review and Audit		
69L-5.117	Forms, Manuals, and Instructions		
69L-5.201	Definitions		
69L-5.202	Scope of Self-Insurance Authorization		
69L-5.203	Payroll Reporting		
69L-5.204	Maintenance of Payroll Records, Review and Audit		
69L-5.205	Loss Data Reporting		
69L-5.206	Maintenance of Loss Data Records, Review and Audit		
69L-5.207	Outstanding Liabilities Reporting		
69L-5.208	Maintenance of Outstanding Liabilities Records, Review and Audit		
69L-5.209	Financial Statements Reporting		
69L-5.210	Actuarial Reports		
69L-5.211	Changes in Anniversary Rating Date		
69L-5.212	Contact Information Reporting		
69L-5.213	Subsidiary, Affiliate and Location Reporting		
69L-5.214	Indemnity Agreements for Affiliated Self-Insurers		
69L-5.215	Parental Guaranty		
69L-5.216	Provision of Benefits and Safe Working Environment by Self-Insurers		
69L-5.217	Civil Penalties and Fines		
69L-5.218	Security Deposits		
69L-5.219	Excess Insurance		
69L-5.220	Drug-Free Workplace Premium Credit Program		
69L-5.221	Safety Program Premium Credit		

SUBJECT AREA TO BE ADDRESSED: Repeal of all existing rules in Rule Chapter 69L-5, F.A.C., and replacement of those rules with proposed new rules providing regulatory guidelines for employers self-insuring payment of compensation for employees, pursuant to Chapter 440, Florida Statutes.

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

LAW IMPLEMENTED: 440.02(24), 440.101, 440.102, 440.1025, 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS.

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

DATE AND TIME: Monday, February 16, 2009, 10:00 a.m. – 12:00 Noon

PLACE: 104J Hartman Bldg., 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Robin Ippolito, (850)413-1775 or Robin.Ippolito@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robin Ippolito, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, phone (850)413-1775

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

GENERAL REQUIREMENTS

69L-5.101 Definitions.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(1)(b) FS. History–New 10-1-82, Amended 12-17-85, Formerly 38F-5.30, Amended 3-11-87, 8-28-91, 12-19-93, Formerly 38F-5.030, Amended 5-19-97, Formerly 38F-5.101, 4L-5.101, Amended 3-8-06, Repealed.

QUALIFYING FOR SELF-INSURANCE

69L-5.102 General Requirements.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(6) FS. History–New 5-19-97, Formerly 38F-5.102, 4L-5.102, Amended 3-8-06, 10-29-06, Repealed.

69L-5.103 Application.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(1)(b) FS. History–New 5-19-97, Formerly 38F-5.103, 4L-5.103, Amended 3-8-06, Repealed.

69L-5.104 Alternate Method of Application.

Specific Authority 440.591, 440.38(2)(b) FS. Law Implemented 440.38(1)(b), (2)(b) FS. History–New 10-1-82, Amended 12-25-84, Formerly 38F-5.44, Amended 2-3-88, 6-12-91, 12-19-93, 5-14-96, Formerly 38F-5.044, Amended 5-19-97, Formerly 38F-5.104, 4L-5.104, Repealed.

RETENTION, REVOCATION, AND WITHDRAWAL

69L-5.105 General Requirements.

Specific Authority 440.38(1)(b), (2)(b) FS. Law Implemented 440.38(1)(b), (2)(b) FS. History–New 5-19-97, Formerly 38F-5.105, 4L-5.105, Repealed.

69L-5.106 Financial Statement or Financial Summary.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(1)(b) FS. History–New 10-1-82, Formerly 38F-5.47, Amended 6-12-91, 12-19-93, 5-14-96, Formerly 38F-5.047, Amended 5-19-97, Formerly 38F-5.106, 4L-5.106, Amended 3-8-06, Repealed.

69L-5.107 Actuarial Reports.

Specific Authority 440.38(1), (2) FS. Law Implemented 440.38(1), (2) FS. History–New 5-19-97, Formerly 38F-5.107, 4L-5.107, Repealed.

69L-5.108 Security Deposits.

Specific Authority 440.38(1)(b) FS. Law Implemented 440.38(1)(b) FS. History–New 5-19-97, Formerly 38F-5.108, 4L-5.108, Repealed.

69L-5.109 Excess Insurance.

Specific Authority 440.38(1)(b) FS. Law Implemented 440.38(1)(b) FS. History–New 10-1-82, Formerly 38F-5.36, Amended 2-3-88, 12-19-93, Formerly 38F-5.036, Amended 5-19-97, Formerly 38F-5.109, 4L-5.109, Repealed.

69L-5.110 Experience Records.

Specific Authority 440.38(1)(b), (2)(b), (3), 440.385 FS. Law Implemented 440.38(1)(b), (2)(b), (3), 440.385 FS. History–New 5-19-97, Formerly 38F-5.110, 4L-5.110, Repealed.

69L-5.111 Late Reports; Penalties.

Specific Authority 440.38(1)(b), (2)(b), 440.51(6)(b), 440.5705 FS. Law Implemented 440.38(1)(b), (2)(b), 440.51, 440.102, 624.24 FS. History–New 10-1-82, Formerly 38F-5.38, Amended 12-19-93, Formerly 38F-5.038, Amended 5-19-97, Formerly 38F-5.111, 4L-5.111, Repealed.

SERVICING FOR SELF-INSURERS

69L-5.112 General Requirements.

Specific Authority 440.38(1)(b), (2), (4)(b), 440.49(1)(a), 440.56(4) FS. Law Implemented 440.20(16), 440.38(1)(b), (2), 440.49(1)(a), 440.56(4) FS. History—New 10-1-82, Formerly 38F-5.31, Amended 12-19-93, Formerly 38F-5.031, Amended 5-19-97, Formerly 38F-5.112, 4L-5.112, Repealed.

69L-5.113 Application to Provide Servicing.

Specific Authority 440.38(1)(b), (2), (4)(b), 440.56(4) FS. Law Implemented 440.38(1)(b), (2), (4)(b), 440.56(4) FS. History—New 10-1-82, Amended 12-25-84, Formerly 38F-5.40, Amended 12-19-93, Formerly 38F-5.040, Amended 5-19-97, Formerly 38F-5.113, 4L-5.113, Repealed.

69L-5.114 Retaining Authorization as Service Company; Recertification.

Specific Authority 440.591, 440.38(2)(a) FS. Law Implemented 440.20(16), 440.38(1)(b), (2)(a), (b), (4)(b) FS. History—New 10-1-82, Amended 12-25-84, Formerly 38F-5.41, Amended 6-12-91, 12-19-93, Formerly 38F-5.041, Amended 5-19-97, Formerly 38F-5.114, 4L-5.114, Repealed.

69L-5.115 Withdrawal of Authorization.

Specific Authority 440.38(1)(b), (3)(b)5. FS. Law Implemented 440.38(2), (3) FS. History—New 10-1-82, Formerly 38F-5.42, Amended 12-19-93, Formerly 38F-5.042, Amended 5-19-97, Formerly 38F-5.115, 4L-5.115, Repealed.

PAYROLL AND CLAIMS RECORDS

69L-5.116 Review and Audit.

Specific Authority 440.38(2)(b), 440.51(6)(b) FS. Law Implemented 440.20(16)(c), 440.38(1)(b), (2)(b) FS. History—New 10-1-82, Formerly 38F-5.51, Amended 12-19-93, Formerly 38F-5.051, Amended 5-19-97, Formerly 38F-5.116, 4L-5.116, Repealed.

FORMS, MANUALS, AND INSTRUCTIONS

69L-5.117 Forms, Manuals, and Instructions.

Specific Authority 440.57, 440.5705, 440.591 FS. Law Implemented 440.381, 440.57, 440.5705, 624.316, 624.424 FS. History—New 5-19-97, Formerly 38F-5.117, 4L-5.117, Repealed.

GENERAL REQUIREMENTS

69L-5.201 Definitions.

(1) When used in these rules, the following words or terms shall mean:

(a) “Actuarial Report” – A report signed by a member of the American Academy of Actuaries providing an opinion of the appropriate present value of the self-insured reserves incurred in this state, using a four percent (4%) discount rate, for current and future claims.

(b) “Affiliated Self-Insurer” – Two or more entities affiliated by common majority ownership, which do not have a parent company to hold the self-insurance authorization, and

which are approved by the Department to fund their workers’ compensation liabilities as prescribed in Section 440.38(1)(b), F.S.

(c) “Alien Corporation” – A corporation formed under the laws of any country other than the United States.

(d) “A. M. Best Company” – An organization recognized by the U.S. Securities and Exchange Commission as a nationally recognized statistical rating organization whose ratings are permitted to be used for regulatory purposes.

(e) “Anniversary Rating Date” – The effective month and day of the beginning of the self-insurance authorization and each anniversary thereafter unless a different date is established.

(f) “Association” – The Florida Self-Insurers Guaranty Association, Inc.

(g) “Authorized Representative” – An individual or company authorized by the Department to operate on behalf of the Department; or an individual or company authorized by the Association to operate on behalf of the Association.

(h) “Credit Rating” – A long-term issuer credit rating issued by Moody’s Investors Service, Standard & Poor’s or Fitch Ratings. A credit rating assigned to a specific debt issue is not an acceptable substitute for a long-term issuer credit rating.

(i) “Current Self-Insurer” – An employer authorized by the Department to fund its workers’ compensation liabilities as prescribed in Section 440.38(1)(b) or (6), F.S., whose authorization to self insure has not been revoked or voluntarily terminated.

(j) “Department” – Florida Department of Financial Services.

(k) “Division” – The Division of Workers’ Compensation within the Florida Department of Financial Services.

(l) “F.A.C.” – Florida Administrative Code.

(m) “F.S.” – Florida Statutes.

(n) “FSIGA Member” – A Current Self-Insurer or Former Self-Insurer authorized by the Department as defined in Sections 440.02(24)(a) and 440.38(1)(b), F.S., other than self-insurers which are Public Utilities or Governmental Entities.

(o) “Financial Statement(s)” – A presentation of financial data, including accompanying notes, derived from accounting records that purports to show financial position and intended to communicate an entity’s economic resources or obligations at a point in time, and the results of operations and cash flows for a period of time, in accordance with Generally Accepted Accounting Principles and presented in the English language.

(p) “Former Self-Insurer” – An employer authorized by the Department to fund its workers’ compensation liabilities as prescribed in Section 440.38(1)(b) or (6), F.S., whose authorization has been revoked or voluntarily terminated with remaining outstanding workers’ compensation liabilities.

(q) “Generally Accepted Accounting Principles” – Accounting principles generally accepted in the United States of America in effect as of June 1, 2006, including, but not limited to, Accounting Principles Board Opinions Nos. 1 to 31 as published by the American Institute of Certified Public Accountants, and statements of accounting standards and interpretations thereof, as published by the Financial Accounting Standards Board (FASB). These materials are entitled Original Pronouncements 2006/2007 Edition, Vols. I, II, & III, dated June 1, 2006, and available from FASB, 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06856-5116, 1(800)748-0659, <http://www.fasb.org>.

(r) “Generally Accepted Auditing Standards” – Auditing standards generally accepted in the United States of America in effect as of January 1, 2007, including, but not limited to, general, field work and reporting standards approved and adopted by the membership of the American Institute of Certified Public Accountants (AICPA), as amended by the AICPA Auditing Standards Board (ASB), standards promulgated by the ASB in the form of Statements on Auditing Standards and standards promulgated by the Public Company Accounting Oversight Board (PCAOB). The AICPA materials are entitled Codification of Statements on Auditing Standards, dated January 1, 2007, available from the AICPA at <http://www.cpa2biz.com> or call 1(888)777-7077. The rules and standards of the PCAOB are available at no charge at <http://www.pcaobus.org>.

(s) “Governmental Entity” – The state and its boards, bureaus, departments, and agencies and all of its political subdivisions which employ labor, and the state universities, pursuant to Section 440.38(6), F.S.

(t) “Investment Grade Credit Rating” – A long-term issuer credit rating equal to or higher than “Baa3”, “BBB-”, or “BBB-”, issued by Moody’s Investors Service, Standard & Poor’s or Fitch Ratings, respectively. A credit rating assigned to a specific debt issue is not an acceptable substitute for a long-term issuer credit rating.

(u) “Manual Premium” – Premium determined by multiplying the payroll (segregated into the proper workers’ compensation job classifications) times the manual rates per \$100 of payroll in effect at the start of the payroll period covered, as further defined in the NCCI Basic Manual for Workers’ Compensation and Employers’ Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(v) “NCCI” – The National Council on Compensation Insurance, Inc.

(w) “Net Worth” – Stockholders’ equity, owners’ equity or net assets as shown on the balance sheet of the Financial Statements.

(x) “Qualified Servicing Entity” – Any company approved by the Department to adjust and submit workers’ compensation claims to the Division and/or provide safety services and loss control on behalf of the self-insurer.

(y) “Security Deposit” – A security deposit conforming to the requirements of Section 440.38(1)(b)4., F.S.

(z) “Specific Excess Insurance Policy” – A specific excess workers’ compensation insurance policy approved by the Florida Office of Insurance Regulation which provides for the actual transfer of risk to the excess carrier.

(aa) “Standard Premium” – As defined in the NCCI Basic Manual for Workers’ Compensation and Employers’ Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(bb) “Successor Entity” – Any person, business entity, or group of persons or business entities, which holds or acquires legal or beneficial title to the majority of the assets or the majority of the shares of a Current Self-Insurer or Former Self-Insurer, pursuant to Chapter 440, F.S.

Specific Authority 440.02(24), 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New _____.

69L-5.202 Scope of Self-Insurance Authorization.

(1) Approval of a self-insurance authorization in accordance with Section 440.38, F.S., and these rules will be continuous unless and until revoked or voluntarily terminated.

(2) The self-insurance authorization of a Current Self-Insurer is restricted to the authorization holder and it’s wholly or majority owned subsidiaries.

(3) Where the Current Self-Insurer is an Affiliated Self-Insurer, the self-insurance authorization is restricted to entities affiliated by common majority ownership and their wholly or majority owned subsidiaries.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

UNIVERSAL REQUIREMENTS

REQUIRED FILINGS, RECORDS MAINTENANCE AND AUDIT

69L-5.203 Payroll Reporting.

(1) Self-Insurers shall report payroll data for all entities covered under the self-insurance authorization using Form DFS-F2-SI-5 (Self-Insurer Payroll Report). Failure to submit the required payroll reports, understatement or concealment of payroll, or the misrepresentation of employee duties so as to avoid proper classification shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(a) Current Self-Insurers and Former Self-Insurers shall complete Form DFS-F2-SI-5 by submitting payroll by classification code for the latest completed period beginning on the Anniversary Rating Date.

(b) Former Self-Insurers shall submit this report until the final payroll period has been reported.

(c) Current Self-Insurers shall submit Form DFS-F2-SI-5 no later than sixty (60) days after their Anniversary Rating Date. Former Self-Insurers shall submit their final DFS-F2-SI-5 no later than ninety (90) days after the revocation or voluntary termination of the self-insurance authorization.

1. Governmental Entities and Public Utilities shall submit Form DFS-F2-SI-5 to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

2. FSI Members shall submit Form DFS-F2-SI-5 to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.204 Maintenance of Payroll Records, Review and Audit.

(1) The payroll records of all Current Self-Insurers and Former Self-Insurers shall be open for inspection and audit by the Department, or its Authorized Representative, during regular business hours. Self-insurers are required to maintain payroll records that reflect a true and accurate division by the classification codes contained in the NCCI SCOPES of Basic Manual Classifications and the NCCI Basic Manual for Workers' Compensation and Employers Liability (filed and approved by the Florida Office of Insurance Regulation) so the proper classification code for each employee may be determined. If such records are not maintained, then the entire payroll shall be presumed to be within the classification code to which the highest insurance rate is applicable. To ensure their availability for audit purposes, the records shall be retained for five (5) years from the end of the payroll period. The location of these records shall be provided to the Department upon submission of the application for self-insurance and updated within fifteen (15) days of any relocation.

(2) At the conclusion of the audit conducted by the Department or its Authorized Representative, a preliminary report shall be prepared and sent to the self-insurer. The preliminary report shall identify any payroll or classification deficiencies. The self-insurer shall have thirty (30) days from

the date of receipt to review and respond to the Department's preliminary report. The Department shall review the response and issue a final report.

(3) If any audit of such records discloses an underpayment of the Workers' Compensation Administration Trust Fund or Special Disability Trust Fund assessment in excess of \$1,000.00, then the cost of the audit shall be paid by the self-insurer to the Department. The calculation of the cost of the audit shall be based on the following:

(a) The hourly rate of the Department's employee(s) plus expenses, or

(b) The amount charged by the Authorized Representative.

(4) All payments shall be made payable to the Workers' Compensation Administration Trust Fund and mailed to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, FL 32399-4224

(5) Payment of audit costs shall be made within thirty (30) days after receipt of the final report. This shall be in addition to any penalties or interest that shall otherwise be due.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

69L-5.205 Loss Data Reporting.

(1) Current Self-Insurers and Former Self-Insurers shall submit loss data for all entities covered under the self-insurance authorization on Form SI-17 or the electronic equivalent provided by the Department. Failure to submit the required loss data forms or material understatement or concealment of data shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties.

(a) The Division or the Association shall, within at least ten (10) days prior to the evaluation date, electronically advise each self insurer of the covered periods for the submission of the loss data.

(b) Current Self-Insurers will complete Form SI-17 or the electronic equivalent of Form SI-17 by submitting loss data for the current evaluation year and the prior two (2) evaluation years.

(c) Former Self-Insurers shall continue to submit this report until the loss data for the final period of authorization has been reported for three (3) years.

(d) The completed Form SI-17 or the electronic equivalent of Form SI-17 shall be mailed or transmitted to the Division or the Association no later than sixty (60) days after the evaluation date.

1. Governmental Entities who are unable to transmit an electronic version of Form SI-17 shall mail the completed Form SI-17, no later than 60 days after the evaluation date to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

2. FSIGA Members who are unable to transmit the electronic version of Form SI-17 shall mail the completed Form SI-17 to:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

(e) The Division will promulgate the experience modification using the NCCI Basic Manual for Workers' Compensation and Employers' Liability and the NCCI Experience Rating Plan Manual for Workers' Compensation and Employers' Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(f) The experience modification shall be used in the calculation and collection of assessments for the Workers' Compensation Administration Trust Fund, the Special Disability Trust Fund, and the Florida Self-Insurers Guaranty Association, Inc.

(g) The Division shall provide a copy of the experience rating worksheet to each self-insured employer and FSIGA.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

69L-5.206 Maintenance of Loss Data Records, Review and Audit.

(1) All records supporting the submitted Form SI-17 or its electronic equivalent shall be open for inspection and audit by the Department or its Authorized Representative, during regular business hours. Self-insurers are required to maintain loss records that reflect a true and accurate division by the classification codes, status type, and injury codes contained in the NCCI Workers' Compensation Statistical Plan Manual (filed and approved by the Florida Office of Insurance Regulation) and the NCCI Basic Manual for Workers' Compensation and Employers Liability (filed and approved by the Florida Office of Insurance Regulation) so the proper classification code, status type, and injury code for each accident may be determined. To ensure their availability for audit purposes, the records shall be retained for five (5) years from the last date the claims data was used for calculation of the experience modification. The location of these records shall be provided to the Department upon submission of the application for self-insurance and updated within fifteen (15) days of any relocation.

(2) At the conclusion of the audit conducted by the Department or its Authorized Representative, a preliminary report shall be prepared and sent to the self-insurer. The preliminary report shall identify any payroll, loss, or

classification deficiencies. The self-insurer shall have thirty (30) days from the date of receipt to review and respond to the Department's preliminary report. The Department shall review the response and issue a final report.

(3) If any audit of such records discloses an underpayment of the Workers' Compensation Administration Trust Fund or Special Disability Trust Fund assessment in excess of \$1,000.00, then the cost of the audit shall be paid by the self-insurer to the Department. The calculation of the cost of the audit shall be based on the following:

(a) The hourly rate of the Department's employee(s) plus expenses, or

(b) The amount charged by the Authorized Representative.

(4) All payments shall be made payable to the Workers' Compensation Administration Trust Fund and mailed to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, FL 32399-4224

(5) Payment of audit costs shall be made within thirty (30) days after receipt of the final report. This shall be in addition to any penalties or interest that shall otherwise be due.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

69L-5.207 Outstanding Liabilities Reporting.

(1) Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, shall report their outstanding self-insured workers' compensation liabilities for all entities covered under the self-insurance authorization on Form DFS-F2-SI-20 (Report of Outstanding Workers' Compensation Liabilities). This includes all outstanding liabilities of Former Self-Insurers for which the Current Self-Insurer is the Successor Entity. Form DFS-F2-SI-20 shall be accompanied by a loss run substantiating all amounts reported on the form, be signed by an Authorized Representative of the Self-Insurer or its Qualified Servicing Entity, and be submitted no later than 120 days after the end of the self-insurer's fiscal year. The evaluation date shall not be prior to the end of the self-insurer's latest fiscal year. Failure to submit the required Report of Outstanding Workers' Compensation Liabilities, or material understatement or concealment of loss reserves, shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(2) FSIGA Members shall submit Form DFS-F2-SI-20 to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

69L-5.208 Maintenance of Outstanding Liabilities Records, Review and Audit.

(1) All records supporting Form DFS-F2-SI-20 (Report of Outstanding Workers' Compensation Liabilities) shall be open for inspection and audit by the Department, the Association, or their Authorized Representative, during regular business hours. Each self-insurer is required to maintain all records supporting Form DFS-F2-SI-20. To ensure their availability for audit purposes, the records shall be retained for five (5) years after closing of a claims file.

(2) The location of these records shall be provided to the Department or Association upon submission of the application for self-insurance and updated within fifteen (15) days of any relocation.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

69L-5.209 Financial Statements Reporting.

Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, shall submit their Financial Statements no later than 120 days after the end of their fiscal year. Failure to submit the required Financial Statements shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(1) The Financial Statements shall meet the following requirements:

(a) The Financial Statements shall be in the name of the entity holding the self-insurance authorization.

(b) The Financial Statements shall demonstrate that the self-insurer has the financial strength necessary to ensure the timely payment of all current and future claims.

(c) The Financial Statements shall show a Minimum Net Worth of the greater of \$10,000,000 U.S. or three (3) times Standard Premium, and;

(d) The Financial Statements shall be audited in accordance with Generally Accepted Auditing Standards.

(2) All legal entities included under the self-insurance authorization shall submit Financial Statements in accordance with this rule. Separate Financial Statements shall be submitted for each entity unless consolidated or combined Financial Statements are submitted. All Financial Statements submitted must comply with the provisions of this rule. However, for purposes of meeting the Minimum Net Worth requirement, the Net Worths of the companies comprising an Affiliated Self-Insurer may be combined.

(3) If a majority of the assets and/or stocks of a Current Self-Insurer are purchased by a Successor Entity and the Current Self-Insurer can no longer provide Financial Statements in its own name, then the Current Self-Insurer's

authorization shall be revoked unless the Successor Entity becomes a Current Self-Insurer pursuant to this rule or the Current Self-Insurer voluntarily terminates its self-insurance authorization. Application for a self-insurance authorization by the Successor Entity must be made within thirty (30) days of the effective date of the acquisition or restructuring.

(4) The Successor Entity of a Former Self-Insurer shall submit its Financial Statements in accordance with this rule.

(5) The Successor Entity shall acknowledge liability for payment of the Former Self-Insurer's self-insured workers' compensation liabilities by providing a written statement executed by a senior executive officer of the Successor Entity.

(6) FSIGA Members shall submit Financial Statements to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

69L-5.210 Actuarial Reports.

(1) Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, that do not have Investment Grade Credit Ratings shall be required to submit Actuarial Reports within 120 days after the end of their fiscal year or any other date requested by the Department or the Association.

(a) Actuarial Reports shall have a valuation date not more than 180 days prior to the date submitted to the Department or the Association.

(b) If requested by the Department or the Association, any Current Self-Insurer or Former Self-Insurer, other than a Governmental Entity, shall be required to submit an Actuarial Report.

(2) The Department or the Association may require that the Actuarial Report include a forecast of loss reserves to a future date and request an Actuarial Report at any time.

(3) FSIGA Members shall submit Actuarial Reports to the:
Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.211 Changes in Anniversary Rating Date.

(1) Any Current Self-Insurer desiring to change its Anniversary Rating Date shall submit a request in writing.

(a) Governmental Entities shall submit requests to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(b) FSIGA Members shall submit requests to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

(2) Upon receipt of the written request, the Division or the Association shall advise the self-insurer in writing within thirty (30) days as to the effective date of the change, if approved, using the NCCI Workers' Compensation Experience Rating Plan Manual for Workers' Compensation and Employers' Liability Insurance (filed and approved by the Florida Office of Insurance Regulation) to determine this date.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History--New _____.

69L-5.212 Contact Information Reporting.

Current Self-Insurers and Former Self-Insurers shall provide written notification of changes in their contact information within thirty (30) days of the effective date of the change. Notification shall be submitted as follows:

(1) Governmental Entities shall submit contact information to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(2) FSIGA Members shall submit contact information to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History--New _____.

69L-5.213 Subsidiary, Affiliate and Location Reporting.

(1) Current Self-Insurers shall provide written notification of changes in the names and addresses, as well as changes in the structure, of the self-insurer, its affiliates and their wholly or majority owned subsidiaries, along with the Federal Employer Identification Number (FEIN), fictitious names, and percentage of ownership for each legal entity included under the self-insurance authorization within thirty (30) days of the effective date of the change. Current Self-Insurers shall also provide written notification of changes in the addresses of all

operating locations with employees within the State of Florida, which are included under the self-insurance authorization within thirty (30) days of the effective date of the change.

(2) Current Self-Insurers shall annually certify the accuracy of their subsidiary, affiliate and location information. Such certification shall be signed by an officer of the Current Self-Insurer.

(3) Notifications of changes and annual certifications shall be submitted as follows:

(a) Governmental Entities shall submit location information to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(b) FSIGA Members shall submit location information to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History--New _____.

69L-5.214 Indemnity Agreements for Affiliated Self-Insurers.

Affiliated Self-Insurers must execute a new Form DFS-F2-SI-11 (Indemnity Agreement) within thirty (30) days of changes in the affiliates included under the self-insurance authorization. Form DFS-F2-SI-11 shall be executed by an officer of each affiliated entity to be included under the self-insurance authorization. The executed form shall be submitted to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History--New _____.

69L-5.215 Parental Guaranty.

Notwithstanding any other provisions of these Rules to the contrary, if a parent company that directly or indirectly owns 100% of a Current Self-Insurer, Former Self-Insurer or applicant for self-insurance elects to execute Form DFS-F2-SI-10 (Parental Guaranty and Corporate Resolution), then:

(1) The Financial Statements of the parent company shall be used to apply the financial statement requirements of subsections 69L-5.209(1) and 69L-5.228(3), F.A.C.,

(2) The Credit Rating of the parent company shall be used to determine the Security Deposit in accordance with Rule 69L-5.218, F.A.C..

(3) the Net Worth of the parent company shall be used to determine the excess insurance requirements in accordance with paragraph 69L-5.219(1)(a), F.A.C..

(4) the Net Worth of the parent company shall be used to apply the Minimum Net Worth requirements in subsection 69L-5.228(1), F.A.C., and

(5) the Credit Rating of the parent company shall be used to apply the minimum requirements in subsection 69L-5.228(2), F.A.C., and the initial security deposit requirements of subsection 69L-5.228(5), F.A.C.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.216 Provision of Benefits and a Safe Working Environment by Self-Insurers.

(1) It shall be the sole responsibility of Current Self-Insurers and Former Self-Insurers to provide for competent persons to se000000vice their self-insurance program in the areas of claims adjusting, safety engineering and loss control. This shall be done through either the use of their own employees, who are determined by the Department to be competent in these areas, or by contracting with a Qualified Servicing Entity approved by the Department to provide these services. A list of Qualified Servicing Entities may be obtained by contacting the Department at:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(2) Current Self-Insurers and Former Self-Insurers choosing to use their own employees to provide these services must obtain prior approval from the Department and shall submit Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers) within thirty (30) days of a change in servicing arrangement and at least every three (3) years thereafter.

(3) Current Self-Insurers or Former Self-Insurers contracting with Qualified Servicing Entities must file Form DFS-F2-SI-19 within thirty (30) days of entering into a servicing contract.

(a) For Governmental Entities, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(b) For FSIGA Members, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

(4) Failure to submit the required Certification of Servicing shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(5) In the event that self-insured claims are transferred to a new Qualified Servicing Entity or the self-insurer assumes responsibility for provision of these services in-house, the previous Qualified Servicing Entity shall provide an accounting of all claims files and claims data sufficiently detailed to permit the new Qualified Servicing Entity or the self-insurer to establish accurate claims, reserving, and accounting data. Form DFS-F2-DWC-49 (Aggregate Claims Administration Change Report) shall be submitted to the Division at the time of this transfer of duties.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

69L-5.217 Civil Penalties and Fines.

(1) Civil Penalties for Delinquent Reports – Failure to timely file legible and complete forms, reports or documents as required by Section 440.38(2)(b), F.S., or these rules, shall subject the party required to file such form, report, or document to assessment by the Department of a civil penalty. For purposes of this rule, a form, report or document is considered timely filed if postmarked on or before the due date prescribed in this rule. Reports submitted by a Qualified Servicing Entity on behalf of the self-insurer shall be treated as if they were submitted by the self-insurer directly.

(a) Late filed forms, reports, and documents required pursuant to this rule shall be penalized as follows:

1. \$100 for filings 1 to 14 days late.
2. \$2,500 for filings 15 to 30 days late.
3. \$5,000 for filings 31 to 60 days late.
4. For periods greater than sixty (60) days, \$200 per day from the required filing date.

(b) These civil penalties are to be applied per occurrence, per form, report, or document. Payment shall be made within fifteen (15) days after receipt of the notification and submitted along with the form, report, or document. Failure to submit the required forms, reports and documents constitutes good cause for revocation of the self-insurance authorization in addition to civil penalties specified in this rule.

(2) A request for an extension of time to file a form, report or document shall be made in writing by the self-insurer or its Qualified Servicing Entity and shall be postmarked no later than fifteen (15) days prior to the due date of the form, report or document. Extensions shall be granted in writing and notice

provided to the self-insurer or Qualified Servicing Entity. Such extension shall establish a new one-time due date subject to the same provision for late filing.

(a) For forms, reports, or documents, other than Actuarial Reports requested by the Association and Financial Statements, extensions may be granted by the Division if proof is supplied by the self-insurer or Qualified Servicing Entity that circumstances entirely beyond the control of the self-insurer or its Qualified Servicing Entity have made it impossible to file in a timely manner. Such circumstances shall be limited to:

1. The destruction of the records of the self-insurer or its Qualified Servicing Entity.

2. Delays caused by Acts of God or nature; or,

3. Delays caused by other regulatory processes of the State of Florida or the United States Government.

(b) Clerical errors, personnel turnover, accidental or intentional destruction of forms and records by employees of the self-insurer or its Qualified Servicing Entity or any delays caused by the incompetence of the employees of the self-insurer or its Qualified Servicing Entity shall not be grounds for an extension.

(c) For Financial Statements, extensions may be granted by the Division if proof is supplied by the self-insurer that circumstances entirely beyond the control of the self-insurer have made it impossible to file in a timely manner. Extensions may be granted for up to sixty (60) days if the self-insurer submits draft Financial Statements and provides evidence that the reason for the delay in submittal is entirely beyond the control of the self-insurer. For extensions beyond sixty (60) days from the original due date, circumstances shall be limited to:

1. The destruction of the records of the self-insurer.

2. Delays caused by Acts of God or nature; or,

3. Delays caused by other regulatory processes of the State of Florida or the United States Government.

(3) For consideration of extensions beyond sixty (60) days from the original Financial Statements due date, clerical errors, personnel turnover, accidental or intentional destruction of forms and records by employees of the self-insurer or any delays caused by the incompetence of the employees of the self-insurer shall not be grounds for an extension.

(4) Fines for Delinquent Payment of Assessments – Assessments payable to the Florida Self-Insurers Guaranty Association, Inc., not postmarked by the due date, shall pay a fine of \$100 or 5% of the assessment due, whichever is greater, per month until paid.

(5) All civil penalty and fine payments shall be made payable to the Workers' Compensation Administration Trust Fund and mailed to the:

Department of Financial Services

Division of Workers' Compensation

Bureau of Monitoring and Audit/Self-Insurance

200 East Gaines Street

Tallahassee, FL 32399-4224

(6) Failure to submit forms, reports, documents, Financial Statements or Actuarial Reports and/or remit civil penalties or fines shall be grounds for revocation.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

69L-5.218 Security Deposits.

(1) Current Self-Insurers and Former Self-Insurers, other than Governmental Entities, that have a current Investment Grade Credit Rating shall maintain a minimum Security Deposit of \$100,000.

(2) Current Self-Insurers, other than Governmental Entities, that do not have a current Investment Grade Credit Rating shall provide a Security Deposit in an amount equal to the greater of the actuarially determined outstanding loss reserves discounted to present value, using a four percent (4%) discount rate, or the actuarially determined outstanding loss reserves forecasted to a date one year in the future, discounted to such forecasted date using a four percent (4%) discount rate, as calculated in its Actuarial Report. In no case, shall the amount of the Security Deposit be less than \$100,000.

(3) Former Self-Insurers, other than Governmental Entities, that do not have an Investment Grade Credit Rating shall provide a Security Deposit equal to the actuarially determined outstanding loss reserves discounted to present value at a four percent (4%) discount rate. In no case shall the amount of the Security Deposit be less than \$100,000.

(4) In the event that a Current Self-Insurer or Former Self-Insurer does not have a current published Credit Rating, the Association or the Department shall determine an equivalent rating by incorporating data from Financial Statements provided in accordance with Rule 69L-5.209, F.A.C., into credit risk estimation models and the amount of the Security Deposit shall be determined using the equivalent rating as the Credit Rating. A Current Self-Insurer or Former Self-Insurer that disagrees with the equivalent rating may provide a current Credit Rating. If the Current Self-Insurer or Former Self-Insurer provides a current Credit Rating, the security deposit requirement will be determined using the current Credit Rating instead of the equivalent rating and any excess security deposit will be released.

(5) As of the effective date of this rule, Current Self-Insurers and Former Self-Insurers that do not have an Investment Grade Credit Rating, or an equivalent rating at least equal to an Investment Grade Credit Rating as determined by the Association, shall provide the required security deposit increase amount in accordance with subsection (2) or (3) above, as applicable, within twelve (12) months of the effective date of this rule. However, within this twelve (12) month period, any Current Self-Insurer or Former Self-Insurer who experiences a deterioration in its Credit Rating or equivalent rating as determined by the Association to a Credit Rating that is less than an Investment Grade Credit Rating shall be required to provide an Actuarial Report and to post the security increase amount as determined by subparagraph (2) or (3) above, as applicable, immediately upon request by the Department. The provisions of this subparagraph expire twelve (12) months after the effective date of this rule.

(6) The Security Deposit shall be maintained until the authorization holder is a Former Self-Insurer who has demonstrated that there is no remaining value to its self-insured workers' compensation claims and the statute of limitations has run on closed claims. Prior to the release of the Security Deposit, the Former Self-Insurer and its Qualified Servicing Entity(ies) shall provide signed affidavits stating that all self-insured workers' compensation claims have been settled or the statute of limitations has run on closed claims.

(7)(a) If the self-insurer is a FSI Member, the Security Deposit must be submitted to and executed in favor of the Association. The Security Deposit shall be held by the Association or the Department exclusively for the benefit of workers' compensation claimants. The Security Deposit shall not be subject to assignment, execution, attachment, or any legal process whatsoever, except as necessary to guarantee the payment of workers' compensation benefits under Chapter 440, F.S.

(b) For FSI Members, security deposit forms can be obtained from and shall be submitted to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

(8) A Security Deposit shall consist of, at the option of the employer:

(a) A Surety Bond on Form DFS-F2-SI-4 (Self-Insurer's Surety Bond for FSI Member), which shall be issued by a corporation surety authorized to transact surety business by the Florida Department of Financial Services, Office of Insurance Regulation, and whose financial strength and size ratings from A. M. Best Company are not less than "A" and "V" respectively, or

(b) An Irrevocable Letter of Credit on Form DFS-F2-SI-6 (Self-Insurer's Irrevocable Letter of Credit), which shall be issued by a financial institution located within the State of Florida and the deposits of which are insured through the Federal Deposit Insurance Corporation.

(9)(a) No surety bond shall be terminated and no irrevocable letter of credit shall be allowed to expire, without ninety (90) days prior written notice and a deposit by the self-insurer of some other Security Deposit of equal value within ten (10) business days after such notice. Failure to provide such written notice or failure to timely provide a replacement Security Deposit after such notice shall constitute grounds for the Association or Division to call or sue upon the surety bond or to exercise its rights under the letter of credit. For Former Self-Insurers, a surety bond may be terminated without replacement, but shall not be released until such time as the Former Self-Insurer has demonstrated that there is no remaining value to its self-insured workers' compensation claims, the statute of limitations has run on closed claims, and the Former Self-Insurer has submitted the signed affidavits in accordance with these rules. Notice shall be submitted to:

(b) For FSI Members,
Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Dr., 2nd Floor
Tallahassee, Florida 32308

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.219 Excess Insurance.

(1) Current Self-Insurers, other than Governmental Entities, shall maintain a Specific Excess Insurance Policy. Such policy shall have statutory workers' compensation limits.

(a) The self-insured retention of Specific Excess Insurance Policies shall be as follows:

1. The self-insurer's per occurrence retention shall be no more than \$500,000 or 1% of the self-insurer's Net Worth as shown on the self-insurer's latest audited Financial Statements, whichever is greater. The self-insured retention shall be rounded to the nearest \$50,000.

2. A higher self-insured retention may be allowed, if approved by the Department. The Department shall consider the Current Self-Insurer's financial strength in its review of the requested self-insured retention.

(b) Specific Excess Insurance Policies for Current Self-Insurers shall be written by insurance companies licensed in Florida pursuant to Chapter 624, 628 or 629, F.S., and shall be subject to the protection afforded by the Florida Workers' Compensation Insurance Guaranty Association Act (Chapter 631, Part V, F.S.).

(c) If coverage is not available from a company identified above, the Department may accept policies issued without the protection of the Florida Workers' Compensation Insurance

Guaranty Association Act issued by insurance companies who have current financial strength and size ratings from A. M. Best Company of not less than "A-" and "VII" respectively.

(d) The Division shall reject any Specific Excess Insurance Policy written by an insurance company which:

1. Does not pay its claims when due; or,

2. Is not in compliance with any requirement of Chapter 624, F.S.

(e) The Specific Excess Insurance Policy shall meet the following requirements:

1. Shall be issued by an insurance company conforming to these rules and shall name the Department as an additional insured for the purpose of notification.

2. Shall not be cancelled except upon sixty (60) days written notice by certified mail to the other party to the policy and to the Department.

(f) Shall be automatically renewable at the expiration of the policy period unless written notice by certified mail is given to the other party to the policy and to the Department sixty (60) days prior to such expiration by the party desiring to cancel or not renew the policy.

(g) Shall provide that any commutation affected under the policy shall not relieve the underwriter of further liability in respect to claims and expenses unknown at the time of such commutation. The underwriter shall not be relieved in regard to closed claims, which may be subsequently revived by or through a competent authority. In the event the underwriter proposes to redeem any future payments as compensation for accidents occurring during the term of the policy, not less than sixty (60) days prior notice of such commutation shall be given to the Department by certified mail by the underwriter or its agent.

(h) Provides that, in the event any commutation is effected, the Department shall have the right to direct that such sum either be placed in trust for the benefit of the injured employee or employees entitled to such future payments of compensation or be invested in approved securities and deposited with the Department to insure such future payments of compensation to the employee or employees entitled thereto. Said commutation must contain a provision that the Department may order that the monies due under the terms of the Specific Excess Insurance Policy be paid directly to the injured employee or such other party as the Department may appoint. Such an action shall be ordered only if the Department determines that it is necessary to ensure continued benefits to the injured employee.

(i) Contains the provision that in the event of the insolvency of a FSIGA Member, the policy shall reimburse the Association for any monies expended on behalf of the self-insured. Any reimbursement shall be subject to the terms of the contract between the FSIGA Member and the insurance company.

(j) The Specific Excess Insurance Policy shall have no more than one named insured. The named insured shall be the FSIGA Member and its subsidiaries. In the case of an Affiliated Self-Insurer, the named insured shall be all affiliated entities and their subsidiaries.

(k) Contains the provision that coverage under the Specific Excess Insurance Policy extends to all Florida, majority owned, self-insured subsidiaries of the principal named insured.

(2) A binder, providing for at least ninety (90) days coverage, or a certificate of insurance issued by the insurance company or its authorized agent and specifying the terms of the policy, shall be filed within thirty (30) days after the effective date of the policy, provided that this proof of specific excess insurance is not being submitted in support of an application for self-insurance. Excess renewal endorsements specifying the terms of the policy submitted to the Association within thirty (30) days after the renewal date satisfies this requirement. In the event of cancellation or non-renewal of the Specific Excess Insurance Policy, it shall be necessary for the Current Self-Insurer to file proof of replacement specific excess insurance coverage prior to the cancellation or non-renewal date. Copies of all Specific Excess Insurance Policies, complete with all endorsements in the name of the insured, shall be filed within ninety (90) days of the effective date of the policy.

(3) FSIGA Members shall submit Specific Excess Insurance Policies and all related documents and notices to the:

Florida Self-Insurers Guaranty Association, Inc.

1427 E. Piedmont Dr., 2nd Floor

Tallahassee, Florida 32308

(4) If requested by the Association or the Division, self-insurers shall provide copies of excess insurance policies to support estimated excess insurance recoveries included in their Actuarial Reports provided to the Association or the Division.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History-- New _____.

69L-5.220 Drug-Free Workplace Premium Credit Program.

(1) In order for a self-insurer to receive up to a five percent (5%) credit on the computation of premiums used in the determination of the assessments for the Workers' Compensation Administration Trust Fund, the Special Disability Trust Fund and the Florida Self-Insurers Guaranty Association, Inc., they must certify that they have established a drug-free workplace in accordance with Sections 440.101 and 440.102, F.S.

(2) The certification must be completed using NCCI Form 09-1 (Application for Drug-Free Workplace Premium Credit) and shall be filed annually, sixty (60) days prior to their Anniversary Rating Date. The completed Form 09-1 shall be mailed to the:

Department of Financial Services
Division of Workers' Compensation
Assessments Unit
200 East Gaines Street
Tallahassee, FL 32399-4221

(3) Certifications not received prior to the Anniversary Rating Date shall be applied pro rata as of the date the certification is received at the Division.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

69L-5.221 Safety Program Premium Credit.

(1) In order for a self-insurer to receive up to a two percent (2%) credit on the computation of premiums used in the determination of the assessments for the Workers' Compensation Administration Trust Fund, the Special Disability Trust Fund and the Florida Self-Insurers Guaranty Association, Inc., they must certify that they have established a workplace safety program in accordance with Section 440.1025, F.S.

(2) The certification must be completed using the NCCI Form 09-3 (Certification of Employer Workplace Safety Program Premium Credit) and shall be filed annually sixty (60) days prior to their Anniversary Rating Date. The completed Form 09-3 shall be mailed to the:

Department of Financial Services
Division of Workers' Compensation
Assessments Unit
200 East Gaines Street
Tallahassee, Florida 32399-4221

(3) Certifications not received prior to the Anniversary Rating Date shall be applied pro rata as of the date the certification is received at the Division.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

69L-5.222 Revocation and Employer Compliance.

(1) Failure to comply with any of the rules herein or with any order of the Department or court of competent jurisdiction within the time prescribed shall be considered good cause for revocation of the self-insurance authorization, within the meaning of Section 440.38(3), F.S. Noncompliance with any of the provisions of the Workers' Compensation Law, Chapter

440, F.S., particularly those relating to time and method of compensation payments, the furnishing of medical treatment and filing of accident and compensation reports, or failure to pay any assessment or penalty, shall likewise be deemed good cause.

(2) Material understatement or concealment of payroll, and material misrepresentation or concealment of employee duties, so as to avoid proper classification shall be considered good cause for revocation of the self-insurance authorization, within the meaning of Section 440.38(3), F.S., and/or action by the Department under Section 440.107, F.S. Material understatement or concealment of data pertinent to the computation and application of an experience modification factor shall be considered good cause for revocation of the self-insurance authorization, within the meaning of Section 440.38(3), F.S., and/or action by the Department under Section 440.107, F.S.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History–New _____.

SELF-INSURANCE PROCESS FOR GOVERNMENTAL ENTITIES

69L-5.223 Election Process.

(1) The state and its boards, bureaus, departments, and agencies and all of its political subdivisions which employ labor, and the state universities that are electing to self-insure pursuant to Section 440.38(6), F.S., shall submit to the Division for review at least ninety (90) days prior to the preferred effective date of self-insured status, the following information:

(a) Copy of document(s) through which the entity is organized or authorized to operate as a Governmental Entity, including articles of incorporation, grant of authority, or charter, if applicable;

(b) Application for Governmental Self-Insurance, Form DFS-F2-SI-1G, incorporated by reference into Rule 69L-5.213, F.A.C.;

(c) Application for Governmental Self-Insurance Estimated Payroll, Form DFS-F2-SI-GEP, incorporated by reference into Rule 69L-5.213, F.A.C.;

(d) Certification of Servicing for Self-Insurers, Form DFS-F2-SI-19, incorporated by reference into Rule 69L-5.213, F.A.C.; and

(e) Workers' Compensation Experience Rating For Non-Affiliate Data, NCCI Form ERM-6, for the current and two (2) preceding years, as set forth in the National Council on Compensation Insurance (NCCI) Experience Rating Plan Manual for Workers' Compensation and Employers Liability

Insurance, incorporated by reference into Rule 69L-5.213, F.A.C. The notification and supporting documentation shall be submitted to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(2) Upon receipt of the notification and supporting documentation from an entity defined within the scope of Section 440.38(6), F.S., the Division shall provide to the entity the "Insurer Code #" pursuant to Rule 69L-3.002, F.A.C., prior to the effective date of self-insured status for compliance with filing requirements of Rule Chapters 69L-3 and 69L-7, F.A.C.

(3) Forms adopted. The forms set forth in paragraphs 69L-5.223(1)(b)-(e), F.A.C., as well as the accompanying instructions to the forms, are hereby adopted. Copies of the forms set forth in paragraphs 69L-5.223(1)(b)-(d), F.A.C., are available from:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, Florida 32399-4224

(4)(a) The form set forth in paragraph 69L-5.223(1)(e), F.A.C., is found within the National Council on Compensation Insurance, Inc. (NCCI) Experience Rating Plan Manual for Workers' Compensation and Employers Liability Insurance. A copy of the Manual and a one (1) year subscription to any and all updates may be obtained from:

National Council on Compensation Insurance, Inc.
750 Commerce Drive
Boca Raton, FL 33487
Telephone (800)622-4123, at a cost of \$95.

(b) A copy of the Manual is also available for viewing at:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
2012 Capital Circle, S.E., Hartman Building, Suite 200
Tallahassee, FL 32399-4224.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.224 Termination.

A Governmental Entity who ceases self-insurance shall notify the Division of such withdrawal and shall continue to file all reports required by this rule with the Division upon withdrawal and thereafter until such time as the employer has satisfied the Division that there is no remaining value to the claims incurred while the employer was self-insured.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

SELF-INSURANCE PROCESS FOR FSIGA MEMBERS

69L-5.225 Requirements.

(1) An entity applying for a self-insurance authorization pursuant to Section 440.38(1)(b), F.S., shall meet the following requirements and shall submit a completed application package at least ninety (90) days prior to the desired effective date of the self-insurance authorization:

(a) Net Worth – The applicant's most recent audited Financial Statements shall show a Minimum Net Worth of the greater of \$10,000,000 U.S. or three (3) times Standard Premium.

(b) Financial Strength – A current Credit Rating of not less than "Ba3", "BB-", or "BB-" issued by Moody's Investors Services, Standard & Poor's or Fitch Ratings, respectively. In the event an applicant does not have a current published Credit Rating, the Association shall determine an equivalent rating by incorporating data from Financial Statements provided in accordance with Rule 69L-5.209, F.A.C., into credit risk estimation models and the foregoing financial strength requirement shall be based on the equivalent rating as the Credit Rating. An applicant that disagrees with the equivalent rating may provide a current Credit Rating. If the applicant provides a current Credit Rating, the financial strength requirement shall be based on the current Credit Rating instead of the equivalent rating.

(c) Financial Statements – An applicant shall have at least three (3) years of Financial Statements in the name of the applicant. The Financial Statements for the most recent year shall be audited in accordance with Generally Accepted Auditing Standards. If the Financial Statements for the two (2) years prior to the most recent year have been audited in accordance with Generally Accepted Auditing Standards, the audit reports(s) on these Financial Statements shall also be submitted.

(d) An applicant which does not have three (3) years of Financial Statements in its own name due to a recent purchase or merger, may use the Financial Statements of its predecessor(s), provided there has been no change to the structure of the entity or the line of business which would adversely affect the applicant's financial condition.

(e) Security Deposit – The applicant shall provide a Security Deposit that conforms to the requirements of Rule 69L-5.218, F.A.C. In the event the applicant meets the above financial strength requirement, but does not have an Investment Grade Credit Rating, the applicant shall provide a Security Deposit in an amount equal to the actuarially determined outstanding loss reserves forecasted to a date one year in the future, discounted to such forecasted date using a

four percent (4%) discount rate, as calculated in its Actuarial Report. In no case, shall the amount of the Security Deposit be less than \$100,000.

(f) Specific Excess Insurance Policy Requirements – The applicant shall provide proof of a Specific Excess Insurance Policy that conforms to the requirements of Rule 69L-5.219, F.A.C.

(g) Provision of Benefits and a Safe Working Environment – The applicant shall provide a completed Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers) detailing the proposed servicing arrangements and accompanying documentation that conforms to the requirements of Rule 69L-5.216, F.A.C.

(h) In order for an application to be considered complete, all required documents must be submitted, including the Security Deposit, proof of Specific Excess Insurance Policy, and Certification of Servicing for Self-Insurers.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New _____.

69L-5.226 Application Process.

(1) An application for self-insurance shall be made on Form DFS-F2-SI-1 (Application for Self-Insurance). An application may be obtained at:

Florida Self-Insurers Guaranty Association, Inc.

1427 E. Piedmont Dr., 2nd Floor

Tallahassee, FL 32308

or:

www.fsig.org

(2) All applications for self-insurance shall be submitted in duplicate at least ninety (90) days prior to the desired effective date. Self-insurance effective dates shall be determined by the Department with consideration given to the date selected by the applicant and shall always be on the first of the month. However, on no occasion shall the effective date be more than six (6) months after the approval date.

(3) The following information shall be submitted in duplicate with the application:

(a) The most recent three (3) years of Financial Statements that conform to the requirements of Rule 69L-5.228, F.A.C.

(b) If the date of the latest Financial Statements is over six (6) months old at the time of application, interim financial statements, up to and including, at least the latest fiscal quarter must be included and must be certified as to their accuracy by a corporate officer, general partner or sole proprietor.

(c) A completed Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers) detailing the proposed servicing arrangements and accompanying documentation that conforms to the requirements of Rule 69L-5.216, F.A.C.

(d) A list of all entities which the applicant intends to include under its self-insurance authorization in accordance with Rule 69L-5.202, F.A.C., that includes the following information:

1. Percentage of the applicant's ownership interest in each entity,

2. Federal Employer Identification Number (FEIN) of each entity,

3. Addresses of each entity and its operating locations within the State of Florida, and

4. Any fictitious names used by each entity within the State of Florida.

(e) If the applicant is seeking approval as an Affiliated Self-Insurer, Form DFS-F2-SI-11 (Indemnity Agreement) shall be executed by an officer of each affiliated company to be included under the self-insurance authorization.

(f) If the applicant is seeking approval using the Financial Statements of a parent company under Rule 69L-5.215, F.A.C., Form DFS-F2-SI-10 (Parental Guaranty and Corporate Resolution) must be executed by a corporate officer of the parent company.

(g) A list of corporate officers, general partners, or sole proprietor as applicable to the corporate structure of the applicant including the resident city and state and the full business address of each.

(h) Certification by a corporate officer, general partner, or sole proprietor stating that the applicant, at the time of application, and until approval of the application, will maintain workers' compensation insurance coverage in compliance with Section 440.38(1)(a), F.S.

(i) Certification by a corporate officer, general partner, or sole proprietor stating that the applicant has not experienced a material adverse change in its financial condition since the date of the latest provided Financial Statements.

(j) A certificate of status from the applicant's state of domicile, along with a certificate of status from the State of Florida, issued within the last six (6) months.

(k) If the name of the entity has changed in the last three (3) years, documentation of the change as filed with the applicant's state of domicile.

(l) Experience modification promulgation worksheet for the current and two (2) preceding years as set forth in the NCCI Experience Rating Plan Manual for Workers' Compensation and Employers Liability Insurance (filed and approved by the Florida Office of Insurance Regulation).

(m) A Security Deposit that conforms to the requirements of Rule 69L-5.218, F.A.C.

(n) Proof of a Specific Excess Insurance Policy that conforms to Rule 69L-5.219, F.A.C.

(4) Upon receiving the application, the Association shall review the application. Any additional information needed to complete the application shall be requested within thirty (30) days.

(5) The application is not complete for purposes of Section 120.60, F.S., until all of the above requirements are met and the required documents are submitted to the Association. The Department shall not approve any application for self-insurance until the application is complete including the submission of the Security Deposit, proof of Specific Excess Insurance Policy and Certification of Servicing for Self-Insurers.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.227 Alien Corporations Additional Requirements.

(1) An Alien Corporation applying for self-insurance must submit the following documentation in duplicate at the time of application in addition to the application requirements outlined in Rule 69L-5.228, F.A.C.:

(a) An opinion from an attorney, whose qualifications are deemed satisfactory to the Department, that states that the Alien Corporation's country of domicile has substantially similar laws with respect to the jurisdiction of the Department and the Courts of the State of Florida for the purpose of securing timely payment of all current and future workers' compensation claims of the Alien Corporation.

(b) A stipulation that, notwithstanding other rights, all matters related to the self-insurance authorization and to workers' compensation claims under Chapter 440, F.S., will be resolved in Florida Courts under Florida law.

(c) Designation of a general agent for service of process in Florida.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.228 Termination.

(1) A FSIGA Member who obtains replacement coverage and desires to terminate its self-insurance authorization shall advise the Association in writing within thirty (30) days of the desired termination date and shall provide proof of replacement coverage in the form of a certificate of insurance effective as of the desired termination date. If a certificate of insurance effective as of the desired termination date cannot be provided, then:

(a) If the certificate of insurance indicates an effective date prior to the desired termination date, the certificate must be amended to show Florida being endorsed onto the policy effective as of the desired termination date or a copy of the endorsement itself must be attached.

(b) If the certificate of insurance indicates an effective date subsequent to the desired termination date, the self-insurance authorization shall be terminated as of the effective date of the certificate of insurance.

(c) If a FSIGA Member no longer has employees in the State of Florida and desires to terminate its self-insurance authorization, the FSIGA Member shall so advise the Association in writing within thirty (30) days of the desired termination date and shall provide proof that it no longer has employees in the State of Florida.

(2) A FSIGA Member who voluntarily terminates its self-insurance authorization or whose self-insurance authorization is revoked, on or after January 1, 1991, shall continue to file all reports required by this rule or Chapter 440, F.S., with the Association upon termination or revocation, until such time as the FSIGA Member has demonstrated to the Association that there is no remaining value to the claims incurred while the FSIGA Member was self-insured.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

QUALIFIED SERVICING ENTITIES

69L-5.229 Application Process.

(1) Application to become a Qualified Servicing Entity shall be made on Form DFS-F2-SI-22 (Qualified Servicing Entity Application). Entities may apply to become a Qualified Servicing Entity in any or all of the following: claims-adjusting, loss control or safety engineering. The application shall be submitted to the Division at least ninety (90) days prior to the desired effective date. The application may be obtained at:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, FL 32399-4224

(a) Entities that are not insurance companies licensed to write workers' compensation insurance by the Florida Office of Insurance Regulation shall include the following in the application package:

1. A completed Form DFS-F2-SI-22 (Qualified Servicing Entity Application).

2. Proof that the management and ownership of the Qualified Servicing Entity is competent, trustworthy and possesses managerial experience that would make the proposed operation beneficial to the workers covered. In determining competency the Department shall consider the applicant's claims-handling history. If the applicant's history contains any of the following it shall be considered a demonstration of a lack of competency:

a. A repeated pattern or practice of questionable claims-handling techniques pursuant to Sections 440.525 or 440.20, F.S.,

b. A repeated pattern or practice of unreasonably converting claims,

c. A repeated pattern or practice of failing to pay compensation orders as required by statute; or,

d. A repeated pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to healthcare providers pursuant to Section 440.13(7)(f), F.S.

(b) A completed Form DFS-F2-SI-27 (Biographical Statement and Affidavit) for each owner and member of management, along with a brief resume.

(c) Independent background investigation reports on the owners and management performed by a company approved by the National Association of Insurance Commissioners (NAIC).

(d) Proof that the applicant has a sufficient number of workers' compensation claims adjusters licensed by the State of Florida and loss control and safety engineering personnel employed on a full-time basis to meet the needs of all self-insurers with which it intends to contract. The following information shall be submitted for each employee:

1. A copy of their Florida Adjusters License, for the adjusters.

2. A copy of a current resume for loss control and safety engineering personnel.

(e) Proof of a physical location within the State of Florida separate from the client's location. If the Qualified Servicing Entity is a subsidiary of the self-insurer that it services, then the physical location may be the same as that of the self-insurer.

(f) Proof that they have within the State of Florida, an insurance professional qualified in the field of workers' compensation and authorized to act in all matters concerning the company's claims-handling.

(g) A notarized statement that the Qualified Servicing Entity utilizes only authorized rehabilitation services pursuant to Section 440.49(7), F.S.,

(h) Two (2) letters of recommendation from prior or current customers.

(i) A statement detailing the record handling and maintenance practices, and,

(j) A copy of the standards and procedures used to develop safety programs for their clients if applicable.

(2) Entities that are insurance companies licensed to write workers' compensation insurance by the Florida Office of Insurance Regulation shall include the following in the application package:

(a) A completed Form DFS-F2-SI-22 (Qualified Servicing Entity Application), and

(b) Proof of their certificate of authority.

(3) The entity submitting an application must have no outstanding penalties or fines owed.

(4) The entity submitting an application must be approved by the Department before engaging in business in Florida as a Qualified Servicing Entity.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.230 Contracting with a Qualified Servicing Entity.

(1) Each Qualified Servicing Entity shall file Form DFS-F2-SI-19 (Certification of Servicing for Self-Insurers) within thirty (30) days of entering into a contract for servicing.

(a) For Governmental Entities, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, FL 32399-4224

(b) For FSIGA Members, Form DFS-F2-SI-19 shall be obtained from and submitted to the:

Florida Self-Insurers Guaranty Association, Inc.
1427 E. Piedmont Drive, 2nd Floor
Tallahassee, FL 32308

(2) Each contract entered into by a Qualified Servicing Entity shall be open for inspection by the Division.

(3) Upon termination of a contract for servicing, the Qualified Servicing Entity agrees it shall continue to provide claims adjusting services on all claims incurred during the contract period for ninety (90) days if requested to do so by the self-insurer. The Qualified Servicing Entity shall be entitled to payment for its services at the rate agreed upon by the parties in the contract.

(4) If a self-insurer fails to adequately fund claims or becomes insolvent, the Qualified Servicing Entity shall immediately notify the Department or Association as appropriate. The Qualified Servicing Entity shall provide claims adjusting services for up to ninety (90) days or until relieved of this responsibility by the Division or the Association. The Qualified Servicing Entity shall not be required to pay claims or otherwise incur liabilities for unpaid claims due to the self-insurer's insolvency or failure to adequately fund claims if the Department or the Association is promptly notified. The Qualified Servicing Entity shall be entitled to payment for its services at the rate agreed upon by the self-insurer in the contract.

(5) When claims files and claims servicing responsibilities are transferred to a new Qualified Servicing Entity, the previous Qualified Servicing Entity shall provide an accounting of all claims files and claims data sufficiently detailed to permit the new Qualified Servicing Entity of the self-insurer to establish accurate claims, reserving, and

accounting data. Form DFS-F2-DWC-49 (Aggregate Claims Administration Change Report) shall be submitted to the Division at the time of this transfer of duties.

(6) Files containing the records of the self-insurer's claims are the property of the self-insurer. Upon termination of the contract, the files shall be transferred to the new Qualified Servicing Entity or to the self-insurer along with the responsibility for handling them, and

(a) All files shall be transferred within thirty (30) days upon termination of the contract.

(b) Qualified Servicing Entities shall maintain in Florida, copies of all records relating to the self-insurer's claims that they service. The copies shall be sufficient in type and quantity to verify the accuracy and completeness of all reports and documents submitted to the Division.

(7) The Division shall be notified within thirty (30) days of any change in the location of any records.

(8) Records shall be open for inspection by representatives of the Division or Association during regular business hours. All records shall be retained for five (5) years.

(9) Qualified Servicing Entities may be audited by the Division without prior notice. If the Audit finds any of the following it shall be considered good cause for revocation of the Qualified Servicing Entity's authorization.

(a) A repeated pattern or practice of questionable claims-handling techniques pursuant to Sections 440.525 and 440.20, F.S.,

(b) A repeated pattern or practice of unreasonably controverting claims,

(c) A repeated pattern or practice of failing to pay compensation orders as required by statute, or

(d) A repeated pattern or practice of arbitrarily or unreasonably disallowing or reducing payments to healthcare providers pursuant to Section 440.13(7)(f), F.S.

(10) Failure to comply with Chapter 69L-24, F.A.C., shall be considered good cause for revocation of the Qualified Servicing Entity's authorization.

(11) Each Qualified Servicing Entity shall file with the Division no later than March 1 of each year, Form DFS-F2-SI-23 (Qualified Servicing Entity Annual Report Form). A copy of Form DFS-F2-SI-23 is available at the:

Department of Financial Services
Division of Workers' Compensation
Bureau of Monitoring and Audit/Self-Insurance
200 East Gaines Street
Tallahassee, FL 32399-4224

(12) A finding by the Department of repeated questionable claims handling techniques, or of repeated questionable patterns of claims, or of repeated unreasonably controverting claims, or of a repeated practice of failing to pay compensation orders as required by statute, or of a repeated practice of arbitrarily or unreasonably disallowing or reducing payments

to healthcare providers pursuant to Section 440.13(7)(f), F.S., shall be considered good cause for the revocation of the Qualified Servicing Entity's authorization.

(13) Failure to comply with these rules or orders within the time prescribed shall be considered good cause for revocation of the Qualified Servicing Entity's authorization.

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New _____.

FORMS AND INSTRUCTIONS

69L-5.231 Forms and Instructions.

The forms set forth in paragraphs (1) through (18) of this subsection, as well as the accompanying instructions to the forms, are hereby incorporated into Chapter 69L-5, F.A.C., by reference. Copies of the forms are available from the Division of Workers' Compensation, Bureau of Monitoring and Audit/Self-Insurance Section, 200 East Gaines Street, Tallahassee, Florida 32399-4224.

(1) Form DFS-F2-SI-1, Application for Self-Insurance (eff. _____).

(2) Form DFS-F2-SI-1G, Application for Governmental Self-Insurance (eff. _____).

(3) Form DFS-F2-SI-1GEP, Application for Governmental Self-Insurance Estimated Payroll (eff. _____).

(4) Form DFS-F2-SI-4F, Self-Insurer's Surety Bond for FSIGA Member (eff. _____).

(5) Form DFS-F2-SI-4P, Self-Insurer's Surety Bond for Public Utilities (eff. _____).

(6) Form DFS-F2-SI-5, Self-Insurer Payroll Report (eff. _____).

(7) Form DFS-F2-SI-6, Self-Insurer's Irrevocable Letter of Credit (eff. _____).

(8) Form DFS-F2-SI-10, Parental Guaranty and Corporate Resolution (eff. _____).

(9) Form DFS-F2-SI-11, Indemnity Agreement (eff. _____).

(10) Form DFS-F2-SI-17, Unit Statistical Report and accompanying instructions (eff. _____).

(11) Form DFS-F2-SI-19, Certification of Servicing for Self-Insurers (eff. _____).

(12) Form DFS-F2-SI-20, Report of Outstanding Workers' Compensation Liabilities (eff. _____).

(13) Form DFS-F2-SI-22, Qualified Servicing Entity Application (eff. _____).

(14) Form DFS-F2-SI-23, Qualified Servicing Entity Annual Report Form (eff. _____).

(15) Form DFS-F2-SI-27, Biographical Statement and Affidavit (eff. _____).

(16) Form DFS-F2-SI-206, Certificate of Self-Insurance (eff. _____).

(17) NCCI Form 09-1, Application for Drug-Free Workplace Premium Credit (eff. _____).

(18) NCCI Form 09-3, Certification of Employer Workplace Safety Program Premium Credit (eff. _____).

(19) NCCI Form ERM-6, Workers' Compensation Experience Rating for Non-Affiliate Data (eff. _____).

Specific Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

RULE NOS.:	RULE TITLES:
5G-6.007	Annual Food Permit Requirements of Tomato Packers and Repackers
5G-6.009	Tomato Best Practices Manual

PURPOSE AND EFFECT: The purpose of this proposed rulemaking is to replace the Annual Food Permit Application, DACS-14306, (Rev. 06/03), with the Annual Tomato Packer/Repacker Permit Application, DACS-07151, (Rev. 08/08), and to update the references to the best practices documents to their latest revisions. The effect of the proposed rule amendments will update the permitting requirements for tomato packers and repackers and the references to the latest revisions of the incorporated best practices documents.

SUMMARY: Rule 5G-6.007 – Requires that all tomato packers and repackers apply for an annual permit to operate; establishes a \$100 fee for the annual permit; and requires that all fees and fines collected from inspections for tomato packers and repackers be deposited into the general inspection trust fund.

Rule 5G-6.009 – Incorporates by reference the Tomato Best Practices Manual and the Commodity Specific Food Safety Guidelines for the Fresh Tomato Supply Chain.

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: 500.09(1)(b), (3), (4), 500.12(1)(b), (f), 570.07(6), 570.07(23) FS.

LAW IMPLEMENTED: 500.03(1)(n), 500.09(1)(b), (4), 500.12(1)(a), (b), (f), 570.48(2)(e), 570.481(1)(a), (b) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Shannon Shepp, Director, Division of Fruit and Vegetables, 500 3rd St. N. W., Winter Haven, FL 33881. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Shannon Shepp, Director, Division of Fruit and Vegetables, 500 3rd St. N. W., Winter Haven, FL 33881

THE FULL TEXT OF THE PROPOSED RULES IS:

5G-6.007 Annual Food Permit Requirements of Tomato Packers and Repackers.

(1) An annual food permit is required for all packers and repackers of tomatoes in Florida. A permit number will be assigned by the Department following receipt of the Annual Tomato Packer/Repacker Permit Application, DACS-07151 (Rev. 08/08) Annual Food Permit Application, DACS-14306, (Rev. 06/03), herein incorporated by reference. ~~A a copy of the permit application which can be obtained by contacting from~~ the Florida Department of Agriculture and Consumer Services, Division of Fruit and Vegetables, P. O. Box 1072, Winter Haven, Florida 32881-3403 or on the internet at <http://www.doacs.state.fl.us/onestop/forms/07151.pdf>.

(2) The annual permit fee shall be \$100.00 per applicant and must accompany the Annual Tomato Packer/Repacker Food Permit Application. No establishment shall be issued a food permit until all applicable fees are received by the Department.

(3) No change.

Rulemaking Specific Authority 500.09(3), 500.12(1)(b), (f), 570.07(6), 570.07(23) FS. Law Implemented 500.03(1)(n), 500.12(1)(a), (b), 570.48(2)(e), 570.481(1)(a), (b) FS. History—New 4-16-08, Amended _____.

5G-6.009 Tomato Best Practices Manual.

(1) The Tomato Best Practices Manual (DACS-P-01580, Rev.10/08) (~~November 2007~~) is hereby incorporated by reference ~~in this rule section~~ and contains the specifications of the T-GAP and the T-BMP. Copies of the manual may be obtained by contacting the Florida Department of Agriculture and Consumer Services, Division of Fruits and Vegetables, P. O. Box 1072, Winter Haven, Florida 33881-3403, (863)291-5820 or obtained electronically through the following website: <http://www.doacs.state.fl.us/fruits/>.

(2) ~~The following document has been adopted by reference into the Tomato Best Practices Manual, (November 2007) and is also incorporated by reference into this rule: The Commodity Specific Food Safety Guidelines for the Fresh Tomato Supply Chain, 2nd Edition (July 2008). Edition 1.0 is hereby adopted and incorporated by reference. The Guidelines document was developed by the North American Tomato Trade Working Group composed of the United States, Canada and Mexico and is recognized in the Tomato Best Practices Manual as guidance for good agricultural practices. A copy may be obtained electronically through the following website: http://www.floridatomatoes.org/Tomato_Guidelines_July08_FINAL.pdf <http://research.ifas.ufl.edu/administration/tomatsup.pdf>.~~

~~Rulemaking Specific Authority 500.09(1)(b), (4), 500.12(1)(f), 570.07(6), 570.07(23) FS. Law Implemented 487.041, 500.09(1)(b), (4), 500.12(1)(f) FS. History--New 4-16-08, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Shannon Shepp, Director, Division of Fruit and Vegetables
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner of Agriculture
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 09/26/2008

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

RULE NO.: 9B-72.090
 RULE TITLE: Product Approval by the Commission

PURPOSE AND EFFECT: To address the availability and conditions of self certification of compliance with an updated version of the Florida Building Code when documentation supporting a product approval to a preceding edition of the Code specifically refers to that earlier edition.

SUMMARY: The Commission previously provided a means by which a manufacturer could self-affirm compliance with a new edition of the building code for purposes of renewing an approval by the Commission in the event that there were no changes from the previous edition that impacted the substance of the approval. In many circumstances, however, the evaluation submitted in support of the initial approval generally referred to the preceding code edition rather than a particular provision or standard. The rule is amended to insure that there is adequate review of the information to assure accuracy of the affirmation and to address the potential for violation of law pertaining to licensure of those performing engineering services in the State.

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: 553.77(1)(i), 553.842(1) FS.

LAW IMPLEMENTED: 553.942(1), (2) FS.

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

DATE AND TIME: February 17, 2009, 10:00 a.m. – 1:00 p.m.
 PLACE: Room 250L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399 AND via communications media technology, specifically a telephone conference call. Please refer to the meeting notice for the Florida Building Commission for call-in information.

Pursuant to the provisions of 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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-72.090 Product Approval by the Commission.

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

(e) When a new edition of the Code does not require a material or substantive change for an approved product, the manufacturer of the approved product shall affirm that his or her approved product meets the new edition of the Code. As part of application for self-affirmation, if the evaluation report refers to the previous edition of the Code, the manufacturer of the approved product shall submit a statement from the original evaluation entity necessary to certify that the product complies with the subsequent code version via an attachment uploaded and submitted through the BCIS. Self-affirmation is subject to review and verification by the Program Administrator.

(f) through (g) No change.

(2) through (3) No change.

Specific Authority 553.77(1)(i), 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended 9-4-03, 11-22-06, _____.

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: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2008

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-72.180 RULE TITLE: Equivalence of Standards

PURPOSE AND EFFECT: To review standards for equivalence to those referenced in the Florida Building Code and, if appropriate, authorize the use of analysis performed in accordance with the alternative standards for Florida Product Approval.

SUMMARY: Statute permits the Commission to determine the equivalency of standards not specifically adopted within the Building Code for purposes of state product approval. This practice allows avoidance of unnecessary expense and delay imposed by testing to a new edition of a standard despite the fact that the existing data indicates that the product meets or exceeds the requirements thereof. The rule is amended to recognize the equivalency of the standards identified.

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: 553.77(1)(i), 553.842(1), (16) FS.

LAW IMPLEMENTED: 553.842(1), (2), (16) FS.

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

DATE AND TIME: February 17, 2009, 10:00 a.m. – 1:00 p.m.

PLACE: Room 250L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399 AND via communications media technology, specifically a telephone conference call. Please refer to the meeting notice for the Florida Building Commission for call-in information.

Pursuant to the provisions of 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida

32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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-72.180 Equivalence of Standards.

(1) through (2) No change.

(3) Standard which meet or exceeds standards referenced by 2007 edition of the Code and recognized as equivalent for determining Code Compliance are:

(a) ANSI/DASMA108-02 Standard Method for Testing Sectional Garage Doors and Rolling Doors: Determination of Structural Performance under Uniform Static Air Pressure Difference equivalent to ANSI/DASMA 108-05:

(b) TPI 1-02 National Design Standards for Metal-Plate-Connected Wood Truss Construction equivalent to TPI 1-07; and

(c) ASTM E 1300-02 Practice for Determining Load Resistance of Glass in Buildings equivalent to ASTM E 1300-04.

~~(4)~~ ~~(3)~~ Equivalence of product standards for specific product application. Standards which meet or exceed standards referenced by the Code and certified as equivalent for determining code compliance by one of the following entities shall be considered as equivalent by the Commission:

(a) An approved certification agency;

(b) An approved test lab;

(c) An approved evaluation entity;

(d) Florida licensed professional engineer or architect; or

(e) A nationally recognized standard writing organization.

~~(5)~~ ~~(4)~~ Equivalence of accreditation standards. Where approved evaluation entities and accreditation bodies accredit testing laboratories, certification agencies and quality assurance agencies to standards other than the referenced ISO standards in Rule 9B-72.100, F.A.C., the accrediting body shall certify to the Commission that its standard is equivalent to the ISO standard. Such certification shall contain:

(a) A sworn statement by the officer of the accrediting body; and

(b) A comparison of the accrediting body's standard to each criteria of the ISO reference standard with an explanation of why it is considered equivalent.

~~(6)~~ ~~(5)~~ Organizations:

(a) ANSI – American National Standards Institute;

(b) AAMA – American Architectural Manufacturers Association;

(c) ASTM – American Society of Testing and Materials;

(d) DASMA – Door Access Systems Manufacturers Association; and

(e) NWWDA – National Wood Window and Door Association.

Specific Authority 553.842(1), (16) FS. Law Implemented 553.842(2), (16) FS. History–New 5-5-02, Amended 3-9-04, 11-22-06, _____.

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: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 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.”

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.002
 RULE TITLE: Application and Scope

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rule. Docket No. 080641-TP.

SUMMARY: This rule is amended to delete language which states that Parts II and V of Chapter 25-4, Florida Administrative Code apply to residential service only. This language is outdated and does not correctly reflect that only certain rules apply to residential service only.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies’ administrative costs would likely decrease.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.01, 364.335, 364.337, 364.3375, 364.3376 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.002 Application and Scope.

(1) These rules are intended to define reasonable service standards that will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both the company utility and the customer. The rules contained in Parts I-XI of this chapter apply to local exchange companies. ~~The rules contained in Part II and Part V apply only to residential service.~~ The rules contained in Part X of Chapter 25-24, F.A.C., apply to any pay telephone service company. The rules in Part XII of Chapter 25-24, F.A.C., apply to any Interexchange Company. The rules in Part XI of Chapter 25-24, F.A.C., apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter 25-24, F.A.C., apply to all Operator Service Provider Companies and call aggregators. The rules contained in Part XIV of Chapter 25-24, F.A.C., apply to all Alternative Access Vendor Service Providers. The rules contained in Part XV of Chapter 25-24, F.A.C., apply to all competitive local exchange telecommunications companies.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3375, 364.3376 FS. History–Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99, 4-3-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.0185
 RULE TITLE: Periodic Reports

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rules. Form PSC/CMP 28 (4/05) is revised consistent with the proposed rule amendments. Docket No. 080641-TP.

SUMMARY: This rule is amended to add language to clarify that Schedules 2, 3, 11, and 15 of Form PSC/CMP 28 (4/05) apply only to residential service.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03, 364.17, 364.183(1) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0185 Periodic Reports.

Each local exchange telecommunications company shall file with the Commission's Division of Service, Safety and Consumer Assistance ~~Competitive Markets and Enforcement~~ the information required by Commission Form PSC/~~SSCCMP~~ 28 (~~xx/xx4/05~~), which is incorporated into this rule by reference. Form PSC/~~SSCCMP~~ 28, entitled "Engineering Data Requirements," may be obtained from the Commission's Division of Service, Safety and Consumer Assistance ~~Competitive Markets and Enforcement~~.

(1) The information required by schedules 2, 3, 8, 11, ~~and 15 and 16~~ of Form PSC/~~SSCCMP~~ 28 shall be filed reported on a quarterly basis by the large LECs and semiannually by the small LECs ~~and shall be filed on or before the end of the month following the reporting period.~~

(2) Schedules 2, 3, 11, and 15 of Form PSC/SSC 28 shall apply to residential service only. ~~The information required by Schedule 19 of Form PSC/CMP 28 shall be reported on a semiannual basis and shall be filed on or before the end of the month following the second and fourth quarters.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.17, 364.183(1) FS. History--New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96, 4-3-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.023	Report of Interruptions
25-4.067	Extension of Facilities – Contributions in Aid of Construction
25-4.074	Intercept Service
25-4.107	Information to Residential Customers; Installment Plan
25-4.108	Initiation of Service

PURPOSE AND EFFECT: Rules 25-4.023, 25-4.074, and 25-4.107, F.A.C., are amended to clarify, simplify, and streamline the rules. Rules 25-4.067 and 25-4.108, F.A.C., are repealed as unnecessary or duplicative of statute. Docket No. 080641-TP.

SUMMARY: Rule 25-4.023, F.A.C., is amended to require that the Commission be informed daily during times of named tropical storm systems, including the number of subscribers affected. Rule 25-4.074, F.A.C., is amended to streamline and clarify intercept service requirements. Rule 25-4.107, F.A.C., is amended to apply to residential service only, and to delete provisions which are unnecessary or duplicative of statute. Rule 25-4.067, F.A.C., is repealed as unnecessary. Rule 25-4.108, F.A.C., is repealed because a portion of the rule is unnecessary and duplicative of statute, and because the service connection charge installment plan requirements are being moved to Rule 25-4.107, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having more simple, streamlined, and clarified rules, and companies' administrative costs would likely decrease.

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: 350.127, 364.01, 364.10, 364.14(2) FS.

LAW IMPLEMENTED: 350.127, 364.01, 364.025, 364.0252, 364.03, 364.04, 364.051, 364.07, 364.08, 364.15, 364.17, 364.183 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULES IS:

25-4.023 Report of Interruptions.

~~(4) The Commission shall be informed of any major interruptions to service which are the result of a tropical system named by the National Hurricane Center that affect 1,000 or more subscribers for a period of 30 minutes or more as soon as it comes to the attention of the utility. On a daily basis, the Company shall provide the time, the location, the number of subscribers affected, and the estimated expected duration of the outage and when the interruption is restored.~~

~~(2) In addition, a copy of all Florida service interruption reports made to the Federal Communications Commission in accordance with the provisions of Part 63 of Chapter 1 of Title 47, Code of Federal Regulations; Notification of Common Carriers of Service Disruptions (Effective April 12, 1996) shall be immediately forwarded to the Commission's Division of Competitive Markets and Enforcement, Bureau of Service Quality.~~

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.17, 364.183 FS. History-Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96, 4-3-05,_____.

25-4.067 Extension of Facilities – Contributions in Aid of Construction.

Specific Authority 350.127(2), 364.10 FS. Law Implemented 364.025, 364.03, 364.07, 364.08, 364.15 FS. History-Revised 12-1-68, Amended 3-31-76, Formerly 25-4.67, Amended 3-10-96, Repealed_____.

25-4.074 Intercept Service.

~~(1) Intercept service shall be engineered to provide a 90 percent completion for changed numbers (with the exception of the 30 day period immediately following an inter office transfer with directory) and for vacant or non-working numbers.~~

~~(2) Subscriber lines which are temporarily disconnected for nonpayment of bills shall be placed on intercept (preferably operator intercept).~~

~~(3) All private branch exchanges and In-Dial Paging Systems, whether provided by the company or customer and which are equipped for direct in-dialing and installed after the effective date of these rules, shall meet the service requirements outlined herein prior to the assignment of a number block by the telephone company.~~

~~(1)(4) With the exception of N numbers that are changed coincident with the issuance of a new directory, are not subject to the requirements of this rule, intercept service shall be provided by each telephone company in accordance with the following:~~

~~(2)(a) Intercept service shall be provided for non-working, non assigned, and changed numbers until assigned, re-assigned, or no longer listed in the directory.~~

~~(3) Subscriber lines which are temporarily disconnected for nonpayment of bills shall be placed on intercept.~~

~~(4) Intercept service shall be provided for calls to invalid numbers.~~

~~(5)(b) Any 7-digit number (or other number serving a public safety or other emergency agency) when replaced by the universal emergency number "911" shall be intercepted by either a telecommunications company assistance or a public safety agency operator or special recorded announcement for at least one year or until the next directory issue. Also, intercept service or alternative routing to a default number shall be provided for the universal emergency telephone number "911" shall be provided in central offices where the number is inoperable. The intercept service may be automated with a message indicating the "911" emergency number is inoperable in that area and to consult the directory for the appropriate emergency number or if a directory is not available to dial operator for assistance.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.03, 364.051 FS. History-New 12-1-68, Amended 3-31-76, Formerly 25-4.74, Amended 3-10-96,_____.

25-4.107 Information to Residential Customers; Installment Plan.

~~(1) At the time of initial contact, Each company shall provide such information and assistance as is reasonable to assist any customer or applicant in obtaining telephone service adequate to his communications needs. At the time of initial contact, each local exchange telecommunications company shall advise the person applying for or inquiring about residential or single line business service of the rate for the least expensive one party basic local exchange telephone service available to him unless he requests specific equipment or services. Each company shall inform all persons applying for residential service of the availability of the company's installment plan for the payment of service connection charges. Each company shall permit residential customers to pay service connection charges in equal monthly installments over a period of at least 3 months. A company may charge a monthly service fee of \$1.00 to applicants who elect to pay the service connection charge in installments. The information will be provided at the time of initial contact and shall include, but not be limited to, information on rate amounts and installment time periods and procedures.~~

(2) Upon customer request, the person shall also be given an 800 number to call to receive information on the "No Sales Solicitation" list offered through the Department of Agriculture and Consumer Services, Division of Consumer Services.

~~(3) In any discussion of enhanced or optional services, each service shall be identified specifically, and the price of each service shall be given. Such person shall also be informed of the availability of and rates for local measured service, if offered in his exchange. Local exchange telecommunications companies shall submit copies of the information provided to customer service representatives to the Division of Competitive Markets and Enforcement for prior approval.~~

~~(2) At the earliest time practicable, the company shall provide to that customer the billing cycle and approximate date he may expect to receive his monthly billing.~~

(4) This rule shall apply to residential service only.

Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.0252, 364.03, 364.04, 364.051, 364.15, 350.127 FS. History--New 7-5-79, Amended 11-30-86, 11-28-89, 3-31-91, 10-30-91, _____.

25-4.108 Initiation of Service.

Specific Authority 350.127(2), 364.14(2) FS. Law Implemented 364.025, 364.03, 364.04, 364.051, 364.08, 364.15 FS. History--New 12-1-68, Amended 10-30-91, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.046
RULE TITLE: Incremental Cost Data Submitted by Local Exchange Companies

PURPOSE AND EFFECT: Rule 25-4.046, F.A.C., is repealed as unnecessary or duplicative of statute. Docket No. 080641-TP.

SUMMARY: Rule 25-4.046, F.A.C., is repealed because it is unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule repeal benefits the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.3381 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.046 Incremental Cost Data Submitted by Local Exchange Companies.

Specific Authority 350.127(2) FS. Law Implemented 364.3381 FS. History--New 5-24-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dale Mailhot, Division of Regulatory Compliance, 2540
 Shumard Oak Blvd., Tallahassee, FL 32399-0850,
 (850)413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.066
 RULE TITLE: Availability of Residential Service
 PURPOSE AND EFFECT: The proposed amendments are
 intended to simplify, streamline, and clarify the rule. Docket
 No. 080641-TP.

SUMMARY: This rule is amended to clarify that the rule
 applies to residential service only. This rule is amended to
 streamline installation requirements, including a provision that
 the rule not apply if an applicant requests broadband and/or
 video service at the same time as residential phone service.

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COSTS: The rule amendments benefit the
 Commission, companies, and customers by having a more
 simple, streamlined, and clarified rule, and companies'
 administrative costs would likely decrease. However, the
 amendments could possibly have negative impacts on
 customers due to longer time for installation of new service.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.025, 364.03, 364.14, 364.15,
 364.183, 364.185 FS.

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

Pursuant to the provisions of the Americans with Disabilities
 Act, any person requiring special accommodations to
 participate in this workshop/meeting is asked to advise the
 agency at least 48 hours before the workshop/meeting by
 contacting: Office of Commission Clerk, 2540 Shumard Oak
 Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are
 hearing or speech impaired, please contact the agency using the
 Florida Relay Service, 1(800)955-8771 (TDD) or
 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of
 General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL
 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.066 Availability of Residential Service.

(1) Each telecommunications company shall provide
 central office equipment and outside plant facilities designed
 and engineered in accordance with realistic anticipated
 customer demands for residential ~~basic~~ local
 telecommunications service within its certificated area in
 accordance with its filed tariffs ~~or orders of the Commission,~~
~~subject to its ability to secure and provide, for reasonable~~
~~expense, suitable facilities and rights for construction and~~
~~maintenance of such facilities.~~

(2) Where central office and outside plant facilities are
 readily available, at least 90 percent of all requests for primary
 service ~~in any calendar month shall normally be satisfied~~
~~installed in each exchange of at least 50,00 lines and quarterly~~
~~in exchanges of less than 50,000 lines~~ within an interval of
 three working days after receipt of application when all tariff
 requirements relating thereto have been complied with, except
 those instances where a later installation date is requested by
 the applicant or when broadband or video services are
requested in addition to the telecommunications service where
~~special equipment or services are involved.~~

(3) No change.

(4) ~~When an appointment is made in order for the~~
~~company to gain access to the customer's premises, the~~
~~mutually agreed upon date will be day three for measurement~~
~~purposes. Failure of the customer to be present to afford the~~
~~company representative entry to the premises during the~~
~~appointment period shall exempt the order for measurement~~
~~purposes. Whenever a company representative is unable to~~
~~gain admittance to a customer's premises during the scheduled~~
~~appointment period, the company representative shall leave a~~
~~notice, stating the name of the company representative and the~~
~~date and time the company representative was at the premises.~~

(5) ~~Each telecommunications company shall establish as~~
~~its objective the satisfaction of at least 95 percent of all~~
~~applications for new service in each exchange within a 30 day~~
~~maximum interval and, further, shall have as its objective the~~
~~capability of furnishing service within each of its exchanges to~~
~~applicants within 60 days after date of application; except~~
~~those instances where a later installation date is requested by~~
~~the applicant or where special equipment or services are~~
~~involved.~~

(6) ~~Whenever, for any reason, the service installation~~
~~cannot be made at the time requested by the applicant or within~~
~~the prescribed interval, the applicant shall be notified promptly~~
~~of the delay and the reason therefor.~~

(7) ~~Where facility additions are required to make service~~
~~available, the applicant shall be further advised as to the~~
~~circumstances and conditions under which service will be~~
~~provided and as soon as practicable an estimated date when~~
~~service will be furnished. With respect to applications aged~~

~~over six months all service dates that result in a further delay due to the company's inability to meet the original estimated date of service shall be identified in the appropriate section of the report of held applications filed with the Commission and shall include an explanation of the reasons therefor.~~

~~(5)(8) Each company shall report primary residential installation performance pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, ~~the performance of the company with respect to the availability of service requirements as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement. Each company shall explain the reasons for all service orders that are not completed within 30 calendar days.~~~~

Specific Authority 350.127(2) FS. Law Implemented 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96, 4-3-05, 4-3-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.070
RULE TITLE: Customer Trouble Reports for Residential Service

PURPOSE AND EFFECT: The proposed amendments are intended to simplify, streamline, and clarify the rule. Docket No. 080641-TP.

SUMMARY: This rule is amended to apply to residential telephone service only, delete unnecessary provisions, define service standards to require at least 90 percent of reports be cleared within required time periods, and delete the repeat trouble report requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. However, the amendments could possibly have negative impacts on customers due to potentially longer time for repairs to be made. 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: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.070 Customer Trouble Reports for Residential Service.

(1) Each telecommunications company shall make all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt or affect residential customer telephone service. Trouble reports will be classified as to their severity on a service interruption (synonymous with out-of-service or OOS) or service affecting (synonymous with non-out-of-service or non-OOS) basis. Service interruption reports shall not be downgraded to a service affecting report; however, a service affecting report shall be upgraded to a service interruption if changing trouble conditions so indicate.

(a) through (b) No change.

~~(c) If service is discontinued in error by the telephone company, the service shall be restored without undue delay, and clarification made with the subscriber to verify that service is restored and in satisfactory working condition.~~

(2) Sundays and Holidays:

(a) Except for emergency service providers, such as the military, medical, police, and fire, companies are not required to provide normal repair service on Sundays. Where any repair action involves a Sunday or holiday, that period shall be excepted when computing service standards objectives, but not refunds for service interruptions OOS conditions.

(b) No change.

(3) Service Standards Objectives:

(a) Service Interruption: Restoration of interrupted service shall be scheduled to ensure insure at least 90 95 percent shall be cleared within 24 hours of the report in each exchange that contains at least 50,000 lines and will be measured on a monthly basis. For exchanges that contain less than 50,000

~~lines, the results can be aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.~~

(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to ~~ensure insure~~ at least ~~90~~ 95 percent of such reports are cleared within 72 hours of the report ~~in each exchange which contains at least 50,000 lines and will be measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a quarterly basis.~~

(4)(e) If the customer requests that the service be restored on a particular day beyond the ~~service standards objectives outlined in subsection (3) paragraphs (a) and (b) above,~~ the trouble report shall be counted as having met the service standards objective if the requested date is met.

(5)(4) No change.

~~(5) Repeat Trouble: Each telephone company shall establish procedures to insure the prompt investigation and correction of repeat trouble reports such that the percentage of repeat troubles will not exceed 20 percent of the total initial customer reports in each exchange when measured on a monthly basis. A repeat trouble report is another report involving the same item of plant within 30 days of the initial report.~~

(6) The service standards objectives of this rule shall not apply to subsequent customer reports; ~~or (not to be confused with repeat trouble reports),~~ emergency situations, such as unavoidable casualties where at least 10 percent of an exchange is out of service.

(7) ~~Reporting Criteria: Each company shall report pursuant to periodically report the data specified in Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to customer trouble reports on Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.~~

(8) This rule shall apply to residential service only.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96, 4-3-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.071
RULE TITLE: Adequacy of Service

PURPOSE AND EFFECT: This rule is amended to simplify, streamline, and clarify its provisions. Docket No. 080641-TP.

SUMMARY: This rule is amended to delete obsolete provisions concerning trunking, and to delete unnecessary and duplicative intercept service requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.19, 364.386 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.071 Adequacy of Service.

~~(1) Each telecommunications company shall provide switching equipment, trunking, and associated facilities within its operating territory for the handling of local and toll traffic, designed and engineered on the basis of realistic forecasts of growth so that during the average busy season busy hour at least 97 percent of all calls offered to any trunk group (toll connecting, inter office, extended area service) shall not encounter an all-trunk busy condition.~~

(1)(2) Telephone calls to valid numbers shall ~~should~~ encounter a ring-back tone, line busy signal, or non-working number intercept facility ~~(operator or recording)~~ after completion of dialing. ~~The call completion standards established for such calls by category of call is as follows:~~

- ~~(a) Intra-office Calls — 95 percent;~~
- ~~(b) Inter-office Calls — 95 percent;~~
- ~~(c) Extended Area Calls — 95 percent; and~~
- ~~(d) Intra-LATA DDD Calls — 95 percent.~~

~~(3) All telephone calls to invalid telephone numbers shall encounter an operator or suitable recorded intercept facility, preferably a recording other than the non-working number recording used for valid number calls.~~

~~(4) Intercept service shall be as outlined in Rule 25-4.074, F.A.C.~~

~~(2)(5) No change.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.19, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.71, Amended 6-24-90, 3-10-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.073 RULE TITLE: Answering Time for Residential Service

PURPOSE AND EFFECT: This rule is amended to simplify, streamline, and clarify its provisions. Docket No. 080641-TP.

SUMMARY: The rule is amended to make it clear that the rule applies to residential service only, to change company answering time service standards, and to delete as unnecessary the provision concerning answering time studies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease. However, the amendments could possibly have negative impacts on customers due to longer answering times with the ILEC resulting in more abandoned calls.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03, 364.386, 365.171 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.073 Answering Time for Residential Service.

(1) Each telephone ~~company~~ utility shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel so as to meet the following service ~~standards~~ criteria under normal operating conditions:

(a) At least 90 percent of all calls directed ~~to repair services and 80 percent of all calls~~ to business and repair offices for residential service shall be answered within ~~90~~ 30 seconds after the last digit is dialed when no menu driven system is utilized.

(b) When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least 95 percent of the calls offered shall be answered within ~~30~~ 15 seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall include the option of transferring to a live attendant within the first ~~6~~ 30 seconds of the message.

(c) For subscribers who ~~either~~ select the option of transferring to a live assistant, ~~or do not interact with the system for twenty seconds,~~ the call shall be transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give immediate assistance within ~~90~~ 55 seconds of being transferred to the attendant.

(d) No change.

~~(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with this rule.~~

~~(2)(3) No change.~~

~~(3)(4)~~ Each company shall report, pursuant to Rule 25-4.0185, F.A.C., Periodic Reports, the performance of the company with respect to answer time ~~as outlined in Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.~~

(4) This rule shall apply to residential service only.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.386, 365.171 FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.73, Amended 11-24-92, 4-3-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.083
RULE TITLE: Preferred Carrier Freeze
PURPOSE AND EFFECT: Rule 25-4.083, F.A.C., is amended to clarify, simplify, and streamline the rule. Docket No. 080641-TP.

SUMMARY: Rule 25-4.083, F.A.C., is amended to require local providers to meet the requirements of the Federal Preferred Carrier Freeze rule, and duplicative provisions of the rule are deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127, 364.01, 364.603 FS.

LAW IMPLEMENTED: 364.01, 364.603 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.083 Preferred Carrier Freeze.

(1) A local provider shall make available a PC-Freeze upon a subscriber's request.

~~(2)(1) A PC-Freeze shall not be imposed or removed on a subscriber's account without the subscriber's authorization and shall not be required as a condition for obtaining service.~~

~~(3)(2) A PC-Freeze shall be implemented or removed at no charge to the subscriber.~~

~~(3) The subscriber's authorization shall be obtained for each service for which a PC Freeze is requested. Procedures implemented by local exchange providers must clearly distinguish among telecommunications services (e.g., local, local toll, and toll) subject to a PC Freeze.~~

(4) In addition to the requirements listed in subsections (1) through (3) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Section 64.1190, Preferred Carrier Freeze, revised as of October 1, 2007, which is incorporated into this rule by reference. All notification material regarding PC Freezes must include:

~~(a) An explanation of what a PC Freeze is and what services are subject to a freeze;~~

~~(b) A description of the specific procedures necessary to lift a PC Freeze and an explanation that the subscriber will be unable to make a change in provider selection unless the subscriber authorizes lifting of the PC Freeze; and~~

~~(c) An explanation that there are no charges for implementing or removing a PC Freeze.~~

~~(5) A local provider shall not solicit, market, or induce subscribers to request a PC Freeze. A local provider is not prohibited, however, from informing an existing or potential new subscriber who expresses concerns about slamming about the availability of a PC Freeze.~~

~~(6) A local exchange provider shall not implement a PC Freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:~~

~~(a) The local exchange provider has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of subsection (7);~~

~~(b) The local exchange provider has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the PC Freeze is to be imposed. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraphs (7)(a) through (d). Telecommunications providers electing to confirm PC Freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the PC Freeze request, including automatically recording the originating automatic numbering identification; or~~

~~(c) An independent third party has obtained the subscriber's oral authorization to submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraphs (7)(a) through (d). The independent third party must not be owned, managed, or directly controlled by the provider or the provider's marketing agent; must not have any financial incentive to confirm PC Freeze requests for the provider or the provider's marketing agent; and must operate in a location physically separate from the provider or the provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a PC Freeze.~~

~~(7) A local exchange provider shall accept a subscriber's written and signed authorization to impose a PC Freeze on a preferred provider selection. A written authorization shall be printed in a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:~~

~~(a) The subscriber's billing name and address and the telephone number(s) to be covered by the PC Freeze;~~

~~(b) The specific service, (e.g., local, local toll, and toll), separately stated, on which a PC Freeze will be imposed;~~

~~(c) That the subscriber understands that to make a change in provider selection, the subscriber must lift the PC Freeze; and~~

~~(d) That there will be no charge to the subscriber for a PC Freeze.~~

~~(8) All local exchange providers shall, at a minimum, offer subscribers the following procedures for lifting a PC Freeze:~~

~~(a) Acceptance of a subscriber's written or electronically signed authorization; and~~

~~(b) Acceptance of a subscriber's oral authorization along with a mechanism that allows the submitting provider to conduct a three-way conference call between the provider administering the PC Freeze and the subscriber. The provider administering the PC Freeze shall confirm appropriate~~

~~verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the subscriber's intent to lift a specific PC Freeze.~~

~~(9) Information obtained under subsection (6) and paragraph (8)(a) shall be retained by the provider for a period of one year.~~

~~(10) A PC Freeze shall not prohibit a local provider from changing wholesale services when serving the same end user.~~

~~(11) Local providers shall make available an indicator on the customer service record that identifies whether the subscriber currently has a PC Freeze in place.~~

~~(12) Local providers shall make available the ability for the subscriber's new local provider to initiate a local PC Freeze using the local service request.~~

Specific Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS. History—New 9-9-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.:

RULE TITLE:

25-4.109

Residential Customer Deposits

PURPOSE AND EFFECT: This rule is amended in order to streamline, clarify and simplify the rule. Docket No. 080641-TP.

SUMMARY: The amendments streamline and modify provisions relating to customer deposits, including amending the rule so that it is applicable to residential customers only.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 364.07, 364.19 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.109 Residential Customer Deposits.

(1) through (2) No change.

(3) New or additional deposits. A company may require upon reasonable written notice of not less than 15 days, a new deposit, where previously waived or returned, or an additional deposit, in order to secure payment of current bills. Provided, however, that the total amount of required deposit should not exceed twice the actual average monthly toll provided by or billed by the LEC plus one month's local service charge, for the 90-day period immediately prior to the date of notice. In the event the customer has had service less than 90 days, then the company shall base its new or additional deposit upon the actual average monthly billing available. ~~When the company has a good reason to believe payment by a nonresidential customer is in jeopardy and toll usage provided by or billed by the LEC is significantly above normal for that customer, the company may request a new or additional deposit. If the deposit requested is not paid within 48 hours, the company may discontinue service.~~

(4) Refund of deposit. After a customer has established a satisfactory payment record and has had continuous service for a period of 23 months, the company shall refund the residential customer's deposits ~~and shall, at its option, either refund or pay the higher rate of interest specified below for nonresidential deposits,~~ providing the customer has not, in the preceding 12 months:

(a) through (d) No change.

(5) Interest on deposit.

(a) Each telephone company which requires deposits to be made by its customers shall pay a minimum interest on such deposits of 6 percent per annum. ~~The company shall pay an interest rate of 7 percent per annum on deposits of nonresidential customers qualifying under subsection (4) when the utility elects not to refund such deposit after 23 months.~~

(b) through (8) No change.

(9) This rule shall apply to residential service only.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.07, 364.19 FS. History—New 12-1-68, Amended 4-1-69, 7-20-73, 3-31-76, 6-10-80, 9-16-80, 1-31-84, 10-13-88, 8-29-89, 4-25-94.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

PUBLIC SERVICE COMMISSION

RULE NO.:	RULE TITLE:
25-4.110	Customer Billing for Local Exchange Telecommunications Companies

PURPOSE AND EFFECT: The amendments streamline, clarify, and simplify the rule requirements. Docket No. 080641-TP.

SUMMARY: The rule is amended such that local providers would be required to meet the requirements of the FCC Truth-in-Billing Requirements for Common Carriers, and rule provisions substantially duplicative of these requirements would be deleted. The rule is amended to specify that customers must be notified that a PC-Freeze is available "at no charge."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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: 350.127, 364.604(5) FS.

LAW IMPLEMENTED: 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

(1) No change.

~~(2) Each billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.~~

~~(a) There shall be a heading for each originating party which is billing to that customer account for that billing period. The heading shall clearly and conspicuously indicate the originating party's name. If the originating party is a certificated telecommunications company, the certificated name must be shown. If the originating party has more than one certificated name, the name appearing in the heading must be the name used to market the service.~~

~~(b) The toll-free customer service number for the service provider or its customer service agent must be conspicuously displayed in the heading, immediately below the heading, or immediately following the list of charges for the service provider. For purposes of this subparagraph, the service provider is defined as the company which provided the service to the end user. If the service provider has a customer service agent, the toll-free number must be that of the customer service agent and must be displayed with the service provider's heading or with the customer service agent's heading, if any. For purposes of this subparagraph, a customer service agent is a person or entity that acts for any originating party pursuant to the terms of a written agreement. The scope of such agency shall be limited to the terms of such written agreement.~~

~~(c) Each charge shall be described under the applicable originating party heading.~~

~~(d) 1. Taxes, fees, and surcharges related to an originating party heading shall be shown immediately below the charges described under that heading. The terminology for Federal Regulated Service Taxes, Fees, and Surcharges must be consistent with all FCC required terminology.~~

2. The billing party shall either:

a. Identify Florida taxes and fees applicable to charges on the customer's bill and identify the assessment base and rate for each percentage based tax, fee, and surcharge, or

b.(i) Provide a plain language explanation of any line item and applicable tax, fee, and surcharge to any customer who contacts the billing party or customer service agent with a billing question and expresses difficulty in understanding the bill after discussion with a service representative.

~~(ii) If the customer requests or continues to express difficulty in understanding the explanation of the authority, assessment base or rate of any tax, fee or surcharge, the billing party shall provide an explanation of the state, federal, or local authority for each tax, fee, and surcharge; the line items which comprise the assessment base for each percentage based tax, fee, and surcharge; or the rate of each state, federal, or local tax, fee, and surcharge consistent with the customer's concern. The billing party or customer service agent shall provide this information to the customer in writing upon the customer's request.~~

~~(2)(e) If each recurring charge due and payable is not itemized, each bill shall contain the following statement: "Further written itemization of local billing available upon request." In addition, the billing party will provide a plain language explanation to any customer who contacts the billing party.~~

(3) through (b) No change.

(4) The annual itemized bill shall be accompanied by a bill ~~insert or bill message staffer~~ which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill ~~insert or bill message staffer~~ shall be submitted to the Commission's Division of Regulatory Compliance Competitive Markets and Enforcement for prior approval. ~~The itemized bill provided to residential customers and to business customers with less than ten access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:~~

(a) through (b) No change.

~~(c) Touch tone service charges;~~

~~(c)(d) Charges for each custom calling features, or package separated by feature;~~

(e) through (h) renumbered (d) through (g) No change.

(5) through (b) No change.

(c) Amounts or items for which nonpayment will result in disconnection of the customer's basic local service, including a statement of the consequences of nonpayment;

(d) through (i) No change.

(6) Each company shall make appropriate adjustments or refunds where the subscriber's service is interrupted by other than the subscriber's negligent or willful act, and remains out of order in excess of 24 hours after the subscriber notifies the company of the interruption. The refund to the subscriber shall be the pro rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative; except that the refund shall not be applicable for the time that the company stands ready to repair the service and

the subscriber does not provide access to the company for such restoration work. The refund may be accomplished by a credit on a subsequent bill for telephone service.

(7)(a) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of mailing or delivery by the company. However, the company may demand immediate payment under the following circumstances:

1. Where service is terminated or abandoned;
2. Where toll service is two times greater than the subscriber's average usage as reflected on the monthly bills for the three months prior to the current bill, or, in the case of a new customer who has been receiving service for less than four months, where the toll service is twice the estimated monthly toll service; or
3. Where the company has reason to believe that a business subscriber is about to go out of business or that bankruptcy is imminent for that subscriber.

(b) The demand for immediate payment shall be accompanied by a bill which itemizes the charges for which payment is demanded, or, if the demand is made orally, an itemized bill shall be mailed or delivered to the customer within three days after the demand is made.

(c) If the company cannot present an itemized bill, it may present a summarized bill which includes the customer's name and address and the total amount due. However, a customer may refuse to make payment until an itemized bill is presented. The company shall inform the customer that he may refuse payment until an itemized bill is presented.

(8) Each telephone company shall include a bill insert or bill message advising each subscriber of the directory closing date and the subscriber's opportunity to correct any error or make changes as the subscriber deems necessary in advance of the closing date. It shall also state that at no additional charge and upon the request of any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number, and surname of the subscriber. The notice shall be included in the billing cycle closest to 60 days preceding the directory closing date.

(9) Annually, each telephone company shall include a bill insert or bill message advising each residential subscriber of the option to have the subscriber's name placed on the "No Sales Solicitation" list maintained by the Department of Agriculture and Consumer Services, Division of Consumer Services, and the 800 number to contact to receive more information.

(10) Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 12 months. Nor may the company recover in a ratemaking proceeding any lost revenue which inures to the company's detriment on account of this provision.

(11) Local Communications Services Tax.

~~(a) The Local Communications Services Tax is comprised of the discretionary communications services tax levied by the governing authority of each municipality and county authorized by Chapter 202, F.S.~~

~~(b) When a municipality or county levies the Local Communications Services Tax authorized by Chapter 202, F.S., the local exchange company may collect that tax only from its subscribers receiving service within that municipality or county.~~

~~(c) A local exchange company may not incorporate any portion of the Local Communications Services Tax into its other rates for service.~~

~~(12) State Communications Services Tax.~~

~~(a) The State Communications Services Tax is comprised of the Gross Receipts Tax imposed by Chapter 203, F.S., the communications services sales tax imposed by Chapter 202, F.S., and any local option sales tax.~~

~~(b) A local exchange company may not incorporate any portion of the State Communications Services Tax into its other rates for service.~~

~~(11)(13) No change.~~

~~(14) All bills produced shall clearly and conspicuously display the following information for each service billed in regard to each company claiming to be the customer's presubscribed provider for local, local toll, or toll service:~~

- ~~(a) The name of the certificated company;~~
- ~~(b) Type of service provided, i.e., local, local toll, or toll; and~~
- ~~(c) A toll-free customer service number.~~

~~(15) This section applies to LECs that provide transmission services or bill and collect on behalf of Pay Per Call providers. Pay Per Call services are defined as switched telecommunications services between locations within the State of Florida which permit communications between an end use customer and an information provider's program at a per call charge to the end user/customer. Pay Per Call services include 976 services provided by the LECs and 900 services provided by interexchange carriers.~~

~~(a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "Pay Per Call (900 or 976) nonregulated charges." The following information shall be clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or 976) charges:~~

- ~~1. Nonpayment of Pay Per Call service (900 or 976) charges will not result in disconnection of local service;~~
- ~~2. End users/customers can obtain free blocking of Pay Per Call service (900 or 976) from the LEC;~~
- ~~3. The local or toll-free number the end user/customer can call to dispute charges;~~
- ~~4. The name of the IXC providing 900 service; and~~

5. The Pay Per Call service (900 or 976) program name:

(b) Pay Per Call Service (900 and 976) Billing. LECs and IXC's who have a tariff or contractual relationship with a Pay Per Call (900 or 976) provider shall not provide Pay Per Call transmission service or billing services, unless the provider does each of the following:

1. Provides a preamble to the program which states the per minute and total minimum charges for the Pay Per Call service (900 and 976); child's parental notification requirement is announced on preambles for all programs where there is a potential for minors to be attracted to the program; child's parental notification requirement in any preamble to a program targeted to children must be in language easily understandable to children; and programs that do not exceed \$3.00 in total charges may omit the preamble, except as provided in subparagraph (11)(b)3.;

2. Provides an 18-second billing grace period in which the end user/customer can disconnect the call without incurring a charge; from the time the call is answered at the Pay Per Call provider's premises, the preamble message must be no longer than 15 seconds. The program may allow an end user/customer to affirmatively bypass a preamble;

3. Provides on each program promotion targeted at children (defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the program preamble. Children's programs shall not have rates in excess of \$5.00 per call, and shall not include the enticement of a gift or premium;

4. Promotes its services without the use of an autodialer or broadcasting of tones that dial a Pay Per Call (900 or 976) number;

5. Prominently discloses the additional cost per minute or per call for any other telephone number that an end user/customer is referred to either directly or indirectly;

6. In all advertising and promotional materials, displays charges immediately above, below, or next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a glance as the Pay Per Call number. Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Pay Per Call number is shown, each time the Pay Per Call number is shown. Oral representations shall be equally as clear;

7. Provides on Pay Per Call services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the end user/customer stays on the line, and a local or toll free number for consumer complaints; and

8. Meets internal standards established by the LEC or IXC as defined in the applicable tariffs or contractual agreement between the LEC and the IXC; or between the LEC/IXC and

the Pay Per Call (900 or 976) provider which when violated, would result in the termination of a transmission or billing arrangement.

(12)(e) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where technically feasible of Pay Per Call service (900 and 976), at the request of the end user/customer at no charge. Each LEC or IXC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Pay Per Call charges. The LEC or IXC will adjust the first bill containing Pay Per Call charges upon the end user's/customer's stated lack of knowledge that Pay Per Call service (900 and 976) has a charge. A second adjustment will be made if necessary to reflect calls billed in the following month which were placed prior to the Pay Per Call service inquiry. At the time the charge is removed, the end user/customer shall be notified of the availability of may agree to free blocking of Pay Per Call service (900 and 976).

(d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call service (900 and 976) shall be automatically adjusted upon complaint that:

1. The end user/customer did not receive a price advertisement, the price of the call was misrepresented to the consumer, or the price advertisement received by the consumer was false, misleading, or deceptive;

2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900 or 976) advertisement;

3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the end user/customer was disconnected or cut off from the service;

4. The Pay Per Call (900 and/or 976) service provided out-of-date information; or

5. The end user/customer terminated the call during the preamble described in subparagraph 25-4.110(11)(b)2., F.A.C., but was charged for the Pay Per Call service (900 or 976).

(e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976) charge which is subsequently determined by the LEC to be valid, the LEC or IXC may implement Pay Per Call (900 and 976) blocking on that line.

(f) Credit and Collection. LECs and IXC's billing Pay Per Call (900 and 976) charges to an end user/customer in Florida shall not:

1. Collect or attempt to collect Pay Per Call service (900 or 976) charges which are being disputed or which have been removed from an end user's/customer's bill; or

2. Report the end user/customer to a credit bureau or collection agency solely for non-payment of Pay Per Call (900 or 976) charges.

(g) LECs and IXC's billing Pay Per Call service (900 and 976) charges to end users/customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Pay Per Call (900 or 976) charges.

~~(13)~~(16) Companies that bill for local service must provide notification with the customer's first bill or via letter, and annually thereafter that a PC-Freeze is available at no charge. Existing customers must be notified annually that a PC-Freeze is available at no charge. Notification shall conform to the requirements of Rule 25-4.083, F.A.C.

~~(17) The customer must be given notice on the first or second page of the customer's next bill in conspicuous bold face type when the customer's presubscribed provider of local, local toll, or toll service has changed.~~

~~(14)~~(18) No change.

(a) through 4. No change.

~~(15)~~(19)(a) No change.

1. through (c) No change.

(16) In addition to the requirements listed in subsections (1) through (15) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Sections 64.2400 and 64.2401, Truth-in-Billing Requirements for Common Carriers, revised as of October 1, 2007, which are incorporated into this rule by reference.

~~(20) Nothing prohibits originating parties from billing customers directly, even if a charge has been blocked from a billing party's bill at the request of a customer.~~

Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS. History—New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 12-28-98, 7-5-00, 11-16-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6418

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 39, September 26, 2008

**DEPARTMENT OF MANAGEMENT SERVICES
Communications and Information Technology Services**

RULE NO.: 60FF-5.005
RULE TITLE: Emergency Grants

PURPOSE AND EFFECT: The purpose and effect is to establish rules and requirements for a new emergency grant program. The E911 Emergency Grant program is a grant program establishing an expedited schedule for approval of grants, provided to assist counties with the emergency restoration of Enhanced 911 throughout the State of Florida resulting from natural and man-made disasters or events.

SUMMARY: Rules and requirements for a new emergency grant program are established.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The E911 Board has determined that the proposed rule will not have an impact on small business. 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: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(6)(a)3.b., 365.173(2)(g), 365.173(2)(i) 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: John C. Ford, Executive Director, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.005 Emergency Grants.

The E911 Emergency Grant program is a grant program establishing an expedited schedule for approval of grants, provided to assist counties with the emergency restoration of Enhanced 911 throughout the State of Florida resulting from natural and man-made disasters or events.

(1) Eligibility: Any Board of County Commissioners in the State of Florida.

(2) General conditions:

(a) Each County applying for Emergency grant funds shall complete and submit W Form 5A, "Application for the E911 Emergency Grant Program," effective 7/1/2008, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
ATTN: Administrative Assistant
4050 Esplanade Way
Building 4030 – Suite 160
Tallahassee, Florida 32399-0950.

The applicant must provide the original grant application.

(b) The E911 Board will approve grants for leased equipment only if the applicant county can demonstrate that a lease agreement would be financially beneficial to the grant program as a whole.

(c) Equipment procurement shall be based on the county's purchasing requirement and the applicable State purchasing requirements specified in Chapter 287, F.S., and the requirements of Section 112.061, F.S.

(d) Grant applications totaling \$25,000.00 or more must be accompanied by at least three written competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses. Sole source funding will be considered on a case-by-case basis. Justification and documentation for sole source funding should be provided with this application. Sole source funding will be considered if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements, which should be provided with the application.

(e) Priorities for awarding of grants will be determined by the E911 Board.

(f) The E911 Board may approve funding salary requests on an annual basis.

(g) No grant money will be awarded to be used for the purpose of paying call takers' salaries.

(h) Two or more rural counties may apply for a joint grant, but each county must complete and submit W Form 5A as requested and indicated.

(i) Grant funds shall be deposited in a bank account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All E911 Emergency Grant funds in the account shall be accounted for separately from other grantee funds. Grant funds including accrued interest may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the E911 Board.

(j) Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 days after the end of the reporting period, which ends September 30, December 31, March 31, and June 30. In lieu of submitting a signed quarterly Grant Budget/Expenditure Report form, the updated form can be e-mailed to the Board's administrative/technical staff. The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

(k) At project completion, a final report shall be submitted based on the same reporting periods described above. The County shall determine the final completion date based on the final payment date or the initiation date of the warranty period. Final supporting documentation including copies of all expenditures and corresponding invoices shall be submitted within 90 days of the final report.

(l) Grant funds are not transferable to any other entity. If equipment purchased using grant funds is sold or transferred within three (3) years of the end of the grant period, the grantee county must return the grant funds to the E911 Board on a pro-rata basis.

(m) The E911 Board will adjust the amount awarded to a county based upon the availability of funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

(3) E911 Emergency Grant Program Schedule – Following the natural and man-made disasters or events and submission of the grant application, the E911 Board will hold an emergency meeting in accordance with Uniform Rules 28-102.003, F.A.C., for the purpose of acting upon emergency matters affecting the public health, safety or welfare.

	Schedule
Counties submit Application	Event
Board Members evaluate applications	Within 5 days
Board votes on applications to fund at regularly scheduled meeting	Within 5 days
Board sends notification of funding and issues check to counties approved for funding	Within 10 days
Implementation period	One year from receipt of award and funds.

Specific Authority 365.172(6)(a)11, FS. Law implemented 365.172(6)(a)3.b., 365.173(2)(g), 365.173(2)(i) FS. History– New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-15.007
RULE TITLE: Developer, Defined

PURPOSE AND EFFECT: This rule amendment changes the definition of developer for filing purposes to conform the rule to Sections 718.502(1)(a), 718.503, and 718.504, Florida

Statutes. The change clarifies that offering condominium parcels for lease has to be for leases more than 5 years before a legal entity may be considered a developer.

SUMMARY: This rule amendment addresses the definition of developer for filing purposes.

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: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.502(1)(c) FS.

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

DATE AND TIME: February 16, 2009, 2:00 p.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-15.007 Developer, Defined.

(1) For purposes of filing under Sections 718.202, 718.502, 718.503, 718.504, and 718.505, Florida Statutes, and Rule 61B-23.003, Florida Administrative Code, the term developer includes, subject to the exceptions provided in Section 718.103(16), Florida Statutes, or these rules:

(a) A creating developer, which means any person who creates a condominium;

(b) A successor or subsequent developer, which means any person, other than the creating developer or concurrent developer, who offers condominium parcels for sale or lease for more than 5 years in the ordinary course of business; and ~~or~~

(c) A concurrent developer, which means any person who acts concurrently with a developer in offering to sell ~~selling~~ or lease for more than 5 years ~~leasing~~ condominium parcels in the

ordinary course of business. As used in this rule, person includes natural persons, corporations, partnerships, limited liability companies, and any other legal entities.

(2) through (3) No change.

(4) For purposes of filing with the division, as defined by subsection 61B-15.0011(4), Florida Administrative Code, one is not offering condominium parcels for sale or lease for more than 5 years in the ordinary course of business where that person offers parcels in a condominium that consists of 7 or fewer residential units including all residential units planned in a phase condominium and all residential units planned within a multi-condominium. However, this shall not relieve the developer of the duty to file a notice of recording information and pay annual fees as required by Sections 718.104(2), 718.403(8), and 718.501(2)(a), Florida Statutes, and subsection 61B-17.001(3), Florida Administrative Code.

(5) No change.

Specific Authority 718.501 FS. Law Implemented 718.103(11), (12), (16), (23), 718.104(2), 718.106, 718.403(8), 718.502-505 FS. History—New 10-1-85, Formerly 7D-15.07, Amended 1-27-87, 7-10-88, 3-21-89, 6-13-89, Formerly 7D-15.007, Amended 11-14-95, 12-23-02, 3-7-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-30.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update disciplinary guidelines and fines.

SUMMARY: Disciplinary guidelines and fines will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Juanita Chastain, Executive 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: 455.2273(1), 474.206 FS.

LAW IMPLEMENTED: 455.2273, 455.2281, 474.213, 474.214 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

(a) Practicing veterinary medicine in this State unless a person holds an active license to practice veterinary medicine pursuant to Chapter 474, F.S.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-30.001 Disciplinary Guidelines.

(1) When the Board finds an applicant or licensee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 474.213(1), F.S., which are felonies of the third degree as well as violations of the Practice act, it shall issue a final order imposing appropriate penalties, using the following disciplinary guidelines.

In the case of an applicant, the usual action of the Board shall be to request the Department issue a Cease and Desist Order, which will remain in effect until licensure is granted, plus an administrative fine from ~~of~~ three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) and, upon eligibility for licensure, imposition of up to a one (1) year probationary period.

In the case of a non-licensed veterinarian practicing veterinary medicine in the State of Florida the Board shall request that the Department issue a Cease and Desist Order and an administrative fine from ~~of~~ three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) plus one (1) year's probation if the subject should become licensed in the State of Florida.

In the case of a non-veterinarian practicing veterinary medicine in the State of Florida the Board shall request that the Department issue a Cease and Desist Order and impose an administrative fine from ~~of~~ three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) for each count.

(b) Using the name or title "veterinarian" when the person has not been licensed pursuant to Chapter 474, F.S.

In the case of an applicant, the usual action of the Board shall be to request that the Department issue a Cease and Desist Order, which shall remain in effect until licensure is granted, and an administrative fine of ~~a~~ one thousand dollars (\$1,000.00) and, upon issuance of a license, imposition of a one (1) year probationary period.

(c) Presenting as one's own license the license of another.

The usual action of the Board shall be to request that the Department issue a Cease and Desist Order, and an administrative fine of five thousand dollars (\$5,000.00) and, upon issuance of licensure, imposition of a one (1) year probationary period.

(d) Giving false or forged evidence to the Board, or a member thereof, for the purpose of obtaining a license.

In the case of an applicant, the usual action of the Board shall be denial of licensure. The usual action of the Board in the case of a licensee shall be to impose a penalty of a five thousand dollar (\$5,000.00) administrative fine and revocation of any license obtained based on false or forged evidence.

(e) Using or attempting to use a veterinarian's license which has been suspended or revoked.

In the case of an applicant, the usual action shall be denial of licensure and to request the Department issue a Cease and Desist Order. The usual action of the Board in the case of a licensee shall be to impose revocation if the subject's license has been suspended and an administrative fine of five thousand dollars (\$5,000.00).

(f) Knowingly employing unlicensed persons in the practice of veterinary medicine.

The usual action of the Board shall be to impose a penalty of up to one (1) year probation and an administrative fine from a three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) administrative fine.

(g) Knowingly concealing information relative to a violation of Chapter 474, F.S.

The usual action of the Board shall be to impose a penalty of six (6) months probation and a one thousand dollar (\$1,000.00) administrative fine.

(h) Obtaining or attempting to obtain a license by fraud.

Revocation or denial of licensure plus an administrative fine of five thousand dollars (\$5,000.00).

(i) Selling or offering to sell a diploma conferring a degree in veterinary medicine or a license to practice veterinary medicine in this state.

A fine of five thousand dollars (\$5,000.00) and revocation.

(j) Leading the public to believe that the the person is licensed as a veterinarian or is engaged in the licensed practice of veterinary medicine without a valid active license.

In the case of an applicant, the usual action of the Board shall be to request the Department issue a Cease and Desist Order, which will remain in effect until licensure is granted, plus an administrative fine of two thousand dollars (\$2,000.00) and, upon eligibility for licensure, imposition of a one (1) year probationary period.

In the case of a non-licensed veterinarian the Board shall request that the Department issue a Cease and Desist Order and an administrative fine of two thousand dollars (\$2,000.00) plus one (1) year's probation if the subject should become licensed in the State of Florida.

In the case of a non-veterinarian the Board shall request that the Department issue a Cease and Desist Order and an administrative fine of two thousand dollars (\$2,000.00) for each count.

(k) Knowingly operating a veterinary establishment or premises without a valid premise permit.

The usual action of the Board shall be an administrative fine of two thousand dollars (\$2,000.00). The Board shall also require that a premise permit be obtained or request the Department to issue a Cease and Desist Order.

(2) When the Board finds an applicant, licensee, or permittee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 474.214(1), F.S.,

it shall issue a Final Order imposing appropriate penalties which are set forth in Section 474.214(2), F.S., using the following disciplinary guidelines:

- (a) Attempting to procure, or procuring, a license to practice veterinary medicine or a permit to own and operate a veterinary establishment, by bribery, by fraudulent misrepresentation, or through an error of the Department or the Board.
- In the case of an applicant, the usual action of the Board shall be denial of licensure or permit. The usual action of the Board in the case of a licensee or permittee shall be to impose a penalty of revocation and an administrative fine from a three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) administrative fine.
- (b) Having a license to practice veterinary medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.
- The usual action of the Board will be a penalty generally concurrent with that of the other jurisdiction with the addition of appropriate safeguards as determined by the Board.
- (c) Being convicted or found guilty, regardless of an adjudication, of a crime in any jurisdiction which directly relates to the practice of veterinary medicine or the ability to practice veterinary medicine.
- In the case of an applicant, the usual action of the Board shall be denial of licensure. The usual action of the Board in the case of a licensee or permittee shall be to impose a penalty ranging from an administrative fine from a two thousand dollars (\$2,000.00) up to five thousand dollars (\$5,000.00) administrative fine and suspension followed by probation up to revocation.
- (d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed veterinarian.
- The usual action of the Board shall be to impose a penalty of a one (1) year suspension followed by probation for a period of one (1) year and an administrative fine from a three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) per count or violation.
- (e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.
- In the case of violations, which are not resolved by the Board's rule concerning minor violations, the usual action of the Board shall be to impose a one thousand dollar (\$1,000.00) administrative fine.
- (f) Violating a statute or administrative rule regulating practice under this chapter or Chapter 455, F.S., or a lawful disciplinary order or subpoena of the Board or the Department.
- The usual action of the Board shall be to impose a penalty ranging from a reprimand up to two (2) years suspension followed by two (2) years of probation of one (1) year probation and an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) administrative fine. In the case of a subpoena or disciplinary order, the usual action shall be to impose a penalty ranging from suspension for a period of up to two (2) years followed by up to two (2) years probation suspension and a four thousand dollar (\$4,000.00) administrative fine up to revocation and a five thousand dollar (\$5,000.00) administrative fine.

(g) Practicing with a revoked, suspended, or inactive license.

The usual action of the Board shall be to impose a penalty consistent with subsection (1)(a) above. In the case of a licensed veterinarian being found late in payment of renewal fees, the veterinarian shall have thirty days from receipt of official notice from the Department of Business and Professional Regulation to become current in payment of fees to the Department and pay an administrative fine of five hundred dollars (\$500.00). If the delinquent veterinarian does not respond to the Department within the above mentioned thirty days, the Board shall request that the Department issue a Cease and Desist Order, which shall remain in effect until license renewal fees and an administrative fine of one thousand dollars (\$1,000.00) are paid.

(h) Being unable to practice veterinary medicine with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition.

The usual action of the Board shall be to impose a penalty of suspension until such time as the licensee demonstrates rehabilitation followed by probation under such terms and conditions as set by the Board. If the individual is an applicant, the usual action shall be to deny the application.

(i) Judicial determination of mental incompetency.

The usual action of the Board shall be to impose a penalty of suspension or denial of licensure until there is a legal restoration of the licensee's competency to be followed by probation under such terms and conditions as set by the Board.

(j) Knowingly maintaining a professional connection or association with any person who is in violation of the provisions of Chapter 474, F.S., or the rules of the Board.

The usual action of the Board shall be to impose a penalty of an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) and administrative fine to be followed by probation for a period of up to one (1) year.

(k) Paying or receiving kickbacks, rebates, bonuses, or other remuneration for receiving a patient or client or for referring a patient or client to another provider of veterinary services or goods.

The usual action of the Board for those violations not disposed of by the Board's rule concerning minor violations shall be to impose a penalty of a one (1) year probation and a one thousand dollar (\$1,000.00) administrative fine for each count.

In construing this rule, the Board shall deem that a referral to an entity with which the veterinarian has a contractual relationship, for the sale of non-veterinary, non-medical pet food or pet supplies, does not constitute a kickback, so long as the client is aware of the relationship.

(l) Performing or prescribing unnecessary or unauthorized treatment.

The usual action of the Board shall be to impose a penalty ranging from a reprimand to a one (1) year probationary period and an administrative fine from with a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) administrative fine.

(m) Engaging in fraud in the collection of fees from consumers or any person, agency, or organization paying fees to practitioners.

The usual action of the Board shall be to impose a penalty of up to two (2) years a suspension followed by probation for a period of one (1) year and an administrative fine from a three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) administrative fine.

- (n) Attempting to restrict competition in the field of veterinary medicine other than for the protection of the public.
- The usual action of the Board shall be to impose a penalty of probation for a period of one (1) year and a two thousand dollar (\$2,000.00) administrative fine and revocation of the veterinarian's license to practice in the State of Florida if this violation is repeated.
- (o) Fraud, deceit, negligence, incompetency, or misconduct in the practice of veterinary medicine.
- The usual action of the Board shall be to impose a penalty ranging from probation for a period of one (1) year and an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) ~~administrative fine~~ to revocation of the veterinarian's license to practice in the State of Florida.
- (p) Being convicted of a charge of cruelty to animals.
- The usual action of the Board shall be to impose a penalty ranging from up to two (2) years ~~of suspension followed by up to two (2) years~~ probation ~~for a period of one (1) year~~ and a four thousand dollar (\$4,000.00) administrative fine to revocation and a five thousand dollar (\$5,000.00) administrative fine.
- (q) Permitting or allowing another to use a veterinarian's license for the purpose of treating or offering to treat sick, injured, or afflicted animals.
- The usual action of the Board shall be to impose a penalty of up to one (1) year ~~a suspension followed by up to one (1) year~~ probation and an administrative fine from a three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00) ~~administrative fine followed by probation for a period of one (1) year.~~
- (r) Being guilty of incompetence or negligence by failing to practice veterinary medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions and circumstances.
- The usual action of the Board shall be to impose a penalty of probation for a period of one (1) year and an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) ~~administrative fine.~~
- (s) Willfully making any misrepresentations in connection with the inspection of food for human consumption.
- The usual action of the Board shall be to impose a penalty of a suspension followed by probation for a period of one (1) year and a four thousand dollar (\$4,000.00) administrative fine.
- (t) Fraudulently issuing or using any false health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine relating to the presence or absence of animal diseases or transportin animals or issuing any false certificate relating to the sale of products of animal origin for human consumption.
- The usual action of the Board shall be to impose a penalty of ranging from ~~a suspension for a period of up to one (1) year~~ followed by probation for a period of up to one (1) year and a three thousand dollar (\$3,000.00) administrative fine to revocation and a five thousand dollar (\$5,000.00) administrative fine.
- (u) Engaging in fraud or dishonesty in applying, treating, or reporting on tuberculin, diagnostic, or other biological tests.
- The usual action of the Board shall be to impose a penalty of ranging from ~~a suspension for a period of up to one (1) year~~ followed by probation for a period of one (1) year and a three thousand dollar (\$3,000.00) administrative fine to revocation and a five thousand dollar (\$5,000.00) administrative fine.

(v) Failing to keep the equipment and premises of the business establishment in a clean and sanitary condition of having a premise permit suspended or revoked pursuant to Section 474.215, F.S.

The usual action of the Board shall be to suspend the premise permit until compliance with requirements followed by a period of probation for up to one (1) year and an administrative fine from impose a penalty of a one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00) administrative fine and restriction against the premises being reopened until the requirements are met.

(w) Practicing veterinary medicine at a location for which a valid premise permit has not been issued when required under Section 474.215, F.S.

The usual action of the Board shall be to impose a penalty of a one thousand dollar (\$1,000.00) administrative fine and to require remedial education.
The Board shall also require that a premise permit be obtained or the Department shall be requested to issue a Cease and Desist Order.

(x) Refusing to permit the Department to inspect the business premises of the licensee during regular business hours.

The usual action of the Board shall be to impose a penalty of a two thousand dollar (\$2,000.00) administrative fine, unless circumstances legally justify such action by the veterinarian and/or request that the Department issue a Cease and Desist Order.

(y) Using the privilege of ordering, prescribing, or making available medicinal drugs or drugs defined in Chapter 465, F.S., or controlled substances as defined in Chapter 893, F.S., for use other than for the specific treatment of animal patients for which there is a documented veterinarian/client/patient relationship. Pursuant thereto, the veterinarian shall:

For violations involving medicinal drugs or drugs defined in Chapter 465, F.S., the usual action of the Board shall be to impose a penalty ranging from a reprimand up to two (2) years of suspension followed by probation for a period of one (1) year and an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) administrative fine. For violations involving controlled substances as defined in Ch. 893, F.S., the usual action of the Board shall be to impose a penalty ranging from up to two (2) years of suspension or revocation and a four thousand dollar (\$4,000.00) administrative fine to revocation and an administrative fine of up to five thousand dollars (\$5,000.00).

1. Have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian is personally acquainted with the keeping and the caring of the animal and has recent contact with the animal or has made medically appropriate and timely visits to the premises where the animal is kept.
2. Be available to provide for follow up care and treatment in case of adverse reactions of failure of the regimen of therapy.
3. Maintain records which document patient visits, diagnosis, treatment, and other relevant information required under this Chapter. The documented patient/client/veterinarian relationship cited in Section 474.214, F.S., is herein defined as a veterinarian's record of a client's animal which documents that the veterinarian has seen the animal in a professional capacity within a period of 12 months or less.

- (z) Providing, prescribing, ordering, or making available for human use medicinal drugs or drugs as defined in Chapter 465, F.S., controlled substances as defined in Chapter 893, F.S., or any material, chemical, or substance used exclusively for animal treatment.
- For violations involving medicinal drugs or drugs defined in Chapter 465, F.S. the usual action of the Board shall be to impose a penalty of a suspension for a period of up to two (2) one years followed by two (2) one (1) years probation and an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) administrative fine. For violations involving controlled substances as defined in Chapter 893, F.S. the usual penalty will be revocation and an administrative fine up to five thousand dollars (\$5,000.00).
- (aa) Failing to report to the Department any person the licensee knows to be in violation of Chapter 474, F.S., or the rules of the Board or Department.
- The usual action of the Board shall be issuance of a reprimand and a fine of up to one thousand dollars (\$1,000.00) five hundred dollars (\$500.00).
- (bb) Violating any of the requirements of Chapter 499, F.S., the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 seq., the Comprehensive Drug Abuse Prevention and Control Act of 1970, more commonly known as the Federal Drug Abuse Act; or Chapter 893, F.S.
- The usual action of the Board shall be to impose a penalty of probation for a period of up to two (2) one (1) years and an administrative fine from of two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00).
- (cc) Failing to provide adequate radiation safeguards.
- The usual action of the Board shall be issuance of a reprimand plus the violator must pay cost of investigation and provide proof of compliance with the rule.
- (dd) Failing to perform any statutory or legal obligation placed upon a licensee.
- The usual action of the Board shall be a penalty ranging from the issuance of a reprimand; and fine of one thousand dollars (\$1,000.00) up to revocation and fine of up to five thousand dollars (\$5,000.00).
- (ee) Failing to keep contemporaneously written medical records as required by rule of the Board.
- The usual action of the Board shall be issuance of a reprimand and up to one (1) year plus six (6) months probation, and a fine of up to two thousand dollars (\$2,000.00) one thousand five hundred dollars (\$1,500.00) and investigative costs.
- (ff) Prescribing or dispensing legend drug as defined in Chapter 465, F.S., including any controlled substance, inappropriately or in excessive or inappropriate quantities.
- The usual action of the Board shall be to impose a penalty of an administrative fine from a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) administrative fine and probation for a period of up to two (2) one (1) years.
- (gg) Practicing or offering to practice beyond the scope permitted by law.
- The usual action of the Board shall be issuance of a reprimand up to one (1) year plus six (6) months probation, and an administrative a fine from of one thousand dollars (\$1,000.00) to three thousand dollars (\$3,000.00) and investigative costs.
- (hh) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.
- The usual action of the Board shall be to impose a penalty of an administrative fine from a one thousand five hundred dollars (\$1,500.00) to three thousand dollars (\$3,000.00) and administrative fine plus six (6) months probation for a period of up to one (1) year and investigative costs.

(ii) Presigning blank prescription forms.

The usual action of the Board shall be to impose a penalty ranging from suspension of the veterinarian's license for a period of up to one (1) year followed by probation for a period of up to one (1) year and; and an administrative fine of up to two thousand dollars (\$2,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00) and probation for one year plus investigative costs.

(jj) Failing to report to the Board within 30 days, in writing, any action set forth in paragraph (b) that has been taken against the practitioner's license to practice veterinary medicine by any jurisdiction, including any agency or subdivision thereof.

The usual action of the Board shall be the issuance of a reprimand and an administrative fine from of one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00).

(kk) Aiding or assisting another person in violating any provision of this chapter or any rule adopted pursuant thereto.

The usual action of the Board shall be a period of probation from one (1) to three (3) years and an administrative fine from of one thousand dollars (\$1,000.00) to five thousand dollars (\$5,000.00).

(ll) Failing to respond within sixty (60) days after receipt of a request to provide satisfactory proof of having satisfactory proof of having participated in approved continuing education programs.

The usual action of the Board shall be suspension until the Board receives acceptable response to the request and plus an administrative fine from one thousand of five hundred dollars (\$1,000.00) to five thousand dollars (\$5,000.00) (\$500.00) and investigative costs.

(mm) Failing to maintain accurate records or reports as required by this chapter or by federal or state laws or rules pertaining to the storing, labeling, selling, dispensing, prescribing, and administering of controlled substances.

The usual action of the Board shall be an administrative fine from of one thousand five hundred dollars (\$1,500.00) to five thousand dollars (\$5,000.00) and probation for a period of up to two (2) years.

(nn) Failing to report a change of address to the Board within sixty (60) days thereof.

The usual action of the Board shall be an administrative fine of one thousand dollars (\$1,000.00) five hundred dollars (\$500.00).

(oo) Failure of the responsible veterinarian or permittee to report a change of premises ownership or responsible veterinarian within sixty (60) days thereof.

The usual action of the Board shall be an administrative fine of one thousand dollars (\$1,000.00) five hundred dollars (\$500.00).

(pp) Failing to give the owner of a patient, before dispensing any drug, a written prescription when requested.

The usual action of the Board shall be an administrative fine of two one thousand dollars (\$2,000.00).

(3) When the Board finds an applicant, licensee, or permittee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 455.227(1), F.S., it will issue a Final Order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

(a) Misleading, deceptive, untrue, or fraudulent representations in the practice of veterinary medicine.

The usual action of the Board will be to impose a penalty ranging from suspension for up to one (1) year followed by one (1)-year probation for a period of up to one (1) year and an administrative of up to a two thousand dollars (\$2,000.00) administrative fine to revocation and an administrative fine of up to five thousand dollars (\$5,000.00).

- (b) Intentionally violating any rule adopted by the Board or the Department.

The usual action of the Board will be to impose a penalty ranging from the issuance of a reprimand and an administrative fine of ~~from~~ a two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00).
- (c) Being convicted of a felony which relates to the practice of veterinary medicine.

The usual action of the Board will be revocation and an administrative fine of up to five thousand dollars (\$5,000.00).
- (d) Being adjudicated mentally incompetent.

The usual action of the Board will be consistent with paragraph (2)(j) above.
- (e) The license has been obtained by fraud or material misrepresentation of a material fact.

The usual action of the Board will be revocation of the license and an administrative fine of up to five ~~four~~ thousand dollars (\$5,000.00) (~~\$4,000.00~~).
- (f) Use of a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules promulgated pursuant to Section 501.122(2), F.S., governing the registration of such devices with the Department of Health and Rehabilitation.

The usual action of the Board will be an administrative fine of up to three ~~one~~ thousand dollars (\$~~3~~4,000.00).
- (g) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the Department against another licensee.

The usual action of the Board will be to impose a penalty ranging from the issuance of a reprimand up to suspension for a period of up to two (2) years followed by probation for a period of up to two (2) years and an administrative fine ~~from~~ ~~of~~ two thousand dollars (\$2,000.00) to five thousand dollars (\$5,000.00).
- (h) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

The usual action of the Board will be to impose a penalty ranging from suspension for a period of up to two (2) years followed by ~~one (1) year~~ probation for a period of up to two (2) years and ~~payment of~~ an administrative fine of up to three thousand dollars (\$3,000.00) to revocation and an administrative fine of up to five thousand dollars (\$5,000.00).
- (i) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

The usual action of the Board will be suspension for a period of up to two (2) years followed by probation for a period of up to two (2) years and an administrative fine ~~from~~ ~~of~~ three thousand dollars (\$3,000.00) to five thousand dollars (\$5,000.00).

(4) through (7) No change.

Specific Authority 455.2273(1), 474.206 FS. Law Implemented 455.2273, 455.2281, 474.213, 474.214 FS. History—New 12-8-86, Amended 5-27-91, Formerly 21X-30.001, Amended 8-18-94, 5-13-96, 2-18-01, 7-20-03, 7-30-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Veterinary Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Veterinary Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 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 HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
RULE NO.: 64B4-6.008
RULE TITLE: Audit of Continuing Education Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify the duration of hours for the programs the provider offered.

SUMMARY: The rule amendment will delete unnecessary language and to add language to clarify the duration of hours for the programs the provider offered.

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

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

SPECIFIC AUTHORITY: 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 491.0085(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-6.008 Audit of Continuing Education Providers.

(1) through (2) No change.

(3) Each provider selected for audit is required to respond within 21 days and provide the Board with the original records maintained pursuant to subsection 64B4-6.004(3), F.A.C., for ~~one each~~ continuing education program the provider offered during that biennium, that was no less than three (3) and no more than sixteen (16) hours in duration. ~~If no programs were offered, the provider must provide a written statement to that effect in response to the audit request.~~

(4) through (8) No change.

Specific Authority 491.004(5), 491.0085 FS. Law Implemented 491.0085(1) FS. History—New 10-2-94, Formerly 59P-6.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 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 amendments are intended to address the revised application forms for licensure.

SUMMARY: The proposed rule amendments incorporate the revised application forms into the forms rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(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," (1/09 08/08).

(2) ~~DH-MQA 1001, entitled "Staff Privilege Verification Form," (6/00).~~

(3) ~~DH-MQA 1002, entitled "Post Graduate Training Evaluation Form," (8/00).~~

(4) ~~DH-MQA 1003, entitled "Fifth Pathway Verification Form," (6/99).~~

~~(5) DH-MQA 1004, entitled “Application Materials for Allopathic Physicians to be Licensed by Examination Under Provisions of 458.3115,” (6/99).~~

~~(6) DH-MQA 1005, entitled “FMLE Re-Examination Application Only,” (6/99).~~

~~(7) DH-MQA 1006, entitled “Board of Medicine Application Materials for Allopathic Physicians to be Licensed by Examination Under Provisions of Section 458.3124, F.S.,” (6/99).~~

~~(2)(8) DH-MQA 1008, entitled “Board of Medicine Limited License Application Materials for Allopathic Physicians to be Licensed Pursuant to Section 458.317, F.S.,” (01/09 10/03).~~

~~(3)(9) DH-MQA 1009, entitled “Board of Medicine Application Materials For Temporary Certificate for Practice in an Area of Critical Need,” (1/09 10/03).~~

(10) through (14) renumbered (4) through (8) No change.

~~(15) DH-MQA 1019, entitled “1501 – Initial Licensure Form – Medical Doctor,” (6/99).~~

(16) through (17) renumbered (9) through (10) No change.

~~(11)(18) DH-MQA 1032, entitled “Board of Medicine Application Materials for Initial Registration & Renewal of Intern/Resident/Fellow & House Physician,” (01/09 10/03).~~

(19) through (20) renumbered (12) through (13) No change.

~~(14)(21) DH-MQA 1072, entitled “Board of Medicine Application Materials Medical Faculty Certificate For Allopathic Physicians,” (01/09 10/03).~~

(15)(22) No change.

~~(16)(23) DH-MQA 1079, entitled “Board of Medicine Temporary Certificate to Practice Medicine for Educational Purposes For Allopathic Physicians,” (01/09 8/03).~~

(24) through (32) renumbered (17 through (25) 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, 1-18-09,_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2008 and January 7, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2008

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009 Applications

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

SUMMARY: The proposed rule amendment incorporates the revised application forms in the Board’s application rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.009 Applications.

(1) All persons applying for licensure shall submit an application to the Department Executive Director. The application shall be made on the applicable form set forth below, all of which are hereby adopted and incorporated by reference Form DH-MQA 1000 entitled “Board of Medicine Medical Doctor Application for Licensure (revised 08/08), hereby adopted and incorporated by reference, and can be obtained from the Board of Medicine’s websitet at [tap://www.doh.state.fl.us/Mac/medical/me_applicant.html](http://www.doh.state.fl.us/Mac/medical/me_applicant.html). The application must be accompanied by the application fee.

(a) DH-MQA 1000, entitled “Board of Medicine Medical Doctor Application for Licensure,” (1/09);

(b) DH-MQA 1008, entitled “Board of Medicine Limited License Application Materials for Allopathic Physicians to be Licensed Pursuant to Section 458.317, F.S.,” (01/09);

(c) DH-MQA 1009, entitled “Board of Medicine Applications Materials For Temporary Certificate for Practice in an Area of Critical Need,” (1/09);

(d) DH-MQA 1032, entitled "Board of Medicine Application Materials for Initial Registration & Renewal of Intern/Resident/Fellow & House Physician," (01/09);

(e) DH-MQA 1072, entitled "Board of Medicine Medical Faculty Certificate For Allopathic Physicians," (01/09);

(f) DH-MQA 1079, entitled "Board of Medicine Temporary Certificate to Practice Medicine for Educational Purposes For Allopathic Physicians," (01/09).

(2) Each applicant for licensure ~~by endorsement~~ shall submit one recent photograph of the applicant, ~~and each applicant for licensure by examination shall submit two recent photographs of the applicant.~~ The All photographs must have been taken within six weeks prior to filing the application and ~~all photographs~~ must be submitted at the time of filing the application for licensure. The Such photographs shall be on permanent paper not less than 2 inches by 2 inches. Informal snapshots and proofs will not be accepted.

(3) through (9) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2008 and January 7, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2008

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.002
RULE TITLE: Preceptor

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the preceptor form.

SUMMARY: The rule amendment will modify the preceptor form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has not been prepared. The Board determined that small businesses would not be affected by this rule.

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

SPECIFIC AUTHORITY: 456.013(1)(a), 468.1685(5), 468.1695(4) FS.

LAW IMPLEMENTED: 468.1695 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.002 Preceptor.

(1) The Board will approve persons to act as preceptors in Administrator-in-Training (AIT) programs based on the completion of application form Preceptor Certification, DOH/NHA014 (Revised ~~10/2008~~ ~~9/2007~~), and incorporated herein by reference, and an oral review. The approval shall be effective indefinitely, so long as the preceptor maintains an active license to practice nursing home administration in this state, and there is no disciplinary action taken against the licensee. Form DOH/NHA014 (Revised ~~10/2008~~ ~~9/2007~~) can be obtained from the Board of Nursing Home Administrators' website at <http://www.doh.state.fl.us/mqa/nurshome/index.html>.

(2) through (9) No change.

Specific Authority 456.013(1)(a), 468.1685(1), 468.1695(4) FS. Law Implemented 468.1695 FS. History—New 9-24-81, Formerly 21Z-16.02, Amended 12-18-88, 11-11-92, Formerly 21Z-16.002, Amended 2-28-94, Formerly 61G12-16.002, Amended 2-22-96, 9-4-96, 10-20-96, Formerly 59T-16.002, Amended 10-12-97, 6-5-07, 10-2-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-6.005
RULE TITLE: Criteria for Continuing Education Programs

PURPOSE AND EFFECT: To update the rule to add continuing education programs that are acceptable for credit.

SUMMARY: The rule adds Massage Therapy and Acupuncture to the list of board pre-approved courses that are acceptable for continuing education credit as they pertain to the practice of midwifery.

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: 467.005, 467.012 FS.

LAW IMPLEMENTED: 456.013, 456.031, 467.012 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: Christy Robinson, Acting Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-6.005 Criteria for Continuing Education Programs.

(1) No change.

(2) The following programs which meet the requirements of subsection (1) of this rule are approved for renewal of license;

(a) through (i) No change.

(j) Courses that have been pre-approved by the Florida Board of Nursing, Florida Board of Medicine, Florida Board of Osteopathic Medicine, Florida Board of Pharmacy, Florida Board of Psychology, Florida Board of Massage Therapy; Florida Board of Acupuncture, the Dietetic and Nutrition Practice Council of Florida, and the Florida Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling as it pertains to the practice of midwifery.

(k) through (m) No change.

(3) No change.

Specific Authority 467.005, 467.012 FS. Law Implemented 456.013, 456.031, 467.012 FS. History--New 1-26-94, Formerly 61E8-6.005, Amended 3-20-96, Formerly 59DD-6.005, Amended 9-10-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christy Robinson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 9, 2009

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-7.004

RULE TITLE: Risk Assessment

PURPOSE AND EFFECT: To update the rule with regard to physician consultations for patients with higher risk scores.

SUMMARY: With regard to risk assessment, if a client with a risk score of 3 or higher previously had a physician consultation for the same risk factors and there has been no change, another physician consultation is not required.

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: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 467.015 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: Christy Robinson, Acting Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-7.004 Risk Assessment.

(1) For each patient, the licensed midwife shall assess risk status criteria for acceptance and continuation of care. The general health status and risk assessment shall be determined by the licensed midwife by obtaining a detailed medical history, performing a physical examination, and taking into account family circumstances along with social and psychological factors. The licensed midwife shall risk screen potential patients using the criteria in this section. If the risk factor score reaches 3 points the midwife shall consult with a physician who has obstetrical hospital privileges and if there is a joint determination that the patient can be expected to have a normal pregnancy, labor and delivery the midwife may provide services to the patient. When a client has a risk score of 3 or higher and has previously had a physician consultation for the identical risk factors in a prior pregnancy with no current changes in health or risk factors another consultation is not required.

(2) through (3) No change.

Specific Authority 456.004(5), 467.005 FS. Law Implemented 467.015 FS. History--New 7-14-94, Formerly 61E8-7.004, 59DD-7.004, Amended 9-11-02, 2-2-06,_____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christy Robinson
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

DEPARTMENT OF MILITARY AFFAIRS

RULE NOS.:	RULE TITLES:
70-2.001	Application for Educational Assistance Programs
70-2.002	Noncompliance with Educational Assistance Programs

PURPOSE AND EFFECT: Purpose and effect for both Rules 70-2.001 and 70.2.002, F.A.C., is to implement provisions of Section 250.10, F.S. relating to education assistance programs.
SUMMARY: In both Rules 70-2.001 and 70.2.002, F.A.C., provisions of Section 250.10, F.S. relating to education assistance programs are implemented.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency determined the proposed rule will not have an impact on small business. 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: 250.10(7), (8) FS.

LAW IMPLEMENTED: 250.10(7), (8), (9) 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: Lieutenant Colonel Elizabeth C. Masters, (904)823-0131

THE FULL TEXT OF THE PROPOSED RULES IS:

70-2.001 Application for Educational Assistance Programs.

(1) To be eligible for the Educational Dollars for Duty program (EDD) or the State Tuition Exemption Program (STEP), collectively Education Assistance Programs, defined in Sections 250.10(7) and (8), Florida Statutes, a person must:

- (a) Be at least 17 years of age;
- (b) Be domiciled in the state of Florida;
- (c) Be a member in good standing in the active Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received;

(d) Maintain continuous satisfactory participation in the Florida National Guard for any school term for which exemption benefits are received; and

(e) Not have a baccalaureate degree.

(2) A person can not participate in the STEP program for more than ten (10) years following the date of enrollment in the program. A person may not participate in the EDD program for more than five (5) years following the date of eligibility for the program.

(3) The EDD program is only available for members of the Florida National Guard who have enlisted after June 30, 1997.

(4) An applicant for an Educational Assistance Program must fill out Form FLNG Form 704 (effective April 17, 2008) incorporated herein by reference. The form may be obtained from the State Education Program Administrator, Florida Department of Military Affairs, DCSPER-STEP/EDD, P. O. Box 1008, St. Augustine, Florida 32085-1008; or from the applicant's military unit training clerk or NCO. Along with the Form FLNG Form 704 the applicant must submit:

(a) The course of study for the degree or certificate the member is seeking, and

(b) A list of courses the member is taking in the applicable term.

(5) Completed applications must be submitted to: State Education Program Administrator, Florida Department of Military Affairs, DCSPER-STEP/EDD, P. O. Box 1008, St. Augustine, Florida 32085-1008 at least 90 days prior to the beginning of the school term for which educational assistance is sought. A new application is required for each semester or enrollment period.

(6) The applicant's grades must be submitted after each term and the applicant must maintain the grade point average set forth in paragraph 70-2.002(1)(d), Florida Administrative Code.

Specific Authority 250.10(7), (8) FS. Law Implemented 250.10(7), (8) FS. History--New _____.

70-2.002 Noncompliance with Educational Assistance Programs.

(1) A member in the State Tuition Exemption Program (STEP) or Educational Dollars for Duty program (EDD) is in noncompliance with these programs, if:

(a) A member fails to maintain satisfactory participation in the Florida National Guard during the academic term where benefits are given, including failing to maintain weight control, failing physical examinations, or not satisfactorily performing military duties as determined by the Unit Commander;

(b) A member fails to serve in the Florida National Guard during the three (3) year period the member is required to serve after benefits are received;

(c) A member is terminated or placed on academic or scholastic probation while receiving benefits; or

(d) A member fails to maintain a minimum 2.0 grade point average.

(2) Benefits under the education assistance programs will not be paid for courses that a member drops prior to completion; or for courses that a member has repeated and benefits had been paid for the course the first time the member had taken it.

(3) If a member is in noncompliance pursuant to this rule, the member must reimburse the Department of Military Affairs for all tuition charges and student fees for which the member received payments within thirty (30) days of being notified by the Department that such fees are owed. A member in noncompliance can request in writing to the Department of Military Affairs, to make payments in installments. If approved, the time for repayment shall not exceed 36 months. If the member fails to repay the amount owed, the Department may submit the matter for collections.

Specific Authority 250.10(7), (8) FS. Law Implemented 250.10(7), (8), (9) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Department of Military Affairs
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Department of Military Affairs
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-30.002	Style and Form for Filing Rules; Certification Accompanying Materials
1B-30.003	Publication of Notices in the Florida Administrative Weekly (FAW)
1B-30.005	Materials Incorporated by Incorporation by Reference

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. 50, December 12, 2008 issue of the Florida Administrative Weekly.

1B-30.002 Style and Form for Filing Rules; Certification Accompanying Materials.

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

(b) The following rule certification form shall be used in filing new, amended or repealed rules under the provisions of Section 120.54(6), F.S., entitled "Adoption of Federal Standards":

CERTIFICATION OF (NAME OF AGENCY)
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE
PURSUANT TO SECTION 120.54(6),
FLORIDA STATUTES
(ADOPTION OF FEDERAL STANDARDS)

I hereby certify:

[] (1) That the time limitations prescribed by Section 120.54(6), F.S., and all applicable rulemaking requirements of the Department of State have been complied with; and

[] (2) That there is no non-frivolous objection, under Section 120.54(6)(c), F.S., pending on those portions of any rule covered by this certification; and

[] (3) All rules covered by this certification are filed not less than 21 days after the notice required by Section 120.54(6)(a), F.S.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

(List in Columns)

Under the provisions of Section 120.54(6)(b), F.S., the rule(s) take effect upon the date designated below (but not earlier than the date of filing):

Effective: _____

(month) (day) (year)

Signature, Person Authorized to Certify Rules

Title

Number of Pages Certified

(c) The following rule certification form shall be used in filing new, amended or repealed rules under the provisions of Section 120.54(1)(i)5., F.S.:

CERTIFICATION OF (NAME OF AGENCY) ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE PURSUANT TO SECTION 120.54(1)(i)5., FLORIDA STATUTES

I hereby certify:

- [] (1) That all statutory rulemaking requirements of Chapter 120, F.S., and all applicable rulemaking requirements of the Department of State have been complied with; and
[] (2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and
[] (3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and
[] (a) Are filed not more than 90 days after the notice; or
[] (b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or
[] (c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or
[] (d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or
[] (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
[] (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or
[] (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or
[] (h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or
[] (i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

(4) All rules covered by this certification are filed within the time limitations of Section 120.54(1)(i)5., F.S., and no objection to the rules in the certification was filed with the Department by a substantially affected person with 14 days after the date of publication of the notice of intent pursuant to Section 120.54(1)(i)5., F.S.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

(List in Columns)

Under the provision of Section 120.54(1)(i)5., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____

(month) (day) (year)

Signature, Person Authorized to Certify Rules

Title

Number of Pages Certified

(d) through (9) No change.

Rulemaking Authority 120.55(1)(d) FS. Law Implemented 120.54(3)(e)4., (6), 120.55(1)(c), 403.8055 FS. History--New 5-29-80, Formerly 1-1.02, Amended 12-30-81, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 10-1-96, 9-13-98, 8-23-99, 6-20-02, Formerly 1S-1.002, Amended _____.

1B-30.003 Publication of Notices in the Florida Administrative Weekly (FAW).

(1)(a) No change.

(2) No change.

(a) Agencies shall contact the Administrative Code and Weekly Section to designate one or more at least one agency administrator(s) to. The agency administrator manages the agency's submissions on the e-rulemaking website. The agency administrator's duties include managing the agency's submissions, payment profiles, rule notices, general notices, public comments and designating the designation of rule and chapter numbers on the e-rulemaking website. In addition, the agency administrator may assign additional rulemaking roles to agency personnel. The rulemaking roles that may be assigned to agency personnel are as follows:

1. Rule Notice Editors manage the submission of rule notices, general notices and public comment received in response to rule notices. Rule Notice Editors may also designate rule and chapter numbers.

2. General Editors manage general notices and may review rule notices and public comment received in response to rule notices.

3. Notice Reviewers review rule notices, general notices and public comment received in response to rule notices.

~~4. Comment Managers manage public comment received in response to rule notices.~~

~~5. Comment Reviewers review public comment received in response to rule notices.~~

(b) No change.

(3) through (5)(a) No change.

(b) A Notice of Proposed Rule shall be published in the FAW before filing any rule for adoption, except emergency rules adopted pursuant to Section 120.54(4), F.S., or rules adopted pursuant to Section 120.54(1)(i) ~~5.2.~~, 120.54(6) or 403.8055, F.S. Rule text included in the Notice of Proposed Rule shall be coded as described in subsection (3) of this rule. The following format shall be used for a Notice of Proposed Rule, but only one of the alternatives listed in the hearing portion of the format should be selected for publication in the FAW.

NOTICE OF PROPOSED RULE

NAME OF AGENCY

Division or Board

RULE NO.: RULE TITLE:

PURPOSE AND EFFECT:

SUMMARY:

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

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

RULEMAKING AUTHORITY (formerly "Specific Authority"):

LAW IMPLEMENTED:

___ 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 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):

(or)

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

DATE AND TIME:

PLACE:

(or)

___ 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:

THE FULL TEXT OF THE PROPOSED RULE IS:

(TEXT OF RULE)

NAME OF PERSON ORIGINATING PROPOSED RULE:

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

(c) through (e) No change.

(f) A Notice of Change pursuant to the requirements of Section 120.54(3)(d)1., F.S., shall be filed when changes are made to proposed rule text. The rule text published in the Notice of Proposed Rule ~~of the rule~~ shall be used as the basis for coding the additional rule changes included in the Notice of Change. Coding of rule text in the Notice of Change shall be coded as described in subsection (3) of this rule. The following notice format shall be used:

NAME OF AGENCY

Division or Board

RULE NO.: RULE TITLE:

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. ____, No. ____, (date), issue of the Florida Administrative Weekly. ~~The reason for this change (select one) (1) public hearing; (2) written material received on or before the date of the public hearing; or (3) proposed objection by JAPC.~~

(Text of proposed rule changes)

(g) through (j) No change.

(k) The following format shall be used for preparing notices of public meetings, hearings, or workshops:

NOTICES OF PUBLIC MEETINGS, HEARINGS, OR WORKSHOPS

The (name of agency) announces a (public meeting, hearing or workshop) to which all persons are invited:

DATE AND TIME:

PLACE:

GENERAL SUBJECT MATTER TO BE CONSIDERED:

A copy of the agenda may be obtained by contacting:

(l) The following format shall be used for notices of petitions for declaratory statements:

NOTICES OF PETITIONS FOR DECLARATORY STATEMENTS

NOTICE IS HEREBY GIVEN THAT (name of agency) ____, has received a petition for a declaratory statement from (name of petitioner). The petition seeks the agency's opinion as to the applicability of (statute, rule or order number) as it applies to the petitioner.

(m) The following format shall be used for notices of dispositions of declaratory statements:

NOTICES OF DISPOSITIONS OF DECLARATORY STATEMENTS

NOTICE IS HEREBY GIVEN THAT (name of agency) has issued an order disposing of the petition for declaratory statement filed by (petitioner's name) on (date of petition). The following is a summary of the agency's disposition of the petition: (Insert a statement that the petition was denied and the reasons for the denial or that the petition was granted and set out a summary of the substance of the response.)

(n)(+)1. The following format shall be used for notice of the invalidation of a proposed or effective rule:

NOTICE OF THE INVALIDATION OF A PROPOSED OR EFFECTIVE RULE

(name of agency) HEREBY GIVES NOTICE that a hearing officer has determined that (rule no.) is invalid. The time for filing an appeal of this decision expired (date). (If desired insert optional summary of the hearing officer's determination.)

2. If the rule declared invalid is a proposed rule, the rule number inserted in the notice shall be prefixed by the word "proposed."

(6) No change.

Rulemaking Authority 120.55(1)(d)(e) FS. Law Implemented 120.54(2), 120.542(6), (8), 120.55(1), (3) FS. History--New 5-29-80, Formerly 1-1.021, Amended 7-12-81, 12-30-81, 7-8-82, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 9-2-93, 4-1-96, 10-1-96, 9-13-98, 6-20-02, Formerly 1S-1.003, Amended

1B-30.005 Materials Incorporated by Reference.

(1) through (2) No change.

(a) Specific identification of the incorporated material, along with an effective date. Forms and their instructions should be identified by title, the form number, and effective date. In addition, incorporated forms and instructions should clearly display the form title, form number, effective date, and the number of the rule in which it is incorporated ~~rule number in which it is incorporated within.~~

(b) through (5) No change.

Rulemaking Authority 120.54(1)(i)6., 120.55(1)(d) FS. Law Implemented 120.54(1)(i) FS. History--New 5-29-80, Formerly 1-1.04, Amended 9-13-98, Formerly 1S-1.005, Amended

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.0011	Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations
12A-1.005	Admissions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 41, October 12, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.011	Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice
12A-1.0115	Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies
12A-1.071	Rentals, Leases, or License to Use Tangible Personal Property
12A-1.097	Public Use Forms

NOTICE OF PUBLIC HEARING

The Florida Department of Revenue announces an additional hearing regarding the above rule, as noticed in Vol. 33, No. 41, October 12, 2007, Florida Administrative Weekly.

DATE AND TIME: February 23, 2009, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed changes to the following sections of Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), as published in Vol. 33, No. 41, pp. 4739-4750, October 12, 2007, issue of the Florida Administrative Weekly. A Notice of Change was published in Vol. 33, No. 52, pp. 6183-6184, December 28, 2007, issue of the Florida Administrative Weekly.

A Notice of Withdrawal of proposed Rule 12A-1.0011, F.A.C. (Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations), and proposed Rule 12A-1.005, F.A.C. (Admissions), will be published in this edition of the Florida Administrative Weekly. A copy of the preliminary text formatted to highlight the changes made by the Department since the rule hearing held on November 7, 2007, is available on the Department's website at myflorida.com/dor/rules.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green at (850)922-4830. If you are hearing or speech impaired, please

contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (voice) and (800)955-8771 (TDD).

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial Rewording of Rule 12A-1.011 follows. See Florida Administrative Code for present text.)

12A-1.011 Sales of Food Products and Drink for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business.

(1) SCOPE.

(a) The purpose of this rule is to clarify the application of tax on the sale of food products generally sold in or by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business. This rule is also intended to clarify the application of tax on the sale of bakery products by bakeries, pastry shops, or like establishments and on the sale of drinking water or ice.

(b) Rule 12A-1.0115, F.A.C., is intended to clarify the application of tax on food products generally served, prepared, or sold in or by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, or other like places of business.

(2) TAX-EXEMPT FOOD PRODUCTS.

(a) Food products for human consumption, whether processed, cooked, raw, canned, or in any other form which is generally regarded as food, are exempt. The following is a non-exhaustive list of exempt food products:

1. Baby foods and baby formulas;
2. Baked goods and baking mixes, including ready-to-eat and ready-to-bake products;
3. Baking and cooking items advertised and normally sold for use in cooking or baking, such as chocolate morsels, flavored frostings, glazed or candied fruits, marshmallows, powdered sugar, or food items intended for decorating baked goods;
4. Cereals and cereal products, including ready-to-eat, instant, regular hot cereals;
5. Cheeses, including cured and whey cheese, cream, natural, grating, processed, spread, dip, and other miscellaneous cheeses;
6. Cocoa;
7. Coffee and coffee substitutes;
8. Condiments and relishes, including seasoning sauces and spreads, such as mayonnaise, ketchup, or mustard;
9. Cookies, including chocolate-coated or cream-filled;
10. Dairy products;
11. Dairy substitutes;

12. Dietary supplements (including herbal supplements) and meal replacements, including liquid food supplements and nutrition bars, including those that are candy-coated or chocolate-coated;

13. Eggs and egg products, including liquid, frozen, or dried eggs;

14. Fish, shellfish, and other seafood products, whether fresh or frozen;

15. Food coloring;

16. Frozen dinners and other frozen food products;

17. Fruit (including fruit sliced, chunked, or otherwise cut by the retailer), fruit snacks, fruit roll-ups, and dried fruit, including those sweetened with sugar or other sweeteners;

18. Gelatins, puddings, and fillings, including flavored gelatin desserts, puddings, custards, parfaits, pie fillings, and gelatin base salads;

19. Grain products and pastas, including macaroni and noodle products, rice and rice dishes;

20. Honey;

21. Ice cream, frozen yogurt, sherbet, and similar frozen dairy or nondairy products sold in units larger than one pint;

22. Jams and jellies;

23. Marshmallows;

24. Meat and meat products;

25. Meat substitutes;

26. Milk, including natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, buttermilk, half and half, whipping cream, condensed milk, evaporated milk, powdered milk, or similar milk products, and products intended to be mixed with milk;

27. Natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit juices in any form, whether frozen or unfrozen, aerated, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned. Only those juices that are permitted by federal law and regulation to be labeled "100 percent juice" or "100 percent juice with added-" "ingredient(s)," "preservative," or "sweetener" will be considered natural fruit or vegetable juices. [Title 21 (Food and Drug), Chapter 9 (Federal Food, Drug, and Cosmetic Act), Subchapter IV (Food) 21 U.S.C. ss. 341; 343 (January 24, 2002), hereby incorporated by reference]; [21 C.F.R. Ch. 1, ss. 101.30; 102.5; 102.33, 146.114-146.187; 156.3; 156.145 (4-1-06), hereby incorporated by reference].

28. Peanut butter;

29. Poultry and poultry products;

30. Salad dressings and dressing mixes;

31. Salt, salt tablets, pepper, spices, seeds, herbs, seasonings, blends, extracts, and flavorings, whether natural or artificial;

32. Sandwich spreads;

33. Sauces and gravies;

34. Snack foods, including chips, corn chips, potato chips, cheese puffs and curls, cereal bars, cracker jacks, granola bars, nuts and edible seeds, pork rinds, and pretzels, whether such products are chocolate-coated, honey-coated, or candy-coated.

35. Soups and soup mixes;

36. Sugar, sugar products, and sugar substitutes;

37. Tea (including herbal tea), unless sold in a liquid form;

38. Vegetables and vegetable products;

39. Vegetable oils, lard, olive oil, shortenings, and oleomargarine.

(b) Food products prepared off the seller's premises are exempt when:

1. Sold in the original sealed container;

2. Sliced into smaller portions; or

3. The product is sold frozen and then heated on the seller's premises by the customer.

(c) Taxpayers who have a question regarding the taxable status or exempt status of a food product may submit a written description of the food product and a copy of the food product label to the Department to obtain a determination of the taxability of the product. This request should be addressed to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

(3) BAKERY PRODUCTS SOLD BY BAKERIES, PASTRY SHOPS, OR LIKE ESTABLISHMENTS.

(a) Bakery products sold by bakeries, pastry shops, or like establishments as hot prepared food products are taxable.

1. Bakery products that are kept warm by a heat source used to maintain them in a heated state, or to reheat them, are hot prepared food products.

2. Bakery products that are sold while still warm from the initial baking are not hot prepared food products.

3. Example: A bakery establishment toasts a bagel for a customer. The sale of the bagel is subject to tax, whether the bakery establishment has eating facilities or does not have eating facilities.

(b)1. Bakery products, excluding bakery products sold for consumption off the premises, sold by bakeries, pastry shops, or like establishments that have eating facilities are subject to tax.

2. For purposes of this subsection, "eating facility" is a place which facilitates the consumption of the bakery products on the seller's premises on items such as benches, chairs, stools, tables, and counters. For example, a pastry shop that has bar stools and a counter where the bakery products and drinks are served to patrons will be considered a pastry shop with eating facilities. A bakery located within the food court of a mall where tables and chairs are located in the common areas of the food court for patrons to consume food products will be considered a bakery with eating facilities.

(c)1. Bakery products, excluding items sold as hot prepared food products, sold for consumption off the premises are exempt.

2. For the purpose of this paragraph, there shall be a rebuttable presumption that the sale of bakery products by bakeries, pastry shops, or like establishments that have eating facilities are taxable when:

a. Such bakery products are sold in quantities of five (5) or fewer items; or

b. The bakery products sold, regardless of the quantity, are not packaged in a manner consistent with an intention by the customer to consume the products off the seller's premises.

3. Bakery products that are sold, regardless of the quantity, in packaging that is glued, stapled, wrapped, or sealed are examples of packaging consistent with an intention by the customer to consume products off the seller's premises.

4. Bakeries, pastry shops, or like establishments that have eating facilities and make tax-exempt sales of bakery products that are for consumption off the premises are required to separately account for the tax-exempt sales of bakery products for consumption off the premises.

a. Examples of methods to separately account for tax-exempt sales of bakery products for consumption off the premises are: using sales invoices which contain documentation that the sales of the bakery product is for consumption off the premises; using a separate key on a cash register to record tax-exempt sales of bakery products; or using a separate cash register to record tax-exempt sales of bakery products.

b. Example. A bakery operates an establishment with eating facilities. The bakery sells donuts, toasted bagels, and other pastries, as well as coffee and other drinks. The bakery sells bakery products to patrons who take the products home for consumption in sealed containers. Products sold for consumption on the premises are served to the customers on trays. The bakery uses separate keys on its cash registers to account for the sales of tax-exempt bakery products to patrons who purchase the products for consumption off the premises in sealed containers separately from the accounting for taxable sales of toasted bagels, coffee, other drinks, and bakery products for consumption on the premises. The bakery products sold for consumption off the premises are exempt because the bakery's packaging and accounting methods overcome the rebuttable presumption that the products are sold for consumption on the premises.

(d) Bakery products, excluding items sold as a hot prepared food products, that are sold by bakeries, pastry shops, or like establishments that do not have eating facilities are exempt.

(4) TAXABLE FOOD PRODUCTS. The exemption for food products for human consumption does not apply to any of the items specified in this subsection.

(a) Candy, chewing gum, bubble gum, breath mints, and any similar product regarded as candy or confection, based on its normal use as indicated on the label or advertising, is subject to tax. The term "candy and similar products" does not include snack foods not regarded as candy or confection, as indicated on the label or advertising of the product.

(b) Food prepared, whether on or off the seller's premises, and sold for immediate consumption is subject to tax. This does not apply to food prepared off the seller's premises and sold in the original sealed container, or to the slicing of products into smaller portions.

1. Food prepared for immediate consumption is food prepared to a point generally accepted as ready to be eaten without further preparation and that is sold in a manner that suggests readiness for immediate consumption. In determining whether an item of food is sold for immediate consumption, the customary consumption practices prevailing at the selling facility shall be considered.

2. Examples:

a. Potato salad is prepared and delivered to a dealer in bulk. The dealer repackages the potato salad into smaller containers. Because the potato salad is not sold in the original sealed container, the sale of the repackaged smaller containers of potato salad is subject to tax.

b. A grocery store buys cold cuts in five-pound packages. The grocery store slices cold cuts for the customer according to the thickness and the amount the customer desires. The food is then packaged for sale to the customer. Because the cold cuts are sliced into smaller portions, the sale of the cold cuts is exempt from tax.

c. A supermarket offers freshly popped popcorn for shoppers for sale. The sale of the popcorn is subject to tax.

d. A supermarket prepares seafood products, such as smoked fish or steamed shrimp, for sale. The sale of the smoked or steamed shrimp is subject to tax.

e. A supermarket prepares fruit and vegetable products into various fresh salads for sale. When packaged without eating utensils and sold as a grocery item, the sale of the prepared fresh fruit or vegetable salad is exempt. When the prepared fresh salads are packaged with eating utensils, such as with a fork and a napkin, the salad is a food product prepared and sold for immediate consumption and is subject to tax.

(c)1. Hot prepared food products, whether sold separately or in combination with other food items, when the food is heated by the seller rather than by the customer, is subject to tax.

2. Hot prepared food products are those products, items, or components that have been prepared for sale in a heated condition and sold at any temperature that is higher than the air temperature of the room or place where the products are sold. Preparation of a "hot prepared food product" includes cooking, microwaving, warming, toasting, or any other method of heating the food. Food products, including bakery products, are

considered "hot prepared food products" when a heat source is used to maintain the food product in a heated state or is used to reheat the food product. Bakery products that are sold while still warm from the initial baking are not "hot prepared food products." Their temperature is a result of the timing of the customer's purchase rather than an indication of preparation to be sold in a heated condition.

3. When a single price is charged for a combination of hot prepared food products and cold food items or other components, the single price charged for the combination is subject to tax.

4. Examples:

a. A supermarket sells barbecued chicken that is kept hot by a rotisserie to be taken home and eaten. The sale of the chicken is subject to tax.

b. A grocery store bakes bread in an oven. The bread is packaged for sale while it is still warm. A customer purchases a package of the bread while it is still warm. The sale of the warm bread is not subject to tax.

c. A single price is charged for a combination of a hot meal, hot pizza, hot specialty dish, or hot sandwich, with cold components, such as a salad or fruit or other side items, by a convenience store. The single price charged for the combination is subject to tax.

(d) Sandwiches sold ready for immediate consumption, whether refrigerated or heated by the customer or by the retailer, are subject to tax. An example of a sandwich not sold ready for immediate consumption would be a frozen sandwich or a sandwich with a frozen or partially frozen filling.

(e) Meals sold for consumption on or off the seller's premises are subject to tax.

(f) Ice cream, frozen yogurt, and similar frozen dairy or nondairy products in cones, small cups, or pints, and popsicles, frozen fruit bars, or other novelty items, whether sold separately or in multiple units, are subject to tax.

(5) TAXABLE SOFT DRINKS. The exemption for food products for human consumption does not apply to soft drinks. The following sales of soft drinks are subject to tax:

(a) Nonalcoholic beverages, whether carbonated or noncarbonated.

(b) Any noncarbonated beverage made from milk derivatives, such as ice cream sodas, milkshakes, or malts.

(c) Any beverages and preparations commonly referred to as a "soft drink," such as sodas, soda water, ginger ale, colas, root beer, tonic, fizzes, or cocktail mixes.

(d) Any beverage containing fruit or vegetable juice labeled with the word(s) "ade," "beverage," "cocktail," "drink," or "fruit or vegetable flavor, flavored, or flavorings." Federal law and regulations require that any beverage containing more than 0 percent juice, but less than 100 percent fruit or vegetable juice, which represents or suggests by its physical characteristics, name, labeling, ingredient statement, or advertising that it contains fruit or vegetable juice, be

labeled in a manner that is appropriate to advise the consumer that the product is less than 100 percent juice. [Title 21 (Food and Drug), Chapter 9 (Federal Food, Drug, and Cosmetic Act), Subchapter IV (Food) 21 U.S.C. ss. 341; 343 (January 24, 2002)]; [21 C.F.R. Ch. 1, ss. 101.30; 102.5; 102.33, 146.114-146.187; 156.3; 156.145 (4-1-06)]. Examples of taxable beverages include: apple blend, cranberry juice cocktail, grape juice beverage, lemonade, limeade, orangeade, raspberry and cranberry flavored drink, fruit drink, fruit punch, diluted fruit juices, and diluted vegetable juices.

(e) Tea sold in a liquid form.

(6) VENDING MACHINES AND MOBILE VENDORS.

Food products sold through a vending machine, push cart, motor vehicle, or any other form of vehicle are subject to tax. See Rule 12A-1.044, F.A.C., for sales through vending machines.

(7) WATER AND ICE.

(a)1. Drinking water, including water enhanced by the addition of minerals, sold in bottles, cans, or other containers is exempt, except when carbonation or flavorings has been added to the water in the manufacturing process. When carbonation or flavorings is added to drinking water at a water treatment facility, the sale of the drinking water in bottles, cans, or other containers remains exempt.

(b) The sale of ice, including dry ice, is subject to tax, except when the ice is purchased for use as a packaging material to package food products for sale. See Rule 12A-1.040, F.A.C., for provisions for packaging materials.

(c) Fluoride used in the treatment of drinking water is exempt.

(d) Germicides (such as chlorine), sodium silicate, activated charcoal, and similar purification agents used in the treatment of drinking water are exempt.

(e) The charge for water conditioning (water softening) is not subject to tax. The sale of salt for use in water softeners to regenerate the minerals required for softening water is not the sale of a purification agent used in the treatment of drinking water and is subject to tax. Dealers must pay tax on items used to provide water conditioning to their customers, such as minerals, tanks, equipment, and other materials.

(8) COMPLIMENTARY AND DONATED FOOD PRODUCTS.

(a)1. Dealers that primarily sell food products at retail are not subject to sales or use tax on any food or drink provided without charge as a sample or for the convenience of customers, even when cooked or prepared on the dealer's premises. For example, hot coffee provided in a grocery store for shoppers is not subject to sales or use tax.

2. Dealers that primarily sell food products at retail are not subject to sales or use tax on any item given to a customer as part of a price guarantee plan related to point-of-sale errors.

3. The exemption, as provided in this paragraph, does not apply to businesses whose primary activity is to serve prepared meals or alcoholic beverages for immediate consumption.

(b) Dealers that sell food products at retail are not subject to sales or use tax on any food product donated to a food bank or an organization determined to be currently exempt from federal income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended.

(9) FOOD STAMPS AND VOUCHERS.

(a) Food products are exempt when purchased with food stamps issued by the United States Department of Agriculture, or with Special Supplemental Food Program for Women, Infants, and Children (WIC) vouchers issued under authority of federal law.

(b) When a purchase of food products is made partly with food stamps or vouchers and partly with cash or manufacturer's coupons, the food stamps or vouchers will first be used to defray the cost of the taxable food and drinks, less the value of any manufacturer's coupons, that can be purchased with the food stamps or vouchers. When the food stamps or vouchers are insufficient to purchase the taxable items, tax is due on the remaining sales price of taxable food and drinks.

(10) MULTIPLE ITEMS PACKAGES.

(a) When a package contains both exempt food products and taxable tangible personal property (e.g., a basket of food and candy, a basket of nuts, or decorated cans or glasses filled with food items) and the tax-exempt food products are separately itemized and priced from the taxable tangible personal property, no tax is due on the tax-exempt food products.

(b) When the total charge for a package containing both exempt food products and taxable tangible personal property is a single charge, the application of tax depends upon the essential character of the complete package, as follows:

1. When the taxable tangible personal property represents more than twenty-five percent (25%) of the value of the package, the total charge is subject to tax.

2. When the taxable tangible personal property represents twenty-five percent (25%) or less of the value of the package, the total sale is exempt. The seller is required to pay tax on any taxable items included in the package that were purchased tax-exempt for the purposes of resale. The cost price of any promotional items included in the package is subject to tax.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), 212.07(2), 212.08(1), (4)(a)1., (7)(oo), (pp), ~~212.18(2)~~ FS. History-Revised 10-7-68, 6-16-72, 9-28-78, 10-29-81, Formerly 12A-1.11, Amended 12-8-87, 1-2-89, 8-10-92, 6-19-01, 4-17-03, _____.

12A-1.0115 Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies.

(1) SCOPE.

(a) The purpose of this rule is to clarify the application of tax on food products generally served, prepared, or sold in or by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, or other like places of business where food products are sold for immediate consumption on the seller's premises or packaged or wrapped and taken away from the seller's premises.

(b) Rule 12A-1.011, F.A.C., is intended to clarify the application of tax to the sale of food products generally sold by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business, the sale of bakery products by bakeries, pastry shops, and like establishments, and the sale of drinking water or ice.

(2) FOOD PRODUCTS SERVED, PREPARED, OR SOLD IN OR BY RESTAURANTS OR SIMILAR PLACES OF BUSINESS.

(a) Food products served, prepared, or sold in or by restaurants, lunch counters, cafeterias, hotels, taverns, or other similar places of business are subject to tax.

(b) Food products that are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware are subject to tax. The food products are subject to tax, even though the tables, chairs, or counters and the trays, glasses, dishes, and other tableware may be provided by a person with whom the dealer contracts to furnish, prepare, or serve the food products to others.

(c) Food products that are ordinarily sold for immediate consumption on the seller's premises or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location are subject to tax. The food products remain subject to tax even when the product is sold on a "take out" or "to go" basis and are packaged or wrapped and taken away from the dealer's facility. The customary practices prevailing at the dealer's facility will be used to determine whether a food product is sold for immediate consumption at the selling facility. The premises of a caterer, with respect to catered meals or beverages, is the place where such meals or beverages are served.

(d) Restaurants, lunch counters, cafeterias, hotels, taverns, or other like places of business that also maintain a separate department that includes groceries are not required to collect tax on tax-exempt sales of food products, as provided in Rule 12A-1.011, F.A.C., when separate records are maintained for the separate department; however, food products that are sold as prepared food through a separate department are subject to tax.

(3) FOOD PRODUCTS CONSUMED IN PLACES WHERE AN ADMISSION IS CHARGED.

(a) Food products are subject to tax when furnished, served, prepared, or sold on the premises of a place where admission is charged for entrance. The term "premises" will be construed broadly to include: the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; the parking area of a drive-in or outdoor theater; or similar places.

(b) When food products are furnished to patrons who have paid an admission charge for entrance as a part of that admission charge and there is no separately itemized charge to the patron for the food products, tax is due on the cost of the food products furnished. When the food products are purchased from a caterer, restaurant, or similar establishment, tax is due on the total charge made by the caterer, restaurant, or similar establishment.

(c) When the charges for food products are separately itemized and priced from the admission charge to the patron, tax is required to be collected on the sales price of the food products. (See Rule 12A-1.005, F.A.C., for admission charges.) Food products that are separately itemized and sold to the patron may be purchased for resale, as provided in Rule 12A-1.039, F.A.C.

(4) VENDING MACHINES AND MOBILE VENDORS. Food products sold through a vending machine, push cart, motor vehicle, or any other form of vehicle are subject to tax. See Rule 12A-1.044, F.A.C., for sales through vending machines.

(5) COUPONS, DISCOUNTS, AND DONATED FOOD PRODUCTS.

(a) When a dealer sells two meals for the price of one meal, the dealer is required to collect tax on the total amount charged. No tax is due on the second meal.

(b) The sale of a meal ticket or coupon book to be redeemed for the purchase of taxable food products is not subject to tax at the time of sale. When the ticket or coupon is redeemed by a customer, the seller is required to collect the tax on the total consideration received, including the value of the ticket or coupon redeemed, and any additional compensation received by the seller.

(c) When the seller provides a customer taxable food products without charge after purchasing a designated number of taxable food products, tax is due on the sales price of the taxable food products sold. No tax is due on the item provided to the customer without charge. For example, a sandwich shop offers customers a coupon that will entitle the customer to receive a free sandwich after purchasing five sandwiches. When the customer's coupon indicates that the customer has purchased five sandwiches, the customer redeems the coupon for the free sandwich. The sandwich shop is required to collect

tax on the sale of the first five sandwiches. No tax is due on the sandwich provided, without charge, to the customer, who has purchased the required five sandwiches.

(d) Dealers that sell food products at retail are not subject to tax on any food or beverage donated to a food bank or an organization determined to be currently exempt from federal income tax pursuant to s. 501(c) of the Internal Revenue Code of 1986, as amended.

(6) FOOD PRODUCTS SOLD OR FURNISHED BY RESTAURANTS OR SIMILAR PLACES OF BUSINESS TO EMPLOYEES.

(a) Food products furnished by an employer to its employees are not subject to tax, provided no cash changes hands as payment for the food products furnished and the assigned value of the food products is not required to be reported as income to the employee for federal income tax purposes.

(b) Food products sold by a restaurant to its employees are subject to tax.

(c) Food products consumed by the owner and his family are not subject to sales tax.

(7) TRANSPORTATION COMPANIES.

(a) Food products sold ready for immediate consumption by airlines, railroads (except Amtrak), vessels, or other transportation companies to their passengers, while within Florida, are subject to tax. A transportation company may extend a copy of its Annual Resale Certificate to the selling dealer instead of paying tax on the purchase of food products ready for immediate consumption for purposes of resale to their passengers.

(b)1. Transportation companies, except Amtrak, are required to pay tax on their purchases of meals and food products ready for immediate consumption when:

a. The food products are delivered to the transportation company in this state, whether consumed in this state or outside this state;

b. The food products are furnished to the passengers; and

c. There is no separately itemized charge to the passenger for the food product.

2. For the partial exemption available to airlines, see Section 212.0598, F.S. For the partial exemption available to vessels engaged in interstate or foreign commerce under Section 212.08(8), F.S., see Rule 12A-1.0641, F.A.C.

(c) The purchase or sale of food products ready for immediate consumption by Amtrak, an instrumentality of the United States government, is not subject to tax.

(8) CATERERS.

(a) For purposes of this rule, the term "caterer" means any person engaged in the business of furnishing, cooking, preparing, or serving food or drinks on the premises of the

customer, or on premises supplied by the customer, including premises leased by the customer from a person other than the caterer.

(b) The total charge made by caterers for furnishing, cooking, preparing, or serving food or drinks, whether performed by the caterer, the caterer's employees, or persons contracting with the caterer, is subject to tax. Caterers are considered the ultimate consumer and are liable for the tax on their purchase or lease of items, such as pots, pans, and other dishes, silverware, glasses, chairs, tables, tablecloths, and similar items used to furnish, cook, prepare, or serve food or drinks. Any separately itemized charge by the caterer for the use of these items is considered to be a part of the total charge for furnishing, cooking, preparing, or serving food or drinks and is subject to tax.

(c) Tax applies to charges by a caterer, or any other person, for planning, designing, coordinating, or supervising an event when the charges to the customer are made in connection with the furnishing, cooking, preparing, or serving food or drinks at the event. Tax does not apply to charges for services unrelated to the furnishing, cooking, preparing, or serving food or drinks, such as entertainment charges, when the charges are separately itemized and separately priced to the customer on the customer's bill, invoice, statement, or other evidence of sale.

(d) When caterers purchase or lease items that are not used to furnish or serve food or drinks, such as tents, decorative props, special lighting, sound or video systems, dance floors, or stages, the caterer may purchase or lease these item(s) for resale or re-lease tax exempt by extending a copy of its Annual Resale Certificate to the selling dealer instead of paying tax when:

1. The property is purchased or leased exclusively for resale or re-lease to the caterer's customer;

2. The charge to the customer for each item is separately itemized and separately priced on the customer's bill, invoice, statement, or other evidence of sale; and

3. The applicable tax is collected from the customer.

(e) When a caterer sells food or drinks, including any service charges, to other caterers or event planners for the purpose of resale, the caterer may accept a copy of the purchaser's Annual Resale Certificate instead of collecting tax from the purchaser. The purchasing caterer or event planner is required to collect the applicable tax from his or her customer on the charge for catering.

(9) GRATUITIES.

(a) Any charge made by a dealer to a customer for gratuities, tips, or similar charges is a part of the taxable sales price of the food or drinks except when:

1. The charge is separately stated as a gratuity, tip, or other charge on the customer's receipt or other tangible evidence of sale; and,

2. The dealer receives no monetary benefit from the gratuity. Money withheld by the dealer for purposes of payment of the employee's share of social security or federal income tax or any fee imposed by a credit card company on the amount of the gratuity, or money withheld pursuant to judicial or administrative orders, is not a monetary benefit for purposes of this rule.

(b) The charge for room service made by hotels for serving meals in guests' rooms is included in the total price of the meal and is subject to tax.

(c) Service charges, minimum charges, corkage fees, setup fees, or similar charges imposed by a restaurant, tavern, nightclub, or other like places of business as part of the charge for furnishing, serving, or preparing food products are subject to tax.

(d) The charge for the preparation of food products furnished by the customer to the preparer is subject to tax, whether prepared for immediate consumption on the preparer's premises or for consumption off the premises.

(10) FOOD OR DRINKS FURNISHED WITH LIVING OR SLEEPING ACCOMMODATIONS.

(a) Food or drinks served or sold at community colleges, junior colleges, and other institutions of higher learning, or fraternities and sororities, are subject to tax. If a lump sum amount is charged by the institution for living or sleeping accommodations and meals, a portion of the lump sum amount must be allocated to the sale of food or drinks to reasonably reflect the value of the food or drinks. Tax is due on the portion that is reasonably allocated to the sale of the food or drinks.

(b)1. Public lodging establishments that advertise that they provide complimentary food and drinks are not required to pay sales or use tax on food or drinks when:

a. The food or drinks are furnished as part of a packaged room rate;

b. No separate charge or specific amount is stated to the guest for such food or drinks;

c. The public lodging establishment is licensed with the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; and

d. The public lodging establishment rents or leases transient accommodations that are subject to sales and use tax.

2. The public lodging establishment may extend a copy of its Annual Resale Certificate to the selling dealer to purchase food and drinks used for this purpose tax-exempt, as provided in Rule 12A-1.039, F.A.C.

(11) DAY NURSERIES AND CUSTODIAL CAMPS. Day care facilities, nurseries, kindergartens, day camps, and custodial camps that primarily provide professional and personal supervisory and instruction services are not required to collect tax on their charges to the students or campers for providing food or drinks as part of their services. However,

when the charges for furnishing food or drinks are separately itemized and separately priced to the student or camper, tax is required to be collected on the sales price of food or drinks.

(12) MEALS SERVED AT LABOR CAMPS.

(a) Labor camps and commercially operated public housing quarters are operated to house and feed workers on a contract basis. The provisions of this subsection are intended to provide the taxability of the housing and meals provided to workers under such contracts.

(b) When the contract provides for meals, and no housing is furnished under the contract, the charge for the meals is subject to tax.

(c)1. When the contract provides for housing and meals for the workers, the charge for meals is subject to tax.

2. When the contract provides for housing for the workers but the workers buy groceries and prepare their own meals, no tax is due on the prepared meals.

(d) Workers residing in public housing quarters or labor camps may enter into agreements under which one worker is appointed to purchase groceries and prepare all meals. The worker may be selected and directed by the group of workers or may be designated and directed by the employer. The employer may deduct from each employee's wages the pro rata share of the groceries purchased for the group or a contracted charge for the meals prepared and served by the employer's designated cook.

1. When the employees select the designated worker to purchase groceries and prepare meals, no tax is due on the amount deducted by the employer for each employee's pro rata share of the cost of the groceries purchased by the designated worker.

2. When the employer selects the worker to be the designated cook who prepares all meals, tax is due on the amount deducted from the employee's wages by the employer for the meals.

(13) HOSPITALS AND HOMES FOR THE AGED.

(a) Meals furnished to residents of homes for the aged, as defined in Section 212.08(7)(i), F.S., are exempt.

(b) Meals furnished to patients and inmates of any hospital or other institution designed and operated primarily for the care of persons who are ill, aged, infirm, mentally or physically incapacitated or for any reason dependent upon special care or attention are exempt.

(c) Meals sold and delivered as a charitable function by a nonprofit volunteer organization to handicapped, elderly, or indigent persons at their residences are exempt.

(14) NON-PROFIT ORGANIZATIONS: SOCIAL OR CIVIC CLUBS.

(a) Food or drinks sold at fundraisers and similar types of events are subject to tax, unless such sales qualify as occasional sales, as provided in Rule 12A-1.037, F.A.C.

(b) Organizations that hold a valid Florida Consumer's Certificate of Exemption may extend a copy of their certificate to purchase meals and beverages used in the normal nonprofit activities of the organization tax-exempt.

(c) Food or drinks sold by a religious institution that holds a valid Florida Consumer's Certificate of Exemption and has an established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on are exempt.

(d) Food or drinks served or sold to or by social, civic, and similar organizations are subject to tax.

(e) When charges for meals and beverages to members of an organization are separately itemized and priced from the dues for membership, the charges for meals and beverages are subject to tax. If the organization indicates on its dues invoices, membership billing statements, dues notices, or membership applications that a specified portion of the dues payment is attributed to the furnishing of meals and beverages, the specified portion attributed to the furnishing of the meals and beverages is subject to tax.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), 212.07(1)(b), (2), 212.08(1), (4)(a)1., (6), (7), (7)(i), (k), (m), (oo), (pp), 212.18(3)(c), and 213.37 FS. History--New _____.

12A-1.071 Rentals, Leases, or License to Use Tangible Personal Property.

(1) through (32) No change.

~~(33) Caterers are required to pay tax on the purchases or rentals of all dishes, tables, chairs, silver, linens, kitchen utensils, artificial palms, and other items used by them in the conduct of their business. The caterer should pay tax to his supplier and should not furnish the supplier with a resale certificate, except in those instances where he is purchasing or renting such items exclusively for rental and for which he makes a separate charge to his customer.~~

(34) through (36) renumbered (33) through (35) No change.

~~(37) The charge for water conditioning (soft water service) is exempt. The dealer shall pay tax on the acquisition of tanks, minerals, and other equipment used in furnishing such service, unless such materials and supplies are actually sold to the customer.~~

(38) through (47) renumbered (36) through (45) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), (4), (10)(g), (12), (14)(a), (15)(a), (16), (19), 212.04, 212.05(1)(c), (d), (f), (h), (i), 212.06(1)(a), (2)(e), (8), 212.08(7)(e), (f), (v), (y), 212.11(2), (3), 212.12(9), 212.18(2), 402.61 FS. History--Revised 10-7-68, 1-7-70, 6-16-72, Amended 12-11-74, 12-31-81, 7-20-82, Formerly 12A-1.71, Amended 1-2-89, 10-5-92, 11-16-93, 8-15-94, 10-17-94, 3-20-96, 8-1-02, 6-12-03, 9-28-04, _____.

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
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(2) through (14) No change.

(15)(a) DR-46B	Sales Tax Status of Some Nonalcoholic Preparations, Beverages and Drinks When Sold In Grocery Stores and Similar Establishments (10/89)	08/92
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(b) No change.

(16) through (23) No change.

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History--New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, 1-1-08, 4-1-08, 6-4-08, 1-27-09, _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.:	RULE TITLE:
12B-8.016	Retaliatory Provisions NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 51, December 19, 2008 issue of the Florida Administrative Weekly.

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

DATE AND TIME: March 2, 2009, 10:00 a.m.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Water and Wastewater Treatment Plant Operators

RULE NOS.:	RULE TITLES:
61E12-41.002	Definitions
61E12-41.003	Qualifications for Operator Certification
61E12-41.004	Applications for Certification from Persons with Actual Experience
61E12-41.005	Examinations; Forms for Certification
61E12-41.006	Operator Certification
61E12-41.007	Renewal of Operator Certificates
61E12-41.009	Denial of Application or Renewal of Certificates; Notice of Denial or Renewal
61E12-41.010	Duties of Operators
61E12-41.011	Fees
61E12-41.013	Grounds for Disciplinary Proceedings
61E12-41.014	Citations
61E12-41.016	Suspension and Revocation of Operator Certificates
61E12-41.017	Disciplinary Guidelines; Aggravating and Mitigating Circumstances
61E12-41.018	Actual Experience for Operator Certification

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 1, January 9, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-304.705	St. Lucie Basin TMDLs

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 53, December 31, 2008 issue of the Florida Administrative Weekly.

(1) St. Lucie Estuary (Lower & Middle Estuary) WBID 3193: The Total Maximum Daily Loads (TMDLs) for the St. Lucie Estuary, based on data in the period from 1996 through 2005, are to achieve 0.081 mg/L total phosphorus and 0.72 ~~0.74~~ mg/L total nitrogen at Roosevelt Bridge and are allocated as follows:

(a) through (d) No change.

(2) North Fork St. Lucie River (Freshwater) WBID 3194: The TMDLs for the North St. Lucie (Freshwater) are to achieve 0.081 mg/L total phosphorus, 0.72 ~~0.74~~ mg/L total nitrogen, and 2.0 mg/L biological oxygen demand for this segment. Based on data in the period from 1996 to 2005, the cumulative load from all sources is 140,134 lbs/year total nitrogen, 15,765 lbs/year total phosphorus and 2.0 mg/L biological oxygen demand allocated as follows:

(a) through (d) No change.

(3) North Fork St. Lucie Estuary (Estuarine North Fork) WBID 3194B: The TMDLs for the North Fork St. Lucie Estuary (Estuarine North Fork) are to achieve 0.081 mg/L total phosphorus and 0.72 ~~0.74~~ mg/L total nitrogen in this estuary segment. Based on data in the period from 1996 to 2005, the cumulative load from all sources is 103,174 lbs/year total nitrogen and 11,672 lbs/year total phosphorus allocated as follows:

(a) through (d) No change.

(4) C-24 Canal WBID 3197: The TMDLs for the C-24 Canal are to achieve 0.081 mg/L total phosphorus, 0.72 ~~0.74~~ mg/L total nitrogen, and 2.0 mg/L biological oxygen demand for the canal segment. Based on data in the period from 1996 to 2005, the cumulative load from all sources is 348,957 lbs/year total nitrogen, 39,258 lbs/year total phosphorus and 2.0 mg/L biological oxygen demand allocated as follows:

(a) through (d) No change.

(5) C-23 Canal WBID 3200: The TMDLs for the C-23 Canal are to achieve 0.081 mg/L total phosphorus and 0.72 ~~0.74~~ mg/L total nitrogen in the canal segment. Based on data in the period from 1996 through 2005, the cumulative load from all sources is 242,202 lbs/year total nitrogen and 27,248 lbs/year total phosphorus allocated as follows:

(a) through (d) No change.

(6) South Fork St. Lucie Estuary WBID 3210: The TMDLs for the South Fork St. Lucie Estuary are to achieve 0.081 mg/L total phosphorus and 0.72 ~~0.74~~ mg/L total nitrogen in this estuary segment. Based on data in the period from 1996 through 2005, the cumulative load from all sources is 24,463 lbs/year total nitrogen and 2,752 lbs/year total phosphorus allocated as follows:

(a) through (d) No change.

(7) South Fork St. Lucie River WBID 3210A: The TMDLs for the South Fork St. Lucie River are to achieve 0.081 mg/L total phosphorus and 0.72 ~~0.74~~ mg/L total nitrogen in this river segment. Based on data in the period from 1996 through 2005, the cumulative load from all sources is 90,471 lbs/year total nitrogen and 10,178 lbs/year total phosphorus allocated as follows:

(a) through (d) No change.

(8) Bessey Creek WBID 3211: The TMDLs for Bessey Creek are to achieve 0.081 mg/L total phosphorus and 0.72 ~~0.74~~ mg/L total nitrogen in the creek segment. Based on data in

(1) Submit an application for licensure by examination on board approved form DOH/MQA/PH103 (Rev.07/08), Foreign Graduate Pharmacist Examination Application and Instructions, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable examination fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-57.001	Purpose and Intent
67-57.005	Definitions
67-57.010	Fees
67-57.020	Notice of funding Availability (NOFA)
67-57.030	Membership Application Procedures
67-57.040	Property Standards
67-57.050	HOP Program Restrictions
67-57.060	Eligible Homebuyer Requirements
67-57.070	Homebuyer Loan Process
67-57.080	HOME Regulations

NOTICE OF CANCELLATION OF RULE DEVELOPMENT WORKSHOP

Notice is hereby given that the 2009 HOP Rule Development Workshop scheduled for January 23, 2009 in Tampa, FL, as noticed in Vol. 34, No. 53, December 31, 2008 issue of the Florida Administrative Weekly has been cancelled.

**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**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on January 12, 2009, the South Florida Water Management District (District) received a request for withdrawal of a Petition for Waiver regarding Application No. 08-1230-1 for utilization of Works or Lands of the District known as the L-19 & L-20 Canals; Section 23, Township 44S, Range 36E, Palm Beach County. The District originally, received a petition for waiver from Florida Power & Light Company (FPL) on January 5, 2009, and Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 3, on January 23, 2009. No public comment was received.

A copy of the Withdrawal Request and a copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, (561)682-6320 or Email: kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on January 5, 2009, the South Florida Water Management District (District or SFWMD), received a petition for waiver from Florida Power and Light Company, Application No. 08-1230-1, for utilization of Works or Lands of the District known as the L-19 and L-20 Canals, to allow for the placement of an aerial powerline run with poles to be located approximately 11' from the top of the canal bank (4' behind the guardrail) along the L-19 and L-20, beginning approximately 1 mile south of SR 80 continuing southerly to approximately 2 miles south of SR 827. The new South Bay feeder will serve the area along US Highway 27 south of South Bay Substation, along with future loads from SFWMD, which includes Compartment B and EAA Reservoir Projects; Section 23, Township 44S, Range 36E, Palm Beach County. The Petition seeks relief from subsection 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff at (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments

concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on December 29, 2008, the Agency for Health Care Administration, received a petition for waiver of subsection 59A-7.020(15), Florida Administrative Code, from DVA Laboratory Services, Inc. The petition requests a waiver of rule provisions prohibiting personnel to provide assistance in the collection and processing of specimens. The specific provision on which the waiver is sought is paragraph 59A-7.020(15)(g), Florida Administrative Code. The Petitioner in its request seeks a permanent waiver from the rule due to substantial hardship.

A copy of the Petition for Variance or Waiver 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 on December 11, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for A Routine Variance from paragraphs 61C-1.004(2)(a) and 61C-4.010(7)(f), Florida Administrative Code (F.A.C.), for Anastasia Inn located in St. Augustine. The above referenced F.A.C. states that each public lodging and food service establishment shall be provided with adequate and conveniently located bathroom facilities for its employees and guests.... Specifically, the petitioner is requesting to not install a public bathroom for use by guests in the food service area within a public lodging establishment, but for guests to use their bathrooms inside of their rooms.

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 December 12, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for An Emergency Variance from subsections 61C-4.010(7) and 61C-4.010(6), Florida Administrative Code, for Jeremy’s Big Twist located in Mount Dora. 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... Specifically, the proposed establishment requests to use bathrooms located on a different floor than the restaurant for both customers and employees.

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 27, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a routine variance from subsections 61C-4.010(7) and 61C-4.010(6), Florida Administrative Code, for Moe’s Southwest Grill located in Orlando. 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... Specifically, the proposed establishment requests to use bathrooms located on a different floor than the restaurant for both customers and employees.

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 November 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance from subsection 61C-4.010(6), Florida Administrative Code (F.A.C.), for P.J.’s Seafood Restaurant located in Indian Rocks Beach. The above referenced F.A.C. references the provisions of Chapter 6, 2001 Federal Drug Administration Food Code, which prohibits live animals on the premises of a food service establishment. Specifically, the Petitioner requests a variance from the prohibition of animals on the premise in order to have a caged parrot inside the building.

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 January 13, 2009, the The Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

On October 31, 2008, The Department of Business and Professional Regulation, Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Tam Mobile Food Service located in Largo. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3 and Chapter 6 of the 2001 FDA Food Code. Specifically, Petitioner requests to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

The variance request for Tam Mobile Food Service located in Largo, was approved and contingent upon the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid, the steam table is enclosed within a cabinet with tight-fitting doors and protected by an air curtain installed and operated according to manufacturer’s

specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries per the parameters of the currently adopted FDA Food Code, and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; only frankfurters may be prepared on the grill depicted on the drawing of the unit; and steam table food is to be dispensed by the operator with no customer self-service.

The Petitioner shall strictly adhere to the operating procedures submitted and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation and shall be adhered to as approved by the Division. Any violation of the variance or operating procedures is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Rhonda.Steele@DBPR.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 13, 2009, the The Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Taqueria Mario's located in Mascotte. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3 and Chapter 6 of the 2001 FDA Food Code. Specifically, Petitioner requests to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

This variance request was approved and contingent upon the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid, the steam table is enclosed within a cabinet with tight-fitting doors and protected by an air curtain installed and operated according to manufacturer's specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries per the parameters of the currently adopted FDA Food Code, and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; food may only be dispensed from the unit, not assembled; steam table food is to be dispensed by the operator with no customer self-service; and the unit must report to an approved, licensed commissary each day of operation.

The Petitioner shall strictly adhere to the operating procedures submitted and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation and shall be adhered to as approved by the Division. Any violation of the variance or operating procedures is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Rhonda.Steele@DBPR.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on December 29, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for A Routine Variance from subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code (F.A.C.), for Taqueria Mario's located in Mascotte. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter six of the FDA Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. Specifically, Petitioner requests to dispense bulk potentially hazardous foods other than frankfurters from an open air Mobile Food Dispensing Vehicle. A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda Steele@dbpr.state.fl.us.

The Construction Industry Licensing Board hereby gives notice that it has received a petition, filed on December 18, 2008, by Timothy P. Atkinson, Esq., on behalf of Clinton Hennecey, seeking a permanent waiver or variance of Rule 61G4-15.001, F.A.C., dealing with qualifications for certification, and to verification of active experience by affidavits prepared or signed by a state certified Florida contractor, or an architect or engineer, in the applicant's category, who is licensed in good standing or a licensed building official.

Comments on this petition should be filed with: Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, within 14 days of publication of this notice.

For a copy of the petition, contact: G. W. Harrell, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

NOTICE IS HEREBY GIVEN THAT on December 3, 2008, the Board of Accountancy, received a petition for Kevin G. Donald, seeking a variance or waiver of paragraph 61H1-27.002(2)(a), Florida Administrative Code, which requires that an applicant for licensure hold a baccalaureate

degree from an accredited college or university and that 36 semester or 54 quarter hours earned in accounting education be above the elementary level.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Hearing Aid Specialists hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Kelsey Gonzalez. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 44, of the October 31, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed telephonic public meeting held on November 14, 2008.

The Board's Order, filed on November 25, 2008, grants the Petition for Variance or Waiver of subsection 64B6-8.003(8), Florida Administrative Code. The Board finds that the Petitioner has complied with Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code, by demonstrating that the purpose of the underlying statute will be achieved or has been achieved by other means. Further, the Board determined that strict application of the rule to Petitioner's specific circumstances would create substantial hardship.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Hearing Aid Specialists hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver filed by Justin Kelley, Esq. on behalf of Mariaelena Torres-Ramos. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 43, of the October 24, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed telephonic public meeting held on November 14, 2008.

The Board's Order, filed on November 25, 2008, grants the Petition for Variance or Waiver of subsection 64B6-8.003(8), Florida Administrative Code. The Board finds that the Petitioner has complied with Section 120.542(2), Florida Statutes, by demonstrating that the purpose of the underlying

statute, Section 484.045, Florida Statutes, will be achieved or has been achieved by other means. Further, the Board determined that strict application of the rule to Petitioner's specific circumstances would create substantial hardship.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT on December 23, 2008, the Board of Pharmacy, received a petition for David Weinstein, M.D., on behalf of University Urologists. Although there is no reference to a specific rule number in the petition, it appears that the petitioner is seeking a variance or waiver of Rule 64B16-27.700, Florida Administrative Code, which provides the definition of compounding.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, (850)245-4292. Comments on this petition should be filed with the Board of Pharmacy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 14, 2009, the Board of Physical Therapy Practice, received a petition for Joanne Bury, seeking a variance or waiver of subsection 64B17-3.002(1), F.A.C., which requires that an applicant for licensure by examination must have obtained a passing score on the NPTE examination with the five (5) years immediately prior to the filing of the application.

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. Comments on this petition should be filed with the Board of Physical Therapy Practice within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 13, 2009, the Board of Physical Therapy Practice, received a petition for Connie Cervantes, seeking a variance or waiver of paragraph 64B17-3.001(4)(j), F.A.C., which requires that effective January 1, 2007, an applicant provide evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 89 on the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 21 in reading comprehension; and 18 in listening comprehension.

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.

Comments on this petition should be filed with the Board of Physical Therapy Practice within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 13, 2009, the Board of Physical Therapy Practice, received a petition for Sonia V. Nigudkar, seeking a variance or waiver of Rule 64B17-3.003, F.A.C., which requires that an applicant demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licensure are as high as those maintained in Florida.

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. Comments on this petition should be filed with the Board of Physical Therapy Practice within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 13, 2009, the Board of Physical Therapy Practice, received a petition for Siobhan M. Raven, seeking a variance or waiver of subsection 64B17-3.001(4), F.A.C., which requires that a foreign graduate's credentials are equivalent to education required for licensure as a physical therapist in the United States.

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. Comments on this petition should be filed with the Board of Physical Therapy Practice within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on January 5, 2000, the Department of Health, received a petition for Variance from Chapter 64E-13, Florida Administrative Code, from Charlotte Academy, 365 Orlando Blvd., Port Charlotte, Florida. This rule prescribes the minimum requirements and standards of sanitation and safety for schools located with the state regardless of the nature of the school, its ownership or organization. Comments on this petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, (850)245-4277.

NOTICE IS HEREBY GIVEN THAT on January 5, 2009, the Department of Health, received a petition for Variance from subsection 64E-11.006(5), Florida Administrative Code, from Christian Manor of Clearwater, Inc., 1845 N. Keene Road, Clearwater, Florida. This rule section requires certain equipment to wash, rinse, and sanitize multi-use utensils. Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, (850)245-4277.

NOTICE IS HEREBY GIVEN THAT on December 31, 2008, the Department of Health, received a petition for Variance from paragraphs 64E-11.007(5)(a), 64E-11.006(1)(m), and 64E-12.004(2)(f), Florida Administrative Code, from Lifeline Family Center, located at 907 S. E. 5th Ave., Cape Coral, Florida. These rule sections require facilities with food service to have a hand washing sink and supplies in the food preparation areas and adjacent to the toilet rooms, as well as, a three compartment sink for washing, rinsing, and sanitizing utensils by hand.

Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Eychaner, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, (850)245-4277.

NOTICE IS HEREBY GIVEN THAT on January 9, 2009, the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services, received a petition for variance from subsection 64J-1.003(4), Florida Administrative Code, from Alachua County Department of Public Safety, Fire Rescue Section.

Nature of Rule: subsection 64J-1.003(4), F.A.C., requires each ALS permitted vehicle when available for call, to be equipped and maintained as approved by the medical director of the service in the vehicle minimum equipment list. The vehicle minimum equipment list shall include, at a minimum, one each of the items listed in Tables I and II. Table II, Equipment,

paragraph (v) requires electronic waveform capnography capable of real-time monitoring and printing record of the intubated patient (effective 1/1/2008).

Petitioner has had a purchase order in to Medtronic Physio Control Corp. to install the waveform capnography since August 2006. Medtronic has been under an injunction by the FDA that has prevented them from installing the upgrade. Petitioner is awaiting the FDA clearance and is requesting temporary variance from this rule requirement until April 1, 2010.

All comments and requests for copies of the petition must be received in writing by February 6, 2009.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email: alexander_macy@doh.state.fl.us.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
 Financial Services Commission
 Department of Veterans' Affairs
 Department of Highway Safety and Motor Vehicles
 Department of Law Enforcement
 Department of Revenue
 Department of Education
 Administration Commission
 Florida Land and Water Adjudicatory Commission
 Board of Trustees of the Internal Improvement Trust Fund
 Department of Environmental Protection

DATE AND TIME: February 10, 2009, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the

Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Food and Nutrition Advisory Council** announces a public meeting to which all persons are invited.

DATES AND TIMES: February 19, 2009, 8:30 a.m. – 5:00 p.m.; February 20, 2009, 8:30 a.m. – 12:30 p.m.

PLACE: The Crystal River Plantation Inn, 9301 W. Fort Island Trail, Crystal River, Florida 34429

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review the status of food and nutrition programs and initiatives in the State of Florida.

A copy of the agenda may be obtained by contacting: Adrian Middleton at (850)414-2883.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Adrian Middleton at (850)414-2883, by January 20, 2009. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a public meeting to which all persons are invited.

DATE AND TIME: February 2, 2009, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Conference Room, 3125 Conner Boulevard, C-25, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Agriculture and Consumer Services, Division of Forestry, Rural and Family Lands Program Selection Committee, announces a public meeting to which all persons are invited to attend. The purpose of the meeting is to have the Rural Lands Program Selection Committee receive public comment and by majority vote, adopt a list of projects, in priority order, that qualify for acquisition under the Rural and Family Protection Program.

A copy of the agenda may be obtained by contacting: John E. Browne, Florida Department of Agriculture and Consumer Services, Division of Forestry, Land Acquisition Administrator, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)414-9910.

Pursuant to the provisions of 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: John E. Browne, Florida Department of Agriculture and Consumer Services, Division of Forestry, Land Acquisition Administrator, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)414-9910. If you are 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 E. Browne, Florida Department of Agriculture and Consumer Services, Division of Forestry, Land Acquisition Administrator, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9910.

DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council**, Legislative Committee announces a public meeting to which all persons are invited.

DATES AND TIME: February 2-3, 2009, 8:00 a.m. – 6:00 p.m.

PLACE: Division of Vocational Rehabilitation, Headquarters, 2002 Old St. Augustine Road, Building A, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council’s Legislative Committee.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council’s address.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

For more information, you may contact: Yolanda Manning at (850)245-3320.

The **Florida Education Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 2, 2009, 10:00 a.m. – 11:30 a.m. or upon adjournment

PLACE: Conference Call. Dial-In Number: 1(888)808-6959, Pass Code: 2459671

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Foundation issues including, but not limited to: Approval of minutes from November 14, 2008, meeting; Commissioner’s report; program updates; financial report; executive director’s report; partnership proposals; and general discussion of the Foundation.

A copy of the agenda may be obtained by contacting: Jenna Vetre at (850)245-9671.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Jenna Vetre at (850)245-9671. If you are 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: Jenna Vetre at (850)245-9671.

The **Florida Conflict Resolution Consortium**, FSU announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 5, 2009, 12:00 Noon – 1:00 p.m.

PLACE: 5th Floor, University Center Club, Doak Campbell Stadium, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Greg May, Executive Director, South Florida Ecosystem Restoration Task Force will speak at our Advisory Council meeting. Topic: “Leadership Perspectives on Consensus Building in Everglades Restoration”. The public is invited to attend.

A copy of the agenda may be obtained by contacting: Lisa Fowler at (850)644-7063.

Pursuant to the provisions of 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: Lisa Fowler at (850)644-7063. If you are 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 **USF, Center for Urban Transportation Research** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 28, 2009, 1:30 p.m. – 4:00 p.m.

PLACE: CUTR Building, University of South Florida, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the CUTR Advisory Board.

A copy of the agenda may be obtained by contacting: Carol Ericson at (813)974-3120.

The **Florida Atlantic University** announces a public meeting to which all persons are invited.

DATE AND TIME: February 6, 2009, 9:00 a.m.

PLACE: FAU Treasure Coast Campus, 500 N. W. California Boulevard, Multipurpose Building, Room MP 205, Port Saint Lucie, FL 34986

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida’s Art in State Buildings Program for BT-623 Port Saint Lucie Partner Campus Phase II.

A copy of the agenda may be obtained by contacting: Corina Mavrodin at (561)297-0541.

Pursuant to the provisions of 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: Corina Mavrodin at cmavrodi@fau.edu. If you are 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: Corina Mavrodin at (561)297-0541.

The **Florida Atlantic University** announces a public meeting to which all persons are invited.

DATE AND TIME: February 2, 2009, 1:00 p.m.

PLACE: 777 Glades Road, Building 69, Room 118, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Building Program for BT-616 College of Engineering and Computer Science.

A copy of the agenda may be obtained by contacting: Corina Mavrodin at (561)297-0541.

Pursuant to the provisions of 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: Corina Mavrodin at cmavrodi@fau.edu. If you are 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: Corina Mavrodin at (561)297-0541.

The **Duval County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: February 2, 2009, 3:30 p.m. – 4:30 p.m.

PLACE: University of North Florida, University Center, 12000 Alumni Drive, Jacksonville, Florida 32224

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.

A copy of the agenda may be obtained by contacting: Dr. Earle C. Traynham, Executive Director, Duval County Research and Development Authority, 1 UNF Drive, Jacksonville, Florida 32224-2645.

The Florida **Community College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION

DATE AND TIME: February 3, 2009, 12:00 Noon – 2:00 p.m.

PLACE: Downtown Campus, 101 West State St., Room 1205, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2009 Legislative Agenda.

REGULAR MONTHLY BOARD MEETING

DATE AND TIME: February 3, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Downtown Campus, 101 West State St., Room 1202, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING

DATE AND TIME: February 3, 2009, 3:00 p.m. – 5:00 p.m.

PLACE: Downtown Campus, 101 West State St., Room A-3022, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, January 27, 2009, and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing with the College President, Florida Community College at Jacksonville, on or before February 3, 2009. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

Through the months of February and March 2009, the Board will hold informal meetings each Thursday from 12:00 Noon – 4:00 p.m., Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: February 2-4, 2009, 8:00 a.m. – completion

PLACE: Crown Plaza Melbourne Oceanfront Hotel, 2605 North A1A Highway, Melbourne, FL 32903, 1(800)980-6429

GENERAL SUBJECT MATTER TO BE CONSIDERED: February 2, 2009

8:00 a.m. Meeting of the Electrical Technical Advisory Committee.

9:00 a.m. Meeting of the Product Approval Program Oversight Committee.

9:00 a.m. Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Trademark Cinemas, 770 Riverside Drive, Coral Springs; Strike Industries, 3446 S.W. 15th, Deerfield Beach; Magic City Casino, 450 N.W. 37th Avenue, Miami; North General Plaza 1315 North Federal Plaza, Boynton Beach; Green Monkey Yoga Studio, 5734 Sunset Drive, Miami; Bayfront Park Amphitheater, 401 Biscayne Boulevard, Miami; and Barnett Park Gymnasium, 4801 West Colonial Drive, Orlando.

1:00 p.m. Meeting of the Mechanical Technical Advisory Committee.

1:00 p.m. Meeting of the Accessibility Code/ADAG 2.0 Work Group.

2:30 p.m. Meeting of the Structural Technical Advisory Committee.

3:00 p.m. Meeting of the Education Program Oversight Committee.

February 3, 2009

9:00 a.m. Meeting of the Plenary Session of the Florida Building Commission.

Review and approval of the Agenda.

Review and approval of the December 9 and 10, 2008 Meeting Minutes and Facilitator’s Report. Chair’s Discussion of Issues and Recommendations.

Update of Commission Workplan.

Consider requests for waiver of accessibility code requirements: Trademark Cinemas, 770 Riverside Drive, Coral Springs; Strike Industries, 3446 S. W. 15th, Deerfield Beach; Magic City Casino, 450 N. W. 37th Avenue, Miami; North General Plaza 1315 North Federal Plaza, Boynton Beach; Green Monkey Yoga Studio, 5734 Sunset Drive, Miami; Bayfront Park Amphitheater, 401 Biscayne Boulevard, Miami; and Barnett Park Gymnasium, 4801 West Colonial Drive, Orlando.

Consider Applications for Product and Entity Approval.

Consider Applications for Accreditor and Course Approval.

Consider Legal Issues, Product Approval Revocation(s), Binding Interpretations Report(s), and Petitions for Declaratory Statement.

Product Approval Revocation(s).

Binding Interpretations Report(s).

Declaratory Statements:

First Hearing:

DCA08-DEC-194 by Dan Arlington, St. Johns County Building Department.

DCA08-DEC-207 by Anthony Apfelbeck, Fire Marshall/Building Official, City of Altamonte Springs.

DCA08-DEC-339 by Jose Sanchez, Fenestration Testing Laboratory, Inc.

DCA08-DEC-344 by Alvin Scolnik, National Electrical Manufacturer’s Association.

DCA08-DEC-345 by James Reed, Southwest Progressive Enterprises, Inc.

DCA08-DEC-357 by Fred S. Cardwell, P.E.

DCA08-DEC-359 by Michael J. Wolfe, Advanced Shelter Solutions, Inc.

Consider Committee Reports and Recommendations: Electrical TAC Report; Fire TAC Report; Mechanical TAC Report; Roofing TAC Report; Structural TAC Report; Education POC Report; Product Approval/Manufactured Buildings POC Report; 2010 Florida Building Code Assembly Ad Hoc; Accessibility Code/ADAAG 2.0 Workgroup.

Rule Hearing on Repeal of Rule 9B-3.0477, F.A.C., Electrical Bonding of Pool Decks.

Rule Hearing on Repeal of Rule 9B-3.0475, F.A.C., Wind Mitigation Retrofits.

Rule Hearing on Repeal of Rule 9B-3.0472, F.A.C., Carbon Monoxide Detectors.

Consideration of Adopting the 2008 National Electric Code.

Commission Member Comments and Issues.

General Public Comment.

Review Committee Assignments and Issues for the April 6, 7, and 8, 2009, Commission Meetings.

Summary Review of Meeting Work Products.

Adjourn.

Second Hearing:

DCA08-DEC-289 by Glen Lathers, Hillsborough County Public Schools.

DCA08-DEC-331 by Brad Weatherholtz, FRSA Inc.

DCA08-DEC-337 by Roger Sanders, Nova Engineering and Environmental, LLC.

February 3, 2009

1:00 p.m. Or 1 hour after the Plenary Session adjourns, whichever is later: Meeting of 2010 Florida Energy Code Work Group.

February 4, 2009

8:30 a.m. Meeting of Soffit Labeling Work Group.

A copy of the agenda may be obtained by contacting: 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 or Fax (850)414-8436, Website: www.floridabuilding.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. 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 or Fax (850)414-8436, Website: www.floridabuilding.org.

The State Emergency Response Commission, Sub-Committee on Training announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 10, 2009, 10:00 a.m.

PLACE: Sadowski Building, Room 325A, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued development of ToxMedic guidelines. Continued development of Natural Gas and Liquid Propane Gas initiatives. The conference call number is (630)869-1012, Access & ID Code: 297-312-750. Note: This conference call will be conducted using Communications Media Technology.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, Technological Hazards Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Pursuant to the provisions of 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: Division of Emergency Management at

(850)413-9970. If you are 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 TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2009, 8:30 a.m.

PLACE: Hawthorn Suites Lake Buena Vista, 8303 Palm Parkway, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations. Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Christine Jones at (850)245-7914. If you are 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."

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *February 9, 2009, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at: <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 080234-TP – Implementation of Florida lifeline program involving bundled service packages and placement of additional enrollment requirements on customers.

DATE AND TIME: Monday, February 9, 2009, 1:30 p.m.

PLACE: 148 Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: February 10, 2009, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website, at <http://www.floridapsc.com> at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

DOCKET NO. 080121-WS

DATE AND TIME: February 11, 2009, 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 and make a decision regarding the 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.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting: Office of Commission Clerk at (850)413-6770 or writing: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee,

Florida 32399-0850. The agenda and recommendation are also accessible on the PSC Website, at <http://www.floridapsc.com> at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need a record of the proceedings and, for such purpose, 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 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.

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 080234-TP – Implementation of Florida lifeline program involving bundled service packages and placement of additional enrollment requirements on customers.

DATE AND TIME: Tuesday, February 24, 2009, 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 permit parties to present testimony and exhibits relative to the implementation of Florida lifeline program involving bundled service packages and placement of additional enrollment requirements on customers, 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 at the prehearing conference held on Monday, February 9, 2009. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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.

EXECUTIVE OFFICE OF THE GOVERNOR

The State of Florida, **Agency for Enterprise Information Technology**, Chief Information Officers (CIO) Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 26, 2009, 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: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Lauren Pope, Florida Fish and Wildlife Conservation Commission, Office of Information Technology, Lauren.Pope@MyFWC.com, (850)414-2870.

Pursuant to the provisions of 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: Gail Kent, Department of Financial Services, email: Gail.Kent@myfloridacfo.com or call at (850)413-1557. If you are 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: Lauren Pope, Florida Fish and Wildlife Conservation Commission, Office of Information Technology, Lauren.Pope@MyFWC.com, (850)414-2870.

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council**, Community Investment Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 10:30 a.m. (CST)

PLACE: Crestview City Hall, Council Chambers, 198 North Wilson Street, Crestview, FL 32536

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee member roles and responsibilities as they relate to implementation of the U.S. EPA Brownfields Cleanup Revolving Loan Fund.

A copy of the agenda may be obtained by contacting: Cynthia R. Williams at cynthia.williams@wfrpc.org.

The **Northeast Florida Regional Council** and ULI announces a workshop to which all persons are invited.

DATE AND TIME: Friday, January 30, 2009, 7:30 a.m.

PLACE: UNF University Center, 12000 Alumni Drive, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: The program will review how we are using land now, what density looks like in our region, and what growth we project by 2060, and will include a presentation on the connection between land use and transportation and what choices we may have to

enhance our quality of life. It will also include an overview of the linkages between our quality of life, in relation to land use and agriculture, and land use and natural areas.

A copy of the agenda may be obtained by contacting: Margo Moehring at (904)279-0885, ext. 161, or mmoehring@nefrc.org.

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, February 5, 2009, Planning and Growth Committee, 8:30 a.m.; Personnel, Budget and Finance Committee, 9:00 a.m.; Board of Directors, 10:00 a.m.; Legislative Committee, immediately following the Board Meeting

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

For more information, you may contact: Angela Giles at (904)279-0880 or agiles@nefrc.org.

The **Central Florida Regional Planning Council**, Policy Committee for the Avon Park Air Force Range (APAFR) Joint Land Use Study (JLUS) announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Avon Park Air Force Range, Conference Room, 29 South Boulevard, Avon Park, FL 33826

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of Avon Park Air Force Range Operations, the JLUS Scope of Work, the public involvement plan, and the responsibilities of the Policy Committee.

ENTRY ONTO THE AVON PARK AIR FORCE RANGE: Range security requires that all visitors be preregistered for the meeting. To preregister, contact Melissa Zerth at (863)534-7130, ext. 101 by January 26, 2009. The meeting is open to the public, however, all visitors must be preregistered and show government issued identification to pass through the security gate.

A copy of the agenda may be obtained by contacting: Melissa Zerth, Administrative Assistant.

Pursuant to the provisions of 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: Melissa Zerth at (863)534-7130, ext. 101. If you are 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: Melissa Zerth, Administrative Assistant, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 101.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 4, 2009, 9:30 a.m.

PLACE: Sebring Civic Center, 355 West Center Avenue, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: Environment and Natural Resources Task Force Meeting of the Heartland 2060 Regional Visioning Committee.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 130.

The **South Florida Regional Business Alliance** announces public meetings to which all persons are invited.

Meeting #1

DATE AND TIME: Wednesday, January 28, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: South Florida Regional Business Alliance, Conference Call Line Dialing Instructions for participation: Conference call number: 1(866)266-3378, Enter conference ID 9545660217 plus #, then enter password 1234 plus #, then say your name and enter #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Executive Committee conference call to discuss regional issues including mass transit and transportation funding.

Multiple Meetings

DATES AND TIME: Tuesday, February 3, 2009; Wednesday, February 4, 2009, 9:00 a.m. – 6:00 p.m. both days (Tentative – The Meeting Schedule is under development.)

PLACE: Senate Office Building, Meeting Room 221 (SOB 221), The Florida Senate, 404 South Monroe Street, Tallahassee, Florida 32399-1100

During their business issues trip to Tallahassee, the South Florida Regional Business Alliance (RBA) will meet primarily in SOB 221. Some meetings may be held in other areas of the

Capitol. A preliminary schedule of meetings, including meeting locations, will be available on Friday, January 30, 2009. A final meeting schedule with locations will be posted on the door of SOB 221 on February 3, 2009.

A copy of the meeting schedule can be requested by contacting: Isabel Cosio Carballo, South Florida Regional Planning Council at (954)985-4416 or at email isabelc@sfrpc.com.

To participate in any of these meetings, please call the South Florida Regional Business Alliance Conference Call Line at the time of the meeting you are interested in listening to. Please be aware that scheduled meetings may not always start on time or may be cancelled. RBA staff will call into the RBA Conference Call Line when each meeting commences to facilitate public access.

RBA Conference Call Line Dialing Instructions for participation: Conference call number: 1(866)266-3378, Enter conference ID 9545660217 plus #, then enter password 1234 plus #, then say your name and enter #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Florida Business Fly-In to Tallahassee – informational and fact finding briefings and meetings with state elected officials, issue advocates, and business associations on issues of regional importance. These issues will include discussions of mass transit and transportation funding of interest to members of the South Florida Regional Transportation Authority.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021 or by contacting (954)985-4416. The South Florida Regional Business Alliance is comprised of business leaders from Miami-Dade, Broward, and Palm Beach counties, including members of the South Florida Regional Transportation Authority.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council at (954)967-4152, ext. 40 (TDD), if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Florida Solar Energy Center, 1679 Clearlake Road, Cocoa, FL 32922

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Energy Committee will take a field trip to the Florida Solar Energy Center. The committee will tour the facility, meet with the staff, and hold a committee meeting.

A copy of the agenda may be obtained by contacting: Peter G. Merritt at (772)221-4060.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Liz Gulick at (772)221-4060. If you are 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: Liz Gulick at (772)221-4060.

The Treasure Coast Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2009, 10:00 a.m.

PLACE: Indian River State College, Wolf High Technology Center, 2400 S. E. Salerno Road, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Conduct the quarterly meeting of Council's Florida District X Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Kathryn Boer at (772)221-4060.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Liz Gulick at (772)221-4060. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL TRANSPORTATION AUTHORITIES

The South Florida Regional Transportation Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 5, 2009, 10:00 a.m.

PLACE: Board Room of the South Florida Regional Transportation Authority, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Operations Technical Committee Meeting.

A copy of the agenda may be obtained by contacting: SFRTA Operations Office at (954)788-7945.

Pursuant to the provisions of 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 **R.O. Ranch Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2009, 6:30 p.m.

PLACE: R.O. Ranch Office, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual meeting as required by the corporation by-laws will be held in conjunction with the monthly Board of Directors meeting. One of the purposes of this meeting will be the election of officers.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **R.O. Ranch Inc.**, a Florida non-profit corporation announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2009, 6:30 p.m.

PLACE: R.O. Ranch office, Cooks Hammock, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board of Directors meeting to discuss the development of equestrian facilities on Suwannee River Water Management District properties. February's Board of Directors meeting will be held in conjunction with the Annual Board of Directors meeting.

A copy of the agenda may be obtained by contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by

contacting: Pennie Flickinger, Administrative Assistant at (386)362-1001 or pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Brian Kauffman, Facilities Director at (386)362-1001 or bck@srwmd.org.

The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 6, 2009, 10:00 a.m., Projects and Land Committee Public Meeting and Tour

PLACE: Lake-Sumter Community College, Everett Kelley Convocation Center, 9501 U.S. Hwy. 441, Leesburg, FL 34788

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates and discussion of the Lake Apopka Restoration Program and Upper Ocklawaha River Basin Restoration Program. A tour of Harris Bayou and Emerald Marsh will begin, 12:30 p.m. at the Harris Bayou.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Heather Barnes, 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: Heather Barnes at (386)329-4347. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **St. Johns River Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, February 9, 2009, 1:00 p.m., Governing Board Workshop

PLACE: District Headquarters, Room 162, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governing Board Workshop will review the Administrative Procedures (Chapter 120, F.S.).

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)329-4101, or by visiting the District's website at www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Missy McDermont at (386)329-4101. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **St. Johns River Water Management District**, Projects and Land Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 9, 2009, 4:00 p.m., Projects and Land Committee Business Meeting

PLACE: District Headquarters, Room 162, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board.

NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on Tuesday, February 10, 2009, 8:00 a.m. at: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, (386)329-4347, or by visiting the District's website at: www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, February 10, 2009

8:15 a.m. Chair's Meeting

8:45 a.m. Finance, Administration and Audit Committee

10:00 a.m. Regulatory Committee

1:00 p.m. Governing Board Meeting and Public Hearing on Land Acquisition.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid Street, Palatka, FL 32177, (386)329-4214, or by visiting the District's website at: www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 3, 2009, 9:00 a.m.

PLACE: Tampa Service Office, 7601 US 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hillsborough River Basin Board Meeting: Consider Basin business. Ad Order 39947.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only

1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: SWFWMD, Executive Department at the address above.

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 4, 2009, 9:00 a.m.

PLACE: West Pasco Government Center, 7530 Little Road, New Port Richey, FL 34652

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pinellas-anclote River Basin Board Meeting: Consider Basin business. Ad Order 39947.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: SWFWMD, Executive Department at the address above.

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 5, 2009, 9:00 a.m.

PLACE: Tampa Service Office, 7601 US 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Alafia River Basin Board Meeting: Consider Basin business. Ad Order 39947.

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

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2009, 12:00 Noon

PLACE: Special Events Building, Florida State Fairground, 4800 US Hwy. 301 North, Tampa, FL 33619

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Fair Opening Day Luncheon: Recognition of Agriculture's Woman of the year. Ad Order.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: SWFWMD, Executive Department at the address above.

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 6, 2009, 9:30 a.m.

PLACE: Polk's Nature Discovery Center, 4399 Winter Lake Road, Lakeland, FL 33803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Peace River Basin Board Meeting: Consider Basin business. Ad Order 39947.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: SWFWMD, Executive Department at the address above.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 6, 2009, 1:00 p.m.

PLACE: Polk's Nature Discovery Center, 4399 Winter Lake Road, Lakeland, FL 33803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lake Hancock Tour: Tour Lake Hancock and project activities. Ad Order 39947.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: SWFWMD, Executive Department at the address above.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 6, 2009, 1:00 p.m.

PLACE: South Florida Museum, 201 – 10th Street, West, Bradenton, FL 34205

GENERAL SUBJECT MATTER TO BE CONSIDERED: Sarasota Bay Estuary Program Policy Board Meeting (SBEP): Consider Policy Board business. Ad Order 39947.

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: SWFWMD, Executive Department at the address above.

The **Water Resources Advisory Commission**, WRAC Issues Workshop – River of Grass Project Planning Phase 1 announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2009, 10:00 a.m. – 4:00 p.m.

PLACE: SWFWMD, Building B-1, Auditorium, 3301 Gun Club Rd., West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: All interested parties are invited to participate in a planning workshop for use in configuration of the River of Grass Restoration Plan. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Joni Warner at (561)242-5520, ext. 4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Water Resources Advisory Commission** (WRAC) Regular Monthly Meeting announces a public meeting to which all persons are invited.

DATE AND TIME: February 5, 2009, 9:00 a.m. – 4:00 p.m.
 PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406
 GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District’s Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 4, 2009, 10:00 a.m. – until completion

PLACE: Commission Business Office, Rhyne Building, 2740 Centerview Drive, Suite 1A, Tallahassee, FL 32301, (850)410-5700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Shirley Conroy grant application process, schedule for distribution, review schedule, dead line for receiving grant application packages, and other committee business.

A copy of the agenda may be obtained by contacting: Sheri Powers, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

Pursuant to the provisions of 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: Sheri Powers, 605 Suwannee Street, MS-49, Tallahassee, FL 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).

For more information, you may contact: Sheri Powers, 605 Suwannee Street, MS-49, Tallahassee, FL 32399.

The Florida **Commission for the Transportation Disadvantaged** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, February 6, 2009, 3:00 p.m. – until completion

PLACE: Commission Business Office, 2740 Centerview Drive, Suite 1A, Tallahassee, FL 32301, (850)410-5700. Conference Call Number: 1(888)808-6959, Conference Code: 34767

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and review of applicants for the Executive Director position.

A copy of the agenda may be obtained by contacting: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

Pursuant to the provisions of 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: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Nikki Smith, 605 Suwannee Street, MS-49, Tallahassee, FL 32399, (850)410-5700.

SPACE FLORIDA

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: DATE: February 9, 2009, 8:30 a.m. (Eastern Standard Time)

PLACE: Space Florida Office, 100 Spaceport Way, Cape Canaveral, and by Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at: dspicer@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: Deb Spicer, Vice President of Communications, Government and External Affairs at: dspicer@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: Deb Spicer, Vice President of Communications, Government and External Affairs at: dspicer@spaceflorida.gov.

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: February 9, 2009, 10:00 a.m. (Eastern Standard Time)

PLACE: Space Florida Office, 100 Spaceport Way, Cape Canaveral, and by Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Spaceport Operations Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at: dspicer@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: Deb Spicer, Vice President of Communications, Government and External Affairs, at dspicer@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: Deb Spicer, Vice President of Communications, Government and External Affairs at: dspicer@spaceflorida.gov.

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: February 9, 2009, 12:00 Noon (Eastern Standard Time)

PLACE: Space Florida Office, 100 Spaceport Way, Cape Canaveral, and by Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Business Development Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at: dspicer@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: Deb Spicer, Vice President of Communications, Government and External Affairs at: dspicer@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: Deb Spicer, Vice President of Communications, Government and External Affairs at: dspicer@spaceflorida.gov.

The **Space Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: February 9, 2009, 2:00 p.m. (Eastern Standard Time)

PLACE: Space Florida Office, 100 Spaceport Way, Cape Canaveral, and by Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: Space Florida Education, Research and Development, and Workforce Development Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting: Deb Spicer, Vice President of Communications, Government and External Affairs at: dspicer@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: Deb Spicer, Vice President of Communications, Government and External Affairs at: dspicer@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: Deb Spicer, Vice President of Communications, Government and External Affairs at: dspicer@spaceflorida.gov.

DEPARTMENT OF ELDER AFFAIRS

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: January 20, 2009, 11:00 a.m.

PLACE: First Presbyterian Church of Brandon, 121 Carver Ave., Brandon, Florida 33510

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Robin Baker at (813)558-5591.

Pursuant to the provisions of 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: Robin Baker at (813)558-5591. If you are 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: Robin Baker at (813)558-5591.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: January 20, 2009, 12:30 p.m.

PLACE: Kendall United Methodist Church, 7600 S. W. 104th St., Miami, Florida 33176

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Debbie Sokolow at (305)671-7245.

Pursuant to the provisions of 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: Debbie Sokolow at (305)671-7245. If you are 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: Debbie Sokolow at (305)671-7245.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: January 21, 2009, 9:30 a.m.

PLACE: Department of Environmental Protection, 3700 Commonwealth Blvd., Carr. Bldg., Room #101, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Janice Harvey at (850)921-4703.

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

For more information, you may contact: Janice Harvey at (850)921-4703.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2009, 9:30 a.m.

PLACE: 1101 Gulf Breeze Parkway, Gulf Breeze, Florida 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Mike Phillips.

Pursuant to the provisions of 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: Mike Phillips at (850)916-6720. If you are 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: Mike Phillips at (850)916-6720.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: January 29, 2009, 10:00 a.m.

PLACE: Lake Panasoffkee Parks and Recreation Community Center, 1582 County Rd., #459, Lake Panasoffkee, Florida 33538

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program Council Business.

A copy of the agenda may be obtained by contacting: Marilyn Anderson at (352)620-3088.

Pursuant to the provisions of 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: Marilyn Anderson at (352)620-3088. If you are 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: Marilyn Anderson at (352)620-3088.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 28, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The expressed purpose of this meeting is to allow the Statewide Steering Committee members the opportunity to review a proposed revised draft of Chapter 60L-39, F.A.C., and to solicit their recommendations, pursuant to Section 110.181(3)(a), F.S. A copy of the agenda may be obtained by contacting: Erin Thoresen at (850)922-1274, erin.thoresen@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Erin Thoresen at (850)922-1274 erin.thoresen@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).

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: Erin Thoresen at erin.thoresen@dms.myflorida.com, (850)922-1274.

The Florida **Commission on Human Relations** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, February 12, 2009, 9:00 a.m.
PLACE: Florida Commission on Human Relations. The phone number to contact is: 1(888)808-6959, when prompted enter the VCS Conference Code 1021548, followed by the # key.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Architecture and Interior Design** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 17, 2009, 2:00 p.m.

PLACE: To Participate in the Telephone Conference Call: 1(888)808-6959, Conference Code: 9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Architecture and Interior Design at (850)487-8304. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399 or (850)487-1395.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 18, 2009, 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, March 18, 2009, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To Connect, dial 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Board.

A copy of the agenda may be obtained by contacting: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767 or by calling their office at (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 16, 2009, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee.

A copy of the agenda may be obtained by contacting: 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: 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 **Building Code Administrators and Inspectors Board** announces a public meeting to which all persons are invited.

DATES AND TIME: February 10-13, 2009, 9:00 a.m.

PLACE: Homewood Suites, 8745 International Drive, Orlando, FL 32819

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: 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: 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 **Building Code Administrators and Inspectors Board** announces a workshop to which all persons are invited.

DATE AND TIME: Sunday, February 15, 2009, 10:00 a.m.

PLACE: Homewood Suites, 8745 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Building Code Administrators and Inspectors Board hereby gives notice that a public workshop for the purposes of rule development on disciplinary matters under rules in Chapter 61G19-5, F.A.C. will be held on Sunday, February 15, 2009, 10:00 a.m. or as soon thereafter on this date as it can be held at: The Homewood Suites, 8745 International Drive, Orlando, Florida 32819.

A copy of the agenda may be obtained by contacting: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

The **Board of Accountancy**, Education Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, February 26, 2009, until all business is concluded

PLACE: The meeting will be held by Teleconference, using Teleconference Call: 1(888)808-6959, Conference Code: 9299108

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider items relating to the educational requirements to sit for the CPA examination.

A copy of the agenda may be obtained by contacting: Vy Hayes, 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 days before the workshop/meeting by contacting: Vy Hayes. If you are 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: Vy Hayes.

The **Florida Real Estate Appraisal Board (FREAB)** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, February 9, 2009, 9:00 a.m. or soon thereafter; Tuesday, February 10, 2009, 8:30 a.m. or soon thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801-1757

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board: Topics include, but not limited to, proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions, and general subject matter.

A copy of the agenda may be obtained by contacting: Beverly Ridenauer, Government Analyst II, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1757.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Department of Business and Professional Regulation at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 11, 2009, 9:00 a.m., or soon thereafter (Portions of the probable cause proceedings are not open to the public).

PLACE: The Division of Real Estate, Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801-1757

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1757. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: February 4, 2009, 9:30 a.m.

PLACE: Gainesville Regional Utilities, 1st Floor, Conference Room, 301 S. E. 4th Avenue, Gainesville, Florida 32601

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Orange Creek Basin (OCB) TMDL Working Group was formed to provide a forum for stakeholders to discuss issues related to the OCB TMDLs, including development, allocation, and implementation of the TMDLs. The Orange Creek BMAP

was adopted on May 15, 2008. Topics for this meeting include discussion of BMAP project reporting and Pollutant Load Reduction Goals for Newnans Lake.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS #3565, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8560.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Mary Paulic at (850)245-8560. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, February 9, 2009, 10:00 a.m. – 12:00 Noon – or until Council business is concluded

PLACE: Conference Call Number: 1(888)808-6959, Conference Code: 4513843

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado at rebecca.prado@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: Becky Prado at rebecca.prado@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 18, 2009, 7:00 p.m.

PLACE: St. John the Evangelist Catholic Church, 625 111th Avenue, North, Naples, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed management plan for Delnor-Wiggins Pass State Park. A copy of the management plan will be available at the park for review.

A copy of the agenda may be obtained by contacting: Robert M. Steiger, Park Manager at (239)597-6196 or email Robert.Steiger@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Robert M. Steiger, Park Manager at (239)597-6196 or email Robert.Steiger@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 19, 2009, 9:00 a.m.

PLACE: Delnor-Wiggins Pass State Park, 11135 Gulf Shore Drive, Naples, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation and discussion of the proposed management plan for Delnor-Wiggins Pass State Park with the Advisory Group members.

A copy of the agenda may be obtained by contacting: Robert M. Steiger, Park Manager at (239)597-6196 or email Robert.Steiger@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Robert M. Steiger, Park Manager at (239)597-6196 or email Robert.Steiger@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 **Oral Healthcare Workforce Ad Hoc Advisory Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, February 3, 2009, 4:30 p.m. – 5:30 p.m.

PLACE: Conference Call Number: 1(888)808-6959, Code: 8503882

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and vote for final report of the Florida Oral Healthcare Workforce Ad Hoc Advisory Committee.

A copy of the agenda may be obtained by contacting: Katie Hammond at (850)245-4259 or katie_hammond@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. If you are

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 Chiropractic Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 6, 2009, 8:30 a.m.

PLACE: Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809, (407)859-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/chiro/index.html.

Pursuant to the provisions of 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: If you are 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 Probable Cause Panel of the **Board of Osteopathic Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 5, 2009, 10:00 a.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Blake Hunter, Senior Attorney, Department of Health, Prosecution Services, 4052 Bald Cypress Way, #C-65, 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 7 days before the workshop/meeting by contacting: Practitioner Regulation Section. The Practitioner Regulation Section may be contacted: 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399, 1(800)955-8771. If you are

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

The Florida **Board of Osteopathic Medicine** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, February 6, 2009, 4:00 p.m. or shortly thereafter; Saturday, February 7, 2009, 9:00 a.m. or shortly thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of the agenda may be obtained by contacting: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired.

Pursuant to the provisions of 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: Christy Robinson at (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Pharmacy**, Rules Committee announces a telephone conference call to which all persons are invited.

DATES AND TIME: March 10, 2009; May 12, 2009; July 14, 2009; September 8, 2009; November 10, 2009, 10:00 a.m.

PLACE: Conference Call Number: 1(888)808-6959, Code: 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will review various rules in progress.

A copy of the agenda may be obtained by contacting: Board of Pharmacy at (850)245-4292. The agenda will also be available one week prior to the meeting date at www.doh.state.fl.us/mqa/pharmacy.

The **Division of Environmental Health**, Bureau of Onsite Sewage Programs announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2009, 10:00 a.m. (EST)

PLACE: Florida Onsite Wastewater Association Training Center, 5115 State Road 557, Lake Alfred, FL 33850-7202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and guide current, proposed, and potential future onsite sewage research projects. Specifically there will be a discussion and presentation on the draft report for a study on Optical Wastewater Tracers.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, or by e-mail at Susan_Polangin@doh.state.fl.us.

Pursuant to the provisions of 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: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, or by e-mail at Susan_Polangin@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, or by e-mail at Susan_Polangin@doh.state.fl.us.

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: February 19, 2009, 9:00 a.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, FL 32822, Local Telephone (407)859-0552

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Technical Review and Advisory Panel will discuss issues relating to onsite sewage treatment and disposal systems and the Wekiva Study Area which may require changes to Chapter 64E-6, Florida Administrative Code. The panel may also discuss research proposals as requested by the Research review and Advisory Committee.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

The Florida **Department of Health, Division of Health Access and Tobacco**, Bureau of Tobacco Program announces a public meeting to which all persons are invited.

DATES AND TIME: January 30, 2009, 8:30 a.m. through February 1, 2009, 12:00 Noon

PLACE: Cherry Lake 4-H Center, 3861 N. E. Cherry Lake Circle, Madison, Florida 32340

GENERAL SUBJECT MATTER TO BE CONSIDERED: Youth Advocacy Board members will be discussing and deciding upon youth tobacco prevention interventions consistent with Centers for Disease Control and Prevention best practices. Youth Advocacy Board members will provide vision and recommendations to the Department of Health Bureau of Tobacco Prevention Program in an effort to empower their peers and change tobacco-related social norms among youth.

A copy of the agenda may be obtained by contacting: Gregg Smith at (850)245-4444, ext. 2485, gregg_smith@doh.state.fl.us or, by going to the Department of Health Tobacco website at: <http://www.doh.state.fl.us/tobacco/TAC.html> 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 72 hours before the workshop/meeting by contacting: Gregg Smith at (850)245-4444, ext. 2485, gregg_smith@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families**, Circuit 10 announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 11, 2009, 1:30 p.m.

PLACE: United Way of Central Florida, 5605 US Hwy. 98, S., Highland City, FL 33846

GENERAL SUBJECT MATTER TO BE CONSIDERED: Heart of Florida Community Alliance, Meeting Subcommittee. A copy of the agenda may be obtained by contacting: Diane Dvorak, DCF at (863)619-4100.

Pursuant to the provisions of 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: Diane Dvorak, DCF at (863)619-4100. If you are 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 Dvorak, DCF at (863)619-4100.

The **Department of Children and Families** announces a meeting of the state's Council on Homelessness to which all interested persons are invited.

DATE AND TIME: Wednesday, February 25, 2009, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Housing Finance Corporation, Seltzer Room, 6th Floor, 227 N. Bronough Street, Tallahassee, FL 32301. The meeting can also be accessed by Conference Call at: 1(888)808-6959, Code: 9229760.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will receive reports and recommendations from its committees for proposals to be included in its 2009 Report.

A copy of the agenda for the meeting can be obtained from the Office on Homelessness by calling (850)922-4691.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691 at least 48 hours in advance of the meeting.

The **Adult Protective Services Select Advisory Panel** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 17, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Dial-in: 1(888)808-6959, Code: 4882881

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of the review of all aspects of the Department's adult protection system and identify areas that need improvement.

A copy of the agenda may be obtained by contacting: Adult Protective Services Program Office at (850)488-2881.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Adult Protective Services Program Office at

(850)488-2881. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Robert Anderson at (850)488-2881, Fax (850)922-4193

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, January 30, 2009, 10:30 a.m.

PLACE: Venice City Hall, 401 W. Venice Avenue, Venice, FL 34285

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District.

A copy of the agenda may be obtained by contacting: WCIND, P. O. Box 1845, Venice, FL 34284.

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.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a hearing to which all persons are invited.

DATE AND TIME: February 10, 2009, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Autumn Place Apartments, a 120-unit multifamily residential rental development located on the east side of Davis Road, approximately 3/4 of a mile north of the intersection of Bullard Parkway and Davis Road with a street address of 10410 Davis Road, Tampa, Hillsborough County, 33637. The owner and operator of the development is Foxtrail Acres, Ltd., 580 Village Blvd., Ste. 360, West Palm Beach, FL 33409, or such successor in interest in which The Richman Group of Florida, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is WRMC, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The tax-exempt bond amount is not to exceed \$200,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed.

Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), February 9, 2009, and should be addressed to: Attention: Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation at (850)488-4197.

Pursuant to the provisions of 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: Wayne Conner 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.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The **Center for Independent Living in Central Florida, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 27, 2009, 5:30 p.m.

PLACE: Center for Independent Living in Central Florida, Inc., 720 North Denning Drive, Winter Park, FL 32789

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by contacting: Luana Kutz at (407)623-1070.

Pursuant to the provisions of 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: Luana Kutz at (407)623-1070 or lkutz@cil.orlando.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Luana Kutz at (407)623-1070.

FLORIDA SMALL BUSINESS DEVELOPMENT CENTER NETWORK

The **Small Business Regulatory Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2009, 9:00 a.m. – 4:00 p.m.

PLACE: Associated Industries of Florida, 516 North Adams St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Florida Chapter 2008-149, HB 7109, http://laws.flrules.org/files/Ch_2008-149.pdf, the Florida Small Business Development Center Network is designated as the principle business assistance organization for small businesses in the state and is charged with creating a Small Business Regulatory Advisory Council [Council]. The Council will convene to review their roles and responsibilities and to elect a chairperson. The Council will also adopt procedures for reviewing State of Florida rules to determine whether the rules adversely impact small businesses; establish a system for making recommendations to state agencies regarding ways to minimize the negative impact of these rules on small businesses; and establish a mechanism for receiving and responding to complaints from small businesses who believe to have been adversely impacted by an agency rule or program.

A copy of the agenda may be obtained by contacting: Jennifer Crews at (850)473-7817, jennifer.crews@floridasbrac.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Jennifer Crews at (850)473-7817, jennifer.crews@floridasbrac.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PRIDE ENTERPRISES

The **PRIDE Enterprises**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2009, 1:00 p.m., E.S.T. (12:00 Noon C.S.T.)

PLACE: The offices of Brewton and Plante, P.A., 225 South Adams Street, Suite 250, Tallahassee, FL 32301. Also Available Call In Number: 1(877)776-0428, Code: 8234840#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governance Committee.

A copy of the agenda may be obtained by contacting: Dee Kiminki, Assistant Secretary to the Board, dkiminki@pride-enterprises.org, (727-)556-3314.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Dee Kiminki, Assistant Secretary to the Board,

dkiminki@pride-enterprises.org, (727)556-3314. If you are 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: Dee Kiminki, Assistant Secretary to the Board, dkiminki@pride-enterprises.org, (727)556-3314.

FLORIDA PORTS COUNCIL

The **Florida Seaport Transportation and Economic Development Council** (FSTED) Project Review Group announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 28, 2009, 12:30 p.m. – 2:30 p.m.

PLACE: Omni Jacksonville Hotel, Omni Ballroom, 245 Water Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller, Florida Ports Council at (850)222-8028.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Toy Keller at (850)222-8028. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Toy Keller at (850)222-8028.

The **Florida Ports Financing Commission** (FPFC) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 28, 2009, 2:30 p.m. – 5:30 p.m.

PLACE: Omni Jacksonville Hotel, Omni Ballroom, 245 Water Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller at (850)222-8028.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Toy Keller at (850)222-8028.

The **Florida Ports Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 29, 2009, 9:15 a.m. – 12:00 Noon

PLACE: Omni Jacksonville Hotel, Omni Ballroom, 245 Water Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller at (850)222-8028.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Toy Keller at (850)222-8028. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Toy Keller at (850)222-8028.

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: January 28, 2009, 2:00 p.m.

PLACE: TRDA Business Innovation Center, Conference Room 117C, 1050 West NASA Boulevard, Melbourne, FL 32901

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting of the Board.

A copy of the agenda may be obtained by contacting: Dave Kershaw at dkershaw@trda.org or (321)872-1050, ext. 102.

The **Florida Technological Research and Development Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: January 28, 2009, following general meeting of TRDA Board of Directors at 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, Deputy Director, TRDA at (321)872-1050, ext. 102 or via email at dkershaw@trda.org.

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation**, Information Systems Advisory Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, January 30, 2009, 10:00 a.m. (EST)

PLACE: 1(866)765-5861

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Charter, recent audit activity, 2008 year-in-review and 2009 plans.

A copy of the agenda may be obtained by contacting: Citizens website at: <https://www.citizensfla.com>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stephanie Martin at 1(888)685-1555, extension 3751. If you are 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 COMMISSION

The **Clay Soil and Water Conservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 2, 2009, 1:00 p.m.

PLACE: Clay County Extension Office, 2463 State Road 16, West, Green Cove Springs, FL 32043

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting.

A copy of the agenda may be obtained by contacting: S. Pipkins, P. O. Box 278, Green Cove Springs, FL 32043.

For more information, you may contact: S. Pipkins, P. O. Box 278, Green Cove Springs, FL 32043, (904)284-6355

ASSOCIATION OF FLORIDA CONSERVATION DISTRICTS

The **Clay, Duval, and St. Johns Soil and Water Conservation District** announces a workshop to which all persons are invited.

DATE AND TIME: February 2, 2009, 1:00 p.m.

PLACE: Clay SWCD, 2463 State Road 16, West, Green Cove Springs, FL 32043

GENERAL SUBJECT MATTER TO BE CONSIDERED: Supervisor Training.

A copy of the agenda may be obtained by contacting: Michelle Thatcher at (407)310-1744.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The Florida Workers' Compensation Joint Underwriting Association, Inc., Producer Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 3, 2009, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items shall include producer fees; producer's financial ability to pay the FWCJUA; on-line application process; and certificate of insurance issuance.

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.

AREA AGENCY ON AGING OF PASCO-PINELLAS, INC.

The **Area Agency on Aging of Pasco-Pinellas, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: February 6, 2009, 10:00 a.m.

PLACE: Dr. William E. Hale Senior Activity Center, 330 Douglas Ave., Dunedin, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas business and Board of Directors oversight.

A copy of the agenda may be obtained by contacting: Elizabeth Laubach, 9887 4th St., N., Suite 100, St. Petersburg, FL 33702, (727)570-9696.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Elizabeth Laubach, 9887 4th St., N., Suite 100, St. Petersburg, FL 33702, (727)570-9696. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Elizabeth Laubach, 9887 4th St., N., Suite 100, St. Petersburg, FL 33702, (727)570-9696.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2009, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Jane and William Cunningham, Petitioners/Unit Owners, In RE: Ocean Walk Beach Condominium Association, Inc., Docket No. 2008062575 on November 5, 2008. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the petitioners request a ruling on actions that have already occurred and because there are facts in dispute.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Rick Irizarry and Christine H. Irizarry. In Re: Laguna Pointe Condominium Association of Pensacola, Inc., Docket No. 2009000291. The petition seeks the agency's opinion as to the applicability of Sections 718.113, 718.301(7), and 718.303, Florida Statutes, as it applies to the petitioner.

Whether Laguna Pointe Condominium Association of Pensacola, Inc. is required to have a Florida licensed architect supervise and approve major damage repairs to the common elements caused by construction defects and design errors under Sections 718.113, 718.301(7), and 718.303, Florida Statutes.

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 Edward Jansen, President, of Lauderdale West Community Association, In Re: Lauderdale West Community Association, Docket No. 2009000294. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(d), Florida Statutes (2008), as it applies to the petitioner.

What is the number and term of directors to be elected in 2009 at Lauderdale West Community Association, Inc. under Section 718.112(2)(d), Florida Statutes (2008).

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 Laurence R. Smith, Petitioner, In Re. Hawaiian Village Mobile Home Park, Docket No. 2009001111. The petition seeks the agency's opinion as to the applicability of under Section 723.012, 723.037, or 723.045, Florida Statutes, as it applies to the petitioner.

Whether Hawaiian Village Mobile Home Park may pass through the cost of installing water submeters to each lot to the mobile home owners under Section 723.012, 723.037, or 723.045, Florida Statutes.

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 Florida Real Estate Commission has issued an order disposing of the petition for declaratory statement filed by Management Planning, Inc. on April 2, 2008. The following is a summary of the agency's disposition of the petition:

The Commission considered the Petition at its meeting held on October 14, 2008. The Commission's Order, filed December 2, 2008, granted the Petition for Declaratory Statement and declared that MPI does not qualify as a "broker" as defined in Section 475.01(1), Florida Statutes, if it conducts valuation studies of businesses and their assets in conjunction with estate and gift tax valuations and corporate valuation activities and does not appraise real estate but relies instead on licensed appraisers to do so and does not in any capacity act as a business broker or participate in or procure the sale of real estate.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, FL 32801.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Yvonne Smallwood Sherrer, M.D., on January 12, 2009. The Petitioner seeks the Board's opinion as to whether the Petitioner is authorized within her practice of medicine to delegate the performance of IV infusion therapy, when performed under Petitioner's direct supervision and responsibility, to an unlicensed medical assistant pursuant to Section 458.3485, Florida Statutes. The Board will consider this petition at its meeting scheduled for February 7, 2009, in Tampa, Florida.

A copy of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has declined to rule on the petition for declaratory statement filed by Lauren Arango, RN on July 2, 2008. The following is a summary of the agency's declination of the petition:

Specifically, the Petitioner requested that the Board issue a Declaratory Statement determining under the provisions of Chapter 464, Florida Statutes, that based on Petitioner's training and experience, it would be within the scope of practice of a Registered Nurse to provide, under PT or OT supervision, Lymphaedema therapy to patients. The Board of Nursing considered the Petition at its meeting held on December 5, 2008, in Kissimmee, Florida. The Board's Order, filed on January 12, 2009, dismissed the petition, finding that the petition sought the interpretation of the practice of licensees not under the jurisdiction of Chapter 464, Florida Statutes, and therefore not regulated by the Board of Nursing.

The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement for Amy Arcand. The Notice of Petition for Declaratory Statement was published in Vol. 34, No. 39, of the September 26, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on November 7, 2008. The petition inquired as to the following questions: whether a licensed optician can oversee a trained person and allow him or her to prepare or dispense lenses, spectacles, eyeglasses, contact lenses, or optical devices when such a person is not licensed as an optician in Florida; and whether a

licensed optician can oversee a trained person and allow him or her to fit or dispense any lenses, spectacles, eyeglasses or other optical devices.

The Board declines to issue a declaratory statement because Section 484.011, Florida Statutes, is clear regarding these questions.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Opticianry hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Gale A. Eriksson. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 39, of the September 26, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on November 7, 2008.

The Board's Order, filed on November 25, 2008, denies the Petition for Variance or Waiver of subsection 64B12-9.017(1), Florida Administrative Code. The Board finds that the Petitioner has not established that the purpose of the underlying statute, Section 484.007(1)(d)3., Florida Statutes, would be met were she granted a variance or waiver from subsection 64B12-9.017(1), Florida Administrative Code. Further, the Petitioner failed to establish that the Board's application of subsection 64B12-9.017(1), Florida Administrative Code, to her circumstances would violate the principles of fairness and would impose a substantial hardship on her.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT on January 8, 2009, the Board of Pharmacy has received the petition for declaratory statement from Timothy Weathers on behalf of Unique Pharmaceuticals. The petition seeks the agency's opinion as to the applicability of Rule 64B16-27.700, Florida Administrative Code, as it applies to the petitioner.

The petition seeks the Board's interpretation of Rule 64B16-27.700, Florida Administrative Code, concerning the practice of compounding.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services has received the petition for declaratory statement from Amanda J. Green, Assistant City Attorney for City of Orlando and John Miller, Deputy Chief for

Orlando Fire Department on January 9, 2009. The petition seeks the agency's opinion as to the applicability of Section 401.281(1)(d), Florida Statutes, as it applies to the petitioner.

Petitioner is asking whether a driver who accepts a plea of non-alcohol related reckless driving with adjudication of guilt withheld may still operate an emergency vehicle for the next three years.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email alexander_macy@doh.state.fl.us.

Please refer all comments to: Alexander Macy, Administrative Assistant, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email alexander_macy@doh.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Mr. Clyde Lightbourn on August 13, 2008. The following is a summary of the agency's disposition of the petition:

The petition seeks the agency's opinion as to the applicability of paragraph 69B-220.201(5)(b), F.A.C., as it applies to the Petitioner. The Declaratory Statement concludes the above-referenced rule provision does apply to the facts presented in the Petition, as the rule was promulgated prior to the execution of the fee agreement. Thus, the rule provision would not be deemed to have an impermissible retroactive application to this specific fact situation.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Mechele R. McBride, Assistant General Counsel, Division of Legal Services, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0333.

Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

Notice of Bid/Request for Proposal

NOTICE TO DESIGN BUILD TEAMS:

The University of South Florida, announces that Qualifications Based Design/Build Services (QB/DB), for the design and construction of the USF Student Wellness and Nutrition Center building, will be required for the project listed below.

PROJECT NUMBER: 577

PROJECT AND LOCATION: USF Student Wellness and Nutrition Center, University of South Florida, Tampa Campus, Tampa, Florida.

PROJECT DESCRIPTION:

The project consists of the design, construction, and furnishing of the USF Student Wellness and Nutrition Center on the University of South Florida Tampa Campus. The project includes 51,050 gsf of programmed finished space. The Construction Budget is \$11,840,000.

The Student Wellness and Nutrition Center will establish a community focal point offering a variety of services, programs, facilities and events that complement the educational mission of the University.

The Student Wellness and Nutrition Center (“Project”) is an addition/renovation to the USF Campus Recreation Center and USF Sun Dome Arena. The Project serves as a multi-purpose facility for the general student population including the development of programs to encourage and reinforce behaviors

that promote a higher quality of health and well-being. The Project will be designed to include additional space dedicated to exercise and fitness. Furthermore, the Project will include a dining/food court, multi-purpose meeting/classroom space, shared student-athlete training table and a commercial grade kitchen with catering amenities to accommodate the USF community’s dining needs currently present in the east area of campus and also the Arena’s concessions and catering needs.

The Design/Build Team (Design and Construction Services Team/DCST) shall be responsible for the management of the process and project to meet project scope, budget and schedule requirements. The Design/Build Services contract shall be in compliance with the Qualifications Based Design/Build selection provisions in Section 287.055, F.S. and B.O.G. Regulation 14.0055, including pre-construction fees, construction related service costs and a guaranteed maximum price. It is the University’s responsibility to negotiate a fair, competitive, and reasonable compensation per Section 287.055, F.S. A fair, competitive and reasonable compensation shall be evaluated based upon the following information: (1) Compensation on similar projects, (2) other compensation reference data; and (3) after approval of the ranking, proposals requested from the short listed firms based upon a scope of services document to be provided at the time of negotiations. The University will contract with a single contract entity whose Design/Build Team shall provide all services including, but not limited to professional services, budgeting, cost estimating, construction services, labor, materials, and equipment required to design, construct, and furnish the project and shall provide schematic studies for possible future phases. The selected team will be required to provide computer drawings according to the standards of the University of South Florida, including computer record drawings reflecting as-built conditions. Blanket professional design liability insurance will be required for this project in the amount of \$1,500,000 and will be provided as a part of Basic Services. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best rating of A, Class IX. Project development including professional services is contingent upon availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

INSTRUCTIONS:

Teams desiring to apply for consideration shall submit a Request for Qualifications submittal including a letter of interest, a completed “Design and Construction Services Qualification Supplement form (DCSQS), dated January 2009” with attachments, and additional information required within the proposal limits as described in the Request for Qualifications dated January 2009. Applications submitted in any other format may not be considered. The Request for Qualifications dated January 2009 and the Design and

Construction Services Qualifications Instructions and Supplement form dated January 2009, which includes project information and selection criteria, may be obtained by contacting: Kathy Bennett, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue FPC110, Tampa, Florida 33620-7550, e-mail: kbennett@admin.usf.edu, (813)974-3098, Fax (813)974-3542. All teams must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, or a joint venture, it must be registered by the Department of State to do business in the State of Florida at the time of application. If the applicant is the contract entity and has a consultant to perform the design or construction services, the contract entity and consultant must have an agreement at the time of application to formally contract for consulting services. Firms applying as "Associations" without a registered joint venture agreement or a contract entity and consultant without an agreement will not be considered. Selection of finalists for interview will be made on the basis of qualifications of the proposed Design/Build Team, including team qualifications, team experience and ability to provide service in meeting the project requirements and the goals and objectives of the University's Strategic Plan. As part of the University of South Florida's strategic plan, USF made a commitment to foster collaboration, open and timely communication, mutual respect, trust and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction related services. Applications that do not comply with the above instructions may be disqualified. Submittals are part of the public record and no submittal material will be returned. The plans and specifications for The University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Interested teams are invited and encouraged to attend a Pre-Submittal meeting at the University of South Florida, on Wednesday, February 11, 2009 at 10:00 a.m. Eastern time in the USF Marshall Center Room 3711 (The Egret Room), Tampa Campus to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted. It shall be noted that no communication shall take place between the applicants and the University of South Florida including the Athletics

Department, Student Affairs and Campus Recreation, except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the RFQ and DCSQS. Requests for any additional information or clarification at any other time than above must be in accordance with the RFQ. Six (6) copies of the required information shall be submitted to: Attention: Project Manager, Ray Gonzalez, Architect, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, by 2:00 p.m. (Eastern Time), Friday, February 20, 2009. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of Design/Build proposals without obligation to the respondent. The award of this contract is subject to availability of funds.

**BID REQUEST FOR: VENDED BOTTLE
WATER FOR LEE COUNTY SCHOOLS**

BID NO.: B-096762JM

OPENING DATE: TUESDAY, FEBRUARY 10, 2009, 2:00 P.M. (EST)

Request a bid package by:

Phone: (239)337-8180, Fax: (239)337-8200

In Person or Mail: 2855 Colonial Blvd., Fort Myers, Florida 33966-1012

Complete bid package available only upon request.

By: Joe Marody, Procurement Agent

**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."

EXECUTIVE OFFICE OF THE GOVERNOR

Request for Proposals – Compassion Florida Mini-Grants
The Volunteer Florida Foundation is issuing a request for proposals, RFP, from community and faith-based grassroots, charitable organizations under its Compassion Florida initiative. The purpose of these grant funds is to build the capacity of new and small-budget organizations to better serve their clientele, communities and constituencies. The RFP with application instructions will be available at www.volunteerfloridafoundation.org. The deadline for receipt of proposals is 5:00 p.m., March 16, 2009, by 5:00 p.m. (Eastern Time). The Compassion Florida initiative is funded through the U.S.

Department of Health and Human Services Compassion Capital Fund under the Catalog of Federal Domestic Assistance No. 93.009.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE MECHANICAL SERVICES REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed mechanical contractors, to submit for Construction Management at Risk services on the following project(s):

PROJECT NUMBER: FDLE-28013000

PROJECT NAME: Replacement of Data Center HVAC Units, C-2055 Florida Department of Law Enforcement

LOCATION: Tallahassee, Florida

ESTIMATED CONSTRUCTION BUDGET: \$900,000.00

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."

FLORIDA HOUSING FINANCE CORPORATION

Request for Qualifications (RFQ) 2009-01
Arbitrage Rebate Services

The Florida Housing Finance Corporation invites all qualified firms to provide arbitrage rebate analyst services in accordance with the terms and conditions set forth in this Request for Qualifications (RFQ) 2009-01, to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, March 6, 2009, to: Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Sherry Green at (850)488-4197 or sherry.green@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Sherry Green, or you can download the Request

for Qualifications from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForQualifications.htm>.

Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

DAYTONA STATE COLLEGE

Architectural Services

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona State College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring architectural and engineering services.

The project is the design of a new Mike Curb College of Arts Music and Science Building on the Daytona Beach Campus. The scope of work will include the development of educational specifications, site planning, building design and contract administration. The facility will be approximately 60,000 gross square feet. The estimated construction budget is \$24 million inclusive of design fees and furnishings.

Submittals are due by 12:00 Noon, Friday, February 6, 2009. Interested parties may obtain required submittal information by contacting: Daytona State College Facilities Planning Department at (386)506-3139, email: EnglisS@DaytonaState.edu, website: http://www.daytonastate.edu/fp/new_proposal.html.

PASCO-PINELLAS AREA AGENCY ON AGING

Notice of Request for Proposal/Bidders Conference

Contingent upon the availability of funds, the Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP) for Planning and Service Area 5 will be contracting and is soliciting sealed proposals for Case Management/Lead Agency Designation for Pinellas County beginning July 1, 2009 under the Community Care for the Elderly Program, Florida Statute 430. Proposals are being solicited for two Lead Agencies in Pinellas County. Proposals may be obtained from: Rachel Bryan, Area Agency on Aging office, 9887 – 4th Street, North, Suite 100, St. Petersburg, FL, beginning February 17, 2009, or at the Bidder's Conference on February 24, 2009, 1:30 p.m., at the AAAPP St. Petersburg office. Sealed proposals are due by 3:00 p.m., March 16, 2009, to the AAAPP St. Petersburg office with openings immediately following. If you have any questions, please call Rachel Bryan at (727)570-9696, ext. 246.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES
DCA DOCKET NUMBER 38-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Levy County and the Cities of Bronson, Chiefland, Cedar Key, Williston, and the Levy 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 Levy County Planning Department, 380 S. Court Street, Bronson, Florida 32621.

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 Sections 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: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Levy County and the Cities of Bronson, Chiefland, Cedar Key, Williston, and the Levy 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 the 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 OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES
DCA DOCKET NUMBER 63-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) entered into by Union County, Lake Butler, Raiford, Worthington Springs and the Union 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 Union County Building Department, 15 Northeast First Street, Lake Butler, Florida 32054.

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 Sections 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: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Union County, Lake Butler, Raiford, Worthington Springs and the Union 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 the 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 OF INTENT TO FIND PUBLIC SCHOOLS
 INTERLOCAL AGREEMENT CONSISTENT WITH
 SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES
 DCA DOCKET NO. 11-05

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Collier County School Board and the City of Marco Island, 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 City of Marco Island, 50 Bald Eagle Drive, Marco Island, Florida 34145.

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 the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Collier County School Board and the City of Marco Island. 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

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
 INTERLOCAL AGREEMENT CONSISTENT WITH
 SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES
 DCA DOCKET NO. 03-08

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Bay County School Board and the City of Parker, 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 City of Parker, City Hall, 1001 West Park Street, Parker, Florida 32404.

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 Bay County School Board and the City of Parker. 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

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:

DJ Farm, a private airport, in Hamilton County, at Latitude 30° 27' 37" and Longitude 83° 08' 52", to be owned and operated by Mr. Dennis Wolcott, 6299 S. W. 52 Lane, Jasper, FL 32052. A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within

twenty-one days of the publication of this notice, with the: Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

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:

Spirit of Suwannee, a private airport, in Suwannee County, at Latitude 30° 24' 5.76" and Longitude 82° 57' 22.22", to be owned and operated by Mr. James Cornett, 3076 - 95th Drive, Live Oak, FL 32046.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

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:

Tavares Seaplane Base, a public airport, in Lake County, at Latitude 28° 47' 43.3 and Longitude 81° 43' 16.3", to be owned and operated by the City of Tavares, P.O. Box 1068, Tavares, FL 32778.

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 the Relocation of a Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Kawasaki Motors Corp., USA, intends to allow the relocation of Ameri-Recreational Sports, LLC, as a dealership for the sale of Kawasaki motorcycles (KAWK) from its present location at 4163 US Highway 27, South, Sebring, Florida 33870, to a proposed location at 4422 Highway 441, North, Okeechobee (Okeechobee County), Florida 34972, on or after February 28, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Ameri-Recreational Sports, LLC are: dealer operator(s): Darren Woerner, 6051 Kendrick Street, Jupiter, Florida 33458; Phillip Woerner, 9402 Lily Bank Court, Riviera Beach, Florida 33407; Larry Woerner, 8792 Steeple Chase Drive, Palm Beach Gardens, Florida 33418 and Julie Woerner, 9205 Bowden Drive, Apartment 102, Palm Beach Gardens, Florida 33418; principal investor(s): Darren Woerner, 6051 Kendrick Street, Jupiter, Florida 33458; Phillip Woerner, 9402 Lily Bank Court, Riviera Beach, Florida 33407; Larry Woerner, 8792 Steeple Chase Drive, Palm Beach Gardens, Florida 33418 and Julie Woerner, 9205 Bowden Drive, Apartment 102, Palm Beach Gardens, Florida 33418.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, 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: Anthony Kestler, Kawasaki Motors Corp., USA, 6110 Boat Roak Boulevard Southwest, Atlanta, Georgia 30336-2776.

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 relocation 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 Global Power Sports Marketing, intends to allow the establishment of Family Power Sports, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 7200 Ridge Road, Unit 108, Port Richey (Pasco County), Florida 34668, on or after January 8, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Family Power Sports, LLC are dealer operator(s): Lou Mazzaresse, 7200 Ridge Road, Unit 108, Port Richey, Florida 34668; principal investor(s): Lou Mazzaresse, 7200 Ridge Road, Unit 108, Port Richey, Florida 34668.

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: Carol Crowell, Global Power Sports Marketing, 2231 Dogwood Industrial Circle, Conyers, Georgia 30013.

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 Global Power Sports Marketing, intends to allow the establishment of Family Power Sports, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 7200 Ridge Road, Unit 108, Port Richey (Pasco County), Florida 34668, on or after January 8, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Family Power Sports, LLC are dealer operator(s): Lou Mazzaresse, 7200 Ridge Road, Unit 108, Port Richey, Florida 34668; principal investor(s): Lou Mazzaresse, 7200 Ridge Road, Unit 108, Port Richey, Florida 34668.

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: Carol Crowell, Global Power Sports Marketing, 2231 Dogwood Industrial Circle, Conyers, Georgia 30013.

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, Inc., intends to allow the establishment of Furman & Assot, as a dealership for the sale of motorcycles manufactured by Kaitong Motorcycle Manufacture Co. Ltd. (KAIT) at 415 Revilo Boulevard, Daytona Beach (Volusia County), Florida 32118, on or after January 8, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Furman & Assot are dealer operator(s): Jerry Furman, 415 Revilo Boulevard, Daytona Beach, Florida 32118; principal investor(s): Jerry Furman, 415 Revilo Boulevard, Daytona Beach, Florida 32118.

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: Zenia Pena, JMSTAR, Inc., 1455 South Campus Avenue, #A, Ontario, California 91761.

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 Apollo Choppers II, LLC, intends to allow the establishment of V-Twin Cycles, Inc. d/b/a Iron Horse of Florida, as a dealership for the sale of Apollo motorcycles (APLO) at 5780 Youngquist Road, Unit 2, Fort Myers (Lee County), Florida 33912, on or after January 22, 2009.

The name and address of the dealer operator(s) and principal investor(s) of V-Twin Cycles, Inc. d/b/a Iron Horse of Florida are dealer operator(s): Mark Yimin, 5780 Youngquist

Road, Unit 2, Fort Myers, Florida 33912; principal investor(s): Mark Yimin, 5780 Youngquist Road, Unit 2, Fort Myers, Florida 33912.

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: William L. Hysinger, CEO, Apollo Choppers II, LLC, 891 Ballardsville Road, Suite 100, Eminence, Kentucky 40019.

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 Electric Car Distributors, Inc., intends to allow the establishment of KB Green, LLC, as a dealership for the sale of low speed vehicles manufactured by American Custom Golfcars, Inc. (ACGC) at 800 Crandon Boulevard, Suite 200, Biscayne (Dade County), Florida 33149, on or after January 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of KB Green, LLC are dealer operator(s): Romain Bignon, 800 Crandon Boulevard, Suite 200, Biscayne, Florida 33149; principal investor(s): Christophe Durand, 800 Crandon Boulevard, Suite 200, Biscayne, Florida 33149, Romain Bignon, 800 Crandon Boulevard, Suite 200, Biscayne, Florida 33149 and Sylvano Bignon, 800 Crandon Boulevard, Suite 200, Biscayne, Florida 33149.

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: Warren Sistare, President, Electric Car Distributors, Inc., 2306 North Dixie Highway, Fort Lauderdale Florida 33305.

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 X-Power Motorsports, intends to allow the establishment of Scooter Elite, LLC, as a dealership for the sale of motorcycles manufactured by Jiangsu Linhai Power Machinery Group (LINH) at 7204 Central Avenue, St. Petersburg (Pinellas County), Florida 33707, on or after January 13, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Elite, LLC are dealer operator(s): Kirit Kana, 7204 Central Avenue, St. Petersburg, Florida 33707; principal investor(s): Kirit Kana, 7204 Central Avenue, St. Petersburg, Florida 33707.

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: Ronald Ho, President, X-Power Motorsports, 225 Horizon Drive, Suwanee, Georgia 30024.

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 SunL Group, Inc., intends to allow the establishment of Stay Safe, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 1707 1st Street, East, Bradenton (Manatee County), Florida 34208-3501, on or after December 31, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Stay Safe, LLC are dealer operator(s): Ralph Torres, 1707 1st Street, East, Bradenton, Florida 34208-3501; principal investor(s): Ralph Torres, 1707 1st Street, East, Bradenton, Florida 34208-3501.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Stay Safe, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co. Ltd. (MENG) at 1707 1st Street, East, Bradenton (Manatee County), Florida 34208-3501, on or after December 31, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Stay Safe, LLC are dealer operator(s): Ralph Torres, 1707 1st Street, East, Bradenton, Florida 34208-3501; principal investor(s): Ralph Torres, 1707 1st Street, East, Bradenton, Florida 34208-3501.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 Verucci Motorcycles, LLC, intends to allow the establishment of Stay Safe, LLC, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Co. Ltd. (SHWI) at 1707 1st Street, East, Bradenton (Manatee County), Florida 34208, on or after January 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Stay Safe, LLC are dealer operator(s): Ralph Torres, 1707 1st Street, East, Bradenton, Florida 34208; principal investor(s): Ralph Torres, 1707 1st Street, East, Bradenton, Florida 34208.

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: Joyce Haddad, Verucci Motorcycles, LLC, 7836 Northwest 46 Street, Miami, Florida 33166.

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 Verucci Motorcycles, LLC, intends to allow the establishment of Stay Safe, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 1707 1st Street, East, Bradenton (Manatee County), Florida 34208, on or after January 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Stay Safe, LLC are dealer operator(s): Ralph Torres, 1707 1st Street, East, Bradenton, Florida 34208; principal investor(s): Ralph Torres, 1707 1st Street, East, Bradenton, Florida 34208.

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: Joyce Haddad, Verucci Motorcycles, LLC, 7836 Northwest 46 Street, Miami, Florida 33166.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of H. Long Investments Corp. d/b/a Tropical Scooters of Vero, as a dealership for the sale of motorcycles manufactured by Kaitong Motorcycle Manufacture Co. Ltd. (KAIT) at 4901 North US Highway 1, Suite J, Vero Beach, (Indian River County), Florida 32967, on or after January 9, 2009.

The name and address of the dealer operator(s) and principal investor(s) of H. Long Investments Corp. d/b/a Tropical Scooters of Vero are dealer operator(s): Heidi S. Long, 1013 Rose Arbor Drive, Sebastian, Florida 32958; principal investor(s): Heidi S. Long, 1013 Rose Arbor Drive, Sebastian, Florida 32958.

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 U.S. must also be sent by U.S. Mail to: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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 Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of H. Long Investments Corp. d/b/a Tropical Scooters of Vero, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 4901 North US Highway 1, Suite J, Vero Beach, (Indian River County), Florida 32967, on or after January 9, 2009.

The name and address of the dealer operator(s) and principal investor(s) of H. Long Investments Corp. d/b/a Tropical Scooters of Vero are dealer operator(s): Heidi S. Long, 1013 Rose Arbor Drive, Sebastian, Florida 32958; principal investor(s): Heidi S. Long, 1013 Rose Arbor Drive, Sebastian, Florida 32958.

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 U.S. must also be sent by U.S. Mail to: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF HOSPITAL FIXED NEED POOL FOR COMPREHENSIVE MEDICAL REHABILITATION BEDS

The Agency for Health Care Administration has projected a fixed bed need pool for comprehensive medical rehabilitation hospital beds for July 2014, pursuant to the provisions of Rules 59C-1.008 and 59C-1.039, F.A.C. Net bed need projections for comprehensive medical rehabilitation hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., [February 9, 2009](#).

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with: Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Comprehensive Medical Rehabilitation Bed Need

	Net Adjusted Bed Need
District 1	0
District 2	0
District 3	0
District 4	0
District 5	0
District 6	0
District 7	0
District 8	0
District 9	0
District 10	0
District 11	0
Total Statewide	0

NOTICE OF FIXED NEED POOL FOR NEONATAL INTENSIVE CARE SERVICES FOR LEVEL II AND LEVEL III BEDS

The Agency for Health Care Administration has projected a fixed need pool for Level II and Level III neonatal intensive care unit services for July 2011, pursuant to the provisions of Rules 59C-1.008 and 59C-1.042, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be

filed with: Certificate of Need Program Office, Building 1, Room 220, MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., [February 9, 2009](#).

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with: Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Fixed Need Pool Projections
Neonatal Intensive Care Level II & Level III Services

	Level II Net Need	Level III Net Need
District 1	0	4
District 2	0	2
District 3	2	4
District 4	0	4
District 5	0	0
District 6	0	8
District 7	4	0
District 8	0	1
District 9	0	0
District 10	0	0
District 11	0	0
Statewide Total	6	23

NOTICE OF HOSPITAL FIXED NEED POOLS

FOR PSYCHIATRIC AND SUBSTANCE ABUSE BEDS

The Agency for Health Care Administration has projected fixed bed need pools for adult and children and adolescent psychiatric and adult substance abuse beds for [July 2014](#), pursuant to the provisions of Rules 59C-1.008, 59C-1.040 and

59C-1.041, F.A.C. Net bed need projections for adult and children and adolescent psychiatric and adult substance abuse hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. A fixed need pool projection for children and adolescent substance abuse beds is not made because the administrative rule governing this service does not include a mathematical formula for the calculation of need. An applicant seeking approval for these types of beds must establish need in its application. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with: Certificate of Need Program Office, Building 1, Room 220 MS #28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., [February 9, 2009](#).

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with: Agency Clerk, 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Psychiatric and Substance Abuse Net Bed Need

	Adult Psychiatric Beds Net Adjusted Bed Need	Children & Adolescent Psychiatric Beds Net Adjusted Bed Need	Adult Substance Abuse Beds Net Adjusted Bed Need
District 1	0	0	0
District 2	0	0	0
District 3	20	0	0
District 4	0	0	0

District 5	0	0	0
District 6	0	0	0
District 7	0	0	0
District 8	0	0	0
District 9	0	0	0
District 10	0	0	0
District 11	0	0	0
Total Statewide	20	0	0

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

The Florida Department of Environmental Protection has determined that the City of Carrabelle's project to construct water improvements at the Carrabelle Water System Well #3 site and the Lanark Village Water System well site will not adversely affect the environment. The total cost of the project is estimated to be \$8,000,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Paul Brandl, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, (850)245-8373.

The Department of Environmental Protection (Department) gives notice of its intent to issue a variance (0264586-002-EV, OGC No. 08-2848) to CEMEX Construction Materials, LP, 1425 Wiggins Pass Road, Naples, Florida 34110, under paragraph 403.201(1)(a), Florida Statutes, (F.S.), from the provisions of subsection 62-302.530(31), Florida Administrative Code, which provides minimum standards for dissolved oxygen levels in surface waters. This variance will apply to dissolved oxygen levels in the hypolimnion (the deepest layer) in the deep water pockets proposed in Environmental Resource Permit File No. 0264586-001.

On April 21, 2006, CEMEX Construction Materials, LP, applied for a new environmental resource permit/water quality certification for the modification of a surface water management system at an inactive limestone mine in Miami-Dade County. This permit will authorize the permittee to complete reclamation on land disturbed by mining operations and required wetland mitigation. There will be no new mining operations.

On December 3, 2008, CEMEX Construction Materials, LP, submitted a petition for a variance, under paragraph 403.201(1)(a), F.S., from the provisions of subsection

62-302.530(31), F.A.C, which provides minimum standards for dissolved oxygen levels in surface waters. The dissolved oxygen levels in the hypolimnion of the reclaimed lake are expected to drop below the mandatory minimum of 5.0 mg/l at times. The low dissolved oxygen levels in the hypolimnion of the deep lake are not expected to result in any on-site or off-site impacts. Oxygen levels in the upper layers are expected to meet the requirements of Rule 62-302.530, F.A.C., and be adequate to support healthy fish populations.

There is no practicable means known or available to achieve the required dissolved oxygen levels in the hypolimnion within the deep lake. Therefore, the Department intends to issue a variance pursuant to Section 403.201(1)(a), F.S., for dissolved oxygen in the hypolimnion within the proposed deep lake.

Under this intent to issue, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, F.S. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel, Department at 3900 Commonwealth Boulevard, Mail

Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with Section 403.201, F.S., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Section 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), F.S., which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with 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.

The Department of Environmental Protection gives notice of its intent to issue a variance under Section 373.414(17) and Section 403.201, Florida Statutes, to the National Park Service, 207 River Drive, Oak Hill, FL 32759 and 7611 South Atlantic Avenue, New Smyrna Beach, FL 32169 (File No. 64-284226-001 & 64-173240-002) from the provisions of Part II section 12.2.5 (Criteria for Evaluation) of the Applicant's Handbook for the St. Johns River Water Management District, adopted by the Department in Chapter 62-330, F.A.C., which restrict dredging or filling in, adjacent to, or in close proximity to Class II waters or located in Class III waters that are classified as approved, restricted, or conditionally restricted for shellfish harvesting. The variance will allow the applicant to construct two (2) docking structures to be used in conjunction with ecotours provided by the National Park Service within a Class II waters classified as a Conditionally Restricted Shellfish Harvesting Area.

Under this intent to issue, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, Florida Statutes. This action is final and effective on the date filed with the Clerk of the

Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes, as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered.

Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), Florida Administrative Code, 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, Florida Administrative Code.

In accordance with Section 373.414(17) and 403.201, Florida Statutes, 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), Florida Statutes, must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, 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, Florida Administrative Code. Under Section 120.569(2)(c) and (d), Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of Section 120.68(7)(a), Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with: Clerk of the Department, Office of General Counsel, 3900 Commonwealth

Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

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 January 7, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Heather Lynn Caldevilla, R.N. license number RN 3281582. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 9, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Jennifer Cathleen Collins, R.N. license number RN 9249918. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 9, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Marie Louise Free, R.N. license number RN 2865462. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon

General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 9, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Drew Warren Holsapple, L.P.N. license number PN 1234301. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 7, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Marcie J. Moore, C.N.A. license number CNA 104786. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 13, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Teresa Lynn Zinck, R.N. license number RN 9219552. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 13, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Martin Veto Fratangelo, R.Ph. license number PS 18125. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 13, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Jacqueline M. Tracy, R.Ph. license number PS 34090. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Request for exception to a

Uniform Rule of Procedure under 28-108.001

The Department of Children and Family Services seeks an exception, under Florida Administrative Code Rule 28-108.001, F.A.C., to Uniform Rule of Procedure paragraph 28-106.213(5)(b), Florida Administrative Code, that will apply in public assistance hearings conducted in accordance with Section 409.285, F.S., by agency hearing officers under the authority granted in Section 120.80(7), F.S. The exemption is needed to improve client access to the hearing process and to enhance the operational efficiency in providing fair hearings. The Department's Rule 65-2.057, F.A.C., will be amended to provide that the hearing officer will administer the oath for all witnesses including those appearing by telephone.

UNIFORM RULE FROM WHICH EXCEPTION IS SOUGHT: 28-106.213 Evidence paragraph (5)(b)

SUMMARY OF GROUNDS FOR EXCEPTION: To make the fair hearing process more accessible to the Department's public benefits clients; to increase the Department's operational efficiency in providing fair hearings.

The Department conducts administrative hearings involving the denial, reduction, or suspension of federally-funded public benefits pursuant to Section 409.285, Florida Statutes. These hearings are administrative proceedings governed by Chapter 120, Florida Statutes, but are conducted by Department hearing officers pursuant to Section 120.80(7), Florida Statutes. These hearings are conducted in accordance with the Uniform Rules of Procedure, except where the Administration Commission has previously granted exceptions to enable the Department to conform the hearings to federal requirements. The Department has promulgated Rule 65-2.042, et seq., F.A.C., to address the procedures that differ from the Uniform Rules.

Paragraph 28-106.213(5)(b), F.A.C., requires that, when an individual appears by telephone, there must be a notary present to administer the oath. Generally, petitioners in Department fair hearings will appear by telephone from their home or place of employment. These petitioners do not have ready access to notaries. An exemption to the notary requirement will allow the Department to provide clients a meaningful opportunity to

appear at hearings by telephone. Many of the Department's clients involved in these hearings are elderly or disabled, and most are financially disadvantaged. Many must rely on public transportation, paratransit, or friends and family to attend hearings. Some clients may even refrain from requesting or following through with a fair hearing because of the difficulty attendant to physical appearance at a hearing or finding a notary to go to the petitioner's location to swear them in for telephonic testimony. At a minimum, petitioners will save time away from their home or employment and travel cost to attend the hearing. Telephone hearings will be cost effective for the Department both in reduced staff travel and the more efficient use of hearing officer time.

The federal programs allow the hearings to be conducted by telephone with the petitioner's agreement. Medicaid program policy requires the state to make special plans, including conducting the hearing by telephone, as necessary, for the convenience of the claimant.

Section 120.569(2)(f), F.S., grants the hearing officer the power to swear in witnesses and take testimony under oath. Section 837.02, F.S., provides that witnesses who make a false statement under oath may be subject to prosecution. This exception will not eliminate the requirement that testimony in a fair hearing be sworn; nor will it protect individuals from the legal consequences of perjury. The exception simply allows the hearing officer to administer the oath telephonically. The Department will provide appropriate procedures for hearing officers to administer the oath telephonically, including identification verification and advising witnesses of the legal effect of the oath. The hearing is recorded and the recording is maintained as a part of the permanent record.

THE ADMINISTRATION COMMISSION IS EXPECTED TO REVIEW THE DEPARTMENT'S PETITION FOR EXCEPTION AT THE FEBRUARY 24, 2009, CABINET MEETING.

THE PERSON TO BE CONTACTED FOR COPY OF THE PETITION FOR EXCEPTION: John Pritchard, Department of Children and Families, Office of Appeal Hearings, Building 5, Room 203, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)488-1429.

FISH AND WILDLIFE CONSERVATION COMMISSION

AVAILABILITY OF GRANT FUNDS FOR LOCAL GOVERNMENTS

The Florida Fish and Wildlife Conservation Commission (FWC) announces the anticipated availability of grant funds under the Florida Boating Improvement Program (FBIP). Availability of funding is contingent upon an appropriation by the Florida legislature for the 2009-2010 fiscal year.

Eligible projects must serve the needs of boaters and boating-related activities on coastal and inland waters within the State of Florida. Eligible participants include county governments, municipalities and other governmental entities of the State of Florida. Applications for grant funding for fiscal year 2009-2010 will be accepted beginning February 2, 2009. Applications must be received by FWC before close of business on April 2, 2009. Applications received after the deadline will be ineligible for consideration.

Program guidelines and application forms may be downloaded from the website: <http://MyFWC.com/boating/grants/fbip.htm>. For more information, email: FBIP@MyFWC.com or call (850)488-5600

DEPARTMENT OF FINANCIAL SERVICES

DEPARTMENT OF FINANCIAL SERVICES

DIVISION OF TREASURY

BUREAU OF COLLATERAL MANAGEMENT

PUBLIC DEPOSITS SECTION

FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THE CITIES AND STATES LISTED ARE THE HOME OFFICE LOCATIONS. QPDS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT OPENING ACCOUNTS FOR NEW PUBLIC DEPOSITORS. QPDS HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

ALABAMA

ATMORE

UNITED BANK

BIRMINGHAM

COMPASS BANK
REGIONS BANK
SUPERIOR BANK

MOBILE

BANKTRUST

MONTGOMERY

COLONIAL BANK *

ARKANSAS

CONWAY

CENTENNIAL BANK

DELAWARE

WILMINGTON

TD BANK, N.A.

DISTRICT OF COLUMBIA

WASHINGTON, DC

URBAN TRUST BANK

FLORIDA

ARCADIA

FIRST STATE BANK OF ARCADIA

AVENTURA

TURNBERRY BANK

BARTOW

COMMUNITY NATIONAL BANK AT BARTOW

BELLE GLADE

BANK OF BELLE GLADE

BOCA RATON

1ST UNITED BANK
FIRST SOUTHERN BANK
LEGACY BANK OF FLORIDA
PARADISE BANK
SUN AMERICAN BANK

BONIFAY

BANK OF BONIFAY

BONITA SPRINGS

CNLBANK, SOUTHWEST FLORIDA

BRADENTON

FIRST AMERICA BANK
FLAGSHIP NATIONAL BANK

BRANDON

PLATINUM BANK

CAPE CORAL

RIVERSIDE BANK OF THE GULF COAST *

CARRABELLE

GULF STATE COMMUNITY BANK

CHIEFLAND

DRUMMOND COMMUNITY BANK

CLEWISTON

FIRST BANK
OLDE CYPRESS COMMUNITY BANK

COCOA BEACH

SUNRISE BANK

CORAL GABLES

BANKUNITED, F.S.B.
GIBRALTAR PRIVATE BANK & TRUST COMPANY
MERCANTIL COMMERCEBANK, N.A.02/06/2009
THE BANK OF MIAMI, N.A.

CRAWFORDVILLE

WAKULLA BANK

CRESTVIEW

FIRST NATIONAL BANK OF CRESTVIEW

DADE CITY

FIRST NATIONAL BANK OF PASCO

DANIA BEACH

COMMUNITY BANK OF BROWARD

DAVIE

FLORIDIAN COMMUNITY BANK, INC.
REGENT BANK

DAYTONA BEACH

GATEWAY BANK OF FLORIDA

DESTIN

DESTIN FIRST BANK
GULFSOUTH PRIVATE BANK

ENGLEWOOD

ENGLEWOOD BANK
PENINSULA BANK

FERNANDINA BEACH

CBC NATIONAL BANK
FIRST COAST COMMUNITY BANK

FORT LAUDERDALE

BANKATLANTIC
LANDMARK BANK, N.A.
VALLEY BANK

FORT MYERS

BUSEY BANK, N.A.
EDISON NATIONAL BANK
FINEMARK NATIONAL BANK & TRUST
FLORIDA GULF BANK
IRONSTONE BANK
RELIANCE BANK, F.S.B.
SOUTHWEST CAPITAL BANK, N.A.

FORT PIERCE

OCULINA BANK
RIVERSIDE NATIONAL BANK OF FLORIDA

FORT WALTON BEACH

BEACH COMMUNITY BANK
FIRST CITY BANK OF FLORIDA *
FIRST NATIONAL BANK & TRUST

FROSTPROOF

CITIZENS BANK & TRUST

GAINESVILLE

FLORIDA CITIZENS BANK
MERCHANTS & SOUTHERN BANK

GRACEVILLE

BANK OF JACKSON COUNTY
PEOPLES BANK OF GRACEVILLE

HALLANDALE

DESJARDINS BANK, N.A.

HOMESTEAD

1ST NATIONAL BANK OF SOUTH FLORIDA
COMMUNITY BANK OF FLORIDA

IMMOKALEE

FLORIDA COMMUNITY BANK

INDIANTOWN

FIRST BANK AND TRUST COMPANY OF INDIANTOWN

INVERNESS

BRANNEN BANK

JACKSONVILLE

AMERICAN ENTERPRISE BANK OF FLORIDA
CNLBANK, FIRST COAST
EVERBANK
FIRSTATLANTIC BANK

JACKSONVILLE BEACH

OCEANSIDE BANK

KEY WEST

FIRST STATE BANK OF THE FLORIDA KEYS

KISSIMMEE

CENTERSTATE BANK CENTRAL FLORIDA, N.A.

LAKE CITY

COLUMBIA BANK
FIRST FEDERAL BANK OF FLORIDA
PEOPLES STATE BANK

LAKELAND

BANK OF CENTRAL FLORIDA
COMMUNITY SOUTHERN BANK

LANTANA

STERLING BANK

LONGWOOD

ORLANDO NATIONAL BANK

MADISON

MADISON COUNTY COMMUNITY BANK

MARIANNA

FIRST CAPITAL BANK

MAYO

LAFAYETTE STATE BANK

MELBOURNE

PRIME BANK

MERRITT ISLAND

COMMUNITY BANK OF THE SOUTH

MIAMI

BAC FLORIDA BANK
CITY NATIONAL BANK OF FLORIDA
COCONUT GROVE BANK
CONTINENTAL NATIONAL BANK OF MIAMI
EAGLE NATIONAL BANK OF MIAMI
EASTERN NATIONAL BANK
ESPIRITO SANTO BANK
EXECUTIVE NATIONAL BANK
GREAT FLORIDA BANK
INTERAMERICAN BANK, F.S.B.
MELLON UNITED NATIONAL BANK
METRO BANK OF DADE COUNTY
NORTHERN TRUST, N.A.
OCEAN BANK
SUNSTATE BANK
TOTALBANK
TRANSATLANTIC BANK
U.S. CENTURY BANK

MILTON

FIRST NATIONAL BANK OF FLORIDA

MONTICELLO

FARMERS & MERCHANTS BANK

MOUNT DORA

FIRST NATIONAL BANK OF MOUNT DORA

NAPLES

BANK OF NAPLES

ORION BANK

PARTNERS BANK

SHAMROCK BANK OF FLORIDA

TIB BANK

NEW SMYRNA BEACH

FRIENDS BANK

NICEVILLE

PEOPLES NATIONAL BANK

NORTH PALM BEACH

ENTERPRISE BANK OF FLORIDA

OAKLAND PARK

AMERICAN NATIONAL BANK

OCALA

ALARION BANK

COMMUNITY BANK & TRUST OF FLORIDA

GATEWAY BANK OF CENTRAL FLORIDA

INDEPENDENT NATIONAL BANK

ORANGE PARK

HERITAGE BANK OF NORTH FLORIDA

ORLANDO

CNLBANK

FLORIDA BANK OF COMMERCE

OLD SOUTHERN BANK

ORANGE BANK OF FLORIDA

SEASIDE NATIONAL BANK & TRUST

OVIEDO

CITIZENS BANK OF FLORIDA

PALATKA

FIRST FEDERAL BANK OF NORTH FLORIDA

PUTNAM STATE BANK

PALM COAST

INTRACOASTAL BANK

PANAMA CITY

BAY BANK & TRUST COMPANY

FIRST NATIONAL BANK NORTHWEST FLORIDA

PEOPLES FIRST COMMUNITY BANK

VISION BANK

PANAMA CITY BEACH

COASTAL COMMUNITY BANK *

PENSACOLA

BANK OF THE SOUTH

COASTAL BANK AND TRUST OF FLORIDA

GULF COAST COMMUNITY BANK

PERRY

CITIZENS STATE BANK

PINELLAS PARK

FIRST COMMUNITY BANK OF AMERICA

PORT RICHEY

REPUBLIC BANK

PORT ST. JOE

BAYSIDE SAVINGS BANK

PORT ST. LUCIE

FIRST PEOPLES BANK *

ST. AUGUSTINE

BANK OF ST. AUGUSTINE

PROSPERITY BANK

ST. PETERSBURG

SYNOVUS BANK

SARASOTA

LANDMARK BANK OF FLORIDA

SEBRING

HEARTLAND NATIONAL BANK

HIGHLANDS INDEPENDENT BANK

SOUTH MIAMI

FIRST NATIONAL BANK OF SOUTH MIAMI

STARKE

COMMUNITY STATE BANK

STUART

GULFSTREAM BUSINESS BANK
SEACOAST NATIONAL BANK

TALLAHASSEE

CAPITAL CITY BANK
HANCOCK BANK OF FLORIDA
PREMIER BANK
TALLAHASSEE STATE BANK
THE BANK OF TALLAHASSEE

TAMPA

AMERICAN MOMENTUM BANK
FIRST CITRUS BANK
FLORIDA BANK
THE PALM BANK

THE VILLAGES

CITIZENS FIRST BANK

TRINITY

PATRIOT BANK

UMATILLA

UNITED SOUTHERN BANK

VENICE

COMMUNITY NATIONAL BANK OF SARASOTA
COUNTY 02/08/2009
THE BANK OF VENICE

WAUCHULA

FIRST NATIONAL BANK OF WAUCHULA
WAUCHULA STATE BANK

WEST PALM BEACH

FIRST BANK OF THE PALM BEACHES
FLAGLER BANK
GRAND BANK & TRUST OF FLORIDA

WILLISTON

PERKINS STATE BANK

WINTER HAVEN

CENTERSTATE BANK OF FLORIDA, N.A.

WINTER PARK

BANKFIRST
FIRST NATIONAL BANK OF CENTRAL FLORIDA
RIVERSIDE BANK OF CENTRAL FLORIDA

ZEPHYRHILLS

CENTERSTATE BANK, N.A.

GEORGIA

ALBANY

HERITAGEBANK OF THE SOUTH

ATLANTA

SUNTRUST BANK

COLQUITT

PEOPLESOUTH BANK

DARIEN

SOUTHEASTERN BANK

MOULTRIE

AMERIS BANK

IOWA

FORT DODGE

FIRST AMERICAN BANK

LOUISIANA

NEW ORLEANS

WHITNEY NATIONAL BANK

MASSACHUSETTS

BOSTON

ONEUNITED BANK

MICHIGAN

GRAND RAPIDS

FIFTH THIRD BANK

MISSISSIPPI

JACKSON
TRUSTMARK NATIONAL BANK

KOSCIUSKO
MERCHANTS AND FARMERS BANK

STARKVILLE
CADENCE BANK, N.A.

TUPELO
BANCORPSOUTH BANK

MISSOURI

CREVE COEUR
FIRST BANK

NEVADA

LAS VEGAS
CITIBANK, N.A.

NEW YORK

NEW YORK CITY
BANCO POPULAR NORTH AMERICA
INTERVEST NATIONAL BANK

NORTH CAROLINA

CHARLOTTE
BANK OF AMERICA, N.A.
WACHOVIA BANK, N.A.

RALEIGH
RBC BANK (USA)

WINSTON-SALEM
BRANCH BANKING & TRUST COMPANY

OHIO

CLEVELAND
NATIONAL CITY BANK

WILMINGTON
LIBERTY SAVINGS BANK, F.S.B.

SOUTH CAROLINA

GREENVILLE
CAROLINA FIRST BANK

TEXAS

HOUSTON
ENCORE BANK, N.A.

WISCONSIN

MILWAUKEE
M&I MARSHALL & ILSLEY BANK

THE FOLLOWING IS A LIST OF INSTITUTIONS THAT
HAD A CHANGE SINCE THE LAST PUBLICATION OF
THIS REPORT.

BANK OF PENSACOLA

PENSACOLA
BANK OF PENSACOLA HAS CHANGED ITS NAME TO
COASTAL BANK AND TRUST OF FLORIDA.

MARINE BANK

MARATHON
MARINE BANK (MARATHON) WAS MERGED INTO
FIRST STATE BANK (CONWAY, ARKANSAS)
EFFECTIVE AS OF THE CLOSE OF BUSINESS
DECEMBER 5, 2008. FIRST STATE BANK WAS NOT A
QPD BUT AUTOMATICALLY BECAME A QPD WITH
THIS MERGER AND HAS 90 DAYS IN WHICH TO
DECIDE IF THEY WILL COMPLETE THE NECESSARY
PAPERWORK TO REMAIN IN THE PROGRAM OR
SUBMIT A WRITTEN NOTICE OF THEIR INTENT TO
LEAVE THE PROGRAM. FIRST STATE BANK
SIMULTANEOUSLY CHANGED THEIR NAME TO
CENTENNIAL BANK AT THE TIME OF THE MERGER.

VANGUARD BANK & TRUST COMPANY

VALPARAISO
VANGUARD BANK & TRUST COMPANY LOCATED IN
VALPARAISO WAS CONSOLIDATED WITH AND INTO
BANK OF PENSACOLA LOCATED IN PENSACOLA
EFFECTIVE AS OF THE CLOSE OF BUSINESS
DECEMBER 12, 2008. THE SURVIVING ENTITY IS
BANK OF PENSACOLA WHICH CHANGED ITS NAME

TO COASTAL BANK AND TRUST OF FLORIDA
SIMULTANEOUSLY WITH THIS CONSOLIDATION.
THEY REMAIN IN PENSACOLA.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services

Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida, 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 13, 2009):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: First Bank & Trust Company of Indiantown, Indiantown, Florida
Proposed Purchaser: Wilbur L. Ross, Jr., Palm Beach, Florida
Received: January 14, 2009

Section XIII
Index to Rules Filed During Preceding Week

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
RULES FILED BETWEEN January 5, 2009 and January 9, 2009					25-4.069	1/5/09	1/25/09	34/48	
					25-4.112	1/5/09	1/25/09	34/48	
					25-4.115	1/5/09	1/25/09	34/48	
					25-4.117	1/5/09	1/25/09	34/48	
					25-4.200	1/5/09	1/25/09	34/48	
					25-9.001	1/5/09	1/25/09	34/48	
					25-9.002	1/5/09	1/25/09	34/48	
					25-9.005	1/5/09	1/25/09	34/48	
					25-9.008	1/5/09	1/25/09	34/48	
					25-9.009	1/5/09	1/25/09	34/48	
					25-9.022	1/5/09	1/25/09	34/48	
					25-9.027	1/5/09	1/25/09	34/48	
					25-9.029	1/5/09	1/25/09	34/48	
					25-9.032	1/5/09	1/25/09	34/48	
DEPARTMENT OF REVENUE					REGIONAL PLANNING COUNCILS				
12-6.0015	1/7/09	1/27/09	34/41		Tampa Bay Regional Planning Council				
Sales and Use Tax					29H-2.0001	1/7/09	1/27/09	34/47	
12A-1.097	1/7/09	1/27/09	34/41		29H-2.001	1/7/09	1/27/09	34/47	
12A-16.008	1/7/09	1/27/09	34/41		29H-2.003	1/7/09	1/27/09	34/47	
12A-19.100	1/7/09	1/27/09	34/41		29H-2.007	1/7/09	1/27/09	34/47	
Miscellaneous Tax					29H-3.0001	1/7/09	1/27/09	34/47	
12B-5.130	1/7/09	1/27/09	34/41		29H-3.001	1/7/09	1/27/09	34/47	
12B-5.150	1/7/09	1/27/09	34/41		29H-3.003	1/7/09	1/27/09	34/47	
12B-7.008	1/7/09	1/27/09	34/41	34/50	29H-3.007	1/7/09	1/27/09	34/47	
12B-7.026	1/7/09	1/27/09	34/41		29H-3.011	1/7/09	1/27/09	34/47	
12B-7.031	1/7/09	1/27/09	34/41		29H-3.013	1/7/09	1/27/09	34/47	
12B-8.003	1/7/09	1/27/09	34/41	34/50	29H-3.015	1/7/09	1/27/09	34/47	
Corporate, Estate and Intangible Tax					29H-3.031	1/7/09	1/27/09	34/47	
12C-1.051	1/7/09	1/27/09	34/41	34/50	29H-3.035	1/7/09	1/27/09	34/47	
12C-2.0115	1/7/09	1/27/09	34/41		29H-3.037	1/7/09	1/27/09	34/47	
STATE BOARD OF ADMINISTRATION					29H-4.0001	1/7/09	1/27/09	34/47	
Florida Prepaid Postsecondary Education Expense Board					29H-4.001	1/7/09	1/27/09	34/47	
19B-4.001	1/8/09	1/28/09	34/41		29H-4.005	1/7/09	1/27/09	34/47	
19B-5.003	1/8/09	1/28/09	34/41		29H-4.007	1/7/09	1/27/09	34/47	
19B-5.004	1/8/09	1/28/09	34/41		29H-5.0001	1/7/09	1/27/09	34/47	
19B-8.001	1/8/09	1/28/09	34/41		29H-5.001	1/7/09	1/27/09	34/47	
19B-9.004	1/8/09	1/28/09	34/41		29H-5.002	1/7/09	1/27/09	34/47	
19B-10.002	1/8/09	1/28/09	34/41		29H-5.003	1/7/09	1/27/09	34/47	
19B-11.001	1/8/09	1/28/09	34/41		29H-5.007	1/7/09	1/27/09	34/47	
19B-11.005	1/8/09	1/28/09	34/41		29H-5.008	1/7/09	1/27/09	34/47	
19B-11.007	1/8/09	1/28/09	34/41		29H-5.009	1/7/09	1/27/09	34/47	
19B-16.002	1/8/09	1/28/09	34/41		29H-5.011	1/7/09	1/27/09	34/47	
19B-16.004	1/8/09	1/28/09	34/41		29H-5.013	1/7/09	1/27/09	34/47	
19B-16.006	1/8/09	1/28/09	34/41		29H-5.015	1/7/09	1/27/09	34/47	
19B-16.007	1/8/09	1/28/09	34/41		29H-5.022	1/7/09	1/27/09	34/47	
19B-16.008	1/8/09	1/28/09	34/41		29H-5.025	1/7/09	1/27/09	34/47	
19B-16.009	1/8/09	1/28/09	34/41		29H-5.027	1/7/09	1/27/09	34/47	
19B-16.010	1/8/09	1/28/09	34/41		29H-5.029	1/7/09	1/27/09	34/47	
19B-16.011	1/8/09	1/28/09	34/41		29H-5.031	1/7/09	1/27/09	34/47	
PUBLIC SERVICE COMMISSION					29H-5.033	1/7/09	1/27/09	34/47	
25-4.019	1/5/09	1/25/09	34/48						
25-4.020	1/5/09	1/25/09	34/48						
25-4.022	1/5/09	1/25/09	34/48						
25-4.034	1/5/09	1/25/09	34/48						

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29H-5.035	1/7/09	1/27/09	34/47	
29H-5.041	1/7/09	1/27/09	34/47	
29H-5.044	1/7/09	1/27/09	34/47	
29H-5.051	1/7/09	1/27/09	34/47	
29H-7.0001	1/7/09	1/27/09	34/47	
29H-7.001	1/7/09	1/27/09	34/47	
29H-7.005	1/7/09	1/27/09	34/47	
29H-7.007	1/7/09	1/27/09	34/47	
29H-7.009	1/7/09	1/27/09	34/47	
29H-8.002	1/7/09	1/27/09	34/47	
29H-8.006	1/7/09	1/27/09	34/47	
29H-8.008	1/7/09	1/27/09	34/47	
29H-11.001	1/7/09	1/27/09	34/47	
29H-11.002	1/7/09	1/27/09	34/47	
29H-11.003	1/7/09	1/27/09	34/47	
29H-11.004	1/7/09	1/27/09	34/47	
29H-11.005	1/7/09	1/27/09	34/47	
29H-11.006	1/7/09	1/27/09	34/47	
29H-11.007	1/7/09	1/27/09	34/47	
29H-11.008	1/7/09	1/27/09	34/47	
29H-11.009	1/7/09	1/27/09	34/47	
29H-13.012	1/7/09	1/27/09	34/47	
29H-13.014	1/7/09	1/27/09	34/47	

SPACEPORT FLORIDA AUTHORITY

57-20.001	1/5/09	1/25/09	34/42	
57-20.002	1/5/09	1/25/09	34/42	
57-20.003	1/5/09	1/25/09	34/42	
57-20.004	1/5/09	1/25/09	34/42	
57-20.005	1/5/09	1/25/09	34/42	
57-20.006	1/5/09	1/25/09	34/42	
57-30.001	1/5/09	1/25/09	34/42	
57-40.001	1/5/09	1/25/09	34/42	
57-40.002	1/5/09	1/25/09	34/42	
57-40.003	1/5/09	1/25/09	34/42	
57-40.004	1/5/09	1/25/09	34/42	
57-40.005	1/5/09	1/25/09	34/42	
57-60.001	1/5/09	1/25/09	34/42	
57-60.002	1/5/09	1/25/09	34/42	
57-60.003	1/5/09	1/25/09	34/42	
57-60.004	1/5/09	1/25/09	34/42	
57-70.001	1/5/09	1/25/09	34/42	

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office**

59G-4.251	1/8/09	1/28/09	34/41	
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary**

62S-4.001	1/9/09	1/29/09	34/38	34/50
62S-4.004	1/9/09	1/29/09	34/38	34/50
62S-4.0045	1/9/09	1/29/09	34/38	
62S-4.005	1/9/09	1/29/09	34/38	
62S-4.0055	1/9/09	1/29/09	34/38	
62S-4.007	1/9/09	1/29/09	34/38	
62S-4.008	1/9/09	1/29/09	34/38	
62S-5.001	1/9/09	1/29/09	34/38	34/50
62S-5.002	1/9/09	1/29/09	34/38	
62S-5.003	1/9/09	1/29/09	34/38	

**DEPARTMENT OF JUVENILE JUSTICE
Division of Commitment**

63E-3.001	1/5/09	1/25/09	34/47	
63E-3.002	1/5/09	1/25/09	34/47	
63E-3.003	1/5/09	1/25/09	34/47	
63E-3.004	1/5/09	1/25/09	34/47	
63E-3.005	1/5/09	1/25/09	34/47	
63E-3.006	1/5/09	1/25/09	34/47	
63E-3.007	1/5/09	1/25/09	34/47	
63E-3.008	1/5/09	1/25/09	34/47	
63E-3.009	1/5/09	1/25/09	34/47	
63E-3.010	1/5/09	1/25/09	34/47	
63E-3.011	1/5/09	1/25/09	34/47	
63E-3.012	1/5/09	1/25/09	34/47	
63E-3.013	1/5/09	1/25/09	34/47	
63E-3.014	1/5/09	1/25/09	34/47	
63E-3.015	1/5/09	1/25/09	34/47	
63E-4.001	1/5/09	1/25/09	34/47	
63E-4.002	1/5/09	1/25/09	34/47	
63E-4.003	1/5/09	1/25/09	34/47	
63E-4.004	1/5/09	1/25/09	34/47	
63E-4.005	1/5/09	1/25/09	34/47	
63E-4.006	1/5/09	1/25/09	34/47	
63E-4.007	1/5/09	1/25/09	34/47	
63E-4.008	1/5/09	1/25/09	34/47	
63E-4.009	1/5/09	1/25/09	34/47	
63E-4.010	1/5/09	1/25/09	34/47	
63E-4.011	1/5/09	1/25/09	34/47	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
63E-4.012	1/5/09	1/25/09	34/47		65C-24.003	1/6/09	1/26/09	34/46	
63E-4.013	1/5/09	1/25/09	34/47		65C-24.004	1/6/09	1/26/09	34/46	
63E-4.014	1/5/09	1/25/09	34/47		65C-24.005	1/6/09	1/26/09	34/46	
63E-7.001	1/5/09	1/25/09	34/47		65C-24.006	1/6/09	1/26/09	34/46	
63E-7.007	1/5/09	1/25/09	34/47		65C-24.007	1/6/09	1/26/09	34/46	
63E-7.008	1/5/09	1/25/09	34/47		65C-24.008	1/6/09	1/26/09	34/46	
DEPARTMENT OF HEALTH					65C-24.009	1/6/09	1/26/09	34/46	
Board of Psychology					65C-24.010	1/6/09	1/26/09	34/46	
64B19-11.007	1/6/09	1/26/09	34/49		65C-24.011	1/6/09	1/26/09	34/46	
					65C-24.012	1/6/09	1/26/09	34/46	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Family Safety and Preservation Program

65C-24.001	1/6/09	1/26/09	34/46
65C-24.002	1/6/09	1/26/09	34/46