

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
RULE TITLE: Division of Cultural Affairs
PURPOSE AND EFFECT: The purpose of this rule amendment is to:

1. Amend subsection IT-1.001(1), F.A.C., by changing the name of the Florida Arts Council to the Florida Council on Arts and Culture in accordance with Section 265.285, F.S.
2. Create a new rule, Arts and Cultural Grants, Rule IT-1.036, F.A.C., that establishes eligibility criteria, application procedures, matching funds, panel review criteria, scoring criteria, Legislative review and funding method, reporting requirements, grant administration forms, and program guidelines for the Cultural and Museum Grants Program and the Specific Cultural Projects Program.
3. Repeal subsection IT-1.001(19), F.A.C., Regional Cultural Facilities Program as a result of Legislative repeal of the governing Statute (Section 265.702, F.S.).
4. Repeal Rule IT-1.031, History Museum Grants Application Requirements; and IT-1.032, History Museum Application Review and Grant Administration as a result of repeal of the governing Statute (Section 265.708, F.S.). The History Museum Program has been incorporated into Section 265.286, F.S. Guidelines and application procedures are incorporated into Rule IT-1.036, F.A.C.
5. Repeal the Quarterly Assistance Program (subsection IT-1.001(9), F.A.C.), and the Challenge Grant Program (subsection IT-1.001(14), F.A.C.). Previous grantees will have access to funding through Arts and Cultural Grants, Rule IT-1.036, F.A.C.
6. Repeal the following subparagraphs and incorporate the program information into Arts and Cultural Grants, Rule IT-1.036, F.A.C.: subsections IT-1.001(3), (4), (5), (6), (7), (8), (10), (12), (13), and (18), F.A.C.
7. Establish new rule numbers for the following programs: Art in State Buildings (paragraph IT-1.001(2)(a), F.A.C.), Florida Artists Hall of Fame and Arts Recognition Program (paragraph IT-1.001(2)(b), F.A.C.), the State Touring Program (subsection IT-1.001(11), F.A.C.), the Individual Artist Fellowship Program (subsection IT-1.001(17), F.A.C.), and the Artwork and Collection Care and Maintenance Program (IT-1.001(20), F.A.C.). There are no new eligibility criteria, program review criteria, or additional reporting requirements for these programs.

8. Re-number the Cultural Endowment Program rule from subsection IT-1.001(15) to subsection IT-1.001(2), F.A.C., and the Cultural Facilities Program rule from subsection IT-1.001(16) to subsection IT-1.001(3), F.A.C. No changes are being made to these programs in this amendment.

SUBJECT AREA TO BE ADDRESSED: Establish eligibility criteria, application procedures, matching funds, panel review and evaluation criteria, Legislative review and funding method, reporting requirements, and grant administration in several Division programs.

RULEMAKING AUTHORITY: 265.284(3)(j), 265.286(1), (11) FS.

LAW IMPLEMENTED: 265.284, 265.286, 286.011, 286.012 FS.

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

DATE AND TIME: Monday, June 15, 2009, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.102
RULE TITLE: Legal Documents and Legal Mail
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the handling and processing of incoming legal mail.

SUBJECT AREA TO BE ADDRESSED: Legal Mail.

RULEMAKING 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 mail to and from the following entities that is either marked as legal pursuant to paragraph (8)(d) of this rule or is inspected in the presence of the inmate pursuant to paragraph (8)(h) of this rule:

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

(b) ~~State Mail to and from state~~ attorneys.

(c) ~~Private Mail to and from private~~ attorneys.

(d) ~~Public Mail to and from public~~ defenders.

(e) ~~Legal Mail to and from legal~~ aid organizations.

(f) ~~Mail to and from Agency clerks~~ Clerks.

(g) ~~Government Mail to and from government~~ attorneys.

(3) through (7) No change.

(8) Processing of Legal Mail.

(a) through (b) No change.

(c) No packaging other than standard envelopes shall be given to inmates. The following types of packaging shall be removed by mailroom staff 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,” “legal-confidential,” “legal-open only in the presence of the addressee,” or similar language which would put the reader on notice that the mail should be handled and processed pursuant to this Rule is legal mail of a confidential nature. Mail from the courts, state attorney, public defender or from any agency clerk or government attorney that is not marked as legal pursuant to this paragraph shall be handled and processed pursuant to Rule 33-210.103, F.A.C ~~subject to public inspection under Chapter 119, Florida Statutes, need not be marked as legal mail. All other incoming Incoming mail that is not marked as legal pursuant to this paragraph which does not include a marking on the outside of the envelope requesting that it be treated as confidential legal mail shall be handled and processed pursuant to Rule 33-210.101, F.A.C 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) through (i) No change.

(9) through (15) No change.

Rulemaking 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, 4-23-09,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.:

RULE TITLE:

33-601.602

Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to require all inmates participating in a community release program to pay facilities a 55% subsistence fee.

SUBJECT AREA TO BE ADDRESSED: Community Release Programs.

RULEMAKING AUTHORITY: 945.091, 946.002 FS.

LAW IMPLEMENTED: 945.091, 946.002 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:

33-601.602 Community Release Programs.

(1) through (9) No change.

(10) Disbursement of Earnings.

(a) through (c) No change.

(d) All inmates participating in community release programs ~~The inmate shall be required to disburse such funds to pay the facility for subsistence at the following rates:~~

1. ~~Inmates assigned to contract facilities for paid employment shall be required to pay 55% subsistence, which shall be computed by factoring .55 (55%) times the inmate’s net earnings.~~

2. ~~For all other inmates the amount of subsistence to be paid will be computed by factoring .45 (45%) times the inmate’s net earnings.~~

(e) through (l) No change.

(11) through (16) No change.

Rulemaking Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History–New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07, 4-10-08, 9-30-08,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.606
 RULE TITLE: Placement of Inmates into Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify eligibility requirements for inmates with and without non-advanceable dates, to specify that an inmate is ineligible for failure to complete a substance abuse program only with respect to those programs required during his current period of incarceration, and to remove reference to Form EF6-009, which is no longer used.

SUBJECT AREA TO BE ADDRESSED: Placement of Inmates into Community Release Programs.

RULEMAKING AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 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:

33-601.606 Placement of Inmates into Community Release Programs.

- (1) No change.
- (2) Eligibility and Ineligibility Criteria.

(a) An inmate is ineligible for community release programs if he has:

- 1. through 2. No change.
- 3. Been terminated ~~Terminated~~ from work release, a community-based residential substance abuse program, or a center work assignment for disciplinary reasons during his current commitment.
- 4. No change.

5. Refused to complete or has an unsatisfactory removal from a substance abuse or academic programs that the inmate was required to complete at any point during his current period of incarceration unless the refusal was based upon objections to the religious based content of the program, in which case, an alternate non-deity based program will be offered and must be successfully completed. The removal of an inmate from a program for violation of program or institutional rules, or for behavioral management problems constitutes an unsatisfactory removal from a program. The inmate shall remain ineligible until a comparable program is satisfactorily completed.

- 6. No change.

7. A misdemeanor detainer, unless it can be established by the inmate's classification officer that the detainer would be withdrawn upon payment of restitution, fines, or court ordered obligations and it appears that the inmate will earn sufficient funds to pay the obligation that has caused the detainer.

(b) In order to be eligible for community release programs ~~an~~ inmates must:

- 1. Be ~~in~~ community custody.
- 2. through 3. No change.
- 4. For inmates ~~Inmates~~ with non-advanceable dates, must be within 19 months of their tentative release date or presumptive parole release date for CWA or, a community-based residential substance abuse program, or ~~pre-work release program~~ or within 14 months of their earliest tentative release date for CWR, or within 28 months of their earliest tentative release date for the residential transition program.

5. For inmates ~~Inmates~~ without non-advanceable dates, must be within 28 months of their tentative release date for CWA or, a community-based residential substance abuse program, within 19 months of their tentative release date for CWR, or within 36 months of their earliest tentative release date for the residential transition program, or pre-work release program or within 19 months of their tentative release date for CWR.

- 6. No change.
- (3) No change.
- (4) Process for Removal from CWA, Work Release and Community-Based Residential Substance Abuse Programs.
- (a) No change.

(b) The ICT shall approve or disapprove an inmate's termination ~~Upon the termination of an inmate from CWA, work release, or a community-based residential substance abuse program, the Termination Report, Form EF6-009 will be given to the ICT who shall approve or disapprove the termination. Form EF6-009 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is March 14, 2001.~~

- (c) through (e) No change.
- (5) No change.

Rulemaking ~~Specific~~ Authority 945.091 FS. Law Implemented 945.091 FS. History--New 3-14-01, Amended 9-2-01, 3-19-02, 11-18-02, 5-31-04. 11-25-04, 4-13-06, 10-8-07, _____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-4.2010
 RULE TITLE: General Environmental Resource Permits

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-4, Florida Administrative Code, to incorporate the form 40B-4.2010A Application for Noticed General Permit. The form was previously incorporated by reference in Rule 40B-1.901, F.A.C.; however, recent changes to Section 120.55, Florida Statutes, require that items incorporated by reference shall be incorporated into the corresponding rule. In addition, the rule contains a list of documents with “best management practices”, which shall be incorporated by reference into this rule and the language will be revised in accordance with review by Joint Administrative Procedures Committee. The effect of the proposed rule amendments will be to correct the location of the form in the rules and provide for a simplified and updated version of the form.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will correct the location of the form in the rules and provide for a simplified and updated version of the form, and new documents will be incorporated by reference.

RULEMAKING AUTHORITY: 373.044, 373.118, 373.171 FS.

LAW IMPLEMENTED: 120.60, 373.084, 373.085, 373.117, 373.413, 373.416, 373.426 FS.

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

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

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-400.046	Formal Determinations
40B-400.051	Exemptions

PURPOSE AND EFFECT: The purpose of the rule development is to update Rule 40B-400.046, Florida Administrative Code, to incorporate the form 40B-400.046A Petition for a Formal Wetland and Surface Water Determination. The form was previously incorporated by reference in Rule 40B-1.901, F.A.C.; however, recent changes to Section 120.55, Florida Statutes, require that items incorporated by reference shall be incorporated into the corresponding rule. In addition, the rule language will be

updated in accordance with review by Joint Administrative Procedures Committee. Rule 40B-400.041, F.A.C., will also be amended to maintain consistency with Florida Statutes. The effect of the proposed rule amendments will be to correct the location of the form in the rules and provide for a simplified and updated version of the form, as well as maintain consistency with Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will correct the location of the form in the rules and provide for a simplified and updated version of the form, and amend the rule to maintain consistency with Section 403.813(1)(i), Florida Statutes, regarding the exemption for construction of private docks that are 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

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

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

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-1.659	Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to list a newly adopted Water Use Permit Application Form – Mining and Dewatering, Form No. LEG-R.032.01 (5/09), which is incorporated by reference in paragraph 40D-2.101(2)(d), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Permit Application Forms.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.0831(3), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 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: Barbara Martinez, Sr., Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.1020	Timeframe for Providing Requested Information
40D-1.1024	Processing Procedures for Noticed General Permits Under Chapter 40D-400, F.A.C
40D-1.603	Permit Application Procedures
40D-1.605	Content of Application
40D-1.6051	Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications

PURPOSE AND EFFECT: The purpose of this rulemaking is to revise and update District rules for the processing of permit applications. Timeframes for providing additional information to make applications complete will be revised to allow applicants 90 days instead of 30 days to respond to staff requests for additional or clarifying information. A new Applicant Transmittal Form is proposed for use in submitting additional information in support of a permit application. A process allowing for staff issuance of notices of proposed agency action for denial is proposed to be used for incomplete permit applications. Minor amendments are made to improve clarity and eliminate unnecessary language. An outdated rule is repealed. Two rules are transferred and renumbered. The overall effects will be to make District permit application processing procedures more consistent with other water management districts, better organize permit processing rules within Part VI of Chapter 40D-1, F.A.C., and improve permit processing procedures.

SUBJECT AREA TO BE ADDRESSED: Permitting Procedures.

RULEMAKING AUTHORITY: 120.54(5), 120.60(4), 373.044, 373.113, 373.116, 373.118, 373.229, 373.413, 373.4135, 373.4136, 373.414 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-13.051	Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule
59G-13.052	Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies

PURPOSE AND EFFECT: The purpose of Rule 59G-13.051, F.A.C., is to incorporate by reference the Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule, July 2009. The effect will be to incorporate by reference in rule the Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule, July 2009.

The purpose of Rule 59G-13.052, F.A.C., is to incorporate by reference in rule the Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009. The effect will be to incorporate by reference in rule the Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009.

SUBJECT AREA TO BE ADDRESSED: Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule and the Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

DATE AND TIME: Tuesday, June 16, 2009, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carol Schultz, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7349, schultzc@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.051 Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule.

(1) This rule applies to all Assisted Living for the Elderly waiver services providers enrolled in the Medicaid program.

(2) All Assisted Living for the Elderly waiver services providers enrolled in the Medicaid program must be in compliance with the Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule, July 2009, which is incorporated by reference. The Procedure Codes and Fee Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New _____.

59G-13.052 Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

(1) This rule applies to all Assisted Living for the Elderly waiver services providers enrolled in the Medicaid program.

(2) All Assisted Living for the Elderly waiver services providers enrolled in the Medicaid program must be in compliance with the Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009, which are incorporated by reference. The Assisted Living for the Elderly Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards are available from the Medicaid fiscal

agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-13.086

RULE TITLE:
Developmental Disabilities Waivers
Disposable Incontinence Medical
Supplies Procedure Codes and Fee
Schedule

PURPOSE AND EFFECT: The purpose of Rule 59G-13.086, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, August 2009, and Quality Standards, August 2009. The effect will be to incorporate by reference in rule the Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, August 2009, and Quality Standards, August 2009.

SUBJECT AREA TO BE ADDRESSED: Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

DATE AND TIME: Tuesday, June 16, 2009, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela Kyllonen, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, kyllonep@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.086 Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

(1) This rule applies to all Developmental Disabilities waiver services providers enrolled in the Medicaid program.

(2) All Developmental Disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, August 2009, and Quality Standards, August 2009, which are incorporated by reference. The Developmental Disabilities Waivers Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-13.101	Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule
59G-13.102	Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule

PURPOSE AND EFFECT: The purpose of Rule 59G-13.101, F.A.C., is to incorporate by reference the Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule, July 2009. The effect will be to incorporate by reference in rule the Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule, July 2009.

The purpose of Rule 59G-13.102, F.A.C., is to incorporate by reference in rule the Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009. The effect will be to incorporate by reference in rule the Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009.

SUBJECT AREA TO BE ADDRESSED: Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule and the Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

DATE AND TIME: Tuesday, June 16, 2009, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kelly Hensley, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-4464, hensleyk@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.101 Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule.

(1) This rule applies to all Familial Dysautonomia waiver services providers enrolled in the Medicaid program.

(2) All Familial Dysautonomia waiver services providers enrolled in the Medicaid program must be in compliance with the Familial Dysautonomia Waiver Services Procedure Codes and Fee Schedule, July 2009, which is incorporated by reference. The Procedure Codes and Fee Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History--New _____.

59G-13.102 Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

(1) This rule applies to all Familial Dysautonomia waiver services providers enrolled in the Medicaid program.

(2) All Familial Dysautonomia waiver services providers enrolled in the Medicaid program must be in compliance with the Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009, which are incorporated by reference. The Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-13.111	Project AIDS Care Waiver Services Procedure Codes and Fee Schedule
59G-13.112	Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule

PURPOSE AND EFFECT: The purpose of Rule 59G-13.111, F.A.C., is to incorporate by reference the Project AIDS Care Waiver Services Procedure Codes and Fee Schedule, July 2009. The effect will be to incorporate by reference in rule the Project AIDS Care Waiver Services Procedure Codes and Fee Schedule, July 2009.

The purpose of Rule 59G-13.112, F.A.C., is to incorporate by reference in rule the Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009. The effect will be to incorporate by reference in rule the Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009.

SUBJECT AREA TO BE ADDRESSED: Project AIDS Care Waiver Services Procedure Codes and Fee Schedule and the Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

DATE AND TIME: Tuesday, June 16, 2009, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Brenda Jones-Garrett, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-2769, garrettb@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.111 Project AIDS Care Waiver Services Procedure Codes and Fee Schedule.

(1) This rule applies to all Project AIDS Care waiver services providers enrolled in the Medicaid program.

(2) All Project AIDS Care waiver services providers enrolled in the Medicaid program must be in compliance with the Project AIDS Care Waiver Services Procedure Codes and Fee Schedule, July 2009, which is incorporated by reference. The Procedure Codes and Fee Schedule is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History-New _____.

59G-13.112 Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule.

(1) This rule applies to all Project AIDS Care waiver services providers enrolled in the Medicaid program.

(2) All Project AIDS Care waiver services providers enrolled in the Medicaid program must be in compliance with the Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule, July 2009, and Quality Standards, July 2009, which are incorporated by reference. The Project AIDS Care Waiver Disposable Incontinence Medical Supplies Procedure Codes and Fee Schedule and Quality Standards are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History-New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Telecommunications

RULE NO.:	RULE TITLE:
60FF-5.001	Requirements for Sworn Invoices Submitted by or on Behalf of Wireless Service Providers

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to clarify the requirements and procedures for reimbursement for actual cost incurred to provide 911 or E911 services.

SUBJECT AREA TO BE ADDRESSED: Requirements and procedures for reimbursement of actual cost for 911 or E911 services.

RULEMAKING AUTHORITY: 365.172(6)(a)12., 365.173(2)(b) FS.

LAW IMPLEMENTED: 365.173(2)(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: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Telecommunications

RULE NO.: RULE TITLE:
60FF-5.002 Rural County Grants

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language and to add new language to clarify the qualifications and procedures for the E911 rural county grant program.

SUBJECT AREA TO BE ADDRESSED: Rural county grants.

RULEMAKING AUTHORITY: 465.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(9)(a), (b), (c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Telecommunications

RULE NO.: RULE TITLE:
60FF-5.005 Emergency Grants

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to clarify the requirements and procedures for emergency grants.

SUBJECT AREA TO BE ADDRESSED: Emergency grants.

RULEMAKING AUTHORITY: 365.172(6)(a)11., 365.173(2)(g) FS.

LAW IMPLEMENTED: 365.173(2)(g) 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, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

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

RULE NO.: RULE TITLE:
64B4-4.002 Application, Examination and Initial
Active Status License Fee for
Licensure by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify that the examination fee is established by and paid to the testing agency.

SUBJECT AREA TO BE ADDRESSED: Application, Examination and Initial Active Status License Fee for Licensure by Examination.

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005 FS.

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

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

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

DEPARTMENT OF HEALTH

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

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

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the coursework required to serve as a LMFT qualified supervisor.

SUBJECT AREA TO BE ADDRESSED: Coursework required to serve as a LMFT qualified supervisor.

RULEMAKING AUTHORITY: 491.005(6) FS.

LAW IMPLEMENTED: 491.005(6) FS.

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

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

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

DEPARTMENT OF HEALTH

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

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

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the coursework required to serve as a LMHC qualified supervisor.

SUBJECT AREA TO BE ADDRESSED: Coursework required to serve as a LMHC qualified supervisor.

RULEMAKING AUTHORITY: 491.004(5) FS.

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

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

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

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.103
 RULE TITLE: Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the references to pharmacy technicians and to review the existing language in this rule to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

RULEMAKING AUTHORITY: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7), (9), 456.033, 465.009 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 FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-10.001
 RULE TITLE: Get Lean

PURPOSE AND EFFECT: Section 17.325(1), F.S., requires the Chief Financial Officer (“CFO”) to establish a “Get Lean” telephone hotline to receive information or suggestions from citizens of the state on how to improve the operation of government, increase government efficiency, and eliminate waste in government. Section 17.325(3), F.S., requires the affected agency to conduct a preliminary evaluation of any

suggestion and provide a response to the CFO. Section 17.30, F.S., allows the CFO to disseminate, in any form or manner she considers appropriate, information regarding the CFO’s official duties. The Division of Consumer Services has set up a “Get Lean Florida” website where citizens can also submit their suggestions.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will allow citizens to submit suggestions either through the “Get Lean” telephone hotline or the “Get Lean Florida” website. The proposed rule will allow the CFO to email the suggestions to an agency contact person together with the secured website address where the agency can provide the CFO with a response. The proposed rule will require each suggestion to be evaluated by the agency to determine whether: (a) it was properly assigned; (b) it has merit; (c) it is practical to implement; (d) it will be implemented; and (e) there are any cost savings.

RULEMAKING AUTHORITY: 17.29, 17.325(5) FS.

LAW IMPLEMENTED: 17.001, 17.30, 17.325 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: June 15, 2009, 2:00 p.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tom Terfinko at (850)413-5802 or Tom.Terfinko@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tom Terfinko, Assistant Director, Division of Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320; (850)413-5802 or Tom.Terfinko@myfloridacfo.com.

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

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NOS.:	RULE TITLES:
2A-5.005	Minimum Safety Standards for Convenience Businesses

2A-5.010	Procedure for Employee Curriculum Approval
2A-5.011	Enforcement

PURPOSE AND EFFECT: The proposed rule amendments and rule repeal are intended to update the rules to reflect changes in the convenience store industry and to remove outdated language.

SUMMARY: The proposed amendment to Rule 2A-5.005, F.A.C., deletes outdated language in the rule. Rule 2A-5.010, F.A.C., is being repealed since the rule is no longer necessary. The amendment to Rule 2A-5.011, F.A.C., updates the inspection form and the voluntary compliance agreement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The following is a summary of the Statement of Estimated Regulatory Costs:

1. The proposed change will require C-Store owners to maintain the security camera system in working condition so that images are recorded in the proper format. Training curriculums for employees of C-Stores will no longer be approved by the Department of Legal Affairs.
2. Approximately 10,000 C-Stores in the state are potentially affected by the rule changes.
3. The rule changes will not require any governmental entity to incur additional costs or receive additional revenues.
4. No transaction costs will be incurred by any person or entity as a result of the rule change. The rule formalizes changes that have already taken place.
5. The Department believes the impact of the rule will be to allow for changes in technology that have already occurred, and that those changes will continue to assist law enforcement in identifying criminals who try to rob C-Stores.

The complete Statement of Estimated Regulatory Costs is available by contacting: Rick Nuss, Chief, Bureau of Criminal Justice Programs, 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.

RULEMAKING AUTHORITY: 812.176 FS.

LAW IMPLEMENTED: 120.57, 812.173, 812.174 812.175 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULES IS:

2A-5.005 Minimum Safety Standards for Convenience Businesses.

Each convenience business shall be equipped with the following security devices and standards:

(1) A security camera system capable of recording and retrieving a recognizable and identifiable image of an offender to assist individuals involved in an investigation, in a format that can be enlarged and reproduced for distribution by law enforcement agencies. If one camera is not sufficient, additional cameras must be installed to capture the image of an offender at all register locations in use. The camera system shall be:

(a) Positioned to provide photographic coverage of all registers in use and to minimize tampering by customers or offenders;

(b) Maintained on a routine basis to ensure that the camera system is working properly at all times;

(c) Capable of continuous operation, ~~or activation by a remote triggering device such as a concealed button or bill trap alarm; and~~

(d) Verification that the camera system is in proper working order and is in fact recording images as defined in Section (1) above in accordance with the standards listed above ~~shall be maintained on the premises in the form of test photographs produced annually. The system shall be maintained no less than once every four months, documented on a maintenance log kept on the premises.~~

(2) through (7) No change.

~~(8) Unless an exemption is granted by the Office of the Attorney General under Section 812.173(3), F.S., a silent alarm which activates a signal to a law enforcement or a private security agency is required. Silent alarms shall have a primary and secondary power source. Silent alarms must be installed by a contractor licensed by the Florida Electrical Contractors' Licensing Board pursuant to the provisions of Chapter 489, F.S. Silent alarms shall be maintained regularly in accordance with the manufacturer's specifications and in proper working order at all times the business is open.~~

~~(9) If a murder, robbery, sexual battery, aggravated assault, aggravated battery, kidnaping or false imprisonment has occurred at a convenience business, the business must meet additional requirements under Section 812.173(4), F.S.~~

Rulemaking Specific Authority 812.176 FS. Law Implemented 812.173 FS. History–New 4-20-93, Joint Administrative Procedures Committee Objection Filed – See FAW Vol. 19, No. 48, December 3, 1993, Amended 2-24-94, 6-25-96, 4-28-98, _____.

2A-5.010 Procedure for Employee Curriculum Approval.

Rulemaking Specific Authority 812.176 FS. Law Implemented 812.174 FS. History–New 4-20-93, Amended 6-25-96, Repealed _____.

2A-5.011 Enforcement.

(1) Before the Department may take action to enforce a provision of the “Convenience Business Security Act,” Sections 812.1701-.175, F.S., an inspection of a convenience business or businesses must be performed and properly documented on the form entitled "Convenience Business Security Inspection Form," CBS-2 (Revised 4/09) (~~04/96~~), effective _____ ~~6-25-96~~, which is incorporated by reference in these rules.

(2) The owner or principal operator of a convenience business must respond to a notice of violation and provide proof of compliance by submitting to the Office of the Attorney General a completed form entitled "Voluntary Compliance Agreement," CBS-3 (Revised 4/09) (~~2/98~~), effective _____ ~~4-28-98~~, which is incorporated by reference in these rules.

(3) through (5) No change.

Rulemaking Specific Authority 812.176 FS. Law Implemented 120.57, 812.175 FS. History–New 4-20-93, Amended 6-25-96, 4-28-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Nuss, Chief, Bureau of Criminal Justice Programs
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bill Stewart, Deputy Chief of Staff
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-8.005
 RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent changes in the Consumer Price Index.

SUMMARY: The proposed rule amendments reflect revised benefit payments in response to adjustments to the Consumer Price Index.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The following is a summary of the Statement of Estimated Regulatory Costs:

1. The proposed rule allows for the statutory required adjustment in the death benefit paid to survivors of law enforcement officers.
2. The rule change affects any governmental entity required to pay the benefit which will range from \$59,455 to \$178,366 per officer death. There are no revenue changes.

3. The rule decreases the amount of the death benefit paid to survivors of deceased law enforcement officers by the Consumer Price Index published for March 2009, as required by Section 112.19(2)(j), Florida Statutes.

4. There are no additional transactional costs that will be incurred by any person or entity as a result of the rule change.

5. The impact for small businesses such as funeral homes and services utilized by the survivors of the law enforcement officer will be positive because additional revenue will be available to those sources. The impact will be negative for small counties and cities that have to pay the death benefit, and it might take revenue that would otherwise be spent elsewhere. The complete Statement of Estimated Regulatory Costs is available by contacting: Rick Nuss, Chief, Bureau of Criminal Justice Programs, 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.

RULEMAKING AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), F.S., requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March 2009 decreased 0.4 ~~2008 was 4.0~~ percent. Therefore, the statutory amount for the period July 1, 2009 2008 through June 30, 2010 2009, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); ~~\$59,455.68~~ \$59,694.46.

(b) For those benefits paid or to be paid under paragraph (b) of Subsection (2); ~~\$59,455.68~~ \$59,694.46.

(c) For those benefits paid or to be paid under paragraph (c) of Subsection (2); ~~\$178,366.96~~ \$179,083.29.

Rulemaking Specific Authority 112.19 FS. Law Implemented 112.19 FS. History—New 12-10-03, Amended 8-17-04, 7-26-05, 7-26-06, 7-15-07, 7-20-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Nuss, Chief, Bureau of Criminal Justice Programs

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bill Stewart, Deputy Chief of Staff

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-7.020 Definitions

PURPOSE AND EFFECT: The agency is proposing to amend the rule that defines "authorized person" and "kickback".

SUMMARY: Revisions to specify the professionals authorized to order clinical laboratory tests and receive test results and to revise the definition of kickback so that the definition does not include laboratory personnel directly collecting specimens from kidney disease patients under certain circumstances.

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.

RULEMAKING AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.041(7), 483.181, 483.245 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: June 23, 2009, 1:30 p.m. – 4:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room B, 2727 Mahan Drive, 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109. If you are 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-7.020 Definitions.

(1) through (3) No change.

(4) Authorized Person – a person authorized by the laws of this State to order tests or receive test results or both including a medical doctor licensed under Chapter 458, F.S., a doctor of osteopathy licensed under Chapter 459, F.S., a chiropractor licensed under Chapter 460, F.S., a doctor of podiatry licensed under Chapter 461, F.S., an individual licensed in naturopathy under Chapter 462, F.S., an advanced registered nurse practitioner, including the category of certified nurse midwife, licensed under Chapter 464, F.S. and a dentist licensed under Chapter 466, F.S.

(5) through (14) No change.

(15) Kickback.

(a) through (f) No change.

(g) Provision of personnel or assistance of any kind to perform any duties for the collection or processing of specimens except:

1. Phlebotomist providing collection services in physician's office to obtain blood samples for patients that are diagnosed with chronic kidney disease (CKD) and do not yet require dialysis and the testing preformed on the samples is either specific to the diagnosis of CKD, one of CKD's co-morbid conditions, or otherwise ordered by the nephrologist, and not by any other physician or;

2. Such personnel or assistance is authorized to be provided on a temporary basis for the collection of specimens at a patient's residence.

These collections must meet the requirements of Chapter 59A-7, F.A.C.

(16) through (34) No change.

Rulemaking Specific Authority 483.051 FS. Law Implemented 483.035, 483.041, 483.051, 483.106, 483.191 FS. History--New 11-20-94, Amended 8-13-95, 12-27-95, 6-22-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Rivera

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Benson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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

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

SUMMARY: The rules have been reworded to improve clarity and address several subject matter areas. Rule 61D-14.002, F.A.C., clarifies the requirement for the bond which must accompany an application and specifies that applicants provide all final orders, pleadings, and complaints in all administrative, civil, or criminal actions as well as complaints currently active regarding the applicant at the time of application. Rule 61D-14.005, F.A.C., requires that each applicant provide the date of birth, race, and gender of all relatives over the age of 21 living in the same household as the applicant. It also requires that applicants submit a copy of any final orders or judgments as well as complaints currently active which may affect the applicant's license. Rule 61D-14.006, F.A.C., provides the procedures for submitting modified corporate information for an application for licensure in the state. The rule requires that applicants provide copies of all court and/or administrative records regarding denial, suspension, or revocation of any government-issued license, permit, or certificate as well as complaints currently active. It also requires that applicants provide a copy of any licenses, permits, or certificates. Rule 61D-14.008, F.A.C., requires the applicant to disclose any administrative, civil, or criminal action that has occurred since the issuance of the current license. It also requires the applicant to provide copies of the complaints, pleadings, final orders, and judgments entered as a result of these actions. Rule 61D-14.010, F.A.C., updates the method in which an applicant may establish his/her identity and removes the requirement for a driver's license or identification card to contain eye color. The rule provides a technical change by defining the acronym "ICE" to represent Immigration and Customs Enforcement.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 119.07, 551.103(1)(a), (b), (f), 551.104(4), (10), 551.106(1), 551.107(4)(a), (d), 551.108, 551.118 FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-14.002 Application Requirements.

(1) Each application for a slot machine license shall:

(a) Be filed by a pari-mutuel wagering permitholder;

(b) Be filed ~~shall include the following information~~ on Form DBPR PMW-3400, Permitholder Application for Annual Slot Machine License, ~~which is adopted and incorporated by Rule 61D-15.001, F.A.C.;~~

(c)(a) Include the ~~The~~ full name of the applicant;

(d)(b) Include a ~~A~~ list of all ownership interests of five percent or greater;

1. If the applicant is a corporation, provide the name of the state in which incorporated and the names and addresses of the officers, directors, and shareholders holding five percent or more equity; or;

2. If the applicant is if a business entity other than a corporation, provide the names and addresses of the principals, partners, shareholders, or any other person holding five percent or more equity;

(e)(e) Include the ~~The~~ names and addresses of the ultimate equitable owners for a corporation or other business entity, if different from those provided under paragraph (d)(b), unless:

1. The securities of the corporation or entity are registered pursuant to Section 12 of the Securities Exchange Act of 1934, 15 United States Code Sections 78a-78kk; and

2. ~~The~~ ~~If such~~ corporation or entity files the reports required by Section 13 of the Act with the United States Securities and Exchange Commission, ~~the reports required by Section 13 of the act above~~ or if the securities of the corporation or entity are regularly traded on an established securities market in the United States;

(f)(d) Include the ~~The~~ names and addresses of any mortgagee of the applicant's ~~any~~ pari-mutuel facility and information on any financial agreement between the parties including the names and addresses of:

1. ~~The~~ ~~the~~ officers and directors of the mortgagee;

2. ~~The~~ ~~and of those~~ stockholders in the mortgagee who hold more than five percent of the stock; ~~of the mortgagee. If applicable, a mortgagee shall also file the same information for~~

3. ~~The~~ equitable owners under paragraph (e)(e) if applicable and the mortgagee is a publicly traded company;

(g)(e) Provide for ~~For~~ each individual listed in the application as an owner, partner, officer, or director a complete:

1. ~~Set A complete set~~ of fingerprints that have been taken by a law enforcement officer or division staff to allow for electronic submission to FDLE; and

2. Form DBPR PMW-3460, Request for Release of Information and Authorization to Release Information, ~~which is adopted and incorporated by Rule 61D-15.001, F.A.C., authorizing the division and FDLE to obtain any record held by a financial or public institution;~~

(h)(f) Include a ~~A~~ security plan that is in compliance with the specifications cited ~~sited~~ in Rule 61D-14.051, F.A.C.;

(i)(e) Include a ~~A~~ copy of the contracts required by Section 551.104(10), F.S.;

(j)(h) Include ~~Each applicant shall provide~~ the name and address of the custodian of records in Florida for slot machine operations;

(k)(f) Include the date of issue of each permit to conduct pari-mutuel wagering and the applicant's ~~Each applicant shall disclose each permit to conduct pari-mutuel wagering that is issued to the applicant in which it has any ownership interest~~ percentage;

(l)(j) Include a complete Form DBPR PMW-3470, Surety Bond for Florida Slot Machine Licensee, adopted and incorporated by Rule 61D-15.001, F.A.C. This form ~~Each applicant shall~~ provides proof of a bond, in the amount of at least 2 million dollars (\$2,000,000.00) payable to the Governor of the State of Florida and his or her ~~or his/her~~ successors in office issued by a surety authorized to issue such a bond in the state of Florida. The bond required by this section must; ~~shall~~ be conditioned to require faithful payment of all taxes, fees, or any other moneys payable under Chapter 551, F.S., and indicate whether it is renewable for successive license renewal periods and how many renewals are provided by the bond;

1. Be issued by a surety authorized to issue such a bond in the state of Florida;

2. Provide the surety name, bond number, and date of the instrument;

3. State that upon the principal's failure to comply with Chapter 551, F.S., and Chapter 61D-14, F.A.C., including but not limited to the principal's failure to promptly pay all gaming fees and taxes when due and demanded, the Director of the Division of Pari-Mutuel Wagering of the Department of Business and Professional Regulation (DBPR) may make demand upon the surety for the payment of the amount of the default to also include any fines or administrative penalties imposed as a result of a default by said principal up to but not to exceed the amount of its liability as defined by this bond;

4. Indicate the expiration date of the bond and provide that the bond may be continued by continuation certificate signed by the principal and surety;

5. Provide that the surety may reserve the right to withdraw from the bond, except the surety may not withdraw as to any liability already incurred or accrued during the period of the bond, and may do so only upon giving written notice of the withdrawal to the Director of the Division of Pari-Mutuel Wagering, State of Florida, DBPR, 1940 North Monroe Street, Tallahassee, Florida 32399. The bond must further provide that any approved withdrawal shall not be effective until sixty (60) days have elapsed after the division's acknowledgement of the notice;

6. Provide that withdrawal shall not in any case affect the surety's liability arising out of any outstanding amount incurred prior to the expiration of the 60-day period, after which the division has acknowledged the surety's notice of withdrawal; and

7. Include the signatures of the Corporate President, Secretary, and attorney in fact (as required) and Resident Agent licensed in the State of Florida, and the printed name and address of that Resident Agent.

~~(m)(k)~~ Include payment of Each applicant shall pay the non-refundable application fee upon the filing of the application as required by Section 551.106(1), F.S.;

~~(n)(t)~~ Include payment of Each applicant shall pay the non-refundable regulatory fee to fund the compulsive gambling program as required by Section 551.118, F.S.;

~~(o)(m)~~ Include a A copy of each policy required by Sections 551.104(4)(i); and 551.118, F.S., for the following:

1. Creating opportunities to purchase from vendors in this state, including minority vendors;
2. Creating opportunities for employment of residents of this state, including minority residents;
3. Ensuring that opportunities for construction services are from minority contractors;
4. Ensuring that opportunities for employment are offered on an equal, nondiscriminatory basis; and

~~5. Training for employees on responsible gaming and working with a compulsive or addictive gambling treatment program as required by Section 551.118, F.S.;~~

~~(n) Each applicant shall disclose all administrative, civil or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054 and 550.1815, F.S.;~~

~~(o) Each applicant shall disclose all judgments entered as the result of any administrative, civil or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054 and 550.1815, F.S.;~~

~~(p) Include a copy of:~~

1. All administrative, civil, or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency and all judgments entered as the result of any completed proceedings that would affect the license status of the applicant or any affiliate of the applicant pursuant to Sections 550.054, 550.1815, and 551.104, F.S.; and

2. Each complaint, pleading, and any final order, judgment, or other final judicial disposition for each administrative, civil, or criminal proceeding disclosed.

~~(q)(p)~~ Include internal Internal control procedures required by Rule 61D-14.058, F.A.C.; and

~~(r)(q)~~ Include the The dates and hours of slot machine operations as specified in Rule 61D-14.017, F.A.C.

~~(2) The application shall be filed under oath by the applicant for a slot machine license shall file its application under oath.~~

~~(3) No change.~~

~~(4) The applicant shall indicate:~~

~~(a) When If the applicant intends to claim any exemption from public records disclosure under Section 119.07, F.S., or any other exemption from public records disclosure provided by law, for any part of its application, and it shall indicate in its application~~

~~(b) The the specific sections for which it claims an exemption and the basis for the exemption pursuant to Section 119.07, F.S., or any other exemption from public records disclosure provided by law.~~

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 119.07, 551.103(1)(a), (b), (f), 551.104(4), (10), 551.106(1), 551.118 FS. History—New 6-25-06, Amended _____.

61D-14.005 Occupational License Requirements for Individual Persons.

(1) The following slot machine occupational license requirements apply to individual persons having access to the designated slot machine area or who may be granted access to the slot machine area by reason of the positions they hold:

(a) Professional Individual Employee Occupational License – Individuals meeting any of the following criteria shall apply for a professional individual occupational license. An individual seeking a license as an employee of a slot machine facility who: An individual seeking a license as an employee of a slot machine facility who will be a security employee or hold a position as the head of a department referenced in Rule 61D-14.015, F.A.C., or a supervisor of employees of the slot machine licensee shall apply for a professional employee occupational license;

1. Will be a security, surveillance, or supervisory employee of a slot machine facility;
2. Will have access to the interior of a slot machine, a slot machine’s revenue, or accounting and reporting records associated with slot machine revenue; or
3. Holds a position as the head of a department referenced in Rule 61D-14.015, F.A.C., or a supervisor of employees of the slot machine licensee.

(b) General Individual Employee Occupational License – An individual seeking a license as an employee of a slot machine facility with no management or supervisory authority related to the slot machine licensee’s facility or employees not covered in paragraph (1)(a) above shall apply for a general individual employee occupational license; and

(c) No change.

(2) As part of the initial application for or renewal of ~~for~~ a slot machine occupational license provided in Section 551.107, F.S., an applicant shall submit the following information under oath on Form DBPR PMW-3410, Slot Machine Individual Employee Occupational License Application, or Form DBPR PMW-3415, Slot Machine Individual Occupational License Renewal Application, which is adopted and incorporated by Rule 61D-15.001, F.A.C.:

(a) through (e) No change.

(f) The applicant’s marital status and the name, date of birth, race, and gender names of the applicant’s spouse, children, siblings, grandchildren, the applicant’s parents, and any other relative over the age of 21 living in the same household as the applicant;

(g) through 1. No change.

2. Any denial, suspension, or revocation of a license, permit, or certification issued by any governmental agency; and

(h) Information regarding any ~~Any~~ administrative, civil, or criminal proceedings, or any investigations known to the applicant that have been initiated by any governmental agency or any other state or federal agency regarding the applicant that could affect the license status of the applicant in that jurisdiction, or any judgment entered as the result of any such proceeding to include:-

1. The date of any listed action;
2. A copy of any complaint filed in the above actions; and

3. A copy of any final orders, judgments, or other final judicial disposition in the above actions.

(3) through (c) No change.

1. All gaming-related employment; ~~and~~
2. Any non-gaming employment for the previous ten years; and

3. Any period of unemployment in excess of one month.

(d) No change.

(e) A Form DBPR PMW-3460, Authorization for Release of Information, adopted and incorporated by Rule 61D-15.001, F.A.C., release signed by the individual authorizing the division and FDLE to obtain any record held by a financial or public institution.

(4) No change.

(a) A duly completed original Form DBPR PMW-3410, Slot Machine Individual Employee Occupational License Application, which is adopted and incorporated by Rule 61D-15.001, F.A.C., in accordance with subsection (3);

(b) through (7) No change.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(b), 551.107(4)(a), 551.108 FS. History—New 6-25-06, Amended 12-6-06,_____.

61D-14.006 Occupational License Application Requirements for Business Entities.

(1) The slot machine occupational license requirements of this section apply to any business entities, including sole proprietorships, as follows:

(a) A business entity shall apply for a business entity occupational license, if the business entity:

1. Acts that acts as a slot machine management company, slot machine manufacturer or distributor, or sells slot machine gaming related products, services, or goods to a slot machine licensee; or

2. Employs individuals who whose employees may be granted access to the designated slot machine area by reason of the employment position they hold with the business entity, shall apply for a business entity occupational license; and

(b) Business entities or their employees that do not supply slot machine gaming related products, services, or goods are not required to hold a business occupational license. However, the slot machine licensee shall be required to meet the requirements of maintain a list of employees as required by paragraph 61D-14.051(4)(k), F.A.C.

(c) A business entity may submit a modified application to apply for a business entity occupational license under the conditions listed in subsection (4) below if it meets specific criteria listed below. The entity’s employee(s) shall obtain a slot machine occupational license if they intend to be granted access to the designated slot machine area by reason of the employment position they hold with the business entity. The business entity must meet each of the following criteria for this specific licensure:

1. The service or product the business entity provides a facility licensed under Chapter 551, F.S., is not exclusively (or specifically) dedicated to slot machine gaming, or the delivery of slot machines, or the business entity is not engaged in activity directly related to slot machines;

2. The service or product the business entity provides a facility licensed under Chapter 551, F.S., requires employees of the business entity to interact or come in contact with facility slot machines, support systems, or other associated equipment connected in any way to the operation of slot machines in order to perform their responsibilities;

3. The business entity is a corporation with regularly traded shares on an established securities market in the United States;

4. The business entity is a corporation with corporate officers located in more than three states and/or overseas locations; and

5. The day-to-day management of the business entity within Florida is delegated to a senior manager resident within Florida. For purposes of this rule, the term senior manager designates an applicant's highest level manager permanently residing in Florida.

(2) through (3)(h)1. No change.

2. A Form DBPR PMW-3460, Authorization for Release of Information, adopted and incorporated by Rule 61D-15.001, F.A.C., release signed by the individual authorizing the division and FDLE to obtain any record held by a financial and public institution.

(i) The name, title, and job description of each employee who is required to enter access any area of a slot machine licensee's facility;

(j) Disclosure of other jurisdictions in which the applicant holds, has held, or is applying for a gaming license, including any license, permit, or registry required in order to participate in any legal gaming operation;

1. Any license, permit, or registry required in order to participate in any legal gaming operation; and

2. Any denial, suspension, or revocation of a license, permit, or certification issued by any governmental agency;

(k) Disclosure of whether the applicant has had a gaming license in another jurisdiction suspended, revoked, or denied, or whether there are administrative, civil, or criminal proceedings in any other jurisdiction that could result in the imposition of any suspension, revocation, or denial in that jurisdiction. Such disclosure shall include; any license which has been relinquished in lieu of such prosecution;

1. A list [b1] of the applicable license, permit, or registry required in order to participate in any legal gaming operation, including any license which has been relinquished in lieu of prosecution;

2. Any denial, suspension, or revocation of a license, permit, or certification issued by any governmental agency; and

3. A copy of all court and/or administrative records regarding any denial, suspension, or revocation of a license, permit, or certification issued by any governmental agency.

(l) through (n) No change.

(o) If the applicant is a corporation, the application shall also disclose:

1. The state in which the applicant is incorporated;

2. Whether Disclosure of whether the corporation, or any officer or director of that corporation, has ever been convicted of a crime, and if so, provide:

a. A listing of those crimes offenses; and

b. A copy of all court and/or administrative records concerning the charge and final order regarding any crime for which the corporation or officer or director was convicted.

3. through (p) No change.

(4) The following exemptions apply if a business entity chooses to submit itself for consideration under the requirements of paragraph (1)(c) above for the division's approval. The following changes and agreement of terms of such submission apply regarding that entity's Form DBPR PMW-3420, Slot Machine Business Entity Occupational License Application, adopted and incorporated by Rule 61D-15.001, F.A.C., and any subsequent enforcement action regarding the business entity or entity employee's conduct:

(a) The Senior Manager who is employed and resides within Florida shall be permitted to represent the business entity for purposes of fulfilling the requirements of paragraph (3)(h) above;

(b) The Senior Manager representing the entity shall obtain an individual occupational license pursuant to Rule 61D-14.005, F.A.C.;

(c) The information required pursuant to the requirements of paragraph (3)(m) above is further excluded from the required application as well as the requirement for the continued maintenance of that information in corporate records for inspection;

(d) The information required on Form DBPR PMW-3430, Business Entity Internal Control Information, adopted and incorporated by Rule 61D-15.001, F.A.C., shall be limited to that business activity conducted within the State of Florida;

(e) The business entity remains responsible for all required certifications as to accuracy of the information contained on the application for that business entity, notwithstanding the fact the Senior Manager represents the entity on that application;

(f) The entity's Form DBPR PMW-3420, Slot Machine Business Entity Occupational License Application, adopted and incorporated by Rule 61D-15.001, F.A.C., shall be signed by an officer qualified to bind the corporation at the corporate level to contracts and similar agreements. The corporate officer's signature shall attest to the accuracy and completeness of all information submitted on the application, without reservation; and

(g) All other requirements for application pursuant to this rule remain unchanged.

(5) The business entity, by availing itself of the provisions of subsection (4) above, agrees to the following additional requirements of this application process under this subsection:

(a) The entire corporate business entity is subjected to the regulatory requirements and mandates of Chapter 551, F.S., and applicable rules;

(b) Any disciplinary action taken as to the business entity or the business entity designated Senior Manager representative within the state shall apply to the business entity corporate record of performance within this state as it relates to slot machine gaming licensure;

(c) Upon request from another regulatory jurisdiction, the division shall report regulatory infractions and/or disciplinary action applied to the business entity in Florida as applicable to the business entity's corporate record of performance within the state without qualification or reservation.

~~(6)(4)~~ If the applicant is a business entity, it shall file its the business occupational license application shall be filed under oath by an officer, director, or manager who is authorized by the applicant business entity to bind the applicant to the representations made in the license application.

~~(7)(5)~~ An applicant for a license as a manufacturer or distributor of slot machines, or any equipment necessary for the operation of slot machines, shall include with its application an affidavit attesting to the fact that the applicant, its officers, directors, or employees have no ownership or financial interest in a slot machine licensee or any business owned by a slot machine licensee.

~~(8)(6)~~ If the applicant intends to claim any exemption from public records disclosure under Section 119.07, F.S., or any other exemption from public records disclosure provided by law, for any part of its application, it shall indicate in its application the specific sections for which it claims an exemption and the basis for the exemption.

~~(9)(7)~~ Each application shall be filed with the division's office located at the slot machine licensee's facility or to the division at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a) FS. History--New 7-30-06, Amended _____.

61D-14.008 Occupational License Renewal Application.

(1) The application for renewal of a slot machine occupational license shall be made under oath and include:

(a) A ~~copy~~ fully completed original Form DBPR PMW-3415, Slot Machine Individual Occupational License Renewal Application, or Form DBPR PMW-3425, Slot Machine Business Entity Occupational License Renewal Application,

~~DBPR PMW-3410, Slot Machine Employee Occupational License Application or 3420, Slot Machine Business Entity Occupational License Application, which are adopted and incorporated by Rule 61D-15.001, F.A.C.; and~~

(b) No change.

(c) Disclosure of the following administrative, civil, or criminal actions that have occurred since the issue of the current license:

1. All administrative, civil, or criminal proceedings that have been initiated by any governmental agency or any other state or federal agency; and

2. A complete copy of the complaint, pleadings, and any final order, judgment, or other final judicial disposition for each administrative, civil, or criminal proceeding disclosed.

(2) The division shall issue a slot machine occupational license ~~Slot machine occupational licenses shall be issued by the division~~ for a period of one year or three years. ~~Applications shall be when~~ accompanied by the corresponding license fee, beginning on ~~July October~~ 1 of each year and expiring on ~~June September~~ 30 of the anniversary following year for the license.

(3) The completed renewal application shall be filed with and received by the division between ~~May 1st and June August 2nd through September~~ 30th of the year the license is due to expire.

(4) The license for any person who fails to submit a completed renewal application in accordance with this section shall expire on the expiration date.

(5) Any person whose slot machine occupational license has expired and who seeks a subsequent slot machine occupational license: ~~Any person whose slot machine occupational license has expired and who seeks a subsequent slot machine occupational license shall be considered an initial slot machine occupational license applicant.~~

(a) Within one year of the expiration of the current license shall be considered an applicant for renewal of that license.

(b) Longer than one year after expiration of the original license shall be required to make application using Form ~~DBPR PMW-3410, Slot Machine Individual Occupational License Application, adopted and incorporated by Rule 61D-15.001, F.A.C., and shall provide the information required pursuant to Rule 61D-14.005, F.A.C.~~

(6) Any business entity whose slot machine occupational license has expired and who seeks a subsequent slot machine occupational license shall be considered an initial slot machine occupational license applicant.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a) FS. History--New 6-25-06, Amended _____.

61D-14.010 Identification of the Occupational License Applicant.

Every applicant for a professional individual, general individual, or business employee slot machine occupational license shall establish his/her identity in one of the following ways:

- (1) through (2)(a) No change.
- (b) Current driver's license containing a photograph, name, signature, date of birth, sex, height, ~~color of eyes~~ and address of the applicant;
- (c) through (e) No change.
- (f) Current identification card issued by the Immigration and Naturalization Service containing a photograph or information about the name, date of birth, sex, height, ~~color of eyes~~ and address of the applicant; or
- (g) A current foreign passport that is recognized by the Immigration and Customs Enforcement (ICE) ~~ICE~~ and contains a photograph of the applicant.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a), (d) FS. History--New 6-25-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 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: May 5, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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

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

SUMMARY: The rule has been reworded to improve clarity and updated to require that applicants for an independent test laboratory license file an affidavit with a license application attesting to the fact that the applicant and the applicant's employees have no ownership or financial interest in any slot machine licensee or slot machine licensee-owned business.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.
 LAW IMPLEMENTED: 551.103(1)(a), (b), (c), 551.107, 551.108 FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.
 PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.007 follows. See Florida Administrative Code for present text.)

61D-14.007 Business Occupational License Requirements for an Independent Testing Laboratory.

- (1) For purposes of this rule the term "direct interest":
 - (a) Shall mean the owning or holding of capital stock or other ownership interest by the applicant for a business occupational license or by the applicant's officers, directors, managers, employees, or ownership interest holders in a slot machine licensee or manufacturer or distributor of slot machines, slot machine software, or slot machine parts as defined in Chapter 551, F.S.
 - (b) Shall not mean direct or indirect ownership or holding of an ownership interest, however evidenced, in a publicly or privately held mutual fund, equity investment fund, or other similar investment vehicle that owns or holds an ownership interest in any of the licensed entities referred to in paragraph (1)(a), provided that:
 - 1. The ownership interest such investment vehicle has in any of the entities or type of entities referred to in paragraph (1)(a), when considered separately, is less than five percent of the gross asset value of such investment vehicle; and

2. Investors in such investment vehicles acting individually have no control over management or investment decisions of the investment fund or similar investment vehicle.

(2) In addition to the requirements of Rule 61D-14.006, F.A.C., an applicant for a business occupational license as an independent testing laboratory to test and technically evaluate slot machines or facility based monitoring systems of a slot machine licensee shall meet the following criteria:

(a) Hold current licensure, current certification to test, or a current contract in good standing with a gaming regulator in at least five jurisdictions in which electronic gaming devices are authorized;

(b) Have no contract with a state or other gaming jurisdiction that has been cancelled, suspended, or not renewed for in any way failing to provide adequate testing of slot machines or facility based monitoring systems, or other similar systems for control of slot machine gaming; and

(c) Have no direct ownership interest, either by itself or by its officers, directors, managers, employees, or ownership interest holders in any of the following, nor shall any of the following own any interest in an applicant:

1. A slot machine licensee;

2. Any business owned by a slot machine licensee; and

3. A manufacturer or distributor of slot machines, slot machine software, or slot machine parts.

(3) An applicant for a license or renewal of such license as an independent testing laboratory of slot machines or any equipment necessary for the operation of slot machines shall include with its application an affidavit attesting that the applicant, its officers, directors, managers, and employees have no direct interest in:

(a) A slot machine licensee;

(b) Any business owned by a slot machine licensee; or

(c) A manufacturer or distributor of slot machines, slot machine software, or slot machine parts.

(4) An independent testing laboratory seeking a business occupational license or renewal shall provide the following information as part of its application:

(a) The name of each person employed or with whom it has a contract related to slot machine gaming; and

(b) The job title, license number, and state of licensure of each person listed.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (c), 551.107, 551.108 FS. History—New 6-25-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David J. Roberts, Director, Division of Pari-Mutuel Wagering
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: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:

61D-14.020 Excluded Persons

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

SUMMARY: The rule has been reworded to improve clarity and updates the division and licensee's procedure for excluded persons.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

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

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.020 Excluded Persons.

(1) The slot machine licensee's internal controls shall set forth the criteria for exclusion of individuals from the slot machine licensee's facility.

(2)(4) Each slot machine licensee shall maintain a database of persons entitled "Exclusion List." The Exclusion List shall contain information on:

(a) Persons who the slot machine licensee has excluded from its facilities for a specific amount of time as determined by the licensee, including persons self-excluded as compulsive gamblers; and

(b) Persons who that have been excluded by a final order of the division or an emergency order of suspension or exclusion by the division pursuant to Section 120.60, F.S.

(3) The excluded person's name shall be entered on each slot machine licensee's Exclusion List, and each slot machine licensee shall make every reasonable effort to ensure that the listed individual is excluded from its facilities.

(4)(2) A slot machine licensee's Exclusion List shall include the following information for each person listed: A slot machine licensee database of excluded patrons shall include the following information for each excluded person:

(a) through (d) No change.

(e) If obtainable, a photograph, and the date of the photo or a photo taken by the slot machine licensee's eligible facility surveillance department; and

(f) A brief explanation description of why the person has been excluded; and-

(g) The length of time of exclusion that includes the start date of exclusion.

~~(3) A slot machine licensee shall exclude or eject any person that has been placed in its exclusion database.~~

(5)(4) If the slot machine licensee withholds winnings from any excluded person, such withheld winnings shall be included in the slot machine licensee's revenues pursuant to subsection 61D-14.081(5), F.A.C.

(6)(5) The slot machine licensee's agents or employees shall immediately inform the slot machine licensee's security department whenever an excluded person enters or attempts to enter, or is found present at a slot machine licensee's facility from which that person has been excluded. Whenever an excluded person enters or attempts to enter, or is upon the premises of a slot machine licensee, the slot machine licensee's agents or employees shall immediately inform the security department. The security department shall:

(a) through (c) No change.

(7)(6) Permitting Catering to a person excluded by a final order of the division to remain at a slot machine licensed facility is a violation of these rules.

(8) If a slot machine licensee seeks to remove an individual from the Exclusion List, the licensee must notify the division at 1400 W. Commercial Blvd., Ft. Lauderdale, FL

33309, at least 14 days prior to the requested removal date. The request shall be delivered on the date of the request to the division. The slot machine licensee shall submit a request to the division that includes the following information on the individual the licensee seeks to remove from the Exclusion List:

(a) The full name and any aliases, if known, of the individual currently excluded from the facility;

(b) A description of the individual's physical appearance, including height, weight, type of build, color of hair and eyes, and other physical characteristics which would assist in the identification of the individual;

(c) The individual's date of birth;

(d) The date the individual was originally excluded;

(e) The original term of the individual's exclusion;

(f) If obtainable, a photograph, and the date of the photo;

(g) A brief description of why the individual was originally excluded from the slot machine licensee facility; and

(h) A statement signed by the slot machine licensee president or general manager justifying removing the excluded individual from the slot machine licensee Exclusion List and stating that the slot machine licensee internal control requirements have been observed.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), (i), 551.112, 551.118 FS. History-- New 6-25-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 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: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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

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

SUMMARY: The rule has been reworded to improve clarity and updated to specify that the slot machine base door may be either locked or sealed.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.023 Slot Machine Base Doors and Compartments. All slot machine external base cabinet doors shall be permanently sealed or locked. If the facility chooses to lock the external base cabinet door, the facility shall employ a keyed lock for that purpose. The following requirements shall apply to the slot machine's cabinetry.

~~(1) All external doors shall be locked and monitored by door access sensors, which shall have the ability to detect when a door is opened or moved from its fully closed and locked position and immediately:~~

~~(a) Report the door opened event to the slot machine by way of an error; and~~

~~(b) Notify the surveillance department of the door opening, which shall monitor and record all activities at that slot machine until such time as the incident has been satisfactorily resolved.~~

~~(2) A log of compartment door openings and closings shall be maintained inside the locked compartment of the slot machine. The log shall include the time and reason for the opening.~~

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(e), (e), (i) FS. History--New 6-25-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
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: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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

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

SUMMARY: The rule establishes rules to govern the institution and management of slot machine tournaments at licensed facilities.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1) FS.

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

DATE AND TIME: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.036 Slot Machine Tournament.

(1) A slot machine tournament is an organized event at which players have the opportunity to engage in competitive play against other players using slot machines the division has approved for that purpose.

(2) A slot machine licensee shall not operate a slot machine tournament unless it has submitted the following to the division at 1400 W. Commercial Blvd., Ft. Lauderdale, FL 33309, for approval in writing:

(a) Tournament rules of play consistent with Chapter 551, F.S.; and

(b) A floor plan of the location of the specific slot machines selected for tournament play within the gaming area.

(3) Any slot machine and associated slot machine component that is part of a slot machine tournament shall:

(a) Comply with the requirements of Chapter 551, F.S., and the administrative rules adopted pursuant to that chapter. However, the percentage requirements of Section 551.104(4)(j), F.S., and the percentage requirements of the rules adopted pursuant to Chapter 551, F.S., do not apply to tournament play.

(b) Be equipped with a program certified by an independent testing laboratory licensed by the state which allows for the tournament mode of play.

(c) Default to disabled for the tournament mode of play option for those machines selected for tournament play.

(d) Be enabled centrally or by a switch key (reset feature) and/or total replacement of the logic board with a certified tournament board if tournament is an option.

(4) A gaming device, while enabled for tournament play shall:

(a) Not accept credits from any source;

(b) Not pay out credits in any way;

(c) Use tournament credits only, which shall not have cash value;

(d) Not increment any mechanical or electro-mechanical meters; and

(e) Not communicate any accounting information to the facility based monitoring system.

(5) The facility based monitoring system shall:

(a) Logically remove all games enabled for tournament play from the normal recording sequence for reporting purposes; and

(b) Record each time a specific slot machine is used for tournament play.

(6) Tournament winnings shall not be deducted from net slot machine revenues or winnings of slot machine gaming.

(7) The slot machine licensee shall provide a report of electronic meter readings from its facility based monitoring system to the division for each of its slot machines designated for tournament play immediately before the tournament mode of play is:

(a) Enabled; and

(b) Disabled.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

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: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:

RULE TITLE:

61D-14.038

Percentage Payout and Odds

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

SUMMARY: The rule has been substantially reworded to improve clarity and updated to specify that the minimum theoretical payout percentage is to be maintained at all times during the required schedule of testing.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (h) 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: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.038 follows. See Florida Administrative Code for present text.)

61D-14.038 Percentage Payout and Odds.

(1) An independent test laboratory licensed by the state (laboratory) shall:

(a) Certify a slot machine game for play in Florida only when the manufacturer's Payout and Retention (PAR) sheet for that slot machine game indicates a probable minimum payout percentage of at least 85 percent of all credits played over the mathematical (lifetime) cycle of the game at a 95 percent level of confidence;

(b) Test each slot machine game independently to certify that the game meets the probable minimum payout indicated on the manufacturer's PAR sheet at a 99 percent level of confidence;

(c) Certify in writing to the Office of Slot Operations, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Boulevard, Suite 165, Ft. Lauderdale, Florida 33309-3787:

1. The game's minimum and maximum theoretical payout percentage;

2. The game has been tested and meets the provisions of Chapter 551, F.S., and Chapter 61D-14, F.A.C.; and

3. The game performs as described in the manufacturer's PAR sheet.

(2) A slot machine game manufacturer or distributor shall provide a PAR sheet to the slot machine licensee and the division at the address in paragraph (1)(c) of this rule upon delivery of each slot machine game to a slot machine licensee in Florida. The volatility index for the game shall be reflected on each manufacturer's PAR sheet.

(3) Upon the alteration or revision of any previously certified game, the slot machine manufacturer shall submit the game to the laboratory which shall re-evaluate the minimum theoretical payout percentage and provide an amended report to the division complying with subsection (1) of this rule.

(4) Slot machine games used at Florida slot machine licensee facilities shall:

(a) Have a total payout over the cycle of both the bonus and non-bonus part of the game combined that conforms to the minimum theoretical payout percentage of 85 percent;

(b) Meet the minimum theoretical payout percentage of the game at all times pursuant to the reporting frequency required in subsection (5) of this rule; and

(c) Meet the minimum theoretical payout percentage of the game when playing at the lowest end of a non-linear paytable.

(5) The slot machine licensee shall create a quarterly report using the facility based monitoring system (FBMS), for each slot machine game offered for play during the quarter or any part of a quarter, that includes:

(a) The lifetime actual payout to the end of the respective quarter;

(b) The actual number of plays for the game's lifetime;

(c) The theoretical payout percentage; and

(d) The minimum number of handle pulls required to reach the minimum payout percentage as indicated on the PAR sheet.

(6) The quarterly report required by subsection (5) of this rule shall be filed with the division at the address in paragraph (1)(c) of this rule, electronically or in writing, for each of the following periods:

(a) January 1 through March 31;

(b) April 1 through June 30;

(c) July 1 through September 30; and

(d) October 1 through December 31.

(7) If the report required by subsection (5) of this rule shows that a slot machine game's actual payout is less than 85 percent and the game has surpassed the minimum number of handle pulls required to reach the minimum payout percentage as indicated on the PAR sheet for the slot machine, the slot machine licensee shall:

(a) Notify the division in writing of the identity of the slot machine game;

(b) Remove the game from play;

(c) Recompute the slot machine game payout percentage using the FBMS; and

(d) Determine whether the recomputation of the payout percentage reveals that the slot machine game falls within or outside of the volatility range.

(8) Based on the result of the recomputations required in subsection (6) of this rule, the slot machine licensee shall either:

(a) Return the slot machine game to play if the recomputed payout percentage is within the volatility range; or

(b) Contact an independent test laboratory licensed by the state to investigate the slot machine game if the recomputed payout percentage is not within the volatility range. The slot machine licensee shall require the laboratory to investigate the

slot machine game's operation and provide the licensee with a written recomputation of the payout percentage and a determination that the slot machine game is operating within or outside of its volatility range.

(9) If, in two consecutive quarterly reports, a slot machine game fails to remain within its volatility range, the slot machine licensee shall remove the slot machine game from play until the slot machine game operating software program is replaced with an operating software program that meets the requirements of the testing in subsection (1) of this rule.

(10) Each slot machine licensee shall maintain records demonstrating:

(a) The quarterly report results required in subsection (5) of this rule for each slot machine game that has been placed on the gaming floor;

(b) The actual payout percentage for each slot machine game at the time of each quarterly report required in subsection (5) of this rule;

(c) The recomputed payout percentage for each slot machine game and whether the payout percentage is within its volatility range; and

(d) Any record regarding software operating programs were replaced pursuant to subsection (8) of this rule.

(11) The records generated under this rule shall be maintained consistent with Rule 61D-14.080, F.A.C.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (h) FS. History--New 6-25-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
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: May 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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

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

SUMMARY: The rule has been reworded to improve clarity and updated to specify that as part of game play auditing slot machines may not display any letter, word, message, symbol, or gaming outcome, however briefly, which offers the player

“false hope” or “extra visual encouragement” or “subliminal message” implying the possibility of a winning outcome if the patron continues to play the game. It also establishes certification requirements for manufacture and licensed independent test laboratory submission for state approval.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (e), (g) 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: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.041 Randomness Requirements and Game Play Auditing.

(1) Each slot machine shall ~~use~~ ~~utilize~~ an internal random number generator (RNG). The RNG shall ~~comply with the following standards:~~

(a) ~~Be~~ ~~The RNG shall be~~ statistically independent from any other device;

(b) ~~Conform~~ ~~The RNG shall conform~~ to the random distribution values specified in the slot machine's PAR sheet;

(c) Pass statistical tests such as the chi-squared test or random distribution analysis test;

(d) ~~Cycle~~ ~~Be cycled~~ continuously in the background between games and during game play;

(e) Randomly determine the first seed number;

(f) Use a method of re-scaling that permits all numbers within the lower range to be equally probable if ~~if~~ a function of a slot machine requires a random number to be generated with a smaller range than that provided by the slot machine's RNG; the method of re-scaling shall be designed in such a way that all numbers within the lower range are equally probable; and

(g) Re-scale values using a method such as discarding that random number and selecting the next in sequence if ~~if~~ a particular random number selected is outside the range of equal distribution of re-scaling values; ~~it is permissible to re-scale using a method such as discarding that random number and selecting the next in sequence.~~

(2) through (3) No change.

(4) For purposes of this rule "false hope" or "extra visual encouragement" or "subliminal message" is defined as: The slot machine shall not make a variable secondary decision after selection of the game outcome. The slot machine shall not make a display that indicates the patron is getting close to a win or that the chance to win is improved by another play.

(a) Any system representation of a letter, word, message, symbol, sign, or gaming outcome that can not be seen by the naked eye alone that may encourage continued slot machine play; or

(b) Any letter, word, message, symbol, sign, or gaming outcome that may be detected scientifically through slow motion execution of the program in a frame-by-frame analysis revealing a letter, word, message, symbol, sign, or gaming outcome that is otherwise not immediately discernable by the naked eye during credit play.

(5) No slot machine authorized for play in Florida shall (after selection of the game outcome) display:

(a) Any letter, word, message, symbol, sign, or gaming outcome, however briefly, that constitutes false hope or extra visual encouragement or subliminal message of any nature; or

(b) A variable secondary decision after the selection of the game outcome; or

(c) Any letter, word, message, symbol, or sign that indicates the patron is getting close to a win or that the chance to win is improved by another play.

(6) Prior to submitting a game to an independent test laboratory licensed by the state (laboratory) for examination, the manufacturer and/or distributor seeking certification of the machine and/or game shall provide written certification to the laboratory as part of the final game approval documentation that the manufacturer and/or distributor has:

(a) Performed a line-by-line review of all source code not previously certified for use in Florida;

(b) Ensured that the code provides the reviewer with accurate descriptive labeling, header comment blocks, and lists of subroutines sufficient to permit thorough review and analysis;

(c) Certified to the laboratory that all code modules are directly and actively related to the audio and video conduct of game play, record retention, monitoring system operation and/or troubleshooting;

(d) Certified that the game does not violate any of the language in Rule 61D-14.041, F.A.C., and that the game does not display any letter, word, message, sign, symbol, or gaming outcome, however briefly, which constitutes false hope or extra visual encouragement to continue play, or subliminal message of any nature.

(7) As part of the final certification to the division, the laboratory shall provide written certification as part of the final game testing documentation attesting to the fact that as part of its examination of the machine and/or game for compliance with Florida Statutes, the laboratory has:

(a) Performed a line-by-line review of the source code;

(b) Found that the code provides the laboratory with accurate descriptive labeling, header comment blocks, and lists of subroutines sufficient to permit thorough review and analysis;

(c) Certified that all code modules are directly and actively related to the audio and video conduct of game play, record retention, monitoring system operation and/or troubleshooting;

(d) Not found any unused or unexplained code modules present during the laboratory examination; and

(e) Certified that the machine and/or game complies with the language in Rule 61D-14.041, F.A.C., does not display any letter, word, message, symbol, sign, or gaming outcome, however briefly, which constitutes false hope, extra visual encouragement to continue play, or a subliminal message of any nature.

(8) The laboratory shall include a copy of each of the certifications required under this rule as part of the formal approval documentation certifying the machine and/or game for play in Florida to the division.

(9) Any misstatements, omissions or errors in the required certification provided by either the laboratory or the manufacturer and/or distributor is a violation of rules governing slot machine gaming.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), ~~(d)~~, (e), (g) FS. History—New 7-5-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David J. Roberts, Director, Division of Pari-Mutuel Wagering
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: May 5, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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

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

SUMMARY: The rule has been reworded to improve clarity. It has also been updated to specify that metering requirements for the credit out meter can be met by summing the credit out, machine paid external bonus payout, and machine paid progressive payout meters. The update also permits advanced funds transfers; modifies the designation of the door meter to specify that the door of interest is the slot machine door; and removes reference to the drop door.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (g) 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: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.042 Accounting and Occurrence Meter Specifications.

(1) through (2)(a) No change.

(b) The number reflecting the amounts won or the award reflected on the credit out meter shall cumulatively count all amounts the player has won ~~by the player~~ at the end of the game that were not paid by an attendant, including amounts paid by a ticket printer. The credit out ~~This~~ meter shall not increment for bills inserted and cashed out to allow the slot machine to be used as a change machine. In those cases where amounts awarded are included on separate meters, the metering requirements for the credit out meter can be met by summing the number reflected on the credit out and machine paid external bonus payout meter;

(c) The drop meter shall maintain a cumulative count of the credit value of all bills and tickets inserted into the bill acceptor and Advanced Funds Transfer as identified in Rule 61D-14.078, F.A.C., processed for play;

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

(b) A slot machine ~~cabinet door meter~~ shall display the number of times the slot machine main front cabinet door was opened since the last RAM clear; and

(c) The slot machine shall show the time of the most recent bill acceptor door opening ~~drop door meter shall display the number of times the drop door and the bill acceptor door was opened~~ since the last RAM clear.

(4) through (6) No change.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g) FS. History–New 7-30-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

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: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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

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

SUMMARY: The rule has been substantially reworded to improve clarity. It has also been updated to specify that programs used are not rewritable; removes the external check in favor of type III game internal check algorithm using Internal Checksum or Cyclic Redundancy Check (CRC); specifies the requirement that before a slot machine may be cleared after a failed authentication has occurred, the supervising attendant must enter the time and date of the failure in a permanent record; specifies the requirement of and the procedures to be enacted if "complete and continuous" access to the facility based computer system is lost for a period of 90 minutes or longer, and removes the requirement for slot machines to maintain an internal record of RAM and ROM errors; specifies that authentication errors or RAM or ROM errors will require the game to cease play and illuminate the tower light.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1) (c), (d), (e), (f), (g) 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: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.044 follows. See Florida Administrative Code for present text.)

61D-14.044 Identification of Program Storage Media, and Slot Machine Technical Requirements.

(1) All program storage media, both writable or non-writable, including EPROMs, Digital Versatile Disc (DVD), Compact Disk – Read Only Memory (CD-ROM), and any other type of program storage devices shall:

(a) Be marked with information to identify the software and revision level of the information stored in the devices;

(b) Only be accessible with access to the locked logic compartment; and

(c) Have a method that shall require display of the program storage media identification information on the slot machine if the program is copied to and executed from Random Access Memory (RAM).

(2) Read Only Memory (ROM) program storage media shall not be re-writable and shall be finalized and closed to prevent further writing.

(3) For non-EPROM based media, the control program shall authenticate all files that are critical to the accurate operation of the slot machine ("critical files") by employing a hashing algorithm which produces a "message digest" output of a minimum of 128 bits.

(4) For EPROM based media, the control program shall test for possible corruption. The control program may use a Checksum or a Cyclic Redundancy Check (CRC) minimum of 16-bit or equivalent for that test.

(5) The slot machine shall authenticate all critical files against the stored message digest(s), as required in subsection (3), above. In the event of a failed authentication after the slot machine has been powered up, the slot machine shall:

(a) Immediately enter an error condition;

(b) Illuminate its tower light when one is present; and

(c) Cease operation.

(6) Slot machine authentication failure shall:

(a) Require a supervisor's intervention and authorization to correct;

(b) Be recorded in an error correction log that shall:

1. Be maintained in each slot machine;

2. Be maintained as a permanent record of program changes and error corrections for the specifically numbered slot machine;

3. Include the details of each failed authentication and corrective action; and

4. Include the date and time of a failure, and date and time of the corrective action.

(7) For writable program storage the following requirements apply to the programs residing in the slot machine that are capable of being erased and reprogrammed without being removed from the slot machine, bill changer, or other equipment or related devices:

(a) Re-writable program storage shall only be written to in cases where the media contains only data, files, and programs that are not critical to the basic operation of the game, such as marketing information.

(b) Notwithstanding the foregoing, such device may write to media containing critical data, files, and programs provided that the gaming equipment:

1. Properly maintains a log of all information added, deleted, and modified that is stored on the media;

2. Maintains a control program that verifies the validity of all data, files, and programs which reside on the media using the methods listed in subsection (3), non-EPROM specific requirements;

3. Contains appropriate security to prevent unauthorized modifications; and

4. Prohibits game play while the media containing the critical data, files, and programs are in a modifiable state.

(8) Slot machine component integrity checks shall:

(a) Occur:

1. The first time program files are loaded for use; and

2. During the use of components critical to the slot machine's operation.

(b) Not occur:

1. For RAM; and

2. Program storage device space that is not critical to the slot machine security.

(9) Critical files shall be authenticated during each slot machine start-up and restart.

(10) The authentication methodology shall detect 99.99 percent of all possible failures. All critical memory shall:

(a) Have the ability to retain data for a minimum of thirty (30) days after power is removed from the slot machine. If a rechargeable battery is used, the battery used to retain power shall recharge itself to its full potential in a maximum of twenty-four (24) hours. The shelf life of the battery used shall be at least five (5) years;

(b) Be cleared only in accordance with the slot machine licensee's internal controls;

(c) Provide a RAM error message, if the control program detects an unrecoverable memory error; and

(d) Not be cleared automatically, but shall require division approval of and presence for a full RAM clear that is performed by a slot machine lead technician or a more senior employee.

(11) A RAM clear shall only be authorized for the following:

(a) A slot machine malfunction that results in an unrecoverable memory error;

(b) An EPROM chip failure;

(c) A modification to the slot machine's program; and

(d) Troubleshooting the system for possible RAM failure.

(12) No RAM clear procedure shall be performed without prior division approval and division presence for the RAM clear procedure.

(13) Following the initiation of a RAM clear procedure, the slot machine's control program shall execute a routine that initializes all data in RAM to the default state, except those portions of RAM that are critical to the operation of the slot machine. The default reel position or game display after a RAM clear shall not indicate the top award on any selectable line. The default game display, upon entering game play mode, shall also not display the top award.

(14) Slot machines shall be capable of detecting and displaying error conditions and illuminating the tower light for each slot machine in those cases where such a light is available. Upon detection of error conditions, a slot machine shall disable play, and the slot machine and/or the facility based monitoring system (FBMS) shall maintain an internal record if the error is for:

(a) Loss of communication with the FBMS for longer than 90 minutes;

(b) Low RAM battery, for batteries external to the RAM itself, or low power source;

(c) Currency-in jam;

(d) Program error or authentication mismatch;

(e) Door open, including bill acceptor;

(f) Reel spin errors:

1. The specific reel number shall be identified in the error code;

2. The final positioning of the reel, if the final indexed position error exceeds one-half of the width of the smallest symbol on the reel strip; and

3. Malfunctions such as a reel which is jammed, or is not spinning freely, or any attempt to manipulate their final resting position;

(g) Power reset;

(h) Out-of-paper;

(i) Printer jam;

(j) Printer failure; and

(k) Printer disconnected.

(15) The slot machine licensee shall:

(a) Establish procedures within its internal controls to ensure that:

1. The FBMS shall alert the FBMS supervisor when communication has been lost between a slot machine and the FBMS.

2. If communication to a slot machine is lost:

a. The FBMS supervisor is responsible for monitoring the play of the slot machine with which communication has been lost;

b. Within 90 minutes of the loss of communication;

(D) The facility shall restore communication between the slot machine and the FBMS; or

(II) The FBMS supervisor shall terminate play on each slot machine with which communication has not been restored no later than 90 minutes from the time communication was originally lost.

(b) Maintain either a manual or FBMS record of all communication failures, which contains the date and time of the communication failure and resolution of that failure.

(16) A slot machine that has authentication or RAM or ROM errors shall:

(a) Cease operation;

(b) Automatically set to the disabled mode of operation; and

(c) Automatically light its tower or similar light, if the machine has such.

(17) A description of slot machine error codes and their meanings shall be affixed inside the slot machine. However, this subsection does not apply to video-based games that shall display text messages for error conditions on the game console.

(18) The software shall be able to recover to the state it was in immediately prior to the occurrence of a program interruption. Communications to an external device shall not begin until the program resumption routine is completed, and:

(a) Upon restoration of power to the slot machine:

1. The previous error message shall be displayed and the slot machine shall remain locked-up if a slot machine is powered down while in an error condition; or

2. The previous error message shall not be displayed if:

a. The power down is used as part of the error reset procedure; or

b. Upon power up or door closure, the slot machine checks for the error condition and detects that the error condition no longer exists.

(b) Upon resumption of the slot machine's control program, the following procedures shall be performed:

1. Slot machine control programs shall test themselves for possible corruption due to failure of the program storage media; and

2. Mechanical displays shall re-spin automatically to display the last valid game's result when the play mode is re-entered, and the reel positions have been altered.

(19) The slot machine's main door shall affect game play in the following ways:

(a) When the slot machine's main door is opened, the slot machine shall:

1. Cease game play;

2. Enter an error condition;

3. Display an error message;

4. Disable bill acceptance; and

5. Illuminate the tower light when one is available.

(b) When the slot machine's main door is closed, the slot machine shall:

1. Return to its original state in the game; and

2. Display an error message, until the next game has ended.

(c) The software shall detect any access to the following doors or secure areas:

1. External doors;

2. Drop box door; and

3. Bill acceptor door.

(20) Each slot machine and/or bill acceptor shall detect and display an error condition and the bill acceptor shall be disabled for the following conditions:

(a) Bill staker full;

(b) Bill jams;

(c) Bill acceptor door open; and

(d) Bill staker door open or bill staker removed.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (f), (g) FS. History--New 8-13-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David J. Roberts, Director, Division of Pari-Mutuel Wagering
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: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:

RULE TITLE:

61D-14.047

Facility Based Monitoring System
and Computer Diagnostics

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

SUMMARY: The rule has been substantially reworded to improve clarity and requires a slot machine not be enabled to play following the detection of errors until the control program is authenticated.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(e), (g), (i), 551.104(4)(f) 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: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.047 follows. See Florida Administrative Code for present text.)

61D-14.047 Facility Based Monitoring System and Computer Diagnostics.

(1) The facility based monitoring system's slot machine communication protocol shall have the ability to immediately act upon commands received from the facility based monitoring system (FBMS), which provide:

- (a) The ability to suspend play on a slot machine;
- (b) Daily reports of events; and
- (c) Reports providing:

1. All accounting data contained in the FBMS;

2. Information on individual events and transactions contained in the FBMS; and

3. The history of a specific slot machine transaction contained in the FBMS.

(2) The FBMS shall:

(a) Capture all information required for tickets enumerated in subsection 61D-14.040(2), F.A.C.:

(b) Not permit a configuration setting change that causes an obstruction or interruption to the electronic accounting meters, affect the integrity of the slot machine, or communications without a RAM clear as provided in subsection 61D-14.044(8), F.A.C.

(3) For the purposes of this rule, an interface element is any system component external to the operation of a slot machine that assists in the collection and processing of data sent to the FBMS. All interface elements shall:

- (a) Be installed in a locked area;

(b) Maintain separate electronic meters that shall allow for review on demand at the interface element level;

(c) Retain the required information after a power loss for at least 72 hours;

(d) Provide a means to preserve all meter information required by Rule 61D-14.042, F.A.C., and event information required by Rule 61D-14.046, F.A.C., until it is communicated to the FBMS; and

(e) Allow for the association of a slot machine asset number used in conjunction with a slot machine file on the FBMS. The slot machine asset number shall be used by the FBMS to:

1. Track all information regarding an individual slot machine; and

2. Identify only one slot machine in the FBMS.

(4) An interface element that serves as a data collector for the FBMS shall:

(a) Provide an error detection and correction scheme to ensure an accuracy of 99 percent or better of messages received; and

(b) Encrypt all accounting data communications.

(5) Each system critical to the operation of the slot machine's interface element and the FBMS shall be tested to verify that it performs within its manufactured design specifications. Each system shall be tested:

(a) Under controlled laboratory conditions prior to installation at a slot machine licensed facility; and

(b) At the installation site (a slot machine licensed facility) upon the initial installation of the system to ensure proper configuration of the equipment and installation of the security applications.

(6) The FBMS shall maintain an internal master clock that reflects time in 24-hour format and data that shall be used to provide:

(a) Time stamp of events;

(b) Reference clock for reporting; and

(c) Updated clocks in the system servers, networked systems, or distributed systems.

(7) The FBMS shall:

(a) Not permit the alteration of any accounting or event log information without the approval of a supervisor;

(b) Create an audit log for any alterations of any accounting or event log information. The audit log must include at least:

1. The name of the data element altered;

2. The value of the data element:

a. Prior to data alteration; and

b. After data alteration.

3. The time and date of alteration for each data element alteration event; and

4. The identification of:

a. The individual who performed the alteration; and

b. The supervisor approving the alteration.

(8) The FBMS shall provide:

(a) Redundant copies of each log file or system database or both; and

(b) Open support for backups and restoration of each log file or system database.

(9) The data contained in the FBMS shall be backed-up or saved daily in some form of back-up data records maintained on removable computer storage media. The back-up data records shall be sufficient to reconstruct the entire day's activity.

(a) In addition to the requirements of Rule 61D-14.080, F.A.C., a ready copy of the back-up data records shall be stored for a minimum of 120 days secured in an industry standard two-hour fire and water resistant storage device either on-site or at an off-site location.

(b) The slot machine licensee shall provide the contact information, address, and telephone number of each off-site storage location to the division when:

1. The off-site location is first used for storage; and

2. Each time a new off-site location is used or an off-site location is changed.

(c) Off-site storage contact information should be sent to the Office of Slot Operations, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Boulevard, Suite 165, Ft. Lauderdale, Florida 33309-3787.

(10) The FBMS shall only be reloaded using data contained in the most recent complete back-up data records that contains at least:

(a) An events log;

(b) All accounting information;

(c) All auditing information; and

(d) Specific site information such as device file or employee file.

(11) The FBMS shall:

(a) Implement self-monitoring for all interface elements;

(b) Notify the system administrator of any error condition;

(c) Monitor the operation of each slot machine in real-time;

(d) Retrieve all financial accounting information for each slot machine on a daily basis;

(e) Report all events in real-time; and

(f) Employ security systems, support measures, or networks to ensure that there is no alteration of any information as it is being communicated from a slot machine to the FBMS.

(12) A slot machine shall not be enabled to play following the receipt of any error listed in subsection 61D-14.044(14), F.A.C., until the control program is authenticated.

(13) The FBMS shall collect and store the following information from each slot machine:

(a) Total credits-in;

(b) Total credits-out;

(c) Total value of all bills, tickets, and vouchers collected by the slot machine;

(d) Total value of all handpays;

(e) Cancelled unpaid credits;

(f) Total monetary value of all bills accepted;

(g) Total number of each type of bill accepted by denomination;

(h) Games played;

(i) Cabinet door openings;

(j) Drop door openings;

(k) Total monetary value of all tickets accepted; and

(l) Total monetary value of all tickets produced.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), (g), (i), 551.104(4)(f) FS. History-- New 8-13-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

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: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.: RULE TITLES:

61D-14.053 Key Controls

61D-14.063 Count Rooms

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

SUMMARY: The rule has been reworded to improve clarity. The updated rules specify the documentation required in the access log regarding any secure key in Rule 61D-14.053, F.A.C., and specify that a metal detector shall be used as outlined in the facility internal controls to inspect persons exiting the count room in Rule 61D-14.063, F.A.C.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.
 LAW IMPLEMENTED: 551.103(1)(b), (d), (e), (g), (i), 551.104(4)(h) 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: June 24, 2009, 9:00 a.m. – 5:00 p.m.
 PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-14.053 Key Controls.

(1) through (2)(c) No change.

(d) Areas in which slot cash storage boxes are located; ~~and~~

(e) Compartments housing microprocessors in any slot machine; ~~and-~~

(f) Containers holding the master key for each slot machine Central Processing Unit (CPU).

(3) No change.

(4) Each slot machine licensee shall implement a log system. The log system shall document access to any secure key that the security department controls and shall include the following information: that requires documentation of access to any secure key that shall include without limitation:

(a) The pre-designated key number name and occupational license number of the employee signing out the key;

(b) The date and time the key was signed out from the security department; ~~and~~

(c) The name and occupational license number of the employee signing out the key;

(d) The name and occupational license number of the security person escorting the employee with the key to the secure area as a second signature signing out the key;

(e) The name and occupational license number of the security person issuing the key;

(f) The name and occupational license number of the employee and security person, providing the escort, returning the key; and

(g)(e) The date and time the key was returned to the security department.

(5) Each slot machine licensee shall implement measures in their internal control procedures for:

(a) Addressing missing, lost, and stolen keys;

(b) Issuing replacement keys; and

(c) Destruction of keys.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(b), (e), (g), (i), 551.104(4)(h) FS. History–New 6-25-06, Amended _____.

61D-14.063 Count Rooms.

(1) through (2)(a)2. No change.

(b) Tables ~~shall be~~ constructed of clear lexan or similar material;

(c) No change.

(d) A fixed door type or hand-held metal detector which shall be used in accordance with the facility internal control procedures to inspect all persons exiting the count room.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), (i) FS. History–New 6-25-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

David J. Roberts, Director, Division of Pari-Mutuel Wagering

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: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.:

RULE TITLE:

61D-14.075

Jackpot Payouts Not Paid Directly From the Slot Machine

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

SUMMARY: The rule has been substantially reworded to improve clarity and specifies procedures required to verify jackpot payouts and conditions under which jackpot payment of \$25,000 or more shall be paid.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (g), (i) 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: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.075 follows. See Florida Administrative Code for present text.)

61D-14.075 ~~Jackpot and Credit Meter~~ Payouts Not Paid Directly From the Slot Machine.

(1) A slot machine licensee employee shall complete a manual or system generated jackpot payout slip whenever a patron wins a jackpot that is not automatically paid directly from the slot machine.

(2) Jackpot payout slips shall be:

(a) Consecutively numbered;

(b) Used in sequential order; and

(c) Controlled as follows:

1. Manual jackpot payout slips shall be consecutively prenumbered forms;

2. Jackpot payout slips created by the facility based monitoring system shall be printed with consecutive numbering;

3. Employees not assigned to duties in either the cashier's cage or the slot department shall document each series of jackpot payout slips the slot machine licensee receives;

4. All void original and duplicate jackpot payout slips shall be:

a. Marked "void"; and

b. Signed by the preparer and a slot attendant or supervisor.

(3) Each series of manual jackpot payout slips shall be a three-part form that is:

(a) Inserted in a locked jackpot payout dispenser system. The jackpot payout dispenser system shall:

1. Permit all three parts of individual jackpot payout slips in the series to be written upon simultaneously while still in the dispenser; and

2. Discharge the original and duplicate jackpot payout slips while the triplicate jackpot payout slip remains in a continuous unbroken form in the jackpot payout dispenser system;

(b) Maintained so that only those employees identified in subparagraph (2)(c)3. of this rule:

1. Control and account for the unused supply of jackpot payout slips;

2. Place all jackpot payout slips in the locked jackpot payout dispenser system;

3. Remove the triplicate copies of those jackpot payout slips issued from the locked jackpot payout dispenser system; and

4. Control access to the triplicate copy of the jackpot payout slips at all times.

(4) Each series of computer prepared jackpot payout slips shall be a two-part form that is:

(a) Inserted in a printer and printed simultaneously in original and duplicate; and

(b) Printed from information that is securely stored in the facility based monitoring system and cannot be altered or removed after the jackpot payout slip is printed.

(5) The following information shall be included on every jackpot payout slip and in all jackpot payout slip stored data:

(a) The asset number of the slot machine on which the jackpot was registered;

(b) The total amount of the jackpot;

(c) The winning combination of reel characters constituting the jackpot;

(d) The date and time the jackpot occurred;

(e) The amount to be paid from the cashier's cage; and

(f) The time of preparation of the jackpot payout form.

(6) For all jackpots equal to or in excess of \$10,000, the slot machine licensee shall disburse payment only from the cashier's cage directly to:

1. The patron; or

2. A slot machine licensee employee assigned to a supervisor's position who shall transport the winnings from the cashier's cage directly to the patron.

(7) Certification of the accuracy of the information contained on the original and duplicate of the jackpot payout slip shall be provided by:

(a) The cashier/slot personnel who prepared the jackpot payout slip and a slot supervisor who observed the reel characters of the slot machine who shall sign the jackpot payout form; and

(b) Where the jackpot is equal to or in excess of \$10,000, a manager and a member of the security department who shall also sign the jackpot payout form in addition to the signatures required under paragraph (7)(a).

(8) The original jackpot payout slip shall be forwarded to the accounting department for:

(a) Reconciliation with:

1. The triplicate of the manual jackpot payout slip; or

2. The data stored on the facility based monitoring system for all computer prepared jackpot payout slips;

(b) Recording on the slot win sheet;

(c) Reconciliation with the meter reading recorded on the slot meter sheet.

(9) Prior to payment of a slot jackpot of \$25,000 or more, the slot machine licensee shall conduct a verification check of the game. The game verification check shall:

(a) Be completed by two slot machine licensee employees, at least one of whom shall be in a supervisor's position. The two slot machine licensee employees shall be:

1. In possession of a valid slot machine occupational license issued by the state; and

2. Assigned to different departments.

(b) Confirm the condition of the division security tape on the slot machine involved in the jackpot.

1. If the division security tape is not broken, the slot machine licensee shall complete its payment procedure as outlined in its internal control procedures.

2. If the division security tape is found to have been broken or tampered with, the following shall be accomplished:

a. The slot machine licensee shall notify the surveillance department to provide coverage of the slot machine area involved; remove the designated slot machine involved in the jackpot from play; retain all surveillance records regarding the designated slot machine; notify FDLE of the jackpot and broken or tampered division security tape; and secure the designated slot machine until such time as the FDLE investigator may make a determination regarding the jackpot;

b. An FDLE and division representative shall conduct an investigation, including a verification check of game-related storage media and obtain confirmation that all documents are complete and legible;

c. The division shall use a verification device that is approved by the division for testing slot machines for compliance with Chapter 551, F.S., and Chapter 61D-14, F.A.C.; and

d. If the test results from the verification device reflect that:

(I) The program in the slot machine is an authorized version for play in the State of Florida, the slot machine licensee shall proceed with its jackpot payout procedures as outlined in its internal control procedures; or

(II) The program in the slot machine is not an authorized version for play in the State of Florida, the jackpot shall be held in abeyance for further investigation.

e. If a jackpot is held in abeyance for further investigation, the designated slot machine and all jackpot records and surveillance information shall be retained until an investigation is completed. A jackpot payment decision shall be made based upon the outcome of the investigation.

(10) The accounting department shall verify that all jackpot payouts are in compliance with Chapter 61D-14, F.A.C.

(11) When a non-cash prize is offered as a slot machine jackpot or payout for winnings, the slot machine licensee shall:

(a) Make an equivalent cash option available to the patron.

(b) Use the amount of the equivalent cash option in calculation of slot machine revenues.

(c) Include all details of each cash/prize jackpot option transaction on Form DBPR PMW-3680, Slot Jackpot Prize/Cash Option Report, which is adopted and incorporated by Rule 61D-15.001, F.A.C.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (g), (i) FS. History--New 6-25-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 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: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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

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

SUMMARY: The new rule specifies allowances and requirements for resolution of jackpot disputes above and below \$25,000 at a slot machine gaming facility.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (d), (e), (i) 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: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-14.079 Resolution of Jackpot Disputes.

(1) A slot machine licensee’s internal controls, required pursuant to Rule 61D-14.058, F.A.C., shall include written procedures outlining how the slot machine licensee shall resolve jackpot disputes.

(2) A patron shall report a jackpot dispute to the slot machine licensee responsible for the operation and management of the slot machine licensed facility.

(3) Whenever a patron reports a jackpot dispute, the following shall occur:

(a) In those instances in which the jackpot amount is \$25,000 or more, the slot machine licensee shall resolve the dispute pursuant to its internal controls and immediately:

1. Notify the Office of Slot Operations, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Boulevard, Suite 165, Ft. Lauderdale, Florida 33309-3787, of the jackpot dispute and that the slot machine licensee is preserving evidence to resolve the jackpot dispute which evidence shall include:

a. Surveillance information of the designated slot machine;

b. Records for the designated slot machine;

c. Facility based monitoring system records, and

d. Witness statements.

2. Notify the surveillance department to provide surveillance recordings made at the time of the jackpot and subsequent jackpot dispute for the slot machine area involved in the jackpot dispute;

3. Notify an independent testing laboratory licensed by the State of Florida of the jackpot dispute and make arrangements for analysis and assessment of the slot machine and slot machine game in question;

4. Seal the slot machine and remove it from play until the dispute is resolved;

5. Obtain witness statements regarding the dispute; and

6. Establish an investigation file for the dispute.

(b) In those instances in which the jackpot dispute is less than \$25,000, the licensee shall resolve the jackpot dispute according to its approved internal controls.

(4) The licensee shall maintain all dispute resolution files for division review and retain the files pursuant to Rule 61D-14.080, F.A.C.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (i) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 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: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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

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

SUMMARY: The rule has been substantially reworded to improve clarity. The updated rule also specifies licensee reporting frequency and response requirements regarding variance reports, including the details of variance and the licensee’s proposed corrective action.

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.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(d), (g), 551.104(8) 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: June 24, 2009, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61D-14.087 follows. See Florida Administrative Code for present text.)

61D-14.087 Variance Reports and Response to Division Reports and Audits.

(1) Each slot machine licensee shall provide a written variance report (report) for any variance in financial reporting or accounting detected during daily operations at a facility to the division at 1400 W. Commercial Blvd., Ft. Lauderdale, FL 33309. For purposes of this rule, a variance is defined as the difference between the amount reported in a specific category on the slot machine licensee’s initial report to the division and the slot machine licensee’s final report for a designated business day. The following requirements apply to this report:

(a) The report shall be submitted no later than 48 hours after identification of a variance or at the end of the next business day if the variance is identified on a weekend;

(b) The report shall provide details of the variance in narrative form. The report shall also cite the numeric readings from the meters or other accounting equipment found to be out of agreement within the facility based monitoring system and associated facility management systems;

(c) The report shall include a statement of corrective action indicating what action was taken or will be taken, what systems or records were or will be updated, and a certification that the correction will be part of the end-of-month revenue report to the division.

(d) The report shall include a proposed date of correction in those instances where the corrective action will occur subsequent to the report required by this rule. The slot machine licensee shall submit a follow-up report to the division whenever corrective action occurs subsequent to the report. The follow-up report shall indicate what action was taken, what systems or records were updated and a certification that the correction will be part of the end-of-month revenue report to the division.

(2) A slot machine licensee or occupational licensee shall provide a written response to the division within:

(a) Five business days from the date of receipt of a written request from the division for information or corrective action;
or

(b) Thirty (30) calendar days from:

1. The date a slot machine licensee conducts an audit and finds deficiencies requiring corrective action; or

2. The date the division or an independent auditor conducts an audit and finds deficiencies requiring corrective action.

Rulemaking Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), 551.104(8) FS. History–New 6-25-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

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: May 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.096	Requirement for Shipment of All Slot Machines and Slot Machine Components
61D-14.097	Responsibility for Control of Slot Machine or Slot Machine Component Shipment
61D-14.098	Slot Machine Seal

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

SUMMARY: Rule 61D-14.096, F.A.C., specifies the slot machine licensee's responsibility for the shipment of slot machines into, out of and within the state; Rule 61D-14.097, F.A.C., specifies requirements imposed on all slot machine licensees for control of slot machines they ship from their facilities; and Rule 61D-14.098, F.A.C., specifies the use of regulatory seals uniquely identifying slot machines that have been properly shipped into and received 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.

RULEMAKING AUTHORITY: 551.103(1), 551.109(2)(a), (b), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(c), (e), (i), 551.109(2)(a), (b) FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-14.096 Requirement for Shipment of All Slot Machines and Slot Machine Components.

(1) This rule applies to the shipment of any slot machine or slot machine component as defined in Chapter 551, F.S., whether the item or items are being shipped into, out of, or within the State of Florida to a:

(a) Licensed pari-mutuel slot machine facility;

(b) Designated DBPR or FDLE training site;

(c) Certified educational institution;

(d) Licensed slot machine manufacturer's or distributor's slot machine storage and maintenance facility; or

(e) Out-of-state location.

(2) The information and material required to request shipment of any slot machine or slot machine component shall include the following:

(a) The submission of a completed paper or electronic Form DBPR PMW-3900, Slot Machine and Component Application for Shipment, and Form DBPR PMW-3910, Slot Machine and Component Application Shipment Record, both adopted and incorporated by Rule 61D-15.001, F.A.C., to the Chief of Slot Operations; and

(b) A pre-certification that equipment being proposed for shipment into the state for use at locations designated in paragraphs (1)(a) through (d) meet all requirements for slot machines and slot machine components in the State of Florida.

(3) Shipment of any slot machine or slot machine component shall comply with the following requirements:

(a) No slot machine or slot machine component that will be shipped through the state pursuant to the requirements of Chapter 551, F.S., can be shipped until the Chief of Slot Operations or his or her designee provides formal signed approval for that shipment. The division shall provide written approval to the shipper by hand-delivery, mail or electronic means such as email or FAX.

(b) All slot machine shipments shall be scheduled to permit the Chief of Slot Operations or his or her designee to be present upon arrival of the shipment at the approved destination in Florida;

(c) All slot machines and slot machine components must be shipped in the following manner:

1. For purposes of this rule, the term "shipping seal" shall mean a material of some description (generally a large paper patch with adhesive backing) applied across a closed door or closed container top. The shipping seal shall be applied in such a fashion that should the door or container be opened, the shipping seal must be broken or damaged. A broken shipping seal shall indicate the door or container has been opened.

2. All slot machine and slot machine components shall be transported in container, compartment, or freight trailer that has been secured and bears a shipping seal.

3. All central processing unit (CPU) main boards and erasable programmable read-only memory (EPROM) units shall be delivered separately or encased in a separate compartment within a larger freight compartment or freight trailer. Each compartment shall bear a shipping seal. The required shipping seal shall be applied at the shipper's point of origin. Alternatively, the slot machine or slot machine component may be shipped intact with the logic compartment

locked and rendered inoperable so long as the key to such lock is shipped separately from the slot machine or slot machine component.

4. All shipment containers must have a shipping seal applied at the shipper's point of origin. The shipping seal shall remain intact until inspected and accepted by the Chief of Slot Operations or his or her designee, at which time the seal shall be broken by Slot Operations representatives.

a. Where equipment is shipped in vehicle freight trailers (when an entire freight trailer is used for shipment), the shipper shall affix a shipping seal across the center of each of the trailer's exterior doors so that should the door be opened, the shipping seal would be broken. Additionally, the shipper shall also apply a shipping seal to each individual packing box comprising the shipment. Shipping seals applied by the shipper must not be broken or removed until delivery and inspection by the Chief of Slot Operations or his or her designee at the approved destination in Florida.

b. For those shipments not using an entire vehicle or freight trailer, shippers shall apply a shipping seal to each individual package, and the shipment seals shall not be broken or removed until delivery and inspection by the Chief of Slot Operations or his or her designee at the approved destination in Florida.

(d) All software components shall be delivered to the division regional office at 1400 W. Commercial Blvd., Ft. Lauderdale, FL 33309, for verification and subsequently scheduled by division personnel for delivery to the appropriate facility.

(e) If shipping seals described above are broken, removed, or show signs of tampering, upon inspection at the delivery site, the Chief of Slot Operations or his or her designee shall instruct the facility and shipper as to the course of action to be taken. The course of action may involve:

1. Retesting and verification of the slot machine or slot machine component; or

2. Immediate refusal of the entire shipment and the return of the entire shipment to the originating shipment location and notification to FDLE.

(4) Shippers shall retain all records associated with the shipment of all slot machine and slot machine components pursuant to Rule 61D-14.080, F.A.C.

Rulemaking Authority 551.103(1), 551.109(2)(a), (b), 551.122 FS. Law Implemented 551.103(1)(c), (e), (i), 551.109(2)(a), (b) FS. History--New _____.

61D-14.097 Responsibility for Control of Slot Machine or Slot Machine Component Shipment.

(1) Manufacturers and distributors must be licensed pursuant to Chapter 551, F.S., in order to request the shipment, or receipt of slot machines or slot machine components into, out of, and within the State of Florida at a location identified in subsection 61D-14.096(1), F.A.C.

(2) Licensed manufacturers and distributors must request approval from the Chief of Slot Operations or his or her designee for shipment into, out of, or within the State of Florida at least five days in advance of the proposed shipment date to or from an approved destination in Florida.

(3) Entities identified in subsection 61D-14.096(1), F.A.C., (entity) shall take the following actions to arrange a shipment of a slot machine or slot machine component to a facility licensed pursuant to Chapter 551, F.S., into or within the State of Florida. The entity shall:

(a) Notify the Chief of Slot Operations no later than five days in advance of the date of the proposed shipment of any slot machine or slot machine component as defined in Chapter 551, F.S.:

(b) Confirm the slot machine or slot machine component complies with the requirements of Rule 61D-14.022, F.A.C., prior to requesting shipment to an approved location within the State of Florida;

(c) Coordinate a mutually acceptable delivery date and time for the Chief of Slot Operations or his or her designee to accept delivery or be present for the packing of the slot machine or slot machine component pursuant to Rule 61D-14.096, F.A.C.; and

(d) Obtain approval of changes to a floor plan pursuant to Rule 61D-14.050, F.A.C., in those cases where an approved floor plan exists or is required at the entity's location.

(4) Slot machine licensees shall follow additional procedures that are required for making requests for shipment of a slot machine or slot machine component out of the State of Florida. The slot machine licensee shall:

(a) Notify the Chief of Slot Operations no later than five days in advance of the date of the proposed shipment of any slot machine or component as defined in Chapter 551, F.S., out of the State of Florida.

(b) Coordinate the shipment date and time for the Chief of Slot Operations or his or her designee to attend the packing, sealing, and shipment of the material proposed for shipment.

(c) Obtain adjustments and approval of any facility floor plan pursuant to Rule 61D-14.050, F.A.C.

(d) Within 10 days of the shipment, provide the Chief of Slot Operations a copy of a confirmation notice executed by the out-of-state recipient that the shipment was physically received at the out-of-state destination.

(5) The following applies to the shipment of slot machine or slot machine components within or out of the State of Florida for which an entity identified in subsection 61D-14.096(1), F.A.C., intends to achieve permanent divestiture of ownership. The entity shall:

(a) Notify the Chief of Slot Operations no later than five days prior to the proposed shipment of slot machine or slot machine component as defined in Chapter 551, F.S.

(b) Coordinate the delivery date and time for the Chief of Slot Operations or his or her designee to accept delivery under Rule 61D-14.096, F.A.C.;

(c) Coordinate shipment date and time for the Chief of Slot Operations or his or her designee to attend the packing, application of the shipping seal to the shipment container and shipment of the material proposed for shipment;

(d) Remove all master key locks from slot machine or slot machine component being shipped; and

(e) Obtain required approval of any floor plan changes necessary pursuant to Rule 61D-14.050, F.A.C., in those cases where an approved floor plan exists at the entity's location.

(6) The following applies to the shipment of slot machine or slot machine component within or out of the State of Florida when the entity identified in subsection 61D-14.096(1), F.A.C., intends to dispose of the slot machine or slot machine component through permanent destruction. The entity shall:

(a) Notify the Chief of Slot Operations no later than five days in advance of proposed shipment of any slot machine or component as defined in Chapter 551, F.S., within or out of the State of Florida to any destination for disposal. The notification shall include:

1. A statement of reason for destruction;

2. A certification that the slot machine or slot machine component is to be shipped specifically for the purpose of destroying the slot machine or slot machine component rendering it unusable for any purpose described in Chapter 551, F.S.; and

3. A statement that a certificate of destruction stating the slot machine or slot machine component has been destroyed shall be presented to the Chief of Slot Operations within ten days of the approved shipment.

(b) Coordinate the shipment date and time for the Chief of Slot Operations or his or her designee to attend the packing and movement of the material proposed for shipment.

(c) Provide for a means for destruction of the slot machine equipment.

(d) Remove all slot machine state seals pursuant to subsection 61D-14.098(2), F.A.C.

(e) Obtain any required approval of any floor plan changes necessary pursuant to Rule 61D-14.050, F.A.C., in those cases where an approved floor plan exists at the entity's location; and

(f) Retain a certificate of destruction pursuant to Rule 61D-14.080, F.A.C., from a designated entity at the shipping destination that states:

1. That the slot machine or slot machine component shipped for destruction has been destroyed;

2. The method used to destroy the slot machine or slot machine component; and

3. The slot machine or slot machine component's identifying information.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (e), (i), 551.109(2)(a), (b) FS. History--New

61D-14.098 Slot Machine Seal.

(1) When a slot machine is initially received in the State of Florida, the Chief of Slot Operations or his or her designee shall affix a slot machine seal to the slot machine's cabinet. The slot machine seal shall be located on the outside of the slot machine cabinet next to other identification labels on the slot machine cabinet.

(2) A slot machine being transported out of Florida or being destroyed shall have all seals removed from it prior to transportation out of Florida or to its designated destruction location.

(3) For slot machines maintained at a slot machine licensed facility:

(a) The term slot machine licensee's gaming area for purposes of this rule means that area designated at a slot machine licensee's facility in which slot machine games are offered to the public for play.

(b) The division shall:

1. Affix an additional seal (security tape) on the exterior of the slot machine when:

a. A slot machine is removed from the slot machine licensee's gaming area; or

b. A slot machine is received at the slot machine licensed facility and is not immediately offered for play in the licensee's gaming area.

2. Inspect those slot machines that are in the slot machine licensee's storage area, prior to moving the slot machine to the slot machine licensee's gaming area to determine if the additional seal (security tape) the division affixed to the slot machine has been broken or tampered with in any fashion.

(c) When a slot machine seal or additional seal (security tape) has been found to have been broken or tampered with, the following actions shall be taken:

1. The individual discovering the slot machine seal or additional seal (security tape) has been broken or tampered with shall immediately notify the slot machine licensee's security and surveillance department;

2. The facility shall notify the surveillance department to provide coverage of the machine area involved; remove the slot machine involved from play (if it is not in storage); retain all surveillance records regarding the slot machine; notify FDLE of the incident; and secure the slot machine until such time as the FDLE investigator may make a determination regarding the slot machine seal or additional seal (security tape);

3. An FDLE and division representative shall conduct an investigation, including a verification check of game-related storage media and obtain confirmation that all games comply with requirements for games in the state;

4. The division shall use a verification device that is approved by the division for testing slot machines for compliance with Chapter 551, F.S., and Chapter 61D-14, F.A.C.; and

5. If the test results from the verification device reflect that:

a. The slot machine and the slot machine game in the slot machine is a version the division has authorized for play in the State of Florida, the slot machine licensee may offer the slot machine to the public for play; or

b. The slot machine or the slot machine game in the slot machine is not an authorized version for play in the State of Florida, then the slot machine shall not be offered to the public for play. The slot machine shall not be offered to the public for play until:

(I) The investigation into the broken or tampered slot machine seal or additional seal (security tape) has been completed;

(II) The slot machine has been configured with slot machine games and slot machine components that have been certified for use in the State of Florida; and

(III) The slot machine and slot machine game has been certified for use in the State of Florida by an independent test laboratory licensed by the state.

Rulemaking Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (e), (i) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 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: May 5, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-15.001
 RULE TITLE: Incorporated and Approved Forms
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rule creates and revises forms used by the division in licensing and regulating slot machine operators and licensees who conduct slot gaming in the State of Florida.

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

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

RULEMAKING AUTHORITY: 551.103, 551.1045, 551.114, 551.122 FS.

LAW IMPLEMENTED: 551.103, 551.104, 551.1045, 551.106, 551.107, 551.114, 551.118, 559.79(2) 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: June 24, 2009, 9:00 a.m. – 5:00 p.m.
 PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 195, Ft. Lauderdale, Florida 33309

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-15.001 Incorporated and Approved Forms.

The following is a list of all forms now incorporated which are to be used by the Division in its dealing with the slot operators and licensees who conduct slot gaming. A copy of these forms may be obtained at www.myflorida.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of each of these forms is the promulgation date of this rule.

FORM NUMBER	SUBJECT	EFFECTIVE DATE
(1) DBPR PMW-3400	Permitholder Application for Annual Slot Machine License	____(7-5-06)
(2) DBPR PMW-3405	Permitholder Renewal Application for Annual Slot Machine License Renewal	_____
(3)(2) DBPR PMW-3410	Slot Machine Individual Employee Occupational License Application	____(7-5-06)
(4) DBPR PMW-3415	Slot Machine Individual Occupational License Renewal Application	_____
(5)(3) DBPR PMW-3420	Slot Machine Business Entity Occupational License Application	____(7-5-06)

(6) DBPR PMW-3425	<u>Slot Machine Business Entity Occupational License Renewal Application</u>	_____
(7)(4) DBPR PMW-3430	Business Entity Internal Control Information	_____ (7-5-06)
(8) DBPR PMW-3435	<u>Affidavit of Truth</u>	_____
(9)(5) DBPR PMW-3440	Professional or Business Employee Supplemental Information	_____ (7-5-06)
(10)(6) DBPR PMW-34500	Slot Machine Occupational License Upgrade Application	_____ (7-5-06)
(11)(7) DBPR PMW-3460	Authorization for Release of Information	_____ (7-5-06)
(12) DBPR PMW-3470	<u>Surety Bond for Florida Slot Machine Licensee</u>	_____
(13)(8) DBPR PMW-3660	Slot Operations Monthly Remittance Report	_____ (7-5-06)
(14)(9) DBPR PMW-3670	Slot Operations Cumulative Monthly Remittance Report	_____ (7-5-06)
(15)(10) BPR PMW-3680	Slot Jackpot Prize/Cash Option Report	_____ (7-5-06)
(16) DBPR PMW-3900	<u>Slot Machine and Component Application for Shipment</u>	_____
(17) DBPR PMW-3910	<u>Slot Machine and Component Application Shipment Record</u>	_____

Rulemaking Specific Authority 551.103, ~~551.104, 551.104, 551.106, 551.114, 551.122, 551.118, 551.145~~ FS. Law Implemented 551.103, 551.104, 551.1045, 551.106, 551.107, 551.114, 551.118, ~~551.145~~, 559.79(2) FS. History--New 7-5-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 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: August 13, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.010
 RULE TITLE: Qualifying Activities for Laws and Rules Requirements

PURPOSE AND EFFECT: To eliminate obtaining PDH's in laws and rules of the Board by attending a board meeting and to revise and clarify what board members will receive for their service as members.

SUMMARY: Obtaining PDH's in laws and rules of the board by attending a board meeting is eliminated and what board members will receive for their service as members is revised and clarified.

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.

RULEMAKING AUTHORITY: 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.010 Qualifying Activities for Laws and Rules Requirement.

(1) In order to comply with the provisions of Section 471.017(3), F.S., licensees shall demonstrate professional competency relative to Chapter 471, F.S., and the Board's rules, by:

(a) Either completing a continuing education course, as detailed in subsection (2) below, ~~by attending a board meeting at which disciplinary hearings are conducted as detailed in subsection (3) below, or~~

(b) ~~By serving as a board member, as detailed in subsection (3) below, or~~

(c) By approval of the Board as a consulting engineer providing assistance to the Board in the performance of its duties, as detailed in subsection (4) below.

(2) No change.

~~(3) Four PDH's in laws and rules of the Board may be obtained by attending one full day, regardless of actual length, or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Professional Engineers and complying with the following:~~

~~(a) The licensee must sign in with staff of the Board before the meeting day begins.~~

~~(b) The licensee must remain in continuous attendance.~~

~~(c) The licensee must sign out with staff of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive PDH credit in laws and rules for attending the board meeting only if he or she is attending on that date solely for that purpose. He or she may not receive such credit if appearing at the Board meeting for another purpose.~~

(3)(d) Members of the Board of Professional Engineers shall receive four (4) PDH's in laws and rules of the Board for their service as board members conducting these meetings.

(4) No change.

Rulemaking Specific Authority 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History--New 9-16-01, Amended 9-4-02, 1-16-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2009

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.: 62-304.415
RULE TITLE: Lower St. Johns River Basin TMDLs
PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliforms in the Lower St. Johns River Basin.

SUMMARY: This TMDL addresses fecal coliform impairments in the Lower St. Johns River Basin. Specifically, the TMDL rules being proposed for adoption are for Big Davis Creek, Big Fishweir Creek, Block House Creek, Deep Bottom Creek, Deer Creek, McCoy Creek, Miller Creek, New Castle Creek, Open Creek, Sherman Creek, Terrapin Creek, and Trout Creek (Fresh and Marine segments). These waterbodies were verified as impaired using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The methodologies used to develop the TMDLs were either the percent reduction or the load duration curve methods.

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.

RULEMAKING AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: June 30, 2009, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, 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. 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 IS: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Management, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.415 Lower St. Johns River Basin TMDLs.
Lower St. Johns River.

(1) through (12) No change.

(13) Big Davis Creek. The Total Maximum Daily Load (TMDL) for Big Davis Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The Wasteload Allocation (WLA) for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 69 percent reduction of sources contributing to exceedances of the criteria.

(b) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 69 percent reduction of sources contributing to exceedances of the criteria. and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(14) Big Fishweir Creek. The TMDL for Big Fishweir Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2008 period, will require a 87 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2008 period, will require a 87 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(15) Block House Creek. The TMDL for Block House Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2006 period, will require a 82 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2006 period, will require a 82 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(16) Deep Bottom Creek. The TMDL for Deep Bottom Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 1999 to 2007 period, will require a 82 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1999 to 2007 period, will require a 82 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(17) Deer Creek. The TMDL for Deer Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 86 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 86 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(18) McCoy Creek. The TMDL for McCoy Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 84 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 1995 to 2007 period, will require a 84 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(19) Miller Creek. The TMDL for Miller Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2007 period, will require a 92 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2007 period, will require a 92 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(20) New Castle Creek. The TMDL for New Castle Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2006 period, will require a 84 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1991 to 2006 period, will require a 84 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(21) Open Creek. The TMDL for Open Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 60 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 60 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(22) Sherman Creek. The TMDL for Sherman Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2008 period, will require a 71 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2008 period, will require a 71 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result

in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(23) Terrapin Creek. The TMDL for Terrapin Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 71 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 2007 period, will require a 71 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(24) Trout River, freshwater segment. The TMDL for the freshwater segment of Trout River is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 66 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(25) Trout River, marine segment. The TMDL for the marine segment of Trout River is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 60 percent reduction of sources contributing to exceedances of the criteria.

(b) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1996 to 2007 period, will require a 60 percent reduction of sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Rulemaking Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New 12-3-03, Amended 5-15-06, 6-3-08,_____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2009

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-6.005
RULE TITLE: Standards for Approval of Continuing Education Credit

PURPOSE AND EFFECT: The Board proposes the rule amendment to set standards for continuing education credit.

SUMMARY: The rule amendment will set standards for continuing education credit.

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.

RULEMAKING AUTHORITY: 456.013(9), 456.033, 457.104, 457.103(3) FS.

LAW IMPLEMENTED: 456.013(9), 456.033, 457.102(1), 457.107(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-6.005 Standards for Approval of Continuing Education Credit.

(1) A continuing education program must contribute to the advancement, extension or enhancement of the licensee’s skills and knowledge related to the practice of acupuncture and oriental medicine. In addition to the continuing education subjects enumerated in Section 457.107(3), F.S., Continuing education programs may ~~should~~ concern the history and theory of acupuncture, acupuncture diagnosis and treatment techniques, techniques of adjunctive therapies, acupuncturist-patient communication and professional ethics, all of which “contribute to the advancement, extension or enhancement of professional skills and knowledge related to the practice. All continuing education courses are subject to evaluation and approval by the Board to determine that the continuing education course meets the criteria established by the Board which has final determination as to the number of hours of acceptable credit that will be awarded for each program.

(2) through (4) No change.

(5) To receive credit for programs on HIV/AIDS, the program must be, at a minimum, three (3) ~~two (2)~~ hours in length and must address the areas mandated in Section 456.033, F.S. The Board accepts HIV/AIDS programs presented or conducted by the Department of Health and programs approved by other professional regulatory boards for the health professions and those presented by ACAOM accredited oriental medicine schools.

(6) No change.

(7) In addition to the foregoing, approved continuing education programs that provide biomedical science education as required by Rule 64B1-7.0015, F.A.C., shall include, but not be limited to Biomedical and clinical concepts and terminology; Pathology and diagnosis, treatment strategy, and follow-up; Clinical relevance of laboratory and diagnostic tests and procedures, imaging reports, as well as biomedical physical examination finding; Infectious diseases control, sanitation/sterilization procedures, HIV education and other issues relevant to blood borne and surface pathogens; Biomedical pharmacology including relevant aspects of

potential medication, herb and nutritional supplement interactions, contra indications and side effects, and how to access this information; and Emergency protocols, first aid, and cardiopulmonary resuscitation.

Rulemaking Specific Authority 456.013(9), ~~456.033~~, 457.104, 457.107(3) FS. Law Implemented 456.013(9), 456.033, 457.107(3) FS. History--New 2-24-88, Amended 8-6-89, Formerly 21AA-6.005, 61F1-6.005, Amended 3-18-97, Formerly 59M-6.005, Amended 6-1-99, 1-7-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-1.021
 RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify and adopt changes to the list of approved forms; incorporate the rules by reference into the rule; and list the website address where the forms can be obtained.

SUMMARY: The rule amendment will modify and adopt changes to the approved forms; incorporate the rules by reference into the rule; and list the website address where the forms can be obtained.

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.

RULEMAKING AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 120.52(15) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-1.021 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 of Dentistry's website at <http://www.doh.state.fl.us/mqa/dentistry/> the Board office at 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258:

- (1) Application for Dental Examination/Dental Hygiene Examination, DH-MAQ 1182 (Revised 9/11/08) DPR/DN/003 (Rev. 2/94), effective 8-19-97;
- (2) Application for Reactivation for an Inactive Florida Dental/Dental Hygiene License, ACHA/DN/004 (Rev. 5/96), effective 8-19-97;
- (3) Financial Interest Disclosure Form, DH-MQA 1208 (Revised 8/97), DPR/DN/017 (Rev. 5/97/), effective 8/49/97;
- (4) Application for General Anesthesia Permit, DH-MQA 1205 (Revised 5/09) AHCA/DN/005 (8/96), effective 8-19-97;
- (5) Application for Parenteral Conscious Sedation Permit, DH-MQA 1204 (Revised 5/09) AHCA/DN/006 (8/96), effective 8-19-97;
- (6) Application for Pediatric Conscious Sedation Permit, DH-MQA 1203 (Revised 5/09) AHCA/DN/008 (12/96), effective 8-19-97;
- (7) Application for Certification for Dental Radiographer, DH-MQA 1202 (Revised 5/09) AHCA/DR/001 (Rev. 5/95), effective 8-19-97;
- (8) Application for Continuing Education Credit for Individual Study, DH-MQA 1207 (Revised 5/09) Instructors, Teachers and Lecturers, AHCA/DN/009 (4/86), effective 8-19-97;
- ~~(9) Application for Biennial Providers of Continuing Education, AHCA/DN/001 (4/86), effective 8-19-97;~~
- ~~(9)(10) Application for Dentist/Dental Hygienist Limited Licensure, DH-MQA 1201 (App New, Effective 9/01) DOH/MQA/DNDH LL APP/new, effective 9-20-01.~~
- ~~(10)(H) No change.~~

Rulemaking Authority 466.004 FS. Law Implemented 120.52(15) FS. History--New 8-19-97, Amended 9-20-01, 5-28-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2008

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.0085
RULE TITLE: State Requirements Not Substantially Equivalent

PURPOSE AND EFFECT: The purpose of the amendment is to identify a state which has licensure requirements not presumed to be substantially equivalent to Florida.

SUMMARY: The proposed rule adds New York as a state which has licensure requirements that are not presumed to be substantially equivalent to Florida.

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

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

RULEMAKING AUTHORITY: 464.009(2) FS.

LAW IMPLEMENTED: 464.009(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.0085 State Requirements Not Substantially Equivalent.

The licensure requirements of the following states and territories are not presumed to be substantially equivalent to the licensure requirements in Florida:

- (1) New Mexico
- (2) New York

Specific Authority 464.009(2) FS. Law Implemented 464.009(2) FS. History--New 3-11-09, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.302
 RULE TITLE: Subject Matter for Consultant Pharmacist Licensure Renewal Continuing Education

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

SUMMARY: The requirements for continuing education credit hours will be clarified.

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

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

RULEMAKING AUTHORITY: 465.005, 465.0125 FS.

LAW IMPLEMENTED: 465.0125 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.302 Subject Matter for Consultant Pharmacist Licensure Renewal Continuing Education.

A Consultant Pharmacist License Renewal Continuing Education Program must contain ~~consist of~~ at least three (3) twelve (12) self contained hours of training in any of the subjects specified below ~~with a block of at least three (3) hours in any subject category~~. Duplicated courses are not acceptable.

(1) through (3) No change.

Rulemaking Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History--New 10-14-91, Formerly 21S-26.302, 61F10-26.302, 59X-26.302, Amended 5-5-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.6012
 RULE TITLE: Guidelines for Board Ordered Disciplinary Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide guidelines for Board ordered disciplinary continuing education courses.

SUMMARY: The rule promulgation will provide guidelines for Board ordered disciplinary continuing education courses.

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

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

RULEMAKING AUTHORITY: 456.072(2), 465.005, 465.016(4) FS.

LAW IMPLEMENTED: 456.072(2), 465.016(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.6012 Guidelines for Board Ordered Disciplinary Continuing Education Courses.

Any continuing education course being taken as part of a disciplinary order, unless otherwise ordered by the Board, may be conducted by any method, including live, correspondence, or distant education.

(1) Laws and Rules courses shall be at least twelve (12) hours in length. The program shall include review and analysis of the laws regulating the profession of pharmacy in the State of Florida with discussion of recent changes to Florida statutes and Board of Pharmacy rules. The remainder of the continuing education program shall be derived from the following areas:

(a) Federal laws related to:

1. Handling, management, and dispensing of controlled substances;

2. Protected patient information; and

3. Medicare.

(b) Chapters 456, 499 and 893, Florida Statutes;

(c) Florida Medicaid program;

(d) Nursing home and Assisted Living Facility regulations;

(e) Prescriber laws and regulations;
 (f) Pharmacy ethics;
 (g) The Joint Commission (TJC) standards;
 (h) Food and Drug Administration policies and procedures;
 (i) Implementation of disaster and emergency preparedness plans by Florida pharmacists and pharmacy services providers;
 (j) Occupational Safety and Health Administration (OSHA) and National Institute for Occupational Safety and Health (NIOSH) guidelines and requirements for pharmacy employers.

(2) Quality Related Event (QRE) courses shall be at least eight (8) hours in length.

(a) Course material shall include:

1. Pharmacy error detection;
2. Pharmacy error prevention; and
3. Case studies of pharmacists who have made dosing calculation, checking/interpreting prescriptions, or dispensing errors.

(b) Course material shall include the following specific subject areas:

1. Common error types and causes;
2. Root cause analysis;
3. Process mapping and management;
4. System analysis;
5. Failure mode and effects analysis;
6. Human factors, cognitive and personality impacts;
7. Practice management and effective delegation tools;
8. Stress management;
9. Effective communication;
10. Continuous Quality Improvement (CQI) rules;
11. CQI implementation tools;
12. Individual self assessment, planning, and goal setting.

The individual self assessment shall include a requirement that the pharmacist prepare a written report, in essay form, summarizing the impact of the course, what the pharmacist learned, and the changes that the pharmacist will implement in practice as a result of the course.

Rulemaking Authority 456.072(2) 465.005, 465.016(4) FS. Law Implemented 456.072(2), 465.016(4) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.301
 RULE TITLE: Destruction of Controlled Substances – Institutional Pharmacies

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for witnessing destruction of controlled substances.

SUMMARY: The requirements for witnessing destruction of controlled substances will be clarified.

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

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

RULEMAKING AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 456.022, 465.019 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.301 Destruction of Controlled Substances – ~~Class I~~ Institutional Pharmacies —~~Nursing Homes~~.

(1) No change.

(2) A document must be completed showing the name and quantity of the drug, strength and dosage form, patient’s name, prescription number and name of the ~~institution nursing home~~. This documentation, at the time of destruction, shall be witnessed and signed by the consultant pharmacist, director of nursing, and the ~~nursing home~~ administrator or his designee, which may include a licensed physician, pharmacist, mid-level practitioner, or nurse, excluding the above.

Rulemaking Specific Authority 465.005, 465.022 FS. Law Implemented 465.022, 465.019 FS. History—New 4-21-87, Formerly 21S-19.001, Amended 7-31-91, Formerly 21S-28.301, 61F10-28.301, Amended 1-30-96, Formerly 59X-28.301, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 6, 2009

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.: RULE TITLES:
64B24-3.003 Examination Fee
64B24-3.004 Endorsement Fee

PURPOSE AND EFFECT: To repeal rules that are out of date or are unnecessary.

SUMMARY: The department decided to repeal Rule 64B24-3.003, F.A.C., which sets an examination fee for midwives of \$500. The department decided to repeal Rule 64B24-3.004, which sets for midwives a \$500 fee for licensure by endorsement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has been prepared by the agency. The Department prepared a SERC showing that repeal of Rule 64B24-3.003, F.A.C., has no effect on individuals or entities and the repeal of Rule 64B24-3.004, F.A.C., has only positive effects on individuals and entities by saving costs charged to applicants for licensure by endorsement.

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

RULEMAKING AUTHORITY: 467.005 FS.

LAW IMPLEMENTED: 467.0135(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 RULES IS: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULES IS:

64B24-3.003 Examination Fee.

Rulemaking Specific Authority 467.005 FS. Law Implemented 467.0135(1) FS. History--New 1-26-94, Formerly 61E8-3.003, Amended 8-15-95, 8-20-97, Formerly 59DD-3.003, Repealed _____.

64B24-3.004 Endorsement Fee.

Rulemaking Specific Authority 467.005, 467.0135 FS. Law Implemented 467.0135(6) FS. History--New 1-26-94, Formerly 61E8-3.004, Amended 8-15-95, Formerly 59DD-3.004, Amended 12-23-97, 11-10-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kaye Howerton

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: May 19, 2009

DEPARTMENT OF HEALTH

Dental Laboratories

RULE NOS.: RULE TITLES:
64B27-2.002 Notice of Noncompliance for Minor Violations

64B27-2.003 Citation Authority

PURPOSE AND EFFECT: To update, modify, and eliminate discrepancies between the rules and the governing statute.

SUMMARY: Rule 64B27-2.002, F.A.C., is updated to correct clerical errors and provides for a notice of noncompliance for timely failure to renew registration provided that the lab was not operating without a registration. Rule 64B27-2.003, F.A.C., is amended to include, as citation violations, operating on a delinquent license and failure to timely complete the new statutory continuing education requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has been prepared by the agency and it has determined that this rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 120.695, 456.073(3), 456.077 FS.

LAW IMPLEMENTED: 120.695, 456.072(4), 456.073(3), 456.077 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: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C85, Tallahassee, Florida 32399-3285

THE FULL TEXT OF THE PROPOSED RULES IS:

64B27-2.002 Notice of Noncompliance for Minor Violations.

In accordance with Sections 456.073 and 120.695, F.S., the Department Board shall issue a notice of noncompliance as a first response to a minor violation of a rule. Failure of the registration certificate holder to take action to correct the violation within 15 days shall result in either the issuance of a citation when appropriate or the initiation of regular disciplinary proceedings. The minor violations which result in a notice of noncompliance are:

(1) Failure to notify of a change of address within 30 days as required by Section 466.034, F.S.

(2) Failure to renew registration by the February 28 biennial renewal date provided that the establishment was not in operation without an active registration delinquency fee is paid within 2 months of the date by which renewal was required under Section 466.032, F.S.

Rulemaking Specific Authority 120.695, 456.073(3) FS. Law Implemented 120.695, 456.073(3), 466.032 FS. History–New 3-28-05, Amended _____.

64B27-2.003 Citation Authority.

(1) Unless otherwise specified, all citation violations must be corrected within 60 days. Pursuant to Section 456.077, F.S., the Department describes those violations for which there is no substantial threat to the public health, safety, and welfare and the penalties to be imposed. All citations require the subject to correct the violation, if remediable, within a specified period of time not to exceed 60 days. If the violation is not corrected, or is disputed, the Department shall follow the procedure set forth in Section 456.073, F.S. In addition to any administrative fine imposed, the Respondent shall pay the costs of investigation.

(2) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

(a) Failure to notify of a change of address within 30 days as required by Section 466.034, F.S., \$100 fine.

(b) Operating on a delinquent license Failure to renew registration provided that the renewal and delinquency fee is paid within 2 months of the date by which renewal was required under Section 466.032, F.S., \$200 \$100 fine.

(c) Advertising or operating a laboratory under the name of another laboratory under Section 466.028(1)(e), F.S., \$200 fine.

(d) Failure to maintain on the premises a copy of the laboratory registration provided that the laboratory is properly registered under paragraph 64B27-1.001(2)(c), F.A.C., \$150 fine.

(e) Failure to maintain on the premises a written policy and procedure on sanitation under paragraph 64B27-1.001(2)(e), F.A.C., provided that this required policy document is provided to the inspector within 20 days, \$150 fine.

(f) A single instance of waste materials not being disposed of properly under paragraph 64B27-1.001(2)(b), F.A.C., \$100 fine.

(g) Failure of the owner or a designated employee to complete five or fewer hours of approved required continuing education courses within the biennium. \$200 fine.

(h) Failure of the owner or a designated employee to complete six to 18 hours of approved required continuing education courses within the biennium \$500 fine.

~~(3) Citations shall be issued to licensee by the Bureau of Investigative Services only after review by Department legal staff. Such review may be by telephone, in writing, by facsimile, or by e-mail.~~

~~(3)(4) When an initial violation for which a citation could be issued occurs in conjunction with a violation for which a citation could not be issued, the procedures of Section 456.073, F.S., shall apply.~~

~~(5) The registration certificate holder has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable and mailed to the Department. A copy of the citation shall accompany the payment of the fine and costs.~~

Rulemaking Specific Authority 456.077 FS. Law Implemented 456.072(4), 456.077, 466.032 FS. History–New 3-28-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sue Foster

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: May 19, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NO.: 69H-2.008
RULE TITLE: Other Forms Adopted

PURPOSE, EFFECT AND SUMMARY: The proposed rule is necessary in order to comply with federal mandates that will become effective on July 1, 2009. Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Section 1862(b) of the Social Security Act (42 U.S.C. 1395(y)(b)) adds mandatory reporting requirements with respect to Medicare beneficiaries who receive settlements, judgments, awards, or other payments from liability insurance (including self-insurance), no-fault insurance, or workers' compensation. The Division of Risk Management, as a required reporting entity, must identify any Medicare beneficiaries that have existing claims with the Division of Risk Management and collect certain data that will be reported to the Center for Medicare and Medicaid Services (CMS). The data collected under federal law will be used by CMS in processing claims billed to Medicare for reimbursement of items and services furnished to Medicare beneficiaries and for Medicare as a Secondary Payer recovery effort, as appropriate.

The simplest and most effective means to collect this data is to promulgate a form that will be sent to all applicable claimants.

RULEMAKING AUTHORITY: 284.17, 284.39 FS.

LAW IMPLEMENTED: 284.30, 284.40, 284.41 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

69H-2.008 Other Forms Adopted.

(1) The following forms are hereby adopted and incorporated by reference. These forms shall be used to aid the Division in the performance of its administrative duties by securing pertinent facts and information on claims filed against the Fund, as the circumstances of particular cases may require.

(a) DFS-D0-261, "Automobile Accident Report," rev. 11/05;

(b) DFS-D0-866, "Mileage Reimbursement," rev. 11/05;

(c) DFS-D0-1403, "General Liability Loss Report", rev. 11/05;

(d) DFS-D0-1404, "Lien Disclosure Statement", rev. 11/05;

(e) DFS-D0-1406, "Insurer's Disclosure Statement Pursuant to Section 627.4137, F.S.", rev. 11/05;

(f) DFS-D0-1407, "Medical Authorization", rev. 11/05; ~~and~~

(g) DFS-D0-1410, "Substitute Form W9", new 11/05;:-

(i) DFS-D0-1990, "Medicare Secondary Payer Reporting Questionnaire", new 5/09; and

(h) DFS-D0-1991, "Medicare Beneficiary/Eligibility Information", new 5/09.

(2) Copies of each form adopted and incorporated by reference in this rule are available from the Division of Risk Management, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-0336.

Rulemaking Specific Authority 284.17, 284.39 FS. Law Implemented 284.30, 284.40, 284.41 FS. History--New 1-7-92, Amended 6-28-01, Formerly 4H-2.008, Amended 7-4-04, 5-4-05,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NOS.:

RULE TITLES:

- 69L-5.101 Definitions
- 69L-5.102 General Requirements
- 69L-5.103 Application
- 69L-5.104 Alternate Method of Application
- 69L-5.105 General Requirements
- 69L-5.106 Financial Statement or Financial Summary
- 69L-5.107 Actuarial Reports
- 69L-5.108 Security Deposits
- 69L-5.109 Excess Insurance

- 69L-5.110
- 69L-5.111
- 69L-5.112
- 69L-5.113
- 69L-5.114
- 69L-5.115
- 69L-5.116
- 69L-5.117
- 69L-5.201
- 69L-5.202
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- 69L-5.231

- Experience Records
- Late Reports; Penalties
- General Requirements
- Application to Provide Servicing
- Retaining Authorization as Service Company; Recertification
- Withdrawal of Authorization
- Review and Audit
- Forms, Manuals, and Instructions
- Definitions
- Scope of Self-Insurance Authorization
- Payroll Reporting
- Maintenance of Payroll Records, Review and Audit
- Loss Data Reporting
- Maintenance of Loss Data Records, Review and Audit
- Outstanding Liabilities Reporting
- Maintenance of Outstanding Liabilities Records, Review and Audit
- Financial Statements Reporting
- Actuarial Reports
- Changes in Anniversary Rating Date
- Contact Information Reporting
- Subsidiary, Affiliate and Location Reporting
- Indemnity Agreements for Affiliated Self-Insurers
- Parental Guaranty
- Provision of Benefits and Safe Working Environment by Self-Insurers
- Civil Penalties and Fines
- Security Deposits
- Excess Insurance
- Drug-Free Workplace Premium Credit Program
- Safety Program Premium Credit
- Revocation and Employer Compliance
- Election Process
- Termination
- Requirements
- Application Process
- Alien Corporations Additional Requirements
- Termination
- Application Process
- Contracting with a Qualified Servicing Entity
- Forms and Instructions

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 an electronic version of Form DFS-F2-SI-17, Unit Statistical Report, and eliminate the alternative method of application to self-insure.

SUMMARY: Concurrently repeals all existing rules in Rule Chapter 69L-5, F.A.C., replacing them with proposed new rules which have been restructured and revised to clarify regulatory guidelines for employers self-insuring payment of compensation for employees, pursuant to Chapter 440, Florida Statutes. Among the proposed revisions included are those which address requirements regarding the financial strength, credit quality, net worth, security deposits, and excess insurance associated with the self-insurance process; provisions relating to penalties for self-insurers filing late reports, and those who fail to file or otherwise fail to comply with the proposed rules.

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

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

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

DATE AND TIME: Wednesday, June 24, 10:00 a.m. – 12:00 Noon

PLACE: Room 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 RULES 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 FULL TEXT OF THE PROPOSED RULES IS:

GENERAL REQUIREMENTS

69L-5.101 Definitions.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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.

Rulemaking 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, as defined in the NCCI Experience Rating Plan Manual for Workers’ Compensation and Employers Liability Insurance (filed and approved by the Florida Office of Insurance Regulation), 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 2008/2009 Edition, Vols. I, II, & III, dated June 1, 2008, 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, 2009, 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, 2009, 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.

Rulemaking 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 its 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.

Rulemaking 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.

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), as incorporated by reference into Rule 69L-5.231, F.A.C. 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.

(1) 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.

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

(3) 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 Form DFS-F2-SI-5 no later than ninety (90) days after the revocation or voluntary termination of the self-insurance authorization.

(a) 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

(b) FSIIGA 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

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. 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 Insurance (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 manual 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.

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

69L-5.205 Loss Data Reporting.

Current Self-Insurers and Former Self-Insurers shall submit loss data for all entities covered under the self-insurance authorization on Form DFS-F2-SI-17, as incorporated by reference into Rule 69L-5.231, F.A.C., 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 specified in Rule 69L-5.217, F.A.C.

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

(2) Current Self-Insurers will complete Form DFS-F2-SI-17 or the electronic equivalent of Form DFS-F2-SI-17 by submitting loss data for the current evaluation year and the prior two (2) evaluation years.

(3) 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.

(4) The completed Form DFS-F2-SI-17 or the electronic equivalent of Form DFS-F2-SI-17 shall be mailed or transmitted to the Division or the Association no later than sixty (60) days after the evaluation date.

(a) Governmental Entities who are unable to transmit an electronic version of Form DFS-F2-SI-17 shall mail the completed Form DFS-F2-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

(b) FSI GA Members who are unable to transmit the electronic version of Form DFS-F2-SI-17 shall mail the completed Form DFS-F2-SI-17 to:

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

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

(6) 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.

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

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

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

(1) All records supporting the submitted Form DFS-F2-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 Insurance (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.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. 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), as incorporated by reference into Rule 69L-5.231, F.A.C. 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

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. 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.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. 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 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.

(e) Financial statements submitted for Current Self Insurers and Former Self Insurers under an authorization granted prior to January 1, 1997, are not required to 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 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.

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

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

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. 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.

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

Rulemaking 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.

Rulemaking 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

Rulemaking 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

Rulemaking 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), as incorporated by reference into Rule 69L-5.231, F.A.C., 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

Rulemaking 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), as incorporated by reference in to Rule 69L-5.231, F.A.C., 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-5.225(1), F.A.C.,

(2) The Credit Rating of the parent company shall be used to determine the amount of 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 Net Worth requirements in subparagraph 69L-5.209(1)(a)3. and paragraph 69L-5.225(1)(a), F.A.C., and

(5) The Credit Rating of the parent company shall be used to apply the minimum requirements in paragraph 69L-5.225(1)(b), F.A.C., and the initial security deposit requirements of paragraph 69L-5.225(1)(e), F.A.C.

Rulemaking 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 service 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), as incorporated by reference into Rule 69L-5.231, F.A.C., 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.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. 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. Total penalties assessed under this section for a single late filed form, report, or document shall not exceed \$25,000.

(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 incur 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 or to remit civil penalties or fines shall be grounds for revocation of the self-insurance authorization.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. 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 performing an analysis of the Financial Statements provided in accordance with Rule 69L-5.209, F.A.C., 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 subparagraph (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 subsection (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) If the self-insurer is a FSIGA 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.

For FSIGA 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-4F (Self-Insurer's Surety Bond for FSIGA Member), as incorporated by reference into Rule 69L-5.231, F.A.C., 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), as incorporated by reference into Rule 69L-5.231, F.A.C., 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) 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:

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

Rulemaking 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 a workers' compensation limit of not less than \$50,000,000.

(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.

Rulemaking 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 self-insurers 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), as incorporated by reference into Rule 69L-5.231, F.A.C., 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.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.101, 440.102, 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History—New _____.

69L-5.221 Safety Program Premium Credit.

(1) In order for self-insurers 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), as incorporated into Rule 69L-5.231, F.A.C., 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.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.1025, 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.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. 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, as incorporated by reference into Rule 69L-5.231, F.A.C.;

(c) Application for Governmental Self-Insurance Estimated Payroll, Form DFS-F2-SI-GEP, as incorporated by reference into Rule 69L-5.231, F.A.C.;

(d) Certification of Servicing for Self-Insurers, Form DFS-F2-SI-19, incorporated by reference into Rule 69L-5.231, 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. 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 and incorporated by reference. Copies of the forms 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) 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:

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

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

(b) 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.

Rulemaking 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.

Rulemaking 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.

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:

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

(2) 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 performing an analysis of the Financial Statements provided in accordance with Rules 69L-5.209 and 69L-5.225, F.A.C., 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.

(3) 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.

(4) An applicant that 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

Rulemaking 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), as incorporated by reference into Rule 69L-5.231, F.A.C. 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-5.225, 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), as incorporate by reference into Rule 69L-5.231, F.A.C., 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.

Rulemaking 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. 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-5.225, F.A.C.:

(1) 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.

(2) 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.

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

Rulemaking 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.

Rulemaking 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), as incorporated by reference into Rule 69L-5.231, F.A.C.

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 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.

(b) A completed Form DFS-F2-SI-27 (Biographical Statement and Affidavit), as incorporated by reference into Rule 69L-5.231, F.A.C., 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 440.491(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.

Rulemaking 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. 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.

(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 health care 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), as incorporated by reference into Rule 69L-5.231, F.A.C. 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 a pattern or practice of unreasonably delay in the handling 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.

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

FORMS AND INSTRUCTIONS

69L-5.231 Forms and Instructions.

The forms set forth in subsections (1) through (17) 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-5, Self-Insurer Payroll Report (eff. _____).
- (6) Form DFS-F2-SI-6, Self-Insurer’s Irrevocable Letter of Credit (eff. _____).
- (7) Form DFS-F2-SI-10, Parental Guaranty and Corporate Resolution (eff. _____).
- (8) Form DFS-F2-SI-11, Indemnity Agreement (eff. _____).
- (9) Form DFS-F2-SI-17, Unit Statistical Report (eff. _____).
- (10) Form DFS-F2-SI-19, Certification of Servicing for Self-Insurers (eff. _____).
- (11) Form DFS-F2-SI-20, Report of Outstanding Workers’ Compensation Liabilities (eff. _____).
- (12) Form DFS-F2-SI-22, Qualified Servicing Entity Application (eff. _____).
- (13) Form DFS-F2-SI-23, Qualified Servicing Entity Annual Report Form (eff. _____).
- (14) Form DFS-F2-SI-27, Biographical Statement and Affidavit (eff. _____).
- (15) Form DFS-F2-SI-206, Certificate of Self-Insurance (eff. _____).
- (16) NCCI Form 09-1, Application for Drug-Free Workplace Premium Credit (eff. _____).
- (17) NCCI Form 09-3, Certification of Employer Workplace Safety Program Premium Credit (eff. _____).

- 1A-31.0045
- 1A-31.030
- 1A-31.036
- 1A-31.040
- 1A-31.065
- 1A-31.075
- 1A-31.080
- 1A-31.085
- 1A-31.090

- Excluded Areas and Sites
- Project Archaeologist Qualifications
- Project Archaeologist Responsibilities
- Application Procedures
- Additional Requirements for Exploration Permits
- Permit Modification
- Permittee Required to Give Notice of Change
- Permit Suspension and Revocation
- Disposition of Archaeological Materials, Title to Archaeological Materials Conveyed

NOTICE OF CHANGE

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 39, of the September 26, 2008, issue of the Florida Administrative Weekly (FAW). A previous Notice of Change was published in Vol. 35, No. 12, of the March 27, 2009, FAW. The following changes are being made in response to written comments submitted by the staff of the Joint Administrative Procedures Committee as well as comments received in response to the original notice of proposed rulemaking.

1. In Rule 1A-31.0012, in the second sentence, the word “salvage” shall be replaced with the word “recovery.”
2. In Rule 1A-31.0015, subsection (10) shall read:
(10) “Project Archaeologist” means the professional underwater archaeologist who meets both the Secretary of Interior’s minimum Standards for Professional Qualifications of January 1, 2009, which are incorporated herein by reference, and the specific standards set forth in Rule 1A-31.030, F.A.C.
3. In Rule 1A-31.0045(3), the phrase “herein incorporated by reference” shall be deleted.
4. In Rule 1A-31.0045, the last sentence of subsection (9) shall read: “Significance shall be measured against the criteria established for National Historic Landmark designation, per 36 C.F.R. sec. 65.4 “National Historic Landmark criteria,” effective as of February 2, 1983, which is herein incorporated by reference.”
5. In the second sentence of the introductory paragraph of Rule 1A-31.030, the phrase “or subsequent official version, herein incorporated by reference” shall be deleted.
6. In Rule 1A-31.036, subsection (1) shall read: “Ensure that professional archaeological standards, consistent with the standards and guidelines for archaeological reports in Rule 1A-46.001, F.A.C., are maintained throughout the course of the project;”
7. In Rule 1A-31.036, subsection (4) shall read: “Based on their professional judgment, personally be present and visually inspect excavations when significant archaeological material clusters and/or areas of articulated ship’s structure are being

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin Ippolito, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers’ Compensation, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief of Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2009

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Historical Resources

RULE NOS.:	RULE TITLES:
1A-31.0012	Purpose
1A-31.0015	Definitions

excavated, at such times as may be necessary to properly interpret the historic shipwreck site, and as needed in order to prepare an interim or final report consistent with the standards and guidelines for archaeological reports in Rule 1A-46.001, F.A.C.;"

8. In Rule 1A-31.036, subsection (5) shall read: Ensure that adequate records are maintained during all remote sensing, testing, excavation, recovery and conservation and stabilization of recovered artifacts as needed in order to prepare an interim or final report consistent with the standards and guidelines for archaeological reports in Rule 1A-46.001, F.A.C.; and "

9. In Rule 1A-31.040, subsection (1) shall read: "(1) Applications for permits issued under this chapter shall be made on forms prescribed by the division. Application forms may be requested in writing at the division's address in Rule 1A-31.0032, F.A.C. Application for Exploration Permit (Form HR6E9001-08), (4/09) is herein incorporated by reference, effective _____. Application for Recovery Permit (Form HR6E9002-08), (4/09) is herein incorporated by reference, effective _____."

10. In Rule 1A-31.065, subsection (1) shall read: "The division will approve the excavation and recovery of those artifacts which will assist in the identification of age and type of historic shipwreck site being investigated. No excavation or displacement of archaeological materials shall be conducted unless approved in writing by the division in the form of an amendment to the Exploration Permit. No archaeological materials shall be recovered unless approved in writing by the division in the form of an amendment to the Exploration Permit. All archaeological materials recovered under an Exploration Permit shall be included in the pool of artifacts considered for transfer to the permittee if a recovery permit is issued, per Rule 1A-31.090, F.A.C."

11. Rule 1A-31.075 shall read: "Permit modifications may be requested in writing by the permittee. Requests for permit modifications will be evaluated against the conditions of the permit, the requirements of this chapter, and the project research design developed by the project archaeologist, per subsection 1A-31.036(2), F.A.C. The division will respond in writing to requests for modification within 30 days."

12. In Rule 1A-31.080, the last sentence shall be deleted.

13. In Rule 1A-31.085, the introduction of subsection (2) shall read: Criteria for suspension or revocation of a permit are:"

14. In subsection 1A-31.085(2), a new subsection (h) shall be added to read: "(h) Changes in financial support, key personnel or equipment as reported to the division, per Rule 1A-31.080, F.A.C."

15. In Rule 1A-31.090, subsection (1) shall read: "The division will ensure that materials are transferred so that the permittee receives approximately 80% of recovered

archaeological materials, with the division retaining approximately 20% of recovered archaeological materials;"
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED CHANGES IS: Ryan Wheeler at (850)245-6301.

DEPARTMENT OF EDUCATION

State Board of Education

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

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. 35, No. 14, April 10, 2009 issue of the Florida Administrative Weekly.

Sub-subparagraph (4)(a)1.b.-d. and paragraph (9)(s) of Rule 6A-4.0021 were amended to read:

6A-4.0021 Florida Teacher Certification Examinations.

(4)(a)1.b. Beginning January 1, 2009, a fifty (50) dollar fee for each first-time registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination, each first-time registration for the professional education test, and each first-time registration for the general knowledge test or any combination of subtests for the general knowledge test. A fee of one hundred (100) dollars for each retake registration for a subject area specialty examination, the professional education test, or the general knowledge test, effective January 1, 2009. ~~Beginning September 1, 2009, a one hundred (100) dollar fee for each first time or retake registration for the general knowledge test or any combination of subtests for the general knowledge test, each first time or retake registration for a subject area specialty examination or any combination of subtests for a subject area specialty examination, and a one hundred (100) dollar fee for each first time or retake registration for the professional education test.~~

c. Beginning September 1, 2009, registration fees shall be as follows:

<u>Examination</u>	<u>Fee</u>
<u>General Knowledge Test, First-Time</u>	<u>\$130.00</u>
<u>Registration</u>	
<u>General Knowledge Test, Retake</u>	<u>\$150.00</u>
<u>Registration</u>	
<u>Professional Education Test, First-Time</u>	<u>\$150.00</u>
<u>Registration</u>	
<u>Professional Education Test, Retake</u>	<u>\$170.00</u>
<u>Registration</u>	
<u>Subject Area Examination, First-Time</u>	<u>\$200.00</u>
<u>Registration</u>	
<u>Subject Area Examination, Retake</u>	<u>\$220.00</u>
<u>Registration</u>	

d. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraphs 6A-4.0021(4)(a)1.b. or 6A-4.0021(4)(a)1.c., F.A.C., for certification applicants taking a supplemental examination.

(9)(s) Effective October 1, 2009, the passing scores for the subject area specialty examinations listed below shall be a scaled score of at least two hundred (200):

1. ~~Elementary Education K-6 Examination. In addition to the scaled score of at least two hundred (200), examinees must pass each of the five (5) sections of the examination: Language Arts and Reading; Social Science; Music, Visual Arts, Physical Education, and Health; Science and Technology; and Mathematics. The passing score for each section shall be a scaled score of at least sixty four (64).~~

2. ~~Middle Grades Integrated Curriculum (MGIC) 5-9 Examination. In addition to the scaled score of at least two hundred (200), examinees must pass each of the four (4) sections of the MGIC: English, General Science, Mathematics, and Social Science. The passing score for each section shall be a scaled score of at least sixty four (64).~~

Rulemaking Specific Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, 5-24-05, 5-23-06, 5-21-07, 5-19-08, 7-21-08, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.05271 Standards for the Use of Reasonable Force.

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 5, February 6, 2009 Florida Administrative Weekly has been continued from May 19, 2009 to September 15, 2009.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-401.701 Medical and Substance Abuse Clinical Files

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. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly.

33-401.701 Medical and Substance Abuse Clinical Files.

(1) The Department of Corrections Office of Health Services shall maintain a comprehensive medical file (including medical, dental and mental health components) on every person committed to the custody and care of the Florida Department of Corrections. Information included in the inmate's medical file is protected health information and shall be used or disclosed in accordance with the Health Insurance Portability and Accountability Act Privacy Rule of 1996; (HIPAA) and Florida law. The Department of Corrections shall also maintain a comprehensive substance abuse file, ~~should one exist,~~ on every inmate who receives substance abuse program services person committed to the custody and care of the Florida Department of Corrections. Information included in the inmate's substance abuse file is confidential in accordance with 42 C.F.R. Part II, the Health Insurance Portability and Accountability Act Privacy Rule of 1996; (HIPAA), and Florida law. The Department of Corrections' Reception and Medical Center Hospital shall maintain an inpatient hospital medical file on every inmate admitted for care and treatment at Reception Medical Center Hospital.

(2) Definitions.

(a) No change.

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

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

(d) through (e) No change.

(f) Hospital file – as used in this rule refers to an inmate's inpatient hospital patient records created and maintained by Reception Medical Center Hospital.

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

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

(i) Privacy Officer – as used in this rule, refers to a designated employee in the Office of Health Services who is responsible for the development and implementation of the policies and procedures related to the HIPAA Privacy Rule. The privacy officer is the Department's contact person for HIPAA.

(h) through (l) renumbered (j) through (n) No change.

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

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

(b) through (g) No change.

(h) Providing Access

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

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

3. No change.

(i) No change.

(4) through (9) No change.

(10) Use and disclosure of protected health information.

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

(b) Requests for access to a current inmate's medical file ~~protected health information~~ shall be submitted to the health services administrator at the institution where the inmate is housed. Requests for access to a former inmate's medical file ~~protected health information~~ shall be submitted to: Inactive Medical Records, Reception and Medical Center, P.O. Box 628, Lake Butler, Florida 32054. Requests for access to an inmate's hospital file shall be submitted to: Reception and Medical Center Hospital, Attention: Hospital Administrator, P.O. Box 628, Lake Butler, Florida 32054.

(c) No change.

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

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

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

(g) No change.

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

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

(j) In addition to the access described above, in accordance with Section 395.3025, Florida Statutes, an inmate's guardian, curator, personal representative, or in the absence of one of those persons, next of kin, shall have access to the protected health information contained in an inmate's hospital file created and maintained by the Reception Medical Center Hospital after the discharge of the inmate.

(j) through (l) renumbered (k) through (m) No change.

(11) through (12) No change.

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 8, February 27, 2009 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE NOS.: 59B-9.031
 RULE TITLES: Definitions
 59B-9.032 Ambulatory and Emergency Department Data Reporting and Audit Procedures
 59B-9.034 Reporting Instructions
 59B-9.035 Certification, Audits, and Resubmission Procedures
 59B-9.036 Penalties for Ambulatory Patient Data Reporting and Deficiencies
 59B-9.038 Ambulatory Data Elements, Codes and Standards
 59B-9.039 Public Records

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. 35, No. 12, March 27, 2009 issue of the Florida Administrative Weekly.

59B-9.031 Definitions.

(5) “Emergency Department” means any department of any general hospital when a request is made for emergency services and care for any emergency medical condition which is within the service capability of the hospital as specified in Section 395.1041, F.S.

(5) through (7) renumbered (6) through (8) No change.

(8) “NUBC” means National Uniform Billing Committee. A national body that defines the data elements that are reported on the Uniform Bill UB-04 and annually publishes an Official UB-04 Data Specifications Manual.

(9) “NUCC” means the National Uniform Claims Committee. A national body that define the data fields that are reported on the HCFA-1500 which is published annually.

(10) through (13) renumbered (9) through (12) No change.

59B-9.032 Ambulatory and Emergency Department Data Reporting and Audit Procedures.

(4) Any Ambulatory Surgical Center receiving which has a total of 200 or more patient visits during the reporting quarter periods outlined in per Rule 59B-9.033, F.A.C., are for the reporting period is required to report data as specified set forth in Rules 59B-9.037 and 59B-9.038, F.A.C.

(5) Ambulatory Surgical Centers (ASC) receiving with fewer than 200 patient visits during the reporting quarter periods outlined in Rule 59B-9.033, F.A.C in a quarter, may request an exemption from a quarters reporting requirement. To request an exemption, the ASC shall send a letter on facility letterhead stating the number of patient visits for the reporting quarter and signed by the entity’s chief executive officer or director. The exemption letter shall be received at the Agency office in Tallahassee on or prior to the deadline for submission of the quarterly report must have the entity’s chief executive officer or director to certify to the Agency in writing, that the ambulatory center has fewer than 200 patient visits per Rule 59B-9.033, F.A.C., for the reporting period, and the certification is to be received at the Agency office in Tallahassee on or prior to the deadline for submission of the report. This is not a onetime letter, but must be submitted for each quarter where there were fewer than 200 visits.

59B-9.034 Reporting Instructions.

(5) Beginning with the Ambulatory data report for the 1st quarter of the year 2010, reporting facilities must submit a zipped outpatient XML file by Internet according to the specifications in paragraphs (a) through (c) below. Unless reporting by CD-ROM is approved by the Agency in a case of extraordinary or hardship circumstances.

59B-9.035 Certification, Audits, and Resubmission Procedures.

(1) All ambulatory centers submitting data in compliance with Rules 59B-9.030 through 59B-9.039, F.A.C., shall certify that the data submitted for each quarter period is accurate, complete and verifiable using Certification Form for Ambulatory Patient Data AHCA Form APD1, dated 7/1/95, revised 09/01/2000 and incorporated by reference. The Agency will send a final certification packet to to the reporting entity containing their summary reports generated by the Agency, the Certification of Ambulatory Patient Data certification form and Agency contact information and instructions. The facility must complete and sign the certification form thereby “certifying” that they have examined the ambulatory patient data report and, to the best of their knowledge and belief, the information contained in this report is true, accurate, and complete, and has been prepared from the books and records of this ambulatory center, except as noted. The completed certification form must be either mailed shall be submitted to the Agency for Health Care Administration, 2727 Mahan Drive, MS #16, Tallahassee, Florida 32308. Attention: Florida Center for Health Information and Policy Analysis; or by facsimile to the Agency’s office; or a scanned certification submitted by electronic mail by the certification due date. Upon receipt of a facilities signed certification form by the Agency, the facility is considered “certified” for the reporting quarter.

(2) Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, facilities not certified within five (5) calendar months following the last day of the reporting

quarter shall be subject to penalties pursuant to Rule 59B-9.036, F.A.C. Extensions to this five (5) month period ~~will~~ may be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or the Agency designee, for a maximum of 30 days following the certification due date in response to a written request signed by the facilities chief executive officer, ambulatory center director or authorized executive officer designee.

(3) Changes or corrections to certified data will be accepted from facilities to improve their data quality for a period of eighteen (18) months following the initial submission due date. The Administrator, Office of Data Collection and Quality Assurance or designee ~~will~~ may grant approval for resubmitting previously certified data in response to a written request signed by the facility's chief executive officer, Ambulatory Center director or authorized executive officer designee.

59B-9.036 Penalties for Ambulatory Patient Data Reporting and Deficiencies.

(5) Any ambulatory center which is delinquent for a reporting deficiency other than submission of a false report shall be subject to a fine of \$100 per day of violation for the first violation, \$350 per day of violation for the second violation, and \$1,000 per day of violation for the third or subsequent violations ~~to be fixed, imposed, and collected by the Agency. Any ambulatory center which files a false report with the Agency or provides false information to the Agency shall be subject to a fine not to exceed a of \$1,000 per day per violation. to be fixed, imposed and collected by the Agency.~~ Violations will be considered those activities which necessitate the issuance of an administrative complaint by the Agency unless the administrative complaint is withdrawn or final order dismissing the administrative complaint is entered. All fines are to be fixed, imposed and collected by the Agency. Any ambulatory center which files a false report with the Agency or provides false information to the Agency shall be subject to a fine not exceeding ~~of~~ \$1000 per day per violation, in addition to any other fine imposed hereunder, pursuant to Section 408.813, 408.08 ~~F.S. The fine shall be fixed, imposed and collected by the Agency.~~

59B-9.038 Ambulatory Data Elements, Codes and Standards.

Beginning with the ambulatory data reporting for the 1st quarter of the year 2010, all data elements and data element codes listed below shall be reported. All facilities submitting data in compliance with Rules 59B-9.030 through 59B-9.039, F.A.C., shall report the following required data elements as stipulated by the Agency ~~and described in the Official Data Specifications Manual published by the NUBC and NUCC.~~

59B-9.039 Public Records.

~~(4) Requests shall be submitted by users sufficiently in advance to permit the staff to respond without disruption of its duties as provided in Section 119.07(1)(e) (b), F.S.~~

**AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NOS.:	RULE TITLES:
59E-7.025	Certification, Audits and Resubmission Procedures
59E-7.026	Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies
59E-7.028	Inpatient Data Elements, Codes and Standards
59E-7.029	Public Records

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. 35, No. 12, March 27, 2009 issue of the Florida Administrative Weekly.

59E-7.025 Certification, Audits and Resubmission Procedures.

(1) All hospitals submitting data in compliance with Rules 59E-7.012 and 59E-7.021 through 59E-7.030, F.A.C., shall certify that the data submitted for each quarter is accurate, complete and verifiable using Certification Form for Inpatient Patient ~~Discharge~~ Data, AHCA Form 4200-002, dated 10/93, revised 04/27/2009, and incorporated by reference. The Agency will send a final certification packet to to the reporting entity containing their summary reports generated by the Agency, the Certification of Inpatient Patient Data certification form and Agency contact information and instructions. The facility must complete and sign the certification form thereby "certifying" that they have examined the inpatient patient data report and, to the best of their knowledge and belief, the information contained in this report is true, accurate, and complete, and has been prepared from the books and records of this facility, except as noted. The signed ~~completed~~ certification form must be either mailed shall be submitted to the Agency for Health Care Administration, 2727 Mahan Drive, MS #16, Tallahassee, Florida 32308. Attention: Florida Center for Health Information and Policy Analysis; or by facsimile to the Agency's office; or a scanned certification submitted by electronic mail by the certification due date. Upon receipt of a facilities signed certification form by the Agency, the facility is considered "certified" for the reporting quarter.

(2) Beginning with the inpatient data reporting for the 1st quarter of the year 2010, hospitals whose data is not certified within five (5) calendar months following the last day of the reporting quarter shall be subject to penalties pursuant to Rule

59E-7.026, F.A.C. Extensions to this five (5) month period ~~will~~ may be granted by the Agency Administrator, Office of Data Collection and Quality Assurance Unit or the Agency designee for a maximum of 30 days following the certification due date in response to a written request signed by the hospital's chief executive officer, chief financial officer, or authorized executive officer designee.

(3) Changes or corrections to certified hospital data will be accepted from hospitals to improve their data quality for a period of eighteen (18) months following the initial submission due date. The Administrator, Office of Data Collection and Quality Assurance, or Agency designee, will ~~may~~ grant approval for resubmitting previously certified data in response to a written request signed by the hospital's chief executive officer or chief financial officer, or authorized executive officer designee.

59E-7.026 Penalties for Hospital Inpatient Discharge Data Reporting Discrepancies.

(5) Any hospital which is delinquent for a certification deadline as specified in Rule 59E-7.023, F.A.C., shall be subject to a fine of \$100 per day of violation for the first violation, \$350 per day of violation for the second violation, and \$1,000 per day of violation for the third and all subsequent violations. Violations will be considered those activities which necessitate the issuance of an administrative complaint by the Agency unless the administrative complaint is withdrawn or final order dismissing the administrative complaint is entered. ~~All fines are to be fixed, imposed, and collected by the Agency.~~ Any hospital which files false information to the Agency shall be subject to a fine not exceeding ~~of~~ \$1000 per day per violation, in addition to any other fine imposed hereunder. ~~The fine shall be fixed, imposed and collected by the Agency.~~

59E-7.028 Inpatient Data Elements, Codes and Standards. Beginning with the inpatient data reporting for the 1st quarter of the year 2010, all hospitals submitting data in compliance with Rules 59E-7.012 and 59E-7.021 through 59E-7.030, F.A.C., shall report the required data elements and data element codes listed below as stipulated by the Agency ~~and described in the National Uniform Billing Committee Official UB-04 Data Specifications Manual.~~

59E-7.029 Public Records.

~~(4) Requests for inpatient data shall be submitted by users sufficiently in advance of the desired delivery date to permit the Agency staff to respond without disruption of their duties.~~

DEPARTMENT OF MANAGEMENT SERVICES

Division of Telecommunications

RULE NO.: RULE TITLE:
60FF-5.005 Emergency Grants

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 3, January 23, 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:
62-520.600 Ground Water Monitoring Requirements and Exemptions

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. 26, June 27, 2008 issue of the Florida Administrative Weekly.

62-520.600 Ground Water Monitoring Requirements and Exemptions.

(6) No change.

(a) through (k) No change.

(l) If any monitoring well becomes inoperable or damaged to the extent that sampling or well integrity may be affected, the permittee shall notify the Department's office that issued the permit within two business days from discovery and a detailed written report shall follow within ten ~~seven~~ days. The written report shall detail what problem has occurred and remedial measures that have been taken to prevent recurrence or request approval for replacement of the monitoring well. All monitoring well design and replacement shall be approved by the Department before installation.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:
64B5-2.014 Licensure Requirements for Applicants from Accredited Schools or Colleges

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.

The change is in response to concerns of by the Joint Administrative Procedures Committee in a letter dated January 6, 2009. The change is as follows:

The rule shall read as:

64B5-2.014 (1)(a) shall read as:

(1) Submit at least 60 days prior to the examination:

(a) A completed application, Form DH-MQA 1182 (Revised 09/11/08), and incorporated herein by reference is available at on the appropriate form set forth in Rule 64B5-1.021, F.A.C. Form DH-MQA 1182 (Revised 09/11/08) can be obtained at the Board of Dentistry website at <http://www.doh.state.fl.us/mqa/dentistry/>;

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:
64B5-2.0144 Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

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.

The change is in response to concerns of by the Joint Administrative Procedures Committee in a letter dated January 6, 2009. The change is as follows:

The PURPOSE AND EFFECT shall be changed to read as: The Board proposes the rule amendment to add language providing the form name, number and web address for the application required for sitting for the Florida Dental Hygiene examination; and to add new language to clarify requirements for sitting for the Florida Dental Hygiene examination as recommended by the Council on Dental Hygiene.

64B5-2.0144(1) shall read as:

(1) Submit at least 60 days prior to the examination:

(a) A completed application, Form DH-MQA 1182 (Revised 9/11/08), and incorporated herein by reference is available at on the appropriate form set forth in Rule 64B5-1.021, F.A.C. Form DH-MQA 1182 (Revised 9/11/08) can be obtained at the Board of Dentistry website at <http://www.doh.state.fl.us/mqa/dentistry/>;

64B5-2.0144(10)(a) shall read as:

(10)(a) Applicants applying for licensure under Section 466.007(2)(b)2., F.S., whose applications do not indicate they have obtained Dental Hygiene clinical education to the level of the clinical experience required by an American Dental Association (ADA) accredited Dental Hygiene program in the areas set forth in paragraph ~~(10)(4)(b)~~ below, who have failed each initial examination, shall be required to obtain remedial coursework in those designated areas that applicant has not successfully completed that would meet the ADA clinical

requirements at an ADA accredited dental or dental hygiene school, before being permitted to re-take the dental hygiene examination. Such additional coursework shall be obtained from a program accredited by the ADA, only after the applicant satisfies and the Board approves the education and testing requirements of subsections (3) through (10) ~~above~~. Such additional coursework must be obtained by the applicant and approved by the Board prior to the applicant being allowed to sit for the Florida Dental Hygiene examination.

64B5-2.0144(10)(c) shall read as:

(c) The additional coursework required by paragraphs ~~(10)(4)(a)~~ and ~~(10)(4)(b)~~ of this rule must be obtained and approved by the Board prior to the applicant being allowed to sit for the Florida Dental Hygiene examination.

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

DEPARTMENT OF HEALTH

Board of Dentistry

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

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. 35, No. 10, March 13, 2009 issue of the Florida Administrative Weekly.

The change is in response to language that had been inadvertently omitted from the Rule Notice. The change is as follows:

64B5-16.006 (3)(k) shall read as:

(k) Insert and/or perform minor adjustments to sports mouth guards and custom fluoride trays.

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:
64B5-16.007 Levels of Supervision for Dental Hygienists

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. 35, No. 10, March 13, 2009 issue of the Florida Administrative Weekly.

The change is in response to language that had been inadvertently omitted from the Rule Notice. The change is as follows:

64B5-16.007 (3)(b) shall read as “. . . film and sensors; and

64B5-16.007 (3) reference to (c) will be deleted.

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-30.008 Formulary

NOTICE OF CORRECTION

The above-referenced rule notice was published in Vol. 35, No. 17, of the April 17, 2009, Florida Administrative Weekly. Although the rule notice stated that a Statement of Estimated Regulatory Costs (SERC) had been prepared and was available, the notice did not summarize the SERC. The following is a Summary of the Statement of Estimated Regulatory Costs:

- 1. The proposed change will allow Physician Assistants (PAs) to prescribe antipsychotics and parenteral preparations.
2. This rule change may affect up to 4,321 PAs and the physicians that supervise them.
3. The rule change will not require any government entity to incur additional costs or receive additional revenues.
4. No transactional costs will be incurred by any person or entity affected by this rule revision.
5. This proposed rule revision will have a positive impact on physician offices because it will expand access to direct patient care.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:
64B13-4.004 Manner of Application

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. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

The change corrects the revision date for the incorporated form and adds “mqa” to the web address that from which the new form can be obtained.

Subsection (2) of the said rule shall read as follows:

(2) All applications for examination shall be made on the form titled “Application for Optometry Examination” number DH-MQA 1128, Revised 2/09 DPR-OPA-0001 effective 4/8/92, which is hereby incorporated by reference and can be obtained from the board office or from the Board of Optometry’s website at http://www.doh.state.fl.us/mqa/optometry/index.html. All applications for examination shall include the application fee as specified in subsection 64B13-6.001(9), F.A.C., the examination fee as specified in subsection 64B13-6.001(1), F.A.C., and the initial licensure fee as specified in subsection 64B13-6.001(2) or (3), F.A.C. No application shall be deemed complete which does not set forth all the information required by said forms and which fails to include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 60 days prior to the examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-6.0038 Formulary

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 15, April 17, 2009 issue of the Florida Administrative Weekly.

Section IV
Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER09-21 Firecracker MILLIONAIRE RAFFLE™

SUMMARY: This emergency rule describes the on-line game “Firecracker MILLIONAIRE RAFFLE,” for which the Department of the Lottery will sell tickets beginning May 15, 2009.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-21 Firecracker MILLIONAIRE RAFFLE™.

(1) How to Play Firecracker MILLIONAIRE RAFFLE.

(a) Firecracker MILLIONAIRE RAFFLE is an on-line number match game.

(b) Each Firecracker MILLIONAIRE RAFFLE ticket costs \$20.

(c) Firecracker MILLIONAIRE RAFFLE tickets will go on sale Friday, May 15, 2009. Sales of Firecracker MILLIONAIRE RAFFLE tickets will cease immediately after the 750,000th ticket is sold or at midnight on July 3, 2009, whichever occurs first.

(d) Each Firecracker MILLIONAIRE RAFFLE ticket will contain a unique ticket number that will be entered automatically into the Firecracker MILLIONAIRE RAFFLE drawing. Firecracker MILLIONAIRE RAFFLE tickets will automatically print from the terminal with ticket numbers issued in sequential order from 1 to 750000 as they are sold around the state. Each Firecracker MILLIONAIRE RAFFLE ticket will contain only one ticket number. Players cannot select their own ticket numbers.

(e) The overall odds of winning a prize in the Firecracker MILLIONAIRE RAFFLE drawing depend upon the number of tickets sold and are 1 in 730 if all 750,000 tickets are sold.

(f) Firecracker MILLIONAIRE RAFFLE tickets cannot be cancelled.

(2) Firecracker MILLIONAIRE RAFFLE Drawing and Prizes.

(a) A random computerized drawing from among all Firecracker MILLIONAIRE RAFFLE ticket numbers issued during the sales period will be held on July 4, 2009 to select 1,027 numbers. Prizes will be awarded in the order drawn. The first through seventh numbers drawn will each win \$1 million cash. The 8th through 16th numbers drawn will each win \$50,000 cash, less applicable tax withholding, and will be alternates in the order drawn for a \$1 million prize in the event a top prize is not claimed within the 180-day claim period. The 17th through 27th numbers drawn will each win \$5,000 and the 28th through 1,027th numbers drawn will each win \$500 cash.

(b) The Firecracker MILLIONAIRE RAFFLE drawing will be held on July 4, 2009 and shall be public and witnessed by an accountant employed by an independent certified public accounting firm, as required by Section 24.105(10), F.S.

(c) The results of the drawing will be revealed on July 4, 2009 and will be available after the drawing on the Lottery's website at www.flalottery.com, by phone at 1(850)487-7777, or at a lottery retailer.

(3) How to Claim a Firecracker MILLIONAIRE RAFFLE Prize.

(a) Firecracker MILLIONAIRE RAFFLE prizes must be claimed by submitting the winning ticket for validation at a Lottery office or retailer within 180 days from the date of the

drawing (December 31, 2009) and, if the prize is not paid at that time, by submitting the winning ticket for payment at a Florida Lottery office, as required by the Lottery's rule governing payment of prizes. Winning Firecracker MILLIONAIRE RAFFLE tickets of \$500 can be claimed at a Lottery Retailer. Winning tickets of \$5,000 and \$50,000 must be presented to a Florida Lottery office for payment. Tickets winning \$1 million must be submitted for payment at Lottery Headquarters. Failure of a prizewinner to claim a Firecracker MILLIONAIRE RAFFLE prize by submitting the winning ticket for validation and payment in accordance with the Lottery's rule governing payment of prizes shall result in forfeiture of the prize. Information about procedures for filing a claim can be obtained by calling (850)487-7777 [TDD (850)487-7784]. Firecracker MILLIONAIRE RAFFLE tickets are the only valid receipts to redeem a prize.

(b) A claim filed for a \$50,000 prize shall also be a contingent claim for a \$1 million prize. If a winning Firecracker MILLIONAIRE RAFFLE ticket bearing any of the first seven winning numbers is not submitted for validation and payment in accordance with the Lottery's rule governing payment of prizes, the 8th through 16th prizewinners who have submitted their tickets for validation and payment in accordance with the Lottery's rule governing payment of prizes constitute contingent winners for the \$1 million prize and will be used in the order in which they were drawn to select a winner for the \$1 million top prize. The contingent winner will be awarded the cash difference between the \$50,000 prize and the \$1 million prize.

If applicable, the Lottery will attempt to notify, for a period of two weeks, the first contingent winner drawn in the \$50,000 prize category. If the Lottery is unable to contact the first contingent winner, the Lottery will attempt to notify, for a period of two weeks, the second contingent winner drawn. This process will continue until a contingent winner is contacted or the Lottery has exhausted the list of available contingent winners, in which case the \$1 million prize will not be awarded.

(c) Payment of all federal, state and/or local taxes will be the responsibility of the winner. Federal withholding taxes will be deducted from all cash payments.

(4) Instant Cruise Prizes.

(a) From May 15 through June 3, 2009, a total of sixty (60) 3-night cruises for two valued at \$933 each will be given away randomly. The cruise prize will also include \$1,000 in spending money and a Travelocity Roaming Gnome figure valued at \$24.99. If a Firecracker MILLIONAIRE RAFFLE ticket is an instant cruise winner, the terminal will play a cruise ship horn and a Prize Coupon will automatically print after issuance of the Firecracker MILLIONAIRE RAFFLE ticket. Firecracker MILLIONAIRE RAFFLE tickets winning a cruise will contain a Lottery Prize Alert symbol and a message that the ticket holder is an instant winner. The odds of winning an

instant prize will depend upon the number of *Firecracker* MILLIONAIRE RAFFLE tickets sold. Should any issues arise concerning the transaction and/or prize, it is the player's responsibility to seek resolution of these issues with the retailer and the Lottery prior to leaving the retail location.

(b) Instant cruise prize winners must file a claim for their Prize Coupons at a Lottery office by September 2, 2009. Winners of the instant cruise prizes will be required to execute a Florida Lottery Release and Authorization Form DOL-474. Form DOL-474, Eff. 10/08, is hereby incorporated by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. Instant cruise winners will receive a certificate from Travelocity for a 3-night cruise for two embarking from a Florida port. The winner will be responsible for the cost of transportation to and from the cruise port, as well as additional services requested such as upgrades, air-transfer, tour packages, purchases and cancellation or change of reservations.

(c) Federal, state, and/or local taxes or other fees are the responsibility of the winner. The winner's right to the prize cannot be assigned to another person or entity.

(d) Winners will be responsible for making reservations directly with Travelocity or its designee. Embarkation can be scheduled beginning May 15, 2009 and requires a thirty (30) calendar day advance notice. Embarkation must occur by November 15, 2010. Winners who do not make reservations for an available cruise as specified above will forfeit the right to the cruise package; however, the value of the cruise package will remain taxable income to the winner. Cruise prizes cannot be redeemed for cash.

(5) Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident winner.

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

(7) If a winner of a prize valued at \$600 or more is identified as owing an outstanding debt to a state agency, child support collected through a court, or spousal support or alimony as provided in subsection 24.115(4), F.S., in an amount less than the cash portion of the prize, the non-cash portion of the prize, if any, and the cash portion of the prize less the amount owed, shall be awarded. If the winner is identified as owing such a debt in an amount greater than the cash portion of the prize, the winner's entire cash portion of the prize will be applied toward the outstanding debt as provided in Section 24.115, F.S., and the winner will receive the remaining non-cash portion of the prize, if any.

(8) All *Firecracker* MILLIONAIRE RAFFLE prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 5-13-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 13, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER09-22	<i>Firecracker</i> MILLIONAIRE RAFFLE™ Retailer Incentive Rules

SUMMARY: The Department of the Lottery will conduct a "Firecracker Millionaire Raffle Retailer Incentive" program from May 15, 2009 through July 3, 2009, in which certain retailers will receive bonus commissions during the promotion period.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-22 *Firecracker* MILLIONAIRE RAFFLE™ Retailer Incentive Rules.

(1) *Firecracker* MILLIONAIRE RAFFLE is an on-line number match game. *Firecracker* MILLIONAIRE RAFFLE tickets will go on sale Friday, May 15, 2009. Sales of *Firecracker* MILLIONAIRE RAFFLE tickets will cease immediately after the 750,000th ticket is sold or at midnight on July 3, 2009, whichever occurs first.

(2) There will be seven winners of \$1 million, nine winners of \$50,000, eleven winners of \$5,000 and 1,000 winners of \$500 in the *Firecracker* MILLIONAIRE RAFFLE game. The \$50,000 winners will be alternates in the order drawn for a \$1 million prize in the event a top prize is not claimed within the 180-day claim period.

(3) A retailer who sells a winning \$1 million *Firecracker* MILLIONAIRE RAFFLE ticket will receive a bonus commission of \$5,000 in addition to the regular five percent sales commission set forth in Rule 53ER05-14, F.A.C.

(4) Award of a bonus commission is not dependent upon the winning *Firecracker* MILLIONAIRE RAFFLE ticket being claimed by the winner. Retailers who sell winning

\$50,000 Firecracker MILLIONAIRE RAFFLE tickets that subsequently become alternate winners of a \$1 million prize will not be eligible for a bonus commission.

(5) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission provided the termination or inactivation was not due to non-compliance with Florida Lottery laws, rules or contract terms.

(6) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply the bonus commission earned against a retailer's outstanding debt to the Florida Lottery.

Rulemaking Authority 24.105(9), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9), 24.112(1) FS. History--New 5-13-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 13, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER09-23	\$200 Million Spectacular Bonus Sales Commission Retailer Incentive

SUMMARY: Effective May 18, 2009 through June 7, 2009, the Florida Lottery will conduct \$200 Million Spectacular Bonus Sales Commission Retailer Incentive.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-23 \$200 Million Spectacular Bonus Sales Commission Retailer Incentive.

(1) Beginning May 18, 2009 through June 7, 2009, the Florida Lottery will pay retailers a bonus sales commission of two and one-half percent (2.5%) for each \$200 Million Spectacular book of 600 tickets sold in their store, in addition to the regular commission set forth in Rule 53ER05-14, F.A.C.

(2) If a book of \$200 Million Spectacular tickets is settled during the incentive period and subsequently unsettled, the retailer's account will be adjusted to reverse the additional two and one-half percent (2.5%) sales commission.

(3) If a book of \$200 Million Spectacular tickets is settled during the incentive period and is subsequently reported lost, stolen or damaged, the retailer's account will be adjusted to reverse the additional two and one-half percent (2.5%) sales commission.

(4) The bonus sales commissions will be reflected on the retailer's weekly settlement report within three weeks of the end of the promotion. The Lottery reserves the right to apply a bonus commission earned against a retailer's outstanding debt to the Lottery and to award the remaining balance of the bonus commission, if any.

(5) Bonus sales commissions will be considered compensation to the retailer for Internal Revenue Service purposes.

(6) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

Rulemaking Authority 24.105(9)(i), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History--New 5-13-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 13, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER09-24	Instant Game Number 1019, CASH FIREWORKS

SUMMARY: This emergency rule describes Instant Game Number 1019, "CASH FIREWORKS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-24 Instant Game Number 1019, CASH FIREWORKS.

(1) Name of Game. Instant Game Number 1019, "CASH FIREWORKS."

(2) Price. CASH FIREWORKS lottery tickets sell for \$2.00 per ticket.

(3) CASH FIREWORKS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning CASH FIREWORKS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

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

1	2	3	4	5	6	7	8	9	10
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
11	12	13	14	15	16	17	18	19	20
ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN	SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN	TWENTY
									MR. ALL

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

1	2	3	4	5	6	7	8	9	10
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
11	12	13	14	15	16	17	18	19	20
ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN	SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN	TWENTY

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

\$1.00	\$2.00	\$4.00	\$5.00	\$10.00	
ONE	TWO	FOUR	FIVE	TEN	
\$20.00	\$40.00	\$100	\$200	\$1,000	\$25,000
TWENTY	FORTY	ONE HUNDRED	TWO HUNDRED	ONE THOUSAND	TWENTY FIVE THOUSAND

(7) The legends are as follows:



(8) Determination of Prizewinners.

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

ticket having a “MR. ALL” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to all ten prizes shown.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$40.00, \$100, \$200, \$1,000 and \$25,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1019 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 50 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	1 IN 10.71	840,000
\$1 x 4	\$4	50.00	180,000
(\$1 x 2) + \$2	\$4	75.00	120,000
\$2 x 2	\$4	50.00	180,000
\$4	\$4	50.00	180,000
\$1 x 5	\$5	375.00	24,000
(\$1 x 3) + \$2	\$5	375.00	24,000
(\$2 x 2) + \$1	\$5	375.00	24,000

\$1 + \$4	\$5	375.00	24,000
\$5	\$5	375.00	24,000
\$1 x 10	\$10	250.00	36,000
(FIREWORK)			
\$1 x 10	\$10	250.00	36,000
\$2 x 5	\$10	250.00	36,000
\$5 x 2	\$10	250.00	36,000
\$10	\$10	250.00	36,000
\$2 x 10	\$20	750.00	12,000
(FIREWORK)			
\$2 x 10	\$20	750.00	12,000
\$4 x 5	\$20	750.00	12,000
\$10 x 2	\$20	750.00	12,000
\$20	\$20	750.00	12,000
\$4 x 10	\$40	750.00	12,000
(FIREWORK)			
\$5 x 8	\$40	750.00	12,000
\$10 x 4	\$40	750.00	12,000
\$20 x 2	\$40	750.00	12,000
\$40	\$40	750.00	12,000
\$10 x 10	\$100	3,600.00	2,500
(FIREWORK)			
\$10 x 10	\$100	4,500.00	2,000
\$20 x 5	\$100	4,500.00	2,000
(\$10 x 2) + (\$40 x 2)	\$100	3,600.00	2,500
\$100	\$100	3,600.00	2,500
\$20 x 10	\$200	30,000.00	300
(FIREWORK)			
\$20 x 10	\$200	30,000.00	300
(\$10 x 4) + \$20 + \$40 + \$100	\$200	30,000.00	300
\$100 x 2	\$200	30,000.00	300
\$200	\$200	30,000.00	300
\$100 x 10	\$1,000	90,000.00	100
(FIREWORK)			
\$100 x 10	\$1,000	90,000.00	100
(\$100 x 6) + (\$200 x 2)	\$1,000	180,000.00	50
\$200 x 5	\$1,000	180,000.00	50
\$1,000	\$1,000	180,000.00	50
\$25,000	\$25,000	562,500.00	16

(10) The estimated overall odds of winning some prize in Instant Game Number 1019 are 1 in 4.66. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1019, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a CASH FIREWORKS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for CASH FIREWORKS lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 5-15-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 15, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-25
 RULE TITLE: Instant Game Number 1020, TREASURE HUNTER

SUMMARY: This emergency rule describes Instant Game Number 1020, “TREASURE HUNTER,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-25 Instant Game Number 1020, TREASURE HUNTER.

(1) Name of Game. Instant Game Number 1020, “TREASURE HUNTER.”

(2) Price. TREASURE HUNTER lottery tickets sell for \$3.00 per ticket.

(3) “TREASURE HUNTER” lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning TREASURE HUNTER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The “COORDINATES FOR TREASURE MAP” play symbols are as follows:



(5) The “TREASURE MAP” play symbols are as follows:



(6) The legend is as follows:



(7) Determination of Prizewinners.

The holder of a ticket whose “Treasure Map” grid reveals an unbroken, complete symbol exactly as shown in the Prize Legend shall entitle the claimant to the corresponding prize shown in the Prize Legend. Only the grid locations revealed under the “Coordinates for Treasure Map” can be used to uncover a complete symbol on the Treasure Map grid.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 1020 are as follows:

Uncover symbol in treasure map grid,	ESTIMATED ODDS OF WIN	NUMBER OF WINNERS IN 85 POOLS OF 180,000 TICKETS PER POOL
PICK	\$3 10.00	1,530,000
KEY	\$6 12.50	1,224,000
PICK + KEY	\$9 100.00	153,000
SCOPE	\$9 100.00	153,000
PICK + SCOPE	\$12 100.00	153,000
GOLD BAR	\$15 100.00	153,000
COIN	\$20 100.00	153,000
GOLD BAR + COIN	\$35 214.29	71,400
DIAMOND	\$50 288.00	53,125
MAP	\$100 600.00	25,500
MONEYBAG	\$300 15,000.00	1,020
SHOVEL	\$2,000 36,000.00	425
CHEST	\$60,000 765,000.00	20

(9) The estimated overall odds of winning some prize in Instant Game Number 1020 are 1 in 4.17. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 1020, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a TREASURE HUNTER lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for TREASURE HUNTER lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 5-15-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 15, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-26
 RULE TITLE: Instant Game Number 1018, TRIPLE WIN

SUMMARY: This emergency rule describes Instant Game Number 1018, “TRIPLE WIN,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

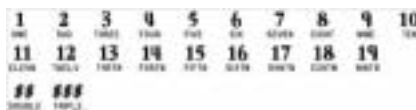
53ER09-26 Instant Game Number 1018, TRIPLE WIN.

(1) Name of Game. Instant Game Number 1018, “TRIPLE WIN.”

(2) Price. TRIPLE WIN lottery tickets sell for \$1.00 per ticket.

(3) TRIPLE WIN lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning TRIPLE WIN lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

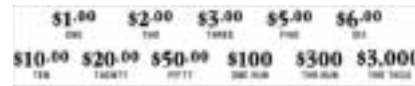
(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:



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



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



(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

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

ticket having a “##” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to double the prize shown for that

symbol. A ticket having a “###” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to triple the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$3.00, \$5.00, \$6.00, \$10.00, \$20.00, \$50.00, \$100, \$300 and \$3,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1018 are as follows:

GAME PLAY	WIN	ESTIMATED	
		ODDS OF	NUMBER OF WINNERS IN 66 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	1 IN 10.71	1,478,400
\$1 (\$\$)	\$2	30.00	528,000
\$2	\$2	30.00	528,000
\$1 (\$\$\$)	\$3	100.00	158,400
\$1 + \$2	\$3	100.00	158,400
\$3	\$3	150.00	105,600
\$1 (\$\$) + \$2 (\$\$)	\$6	750.00	21,120
\$1 (\$\$\$) + \$3	\$6	750.00	21,120
(\$1 x 2) + \$2 (\$\$)	\$6	750.00	21,120
\$2 (\$\$\$)	\$6	750.00	21,120
\$6	\$6	750.00	21,120

\$2 x 5	\$10	500.00	31.680
(\$2 x 2) + (\$3 x 2)	\$10	500.00	31.680
\$1 + \$3 (\$\$\$)	\$10	500.00	31.680
\$5 (\$\$)	\$10	500.00	31.680
\$10	\$10	500.00	31.680
\$2 + \$3 + (\$5 x 3)	\$20	1,500.00	10.560
\$2 + \$6 (\$\$\$)	\$20	1,500.00	10.560
\$5 (\$\$) + \$10	\$20	1,500.00	10.560
\$1 + \$2 (\$\$) + \$5 (\$\$\$)	\$20	1,500.00	10.560
\$20	\$20	1,500.00	10.560
\$5 (\$\$) + (\$10 x 4)	\$50	6,000.00	2.640
\$10 x 5	\$50	6,000.00	2.640
\$10 (\$\$\$) + \$20	\$50	6,000.00	2.640
\$5 (\$\$) + \$20 (\$\$)	\$50	6,000.00	2.640
\$50	\$50	6,000.00	2.640
\$10 + \$20 (\$\$) + \$50	\$100	24,000.00	660
\$20 x 5	\$100	30,000.00	528
(\$10 x 4) + \$20 (\$\$\$)	\$100	24,000.00	660
\$50 (\$\$)	\$100	24,000.00	660
\$100	\$100	30,000.00	528
(\$50 x 2) + (\$100 x 2)	\$300	60,000.00	264
(\$50 x 4) + \$100 (\$\$)	\$300	60,000.00	264
\$50 (\$\$) + \$100 (\$\$)	\$300	60,000.00	264
\$300	\$300	60,000.00	264
\$3,000	\$3,000	120,000.00	132

(10) The estimated overall odds of winning some prize in Instant Game Number 1018 are 1 in 4.81+. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1018, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a TRIPLE WIN lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for TRIPLE WIN lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 5-15-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 15, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-27
 RULE TITLE: Instant Game Number 1021, \$250,000 MUSTANG MONEY

SUMMARY: This emergency rule describes Instant Game Number 1021, “\$250,000 MUSTANG MONEY,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-27 Instant Game Number 1021, \$250,000 MUSTANG MONEY.

(1) Name of Game. Instant Game Number 1021, “\$250,000 MUSTANG MONEY.”

(2) Price. \$250,000 MUSTANG MONEY lottery tickets sell for \$5.00 per ticket.

(3) \$250,000 MUSTANG MONEY lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$250,000 MUSTANG MONEY lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

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

1	2	3	4	5	6	7	8	9	10
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
11	12	13	14	15	16	17	18	19	20
ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN	SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN	TWENTY
21	22	23	24	25	26	27	28	29	30
TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR	TWENTYFIVE	TWENTYSIX	TWENTYSEVEN	TWENTYEIGHT	TWENTYNINE	THIRTY

(5) The “MUSTANG NUMBERS” play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
11	12	13	14	15	16	17	18	19	20
ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN	SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN	TWENTY
21	22	23	24	25	26	27	28	29	30
TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR	TWENTYFIVE	TWENTYSIX	TWENTYSEVEN	TWENTYEIGHT	TWENTYNINE	THIRTY

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



(7) The legends are as follows:

MUSTANG NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "MUSTANG NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having a "MUSTANG" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a 2010 Ford Mustang Convertible.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$250,000 and Mustang.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1021 are as follows:

\$5 x 10	\$50	1,200.00	8,600
(\$2 x 5) + (\$5 x 6) + \$10	\$50	1,200.00	8,600
\$10 x 5	\$50	1,200.00	8,600
\$10 + (\$20 x 2)	\$50	1,200.00	8,600
\$50	\$50	1,200.00	8,600
\$10 x 10	\$100	1,500.00	6,880
(\$5 x 4) + (\$10 x 8)	\$100	1,500.00	6,880
\$20 x 5	\$100	1,500.00	6,880
\$50 x 2	\$100	1,500.00	6,880
\$100	\$100	1,500.00	6,880
(\$10 x 8) + (\$30 x 4)	\$200	12,000.00	860
\$20 x 10	\$200	12,000.00	860
\$40 x 5	\$200	12,000.00	860
\$100 x 2	\$200	15,000.00	688
\$200	\$200	15,000.00	688
\$50 x 10	\$500	10,000.00	1,032
(\$20 x 5) + (\$50 x 6) + \$100	\$500	10,000.00	1,032
(\$40 x 10) + (\$50 x 2)	\$500	10,000.00	1,032
\$100 x 5	\$500	10,000.00	1,032
\$500	\$500	12,000.00	860
\$100 x 10	\$1,000	60,000.00	172
(\$50 x 4) + (\$100 x 8)	\$1,000	60,000.00	172
\$200 x 5	\$1,000	60,000.00	172
\$500 x 2	\$1,000	60,000.00	172
\$1,000	\$1,000	60,000.00	172
Mustang	Mustang	1,032,000.00	10
Convertible			
\$250,000	\$250,000	2,064,000.00	5

ESTIMATED ODDS OF	NUMBER OF WINNERS IN 86 POOLS OF
1 IN	120,000
TICKETS PER POOL	1,032,000
\$5	10.00
\$5 x 2	30.00
\$10	20.00
\$2 x 10	150.00
\$5 x 4	150.00
(\$5 x 2) + \$10	150.00
\$10 x 2	150.00
\$20	150.00
\$5 x 6	1,200.00
(\$5 x 4) + \$10	1,200.00
\$10 x 3	1,200.00
\$10 + \$20	1,200.00
\$30	1,200.00
\$5 x 8	2,400.00
(\$2 x 10) + (\$10 x 2)	2,400.00
\$10 x 4	2,400.00
\$20 x 2	2,400.00
\$40	2,400.00

(10) The estimated overall odds of winning some prize in Instant Game Number 1021 are 1 in 4.32. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1021, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$250,000 MUSTANG MONEY lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Procedures for Claiming a Ford Mustang Prize.

(a) A player who has won a Mustang shall claim his or her prize as follows. The claimant should complete the information section on the back of a winning \$250,000 MUSTANG MONEY ticket. The claimant must file a claim with a Lottery office and complete a Winner Claim Form DOL 173-2, or Spanish Winner Claim Form DOL 173-2S, as referenced in Rule 53ER08-89, F.A.C., and a notarized Florida Lottery Release and Authorization Form DOL-474, Form DOL-474, Eff. 10/08, is hereby incorporated by reference and may be

obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. The risk of loss or late delivery of a claim submitted by mail remains with the player. Prizes must be claimed within sixty days following the official end of game date of the \$250,000 MUSTANG MONEY instant lottery game.

(b) Upon the Lottery's receipt of the completed documents as specified in paragraph (13)(a), the Florida Lottery will notify the fulfillment company, which will arrange for delivery of the vehicle to the designated authorized Ford dealership from which the winner will take possession of his or her vehicle prize. The designated dealership will be as near to the winner's place of residence as is practicable. The winner must present proof of a valid driver's license and proof of vehicle insurance as required by the laws of the state in which the vehicle is delivered, which in Florida are Chapters 322 and 320, F.S., respectively. If the winner is unable to provide proof of a valid driver's license, the vehicle must be removed by trailer or similar transport equipment provided by the winner or driven by a person who is able to provide proof of a valid driver's license. The winner must take possession of the vehicle within thirty (30) days of receipt of notification that it is ready for pick up at the designated dealership. If the winner fails to take possession of the vehicle within thirty (30) days of pickup notification, unless prior alternate arrangements have been made, the vehicle prize will be forfeited and no cash prize will be substituted. The cost of travel to take possession of a vehicle prize shall be the responsibility of the prizewinner.

(c) The Florida Lottery provides no warranty for the Mustang convertible. Any warranties and guarantees are those of the manufacturer only.

(14) Florida sales tax and transfer fees on the vehicles will be paid by the Florida Lottery, as well as federal income tax withholding for the value of the prize vehicles. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner.

(15) A cash option of \$38,000 is available to winners in lieu of a vehicle. Federal income tax withholding will be deducted from the cash prize. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner.

(16) A nonresident alien who is selected as a vehicle winner will be awarded the cash value of \$38,000 in lieu of the vehicle. Federal income taxes will be withheld from the prize amount at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien.

(17) If the winner of a Mustang vehicle is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in lieu of award of the prize. If the debt of a Mustang vehicle winner is an amount less than the cash option value of \$38,000, the winner shall receive the excess cash value once applicable federal withholding tax has been deducted and the debt has been satisfied. If the debt is an amount greater than \$38,000, the entire cash value of the prize remaining after deduction of applicable federal withholding tax will be applied toward the outstanding debt as provided in Section 24.115, F.S.

(18) The Florida Lottery reserves the right to award a cash prize of \$38,000 in lieu of a vehicle if, for reasons beyond the control of the Lottery, a vehicle is not available for award to a player electing to receive such prize. Federal income tax withholding will be deducted from a cash prize awarded under this provision. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner.

(19) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes.

A copy of the current prize payment rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

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

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS, History—New 5-15-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 15, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER09-28	\$250,000 Mustang Money Second Chance Drawing

SUMMARY: The Department of the Lottery will conduct a Mustang Money Second Chance Drawing in which special prizes will be awarded.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-28 \$250,000 Mustang Money Second Chance Drawing.

(1) Beginning May 19, 2009, players can enter their non-winning \$250,000 Mustang Money Scratch-Off ticket(s) in the Mustang Money Second Chance Drawing on the Florida Lottery web site to win authentic Ford Mustang® merchandise prize packs.

(2) To enter a non-winning \$250,000 Mustang Money ticket into the Mustang Money Second Chance Drawing, players must visit the Florida Lottery's web site at www.flalottery.com, click on the Mustang Money Second Chance Drawing icon and follow the directions to input their non-winning ticket number(s). The ticket number is a 24-digit number printed across the bottom on the front of a \$250,000 Mustang Money ticket. The odds of winning are dependent upon the number of entries received. Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one time for entry into the six (6) Mustang Money Second Chance Drawings and one entry into the one (1) Florida Mustang Money Home Run Getaway Second Chance Drawing. Winning \$250,000 Mustang Money tickets cannot be used for entry into a Second Chance drawing. Non-winning tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(3) Computerized drawings will be held on Wednesday, June 10, July 1, July 22, August 12 and September 2, 2009, and the second Wednesday after the last day of sales of \$250,000 Mustang Money scratch-off game #1021. Entries received before 12:00 midnight ET on the night before the first drawing will be included in the first drawing. Thereafter, entries received between the entry cutoff time for one drawing and 12:00 midnight ET on the night before the next subsequent drawing will be included in the subsequent drawing. A total of 600 entries will be drawn during each Mustang Money Second Chance Drawing.

(a) There are four (4) Ford Mustang merchandise prize packs. The prize packs are as follows:

- | | |
|---|--|
| • Prize Pack #1 (Estimated value – \$414) | • Prize Pack #2 (Estimated value – \$399) |
| • Euro leather Mustang duffel bag | • Deluxe computer Mustang backpack |
| • Polarized sunglasses with Mustang carry case, 2 pairs | • Polarized sunglasses with Mustang carrying case, 2 pairs |
| • Red Mustang t-shirt | • Gold Mustang t-shirt |
| • Black Mustang embroidered cap | • Black Mustang embroidered cap |
| | • Black leather Mustang key chain |

- | | |
|---|---|
| • Prize Pack #3 (Estimated value – \$369) | • Prize Pack #4 (Estimated value – \$269) |
| • Mustang weekender leather and cotton duffel bag | • Mustang wheeled cooler |
| • Gray Mustang fleece sweatshirt | • Mustang picnic coverlet |
| • Green Mustang t-shirt | • Polarized sunglasses with Mustang carry case, 2 pairs |
| • Black Mustang embroidered cap | • Black Mustang t-shirt |
| | • Black Mustang embroidered cap |

(b) There will be four (4) drawings held on each draw date, one for each of the prize packs. In the first drawing, 150 entries will be drawn and each winner will win prize pack 1. In the second drawing, 150 entries will be drawn and each winner will win prize pack 2. In the third drawing, 150 entries will be drawn and each winner will win prize pack 3 and in the fourth drawing, 150 entries will be drawn and each winner will win prize pack 4. A grand total of 3,600 Ford Mustang merchandise prize packs will be awarded in the second chance drawings.

(c) At the time of entering a non-winning \$250,000 Mustang Money ticket on the Florida Lottery web site, players will be provided an option to enter the second chance drawing directly or play the Mustang Money Interactive game to determine the number of the prize pack drawing in which they will be entered in the next scheduled drawing. In the Mustang Money game, players will click on mustang images until they collect three like-colored mustangs. The color of the mustangs will determine the number of the prize pack drawing in which the player will be entered. Players who opt to enter the second chance drawings directly without playing the game will be entered randomly into one of the four prize pack drawings.

(4) The 600 prizewinners in each Second Chance Drawing will be posted on the Lottery's web site, www.flalottery.com, after the draw. Mustang Money merchandise prize packs will be shipped to the winner's address within approximately 15 business days after the drawing.

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

(6) No cash option is available in lieu of the prizes.

(7) The right to claim a prize cannot be assigned to another person or entity.

(8) All federal, state and/or local taxes or other fees will be the responsibility of the winner.

(9) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder.

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

(11) By entering the Mustang Money Second Chance Drawing, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to its fulfillment company for prize fulfillment purposes.

(12) By entering the Mustang Money Second Chance Drawing, a player gives his or her permission for the Florida Lottery to photograph, and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(13) The Mustang Money second chance drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of each drawing will be available after the drawing on the Florida Lottery's Website at flalottery.com, by phone at (850)487-7777, and at Lottery retailers.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 5-15-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 15, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-29 RULE TITLE: Florida Mustang Home Run Getaway Second Chance Drawing.

SUMMARY: The Department of the Lottery will conduct a Mustang Money Second Chance Drawing in which special prizes will be awarded.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-29 Florida Mustang Home Run Getaway Second Chance Drawing.

(1) Beginning Tuesday, May 19, 2009, players can enter their non-winning \$250,000 Mustang Money ticket(s) in the Florida Mustang Home Run Getaway Second Chance Drawing on the Florida Lottery web site for a chance to win a 2010 Ford Mustang® convertible.

(2) To enter a non-winning \$250,000 Mustang Money ticket into the Florida Mustang Home Run Getaway Second Chance Drawing, players must visit the web site www.flalottery.com or the FOX Sports & Sun Sports Florida web site at www.foxsportstv.com, click on the Florida Mustang Money Home Run Getaway Second Chance Drawing icon and follow the directions to input their non-winning ticket number(s). The ticket number is a 24-digit number printed across the bottom on the front of a \$250,000 Mustang Money Scratch-Off ticket. The odds of winning are dependent upon

the number of entries received. Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one time for one entry into the Florida Mustang Money Home Run Getaway Second Chance Drawing and one time for entry into the six (6) Mustang Money Second Chance Drawings. Winning \$250,000 Mustang Money tickets cannot be used for entry into a Second Chance drawing. Non-winning tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(3) A computerized drawing will be held on Friday, June 12, 2009, during which a total of fifty (50) entries will be drawn. The first ten (10) entries drawn will each win an Ultimate Florida Baseball Weekend trip for two (2) consisting of a weekend getaway to St. Petersburg, Florida, valued at \$1,050, and will become the finalists in a contest to determine the winner of the 2010 Ford Mustang convertible. The eleventh (11) through the fiftieth (50) entries drawn will receive a \$100 Florida Lottery gas card.

(4) The 50 prizewinners in the Florida Mustang Home Run Getaway Second Chance Drawing will be posted on www.flalottery.com following the drawing. The Florida Lottery will notify the first ten (10) winners by e-mail, telephone and/or mail using contact information submitted on the player registration. If the Lottery is unable to contact to any of the ten (10) winners, or the winner does not respond to the Lottery on or before June 17, 2009, the winner will forfeit his or her right to claim the prize and the prize will not be awarded. The top ten (10) winners must submit their valid entry tickets along with completed Winner Claim Forms and required identification to the Lottery no later than June 22, 2009.

(5) Winners of gas cards will have 180 days from the draw date to claim their prizes by submitting the valid entry tickets to the Florida Lottery. The Florida Lottery will attempt to notify prizewinners using contact information submitted on the player registration; however, the responsibility of claiming a prize remains with the player. The \$100 gas cards will be shipped to each winner's address within approximately 15 business days after the valid entry ticket has been received by the Lottery. Unclaimed prizes, if any, will be used for future Florida Lottery promotional prizes.

(6) Winners of the Ultimate Florida Baseball Weekend shall receive: two (2)night double occupancy hotel accommodations (one room and tax only) in St. Petersburg, Florida; two (2) suite tickets to the Marlins vs. Rays game on Friday, June 26, 2009; \$400 in spending money; transportation for two to and from Bill Currie Ford dealership in Tampa, Florida and the hotel on Saturday, June 27, 2009, where the winners will participate in a chance to win a 2010 Ford Mustang convertible. Hotel accommodations do not include incidentals, tips, telephone calls, or any other personal

expenses. Prize packages do not include meals or transportation to or from the hotel, except for the trip to and from Bill Currie Ford dealership mentioned above.

(7) Final Scratch-Off Drawing Event.

(a) On Saturday, June 27, 2009, at the Bill Currie Ford Dealership, the top ten (10) grand prize winners will draw a ticket from a rotating barrel with the numbers one (1) through ten (10) to determine the order in which they will scratch off play symbols to reveal prizes on an oversized \$250,000 Mustang Money ticket. If there are fewer than ten (10) finalists due to forfeiture of a prize(s), the number of prizes awarded will be equal to the number of finalists.

(b) The Final Scratch-Off Drawing contest prizes are as follows:

- 2010 Ford Mustang Convertible plus two (2) premium seat tickets for the Grand Prize winner to the Marlins vs. Rays baseball game on Saturday, June 27, 2009.
- \$500 in cash plus two (2) tickets to the Marlins vs. Rays game on Saturday 6/27/09.
- \$450 in cash plus two (2) tickets to the Marlins vs. Rays game on Saturday 6/27/09.
- \$400 in cash plus two (2) tickets to the Marlins vs. Rays game on Saturday 6/27/09.
- \$350 in cash plus two (2) tickets to the Marlins vs. Rays game on Saturday 6/27/09.
- \$300 in cash plus two (2) tickets to the Marlins vs. Rays game on Saturday 6/27/09.
- \$250 in cash plus two (2) tickets to the Marlins vs. Rays game on Saturday 6/27/09.
- \$200 in cash plus two (2) tickets to the Marlins vs. Rays game on Saturday 6/27/09.
- \$150 in cash plus two (2) tickets to the Marlins vs. Rays game on Saturday 6/27/09.
- \$100 in cash plus two (2) tickets to the Marlins vs. Rays game on Saturday 6/27/09.

(c) If a grand prize winner who timely claims his or her prize is unable to attend the event at which the final prizes are awarded, the winner may designate a proxy, who will be subject to the approval of the Lottery, to act on his or her behalf at the event. Alternatively, the winner may request the Lottery to designate a proxy and, upon receipt of a written request and a release from the winner, the Lottery will appoint a proxy to act on behalf of the winner at the event. In addition, if a winner unexpectedly fails to appear at the event without notification to the Lottery, the Lottery will appoint a proxy to act on behalf of the winner at the event. The Lottery will notify the winner of the prize won by the proxy on the winner's behalf and provide instructions for claiming the prize.

(8) Procedures for Claiming a Ford Mustang Prize.

(a) To claim a Ford Mustang, the player must submit to the Lottery the original valid non-winning ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim the prize. The player must

also complete a Winner Claim Form DOL 173-2, or Spanish Winner Claim Form DOL 173-2S, as referenced in Rule 53ER08-89, F.A.C., and a notarized Florida Lottery Release and Authorization Form DOL-474, Form DOL-474, Eff. 10/08, is hereby incorporated by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(b) Upon the Lottery's receipt of the Mustang winner's executed Florida Lottery Release and Authorization Form, the Florida Lottery will notify the fulfillment company, which will arrange for delivery of the vehicle to the designated authorized Ford dealership from which the winner will take possession of his or her vehicle prize. The designated dealership will be as near to the winner's place of residence as is practicable. The winner must present proof of a valid driver's license and proof of vehicle insurance as required by the laws of the state in which the vehicle is delivered, which in Florida are Chapters 322 and 320, F.S., respectively. If the winner is unable to provide proof of a valid driver's license, the vehicle must be removed by trailer or similar transport equipment provided by the winner or driven by a person who is able to provide proof of a valid driver's license. The winner must take possession of the vehicle within thirty (30) days of receipt of notification that it is ready for pick up at the designated dealership. If the winner fails to take possession of the vehicle within thirty (30) days of pickup notification, unless prior alternate arrangements have been made, the vehicle prize will be forfeited and no cash prize will be substituted. The cost of travel to take possession of a vehicle prize shall be the responsibility of the prizewinner.

(c) The Florida Lottery provides no warranty for the Mustang convertible. Any warranties and guarantees are those of the manufacturer only.

(9) Applicable withholding tax on the value of the Mustang prize will be paid by the Florida Lottery regardless of the winner's citizenship or alien residency status. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the winner.

(10) Except as set forth in subsection (9), all federal, state and/or local taxes or other fees will be the responsibility of the winner. Federal income taxes are required to be withheld from a prize awarded to a nonresident alien claimant at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. A nonresident claimant who is selected as a winner of a prize other than a Mustang will be required to pay the withholding tax or forfeit the prize. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident winner.

(11) The Florida Lottery reserves the right to award a cash prize of \$38,000 in lieu of a vehicle if, for reasons beyond the control of the Lottery, a vehicle is not available for award to a

player electing to receive such prize. Federal income tax withholding will be deducted from a cash prize awarded under this provision. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner.

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

(13) No cash option is available in lieu of the prizes.

(14) The right to claim a prize cannot be assigned to another person or entity.

(15) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder.

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

(17) By entering the Florida Mustang Home Run Getaway Second Chance Drawing, a player gives his or her permission for the Florida Lottery to photograph, and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation. The player also gives his or her permission for the Florida Lottery to provide the player's address and telephone number to its fulfillment company for prize fulfillment purposes.

(18) The Florida Mustang Home Run Getaway Second Chance computerized drawing shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of each drawing will be available after the drawing on the Florida Lottery's Website at flalottery.com, by phone at (850)487-7777, and at Lottery retailers.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 5-15-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 15, 2009

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.:	RULE TITLE:
60BBER09-2	Eligibility for Children in Families Receiving Unemployment Compensation

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The school readiness program was established in Florida to provide child care and educational services to children of low income families in order to “increase children’s chances of achieving future educational success and becoming productive members of society.” Section 411.01(2)(a), Florida

Statutes (2008). The Agency for Workforce Innovation is charged with administering the school readiness program and has previously adopted eligibility criteria for students and their families.

At this time, eligibility to receive school readiness program services is generally restricted through rule to children whose parents are employed or enrolled in classes; who are at risk of abuse or neglect, welfare dependency, or school failure; who have a documented special need; or whose parents are migratory agricultural workers. Children of unemployment compensation recipients are ineligible to receive assistance.

The rate of unemployment in the State of Florida has risen dramatically since January 2007. Between January and May 2007, 245,653 individuals filed claims for unemployment benefits. During the same period in 2008, 346,202 individuals filed claims, representing an increase of 41%. Accordingly, hundreds of thousands of individuals are unable to access school readiness services.

To address the current economic crisis, the federal government passed the American Recovery and Reinvestment Act (the Act) and provided additional funding for the school readiness program which must be expended in accordance with the purposes described in the Act. Two of the enumerated purposes are “to preserve and create jobs and promote economic recovery” and “to assist those most impacted by the recession.”

The Act also clearly indicates that recipients of the funding must commence “expenditures and activities as quickly as possible.” Furthermore, each provision for the expenditure of funds was designated by the United States Congress “as an emergency requirement and necessary to meet emergency needs.” Recent guidance from the United States Department of Health and Human Services, Administration for Children and Families, confirmed that the Agency has the authority under federal law to offer school readiness services to the children of families receiving Unemployment Compensation benefits.

In order to ensure that parents have the ability to proactively seek employment opportunities and to reduce reliance on unemployment compensation benefits in Florida, the Agency seeks to immediately expand the current eligibility categories to include families receiving unemployment compensation benefits.

Access to school readiness program services would allow parents to enroll children in safe and healthy learning environments while they seek employment opportunities thereby assisting families dramatically impacted by the current recession. In order to facilitate a reduction of reliance on unemployment compensation benefits and to promote economic recovery the Agency seeks to ensure that Florida is cultivating a generation of children who are ready to learn and eventually become productive members of society. Finally, the directive of the federal government mandates that funds be expended as quickly as possible.

Accordingly, it is necessary that this emergency rule be implemented immediately, without the delay attendant with the regular rulemaking process. The Agency will immediately begin the regular rulemaking process for adopting this rule under Chapter 60BB-4, F.A.C.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The eligibility determination process provides the most efficient means of providing school readiness program services to individuals entitled to them under the emergency rule. All procedural remedies available to recipients of school readiness program services will be available to recipients of benefits under the emergency rule under state and federal law. Thus, recipients of school readiness services under this category of eligibility will receive all the due process protections that other recipients receive.

SUMMARY: All procedural remedies available to recipients of school readiness program services will be available to recipients of benefits under the emergency rule under state and federal law. Thus, recipients of school readiness services under this category of eligibility will receive all the due process protections that other recipients receive.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, Caldwell Building MSC 110, 107 S. Madison Street, Tallahassee, Florida 32399-4120

THE FULL TEXT OF THE EMERGENCY RULE IS:

60BBER09-2 Eligibility for Children in Families Receiving Unemployment Compensation.

(1) School readiness services provided under this section shall be funded using American Recovery and Reinvestment Act (ARRA) funds received by early learning coalitions.

(2) Initial eligibility. Families currently receiving Florida unemployment compensation (UC) benefits shall be determined eligible for an initial period of thirty (30) days under this eligibility category if family income, as defined in rule, is at or below 150 percent of the federal poverty level. A child shall be eligible for a maximum of six cumulative months of services under this eligibility category. If a child is eligible to receive school readiness services under any other eligibility category, the coalition shall offer the child services under the alternative eligibility category.

(3) Determining eligibility. To determine a child's eligibility to receive services under this eligibility category, the child's parent must present a copy of his or her notice of monetary eligibility issued by the Agency for Workforce Innovation in accordance with subsection 60BB-3.016(3), F.A.C., and a current bank statement, warrant, or check demonstrating receipt of UC benefits.

(4) Maintaining eligibility.

(a) Proof of benefits.

1. In order to maintain eligibility beyond an initial thirty (30) day period, the child's parent or guardian must submit proof of receipt of UC benefits within the previous thirty (30) days. A copy of the parent's or guardian's bank statement, or a warrant or check demonstrating receipt of UC benefits constitutes proof of receipt of benefits.

2. Alternatively, a child's parent or guardian may submit proof that he or she has submitted written notice of an appeal related to UC benefits pursuant to Rule 60BB-5.003, F.A.C. After submission of proof of written notice of an appeal, the child shall maintain eligibility for an additional thirty (30) days beyond the initial period of eligibility. To maintain eligibility beyond the additional thirty (30) days, the child's parent or guardian must submit proof of receipt of benefits, proof of a pending appeal, or proof of a determination in the parent's favor within the additional thirty (30) day period.

3. If a parent or guardian fails to submit proof of UC benefits or written notice of an appeal, the coalition shall terminate the child's eligibility under this eligibility category.

(b) A parent or guardian must notify the coalition, or its designee, of any change in employment, income, family size, or UC benefit status within ten (10) calendar days.

(5) Records Confidentiality. If applicable, the coalition shall comply with the confidentiality provisions of 20 CFR Part 603, sections 443.1715 and 443.171, F.S., and other sections of state and federal law which are related to UC records received pursuant to this rule.

Rulemaking Authority 411.01(4)(e), 443.1317(1)(b) FS. Law Implemented 411.01(5)(d), (6) FS. History--New 5-15-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 15, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the Criminal Justice Standards and Training Commission has issued an order.

Brian Gordon and the Riviera Beach Police Department requested a waiver of paragraph 11B-27.002(3)(a), Florida Administrative Code, which requires which requires a criminal justice agency to send in completed information regarding officers to the Commission staff within the timeframe set by rule. Mr. Gordon's training information had not been updated in ATMS for some time. Upon discovery of the oversight, the agency was informed to submit a copy of Mr. Gordon's background investigation with the other paperwork. The agency discovered that a copy of Mr. Gordon's background investigation was no longer available. Commission staff received the petition on April 9, 2009. Notice of the receipt of the petition was published in the Florida Administrative Weekly Vol. 35, No. 16, April 24, 2009. The Commission voted to grant the requested rule waiver at its regularly scheduled and noticed meeting held May 14, 2009, in Tampa, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the Criminal Justice Standards and Training Commission has issued an order.

Kathy Merus petitioned the Criminal Justice Standards and Training Commission for a waiver of paragraph 11B-35.0024(2)(a), Florida Administrative Code, which permits basic recruit training students in criminal justice programs to retake either one cognitive or one skills test during their basic recruit training. Ms. Merus was permitted to retake both a cognitive and a skills examination by her training school. This was not discovered by the school until after Ms. Merus had passed the State Officer Certification Examination and had become employed as a law enforcement officer. Commission staff received the petition on March 25, 2009. Notice of the receipt of the petition was published in the Florida Administrative Weekly Vol. 35, No. 14, on April 10, 2009. The Commission voted to grant the petition at its regularly scheduled and noticed meeting held May 14, 2009, in Tampa, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the Criminal Justice Standards and Training Commission has issued an order.

William Wall, Director of the Sarasota Criminal Justice Academy, petitioned the Criminal Justice Standards and Training Commission for a waiver of paragraph 11B-21.005(8)(a), Florida Administrative Code. The petition

was received by Commission staff on March 16, 2009. Notice of the petition was published in Vol. 35, No. 12, Florida Administrative Weekly, on March 27, 2009. Director Wall petitioned for a waiver of that portion of paragraph 11B-21.005(8)(a), Florida Administrative Code, that requires certified criminal justice training schools to maintain a full-time director employed on a 12-month calendar. Director Wall's training school has been reduced to an eleven-month academic and pay calendar as a result of budget cuts for workforce education funding through the parent organization, the Sarasota County Technical Institute. The Commission granted the waiver at its regularly scheduled and noticed May 14, 2009, meeting which was held in Tampa, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the South Florida Water Management District (District or SFWMD) has issued an order.

SFWMD Order No. 2009-120-DAO-ROW was issued to Steven V. Batic (Application No. 09-0220-2). The petition for waiver was received by the SFWMD on March 25, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 14, on April 10, 2009. No public comment was received. This Order provides a waiver of the District's criteria for the proposed placement of 13 palm trees within the north right of way of the C-13 Canal located at the rear of 9830 N. W. 31st Place (Lot 411, Welleby Unit Eight); Section 19, Township 49 South, Range 41 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2)

the Order granting a waiver from the subject rule would prevent Steven V. Batic from a violation of the principles of fairness.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by email: kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the South Florida Water Management District (District or SFWMD) has issued an order.

SFWMD Order No. 2009-121-DAO-ROW was issued to the Town of Davie (Application No. 08-1229-5). The petition for waiver was received by the SFWMD on March 6, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 12, on March 27, 2009. No public comment was received. This Order provides a waiver of the District's criteria for the addition of three (3) equestrian bridges, handrails, bollards, and signs all within the C-11 south right of way adjacent to 66th way, 70th Terrace and 73rd Terrace; Section 27, Township 50 South, Range 41 East, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent the Town of Davie from a suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or by email: kruff@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on April 14, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received a petition on March 23, 2009, for an EMERGENCY Variance for subparagraph 61C-1.002(5)(a)2., Florida Administrative Code, from Adventure Landing Dippin Dots located in Jacksonville. The above referenced F.A.C. addresses the requirement that a mobile food dispensing

vehicle be a vehicle that is otherwise movable. They are requesting to mount the mobile food dispensing vehicle on casters rather than an axle.

Notice of this petition was filed and published in Vol. 35, No. 13 on April 3, 2009 of the Florida Administrative Weekly. The variance was approved on April 14, 2009, contingent upon the Petitioner maintaining the casters in good repair. No additional equipment is to be installed. The unit must report to its commissary each day of operation for support services. The operation of this unit is restricted to the Adventure Landing Theme Park. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 14, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE IS HEREBY GIVEN that on March 23, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants received a Petition for an EMERGENCY Variance for Paragraph 4-301.12(A), and Section 5-203.13, 2001 FDA Food Codes; subsections 61C-1.004(1) and 61C-4.010(5), F.A.C., from Adventure Landing Melt Away Bay located in Jacksonville. The above referenced F.A.C. addresses the requirement for the establishment to provide a three-compartment sink and mop sink at the establishment. They are requesting to share a three-compartment sink and mop sink with another establishment located within the same theme park/entertainment complex under the same ownership.

Notice of this petition was filed and published in Vol. 35, No. 14 on April 10, 2009 of the Florida Administrative Weekly. The variance was approved on April 14, 2009, contingent upon the Petitioner ensuring the three-compartment sink and mop sink located within Adventure Landing Main Amusement are maintained in a clean and sanitary manner and are provided with hot and cold running water under pressure and available during all hours of operation. If the hours of operation or ownership of Adventure Landing Main Amusement change, an updated signed agreement for use of the three-compartment sink and mop sink is required immediately. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on May 18, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance request from subsection 61C-4.010(5), F.A.C. Paragraph 4-301.12(A), 2001 FDA Food Code from The Beer Garden located in Jacksonville. The above referenced F.A.C. addresses the requirement that each establishment provide facilities to properly wash, rinse, and sanitize equipment and utensils. Specifically, the Petitioner requests to share the three-compartment sink located within a nearby licensed establishment under the same ownership and within the same flea market.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1011.

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1) and 61C-4.010(6), F.A.C., from Betancur Catering located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 15, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received an Emergency Variance Request on March 30, 2009, from Section 509.221(1)(b), Florida Statutes, paragraph 61C-1.004(2)(a), subsections 61C-4.010(7) and 61C-4.010(6), F.A.C., and Section 6-402.11, 2001 FDA Food Code for the Gourmet Hut located in St. Augustine. The above referenced F.A.C. addresses the requirement for establishments to provide an accessible bathroom for customers and employees. They were requesting to utilize public bathrooms located within 300 feet for customers and sharing separate employee bathroom facilities with adjacent businesses.

Notice of this petition was filed and published in Vol. 35, No. 13 on April 3, 2009 of the Florida Administrative Weekly. The variance was approved on April 15, 2009, contingent upon the Petitioner ensuring the bathrooms used by employees located within the shared storage and bathroom building and public bathrooms located within 300 feet used by customers are maintained in a clean and sanitary manner and are provided with cold running water under pressure in the public bathroom and both hot and cold running water under pressure in the employee bathroom, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the customer bathrooms. If the sharing agreement for the bathroom and storage building changes, an updated signed agreement for use of the employee bathroom facilities is required. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on May 15, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(6) and 61C-4.010(7), F.A.C., from Panchitos Inn located in Tampa. The above referenced F.A.C. addresses the requirement that an accessible bathroom be provided for use by customers. They are requesting to share a bathroom within an adjacent business located in the same strip mall.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on April 15, 2009, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The department received on March 16, 2009, a Petition for an EMERGENCY Variance for subsections 61C-4.010(6) and 61C-4.010(7), F.A.C., and Section 6-402.11, 2001 FDA Food Code from Pannina Pizza Bakery located in Hollywood. The above referenced F.A.C. addresses the requirement that toilet rooms shall be conveniently located and accessible to customers during all hours of operation. They were requesting a variance to share an adjacent establishment's bathroom facilities for the public.

Notice of this petition was filed and published in Vol. 35, No. 13 on April, 3, 2009 of the Florida Administrative Weekly. The variance was approved on April 15, 2009, contingent upon the Petitioner ensuring the bathrooms used by employees located within the shared storage and bathroom building and public bathrooms located within 300 feet used by customers are maintained in a clean and sanitary manner and are provided with cold running water under pressure in the public bathroom and both hot and cold running water under pressure in the employee bathroom, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the customer bathrooms. If the sharing agreement for the bathroom and storage building changes, an updated signed agreement for use of the employee bathroom facilities is required. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Rhonda.Steele@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1) and 61C-4.010(6), F.A.C., from Las Brasas located in Orlando. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on May 15, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2001 FDA Food Code, Paragraph 3-305.14, 2001 FDA Food Code, Paragraph 6-202.15, 2001 FDA Food Code, Paragraph 6-202.16, 2001 FDA Food Code, subsections 61C-4.010(1) and 61C-4.010(6), F.A.C., from Ofelia Food Service located in Ft. Myers. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They

are requesting to dispense bulk potentially hazardous foods other than frankfurters from an open air mobile food dispensing vehicle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rhonda.Steele@DBPR.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on May 1, 2009, the Department of Environmental Protection, received a petition for a petition for a variance from the requirement that a construction permit be obtained and construction commenced within two years of the issuance of a Conceptual Environmental Resource Permit. The petition requested a variance from Rule 62-343.100, Florida Administrative Code (F.A.C.) pursuant to Section 120.542, Florida Statutes (F.S.). The petition has been assigned File No.: 53-02040522-005, OGC File # 09-0895.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Department of Environmental Protection, Environmental Resource Management, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926, Attn.: Allyson Minick, (813)632-7600, ext. 430. Written comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on October 20, 2008, the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, received a petition for variance or waiver from Donald R. Combs, pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, F.A.C. The petition requests a permanent waiver or variance from subsections 62B-33.002(18), (43), and (63) and subparagraphs 62B-33.0051(1)(a)1., 2., and 3., F.A.C., which provide the conditions where coastal armoring may be authorized. The petition has been assigned File number SJ-1034 AR V and OGC No. 08-2790. The property is located at 3870 Coastal Highway, Vilano Beach, St. Augustine, Florida 32084.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815 or by e-mail: rosaline.beckham@dep.state.fl.us. Any comments should be filed in writing at Department of Environmental Protection, 3900 Commonwealth Blvd., MS 300, Tallahassee, Florida 32399-3000, and should be submitted within 14 days of the date of this publication.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on May 14, 2009, the Board of Pharmacy, received a petition for Todd Zisek, R.Ph., on behalf of Omnicare of Tampa. Petitioner is seeking a variance or waiver of subsection 64B16-27.1001(3), F.A.C., which requires that only a pharmacist may make the final check of the completed prescription thereby assuming the complete responsibility for its preparation and accuracy.

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 May 6, 2009, the Department of Health, received an amended petition for Variance from ONCORE TECHNOLOGY, LLC. The original Petition for Variance published on May 1, 2009, in Vol. 35, No. 17, Florida Administrative Weekly, sought a variance from the requirements of paragraph 64E-16.007(4)(g), F.A.C., which requires processing the test load containing the test organism, *Bacillus subtilis*, without the agent used to kill the test organisms. In the amended petition, the Petitioner also seeks a variance from the requirements of subparagraph 64E-16.007(4)(c)2., F.A.C., which prescribes a minimum Log 6 kill against *Bacillus stearothermophilus* spores utilizing steam or a minimum Log 6 kill against *Bacillus subtilis* spores utilizing dry heat, chemicals, or microwave shredding. Comments Variance from ONCORE TECHNOLOGY, LLC. The original Petition for Variance published on May 1, 2009, in Vol. 35, No. 17, Florida Administrative Weekly, sought a variance from the requirements of paragraph 64E-16.007(4)(g), F.A.C., which requires processing the test load containing the test organism, *Bacillus subtilis*, without the agent used to kill the test organisms. In the amended petition, the Petitioner also seeks a variance from the requirements of subparagraph 64E-16.007(4)(c)2., F.A.C., which prescribes a minimum Log 6 kill against *Bacillus stearothermophilus* spores utilizing steam or a minimum Log 6 kill against *Bacillus subtilis* spores utilizing dry heat, chemicals, or microwave shredding. on this Petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gina Vallone-Hood, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710, (850)245-4277, extension 4273.

Section VI**Notices of Meetings, Workshops and Public Hearings****DEPARTMENT OF STATE**

The **Department of State, Division of Cultural Affairs** and the Florida Arts Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, June 4, 2009, 9:00 a.m. – conclusion

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council.

Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have questions or if you would like call-in instructions, please call (850)245-6490.

A copy of the agenda may be obtained by contacting: Rachelle Ashmore at (850)245-6490 or by email: rbashmore@dos.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: Morgan Lewis at (850)245-6356 or by email: mblewis@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rachelle Ashmore at rbashmore@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following telephone conference meetings which all persons are invited to attend.

Committee on Improving Criminal Justice and Gangs

DATE AND TIME: June 8, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 8733623109

Legislative Review Committee

DATE AND TIME: June 9, 2009, 1:00 p.m. – 2:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 8733623109

Committee on Improving Foster Care and Family Issues
 DATE AND TIME: June 10, 2009, 2:00 p.m. – 3:00 p.m.
 PLACE: Toll Free Dial in Number: 1(888)808-6959,
 Conference Code: 8733623109

Committee on Improving Health Status
 DATE AND TIME: June 11, 2009, 9:00 a.m. – 11:00 a.m.
 PLACE: Toll Free Dial in Number: 1(888)808-6959,
 Conference Code: 8733623109

Committee on Improving Economic Outcomes
 DATE AND TIME: June 11, 2009, 2:00 p.m. – 3:00 p.m.
 PLACE: Toll Free Dial in Number: 1(888)808-6959,
 Conference Code: 8733623109

Committee on Improving Educational Outcomes
 DATE AND TIME: June 12, 2009, 11:15 a.m. – 12:15 p.m.
 PLACE: Toll Free Dial in Number: 1(888)808-6959,
 Conference Code: 8733623109

Council on the Social Status of Black Men and Boys
 DATE AND TIME: June 15, 2009, 2:00 p.m. – 4:00 p.m.
 PLACE: Toll Free Dial in Number: 1(888)808-6959,
 Conference Code: 8733623109

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by visiting <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting: Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact: Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Seed Investigation and Conciliation Council** announces a public meeting to which all persons are invited.

DATES AND TIME: June 17-18, 2009, 8:30 a.m. – 5:00 p.m.
 PLACE: University of Florida IFAS North Florida, Research and Education Center (NFREC), 155 Research Road, Quincy, Florida 32351-5677, (850)875-7100

GENERAL SUBJECT MATTER TO BE CONSIDERED: Seed Complaint Hearings.

A copy of the agenda may be obtained by contacting: Mr. Weldon Collier, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 7, Tallahassee, Florida 32399-1650, (850)414-1555.

The Florida **Department of Agriculture and Consumer Services, Division of Food Safety** announces a public meeting to which all persons are invited.

DATE AND TIME: June 18, 2009, 10:00 a.m.
 PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Informational and general business meeting of the Florida Food Safety and Food Defense Advisory Council.

A copy of the agenda may be obtained by contacting: Carol Windham, Division of Food Safety at (850)245-5582

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Carol Windham, Division of Food Safety at (850)245-5582. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIMES: June 11, 2009, An Administrator Hearing Panel, 9:00 a.m. or as soon thereafter as can be heard; A Teacher Hearing Panel, 10:00 a.m. or as soon thereafter as can be heard

PLACE: Senate Office Building (Room 401), 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of 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: Kathleen M. Richards at (850)245-0455. If you are 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: Janice Harris or Kathleen M. Richards at (850)245-0455.

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIMES: June 12, 2009, A Teacher Hearing Panel, 9:00 a.m. or as soon thereafter as can be heard; A Teacher Hearing Panel, 1:00 p.m. or as soon thereafter as can be heard

PLACE: Senate Office Building (Room 401), 404 South Monroe Street, Tallahassee, Florida 32399, (850)245-0455

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of 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: Kathleen M. Richards at (850)245-0455. If you are 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: Janice Harris or Kathleen M. Richards at (850)245-0455.

The **Florida Atlantic University** announces a public meeting to which all persons are invited.

DATE AND TIME: June 5, 2009, 10:00 a.m.

PLACE: Florida Atlantic University, 777 Glades Road, Bldg. 69, Room 118, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Proposal Review Meeting regarding Florida's Art in State Building Program for BT-616 College of Engineering and Computer Science project.

A copy of the agenda may be obtained by contacting: Corina Mavrodin at cmavrodi@fau.edu.

Pursuant to the provisions of 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 (561)297-0541. If you are 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 COMMUNITY AFFAIRS

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: June 8-9, 2009, 9:00 a.m. – completion

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED: June 8, 2009

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: Muvico Theaters Cocowalk, 3015 Grand Avenue, Coconut Creek; United Way of Big Bend, 307 East 7th Avenue, Tallahassee; The Palms Hotel and Spa, 3025 Collins Avenue, Miami Beach; Fire Rescue Station #64, SE Corner of N. W. 154th Street and N. W. 77th Court, Miami Lakes; New Emerald Coast Middle School, US Highway 98, Point Washington, Walton County; The Urbana Retail Tenant Building, 311 Third Street North, Jacksonville Beach; Winter Haven Fire Safety Complex, 1985 N. E. 2nd Street, Deerfield; and Dick Brown Park, 900 22nd Avenue North, Lake Worth.

11:00 a.m. Meeting of the Swimming Pool Subcommittee to the Plumbing TAC.

1:00 p.m. Meeting of the Swimming Pool Subgroup to the Energy Code Workgroup.

3:00 p.m. Meeting of the Commission Process Review Ad Hoc Committee.

June 9, 2009

9:00 a.m. Meeting of the Plenary Session of the Florida Building Commission.

Commissioner Self Introductions.

Review and approval of the Agenda.

Review and approval of the April 20, 2009 and April 27, 2009 Teleconference Meeting Reports and April 7, 2009 Meeting Minutes and Facilitator's Report.

Chair’s Discussion of Issues and Recommendations.

Update of the Commission Workplan.

Consider requests for waiver of accessibility code requirements: Muvico Theaters Cocowalk, 3015 Grand Avenue, Coconut Creek; United Way of Big Bend, 307 East 7th Avenue, Tallahassee; The Palms Hotel and Spa, 3025 Collins Avenue, Miami Beach; Fire Rescue Station #64, S. E. Corner of N. W. 154th Street and N. W. 77th Court, Miami Lakes; New Emerald Coast Middle School, US Highway 98, Point Washington, Walton County; The Urbana Retail Tenant Building, 311 Third Street North, Jacksonville Beach; Winter Haven Fire Safety Complex, 1985 N. E. 2nd Street, Deerfield; and Dick Brown Park, 900 22nd Avenue North, Lake Worth.

Consider Applications for Product and Entity Approval.

Consider Applications for Accreditor and Course Approval.

Consider Legal Issues and Petitions for Declaratory Statement.

Declaratory Statements:

First Hearing:

DCA09-DEC-069 by Michael Huddy of Barrier Technology Corporation

DCA09-DEC-115 by Mary Mead

DCA09-DEC-119 by Emil Veksenfeld

DCA09-DEC-121 by Robert Dunn of Collier County Building Department

DCA09-DEC-129 by Rodger England of Bermuda Roof Co., Inc.

DCA09-DEC-130 by James Schock, P.E., of Building Inspection Division of the City of Jacksonville

DCA09-DEC-138 by Nick D’Andrea, City of Tampa

DCA09-DEC-139 by David G. Karins, P.E., of Karins Engineering Group Inc.

Section 553.73(10)(d), F.S., Review of FBC/FFPC Local Interpretation Conflict – Requested by Bill R. Moore of Waldrop Group Regarding Bonita Springs Project SFM Case No: 10416309-FM

Consider Committee Reports and Recommendations: Code Administration TAC Report; Commission Process Review Ad Hoc Report; Education POC Report; Fire TAC Report; Flood Resistant Standards Workgroup Report; Florida Energy Code Workgroup Report; Plumbing TAC Report; Product Approval/Manufactured Buildings POC Report; Soffit Systems Workgroup

Report; Swimming Pool Subcommittee to the Plumbing TAC Report; and Swimming Pool Subgroup to the Energy Code Workgroup Report.

Legislative Report

Consider Broward County BORA Memo Regarding AC Equipment Wind Resistance Rule Adoption Hearing on Rule 9B-70.002, F.A.C., Education

Rule Adoption Hearing on Rule 9B-3.047, F.A.C., Florida Building Code/2008 NEC, Interior Designers and Conflicts with Law.

Rule Adoption Hearing on Rule 9B-13.0071, F.A.C., Cost Effectiveness of Amendments to Energy Code

Rule Development Workshop on Rule 9B-72.090, F.A.C., Product Approval, Fees.

Commission Member Comments and Issues

General Public Comment

Review Committee Assignments and Issues for the August 10, 11, and 12, 2009 Commission Meeting.

Summary Review of Meeting Work Products

Adjourn.

Second Hearing:

DCA08-DEC-207 by Anthony Apfelbeck, Fire Marshal/Building Official, City of Altamonte Springs

DCA09-DEC-009 by Thomas H. Ford of Bhamani, Ford

DCA09-DEC-025 by Brad Wetherholtz, Florida Roofing and Sheet Metal Association

DCA09-DEC-045 by Brad Wetherholtz, Florida Roofing and Sheet Metal Association

DCA09-DEC-053 by James R. Schock, City of Jacksonville

DCA09-DEC-062 by Dan Arlington, St. Johns County

June 9, 2009

1:00 p.m. Meeting of the Florida Accessibility Code Workgroup.

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, Fax (850)414-8436, or web site: 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, 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, Fax: (850)414-8436 or web site: www.floridabuilding.org.

DEPARTMENT OF LAW ENFORCEMENT

The **Violent Crime and Drug Control Council's Victim/Witness Protection (VWP) Review Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, June 9, 2009, 2:00 p.m. (EST)

PLACE: Florida Department of Law Enforcement Headquarters, 2331 Phillips Road, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council's Victim/Witness Protection (VWP) Review Committee will hold a "CLOSED" conference call meeting of its members to discuss pending VWP funding requests.

A copy of the agenda may be obtained by contacting: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Investigations and Forensic Science Program, Office of Field Services, Post Office Box 1489, Tallahassee, FL 32302, (850)410-7096.

Pursuant to the provisions of 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: (850)410-7096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 9, 2009, 9:00 a.m. – until conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on June 9, 2009, will consider a proposed new rule and will be asked for permission to file for notice: Rule 19-7.002, F.A.C., Investment Policy Guidelines, adopting the most recently approved (effective July 1, 2008) guidelines for the Local Government Investment Pool (Non-Qualified). A rule development workshop was offered on May 11, 2009, but it was not requested and so a workshop was not held.

A copy of the agenda may be obtained by contacting: Diane Bruce, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, (850)413-1253.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, (850)413-1182 or ruth.smith@sbafla.com.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: June 15, 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: <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 its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: June 15, 2009, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148.

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 public customer meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 17, 2009, 6:00 p.m.

PLACE: Haselton Village Club House, 14 Coral Street, Eustis, Florida 32726

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080715-WU – Application for staff-assisted rate case in Lake County by CWS Communities LP.

The purpose of this customer meeting is to give customers and other interested persons an opportunity to offer comments to the Public Service Commission Staff regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely, direct notice to the parties. Notice of the cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the homepage. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special 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 at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all persons are invited.

DOCKET NO. 080731-TP – Petition by Comcast Phone of Florida, LLC d/b/a Comcast Digital Phone for arbitration of an interconnection agreement with Quincy Telephone Company d/b/a TDS Telecom, pursuant to Section 252 of the Federal Communications Act of 1934, as amended, and Sections 120.57(1), 120.80(13), 364.012, 364.15, 364.16, 364.161, and 364.162, F.S., and Rule 28-106.201, F.A.C.

PREHEARING CONFERENCE

DATE AND TIME: Thursday, June 18, 2009, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing is to permit parties to present testimony and exhibits relative Comcast Phone of Florida, LLC d/b/a Comcast Digital Phone's petition for arbitration of an interconnection agreement with Quincy Telephone Company d/b/a TDS Telecom, pursuant to Section 252 of the Federal Communications Act of 1934, as amended, and Sections 120.57(1), 120.80(13), 364.012, 364.15, 364.16, 364.161, and 364.162, F.S., and Rule 28-106.201, F.A.C.

EMERGENCY CANCELLATION OF PREHEARING: If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

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

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770.

The Florida **Public Service Commission** announces a public customer service hearing to which all persons are invited.

DATE AND TIME: Friday, June 19, 2009, 11:00 a.m.

PLACE: Sarasota City Commission Chambers, Sarasota City Hall, 1565 1st Street, Sarasota, Florida 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: **DOCKET NO. 080677-EI** – Petition for increase in rates by Florida Power & Light Company. The purpose of this customer service hearing is to take testimony from the public on the quality and adequacy of Florida Power & Light Company's service and other matters related to Florida Power & Light Company's petition for a rate increase. The procedure at the service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall

be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Emergency Cancellation of Customer Service Hearing: If a named storm or other disaster requires cancellation of the customer service hearing, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or (850)413-6770.

Pursuant to the provisions of 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 at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public customer service hearing to which all persons are invited.

DATE AND TIME: Friday, June 19, 2009, 6:00 p.m.

PLACE: School Board of Lee County, Board Room, Dr. James A. Adams Public Education Center, 2855 Colonial Boulevard, Ft. Myers, Florida 33966

GENERAL SUBJECT MATTER TO BE CONSIDERED: **DOCKET NO. 080677-EI** – Petition for increase in rates by Florida Power & Light Company. The purpose of this customer service hearing is to take testimony from the public on the quality and adequacy of Florida Power & Light Company's service and other matters related to Florida Power & Light Company's petition for a rate increase. The procedure at the service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Emergency Cancellation of Customer Service Hearing: If a named storm or other disaster requires cancellation of the customer service hearing, Commission staff will attempt to

give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or (850)413-6770.

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For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public customer service hearing to which all persons are invited.

DATE AND TIME: Tuesday, June 23, 2009, 4:00 p.m.

PLACE: Daytona Beach City Commission Chambers, City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080677-EI – Petition for increase in rates by Florida Power & Light Company. The purpose of this customer service hearing is to take testimony from the public on the quality and adequacy of Florida Power & Light Company's service and other matters related to Florida Power & Light Company's petition for a rate increase. The procedure at the service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Emergency Cancellation of Customer Service Hearing: If a named storm or other disaster requires cancellation of the customer service hearing, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or (850)413-6770.

Pursuant to the provisions of 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 at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public customer service hearing to which all persons are invited.

DATE AND TIME: Wednesday, June 24, 2009, 9:00 a.m.

PLACE: Brevard County Governmental Center, Commission Room, Building C, 1st Floor, 2725 Judge Fran Jamieson Way, Melbourne, Florida 32940

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080677-EI – Petition for increase in rates by Florida Power & Light Company. The purpose of this customer service hearing is to take testimony from the public on the quality and adequacy of Florida Power & Light Company's service and other matters related to Florida Power & Light Company's petition for a rate increase. The procedure at the service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Emergency Cancellation of Customer Service Hearing: If a named storm or other disaster requires cancellation of the customer service hearing, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or (850)413-6770.

Pursuant to the provisions of 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 at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public customer service hearing to which all persons are invited.

DATE AND TIME: Wednesday, June 24, 2009, 4:00 p.m.

PLACE: Palm Beach County Governmental Center, Jane Thompson Memorial Chambers, 6th Floor, 301 N. Olive Avenue, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080677-EI – Petition for increase in rates by Florida Power & Light Company. The purpose of this customer service hearing is to take testimony from the public on the quality and adequacy of Florida Power & Light Company's service and other matters related to Florida Power & Light Company's petition for a rate increase. The procedure at the service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Emergency Cancellation of Customer Service Hearing: If a named storm or other disaster requires cancellation of the customer service hearing, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

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Pursuant to the provisions of 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 at (850)413-6199. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public customer service hearing to which all persons are invited.

DATE AND TIME: Thursday, June 25, 2009, 9:00 a.m.

PLACE: Broward County Main Library, Auditorium, 100 South Andrews Avenue, Ft. Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080677-EI – Petition for increase in rates by Florida Power & Light Company. The purpose of this customer service hearing is to take testimony from the public on the quality and adequacy of Florida Power & Light Company's service and other matters related to Florida Power & Light Company's petition for a rate increase. The procedure at the service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Emergency Cancellation of Customer Service Hearing: If a named storm or other disaster requires cancellation of the customer service hearing, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by contacting: Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or (850) 413-6770.

Pursuant to the provisions of 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 at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public customer service hearing to which all persons are invited.

DATE AND TIME: Thursday, June 25, 2009, 4:00 p.m.

PLACE: Miami Science Museum, 3280 South Miami Avenue, Miami, Florida 33129

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080677-EI – Petition for increase in rates by Florida Power & Light Company. The purpose of this customer service hearing is to take testimony from the public on the quality and adequacy of Florida Power & Light Company's service and other matters related to Florida Power & Light Company's petition for a rate increase. The procedure at the service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Emergency Cancellation of Customer Service Hearing: If a named storm or other disaster requires cancellation of the customer service hearing, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or (850)413-6770.

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For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public customer service hearing to which all persons are invited.

DATE AND TIME: Friday, June 26, 2009, 10:30 a.m.

PLACE: North Dade Regional Library, 2455 N. W. 183rd Street, Miami, Florida 33056

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080677-EI – Petition for increase in rates by Florida Power & Light Company. The purpose of this customer service hearing is to take testimony from the public on the quality and adequacy of Florida Power & Light Company's

service and other matters related to Florida Power & Light Company's petition for a rate increase. The procedure at the service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Emergency Cancellation of Customer Service Hearing: If a named storm or other disaster requires cancellation of the customer service hearing, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

Pursuant to the provisions of 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 at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

The Florida **Public Service Commission** announces a public customer service hearing to which all persons are invited.

DATE AND TIME: Friday, June 26, 2009, 6:00 p.m.

PLACE: Plantation City Council Chambers, 400 N. W. 73rd Avenue, Plantation, Florida 33317

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 080677-EI – Petition for increase in rates by Florida Power & Light Company. The purpose of this customer service hearing is to take testimony from the public on the quality and adequacy of Florida Power & Light Company's service and other matters related to Florida Power & Light Company's petition for a rate increase. The procedure at the service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall

be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Emergency Cancellation of Customer Service Hearing: If a named storm or other disaster requires cancellation of the customer service hearing, Commission staff will attempt to give timely, direct notice to parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: Office of the General Counsel at (850)413-6199.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

Pursuant to the provisions of 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 at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 323299-0850.

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: July 14, 2009, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision at its regularly scheduled agenda conference regarding comments filed pertaining to Rules 25-4.0185, 25-4.066, 25-4.070, 25-4.073, 25-4.083 and 25-4.110, F.A.C. This hearing has been rescheduled from the regularly scheduled July 30, 2009, agenda conference which has been cancelled. Docket No. 080641-TP.

A copy of the agenda may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. (\$1.00, see copying Charges for Commission Records). The agenda and recommendation are also accessible on the PSC Website: 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.

Pursuant to the provisions of 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).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service (Volunteer Florida)** announces a telephone conference call to which all persons are invited.

DATE AND TIMES: Tuesday, June 16, 2009, 9:00 a.m. – until business is completed

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings as follows:

- 9:00 a.m. Volunteer Services
- 10:00 a.m. Legislative
- 11:00 a.m. Finance and Audit
- 12:00 Noon Communications
- 2:00 p.m. Grants/AmeriCorps
- 3:00 p.m. Disability Outreach and Nominating Committee
- 4:00 p.m. Emergency Management
- 5:00 p.m. Executive

A copy of the agenda may be obtained by contacting: Kristin Mullikin at (850)921-5172.

Pursuant to the provisions of 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: Kristin Mullikin at (850)921-5172. If you are 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: Kristin Mullikin at (850)921-5172 or kristin@volunteerflorida.org. You may also contact Ms. Mullikin to obtain the conference call in number.

The **Florida Film and Entertainment Advisory Council** announces a public meeting to which all persons are invited.

DATES AND TIME: June 22-23, 2009, Film Florida Meetings; June 24, 2009, 10:00 a.m., FFEAC Meeting

PLACE: Gansevoort Hotel, Miami Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues concerning the film and entertainment industry, general administrative matters of the Advisory Council and hear public input and advisement.

A copy of the agenda may be obtained by contacting: Office of Film and Entertainment at (850)410-4765.

Pursuant to the provisions of 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 Film and Entertainment at (850)410-4765. If you are 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: Office of Film and Entertainment at (850)410-4765.

The **Volunteer Florida Foundation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, June 26, 2009, 10:00 a.m. (EDT)
PLACE: Conference Call: 1(888)808-6959, Pass Code: 4130909

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Foundation business.

A copy of the agenda may be obtained by contacting: Frances Rhodes at (850)410-0696.

Pursuant to the provisions of 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: Frances Rhodes at (850)410-0696. If you are 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: Frances Rhodes at (850)410-0696.

The **Space Florida**, Board of Directors held an emergency telephone conference call.

DATE AND TIME: Monday, May 18, 2009, 3:00 p.m.
PLACE: Conference Call: 1(877)286-7960, Access Code: 9877#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Space Florida Board of Directors held an emergency, one-topic Special Board of Directors meeting via Telephone Conference Call to discuss and vote on an Interim President for Space Florida.

A copy of the agenda may be obtained by contacting: Deb Spicer at (321)730-5301, ext. 243. Space Florida, SPFL M6-306, Room 9030, Kennedy Space Center, FL 32899.

For more information, you may contact: Deb Spicer at (321)730-5301, ext. 243. Space Florida, SPFL M6-306, Room 9030, Kennedy Space Center, FL 32899.

REGIONAL PLANNING COUNCILS

The Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: June 10, 2009, 9:30 a.m.
PLACE: Turner Agri-Civic Center, 2250 N. E. Roan Street, Arcadia, FL 34266

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Central Florida Regional Planning Council and/or its Executive 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.

The **Central Florida Regional Planning Council** announces a hearing to which all persons are invited.

DATE AND TIME: June 10, 2009, 9:30 a.m.
PLACE: Turner Agri-Civic Center, Exhibit Hall, 2250 N. E. Roan Street, Arcadia, FL 34266

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Central Florida Regional Planning Council and/or its Executive Committee to consider a Notice of Proposed Change to the Hardee Phosphate Complex Development of Regional Impact.

A copy of the agenda may be obtained by contacting: Patricia M. Steed, Executive Director at (863)534-7130, ext. 130.

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 **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 8, 2009, 2:00 p.m.
 PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: SWFRPC's Energy and Climate Committee monthly meeting. A copy of the agenda may be obtained by contacting: Ms. Nichole Gwinnett at (239)338-2550, ext. 232 or ngwinnett@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mr. Brian Raimondo at (239)338-2550, ext. 211 or braimondo@swfrpc.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: Mr. Ken Heatherington at (239)338-2550, ext. 222 or kheatherington@swfrpc.org.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 11, 2009, 1:30 p.m.
 PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regional Meeting for the Southwest Florida County Administrators and City Managers.

A copy of the agenda may be obtained by contacting: Ms. Nichole Gwinnett at (239)338-2550, ext. 232 or ngwinnett@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mr. Brian Raimondo at (239)338-2550, ext. 211 or braimondo@swfrpc.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: Mr. Ken Heatherington at (239)338-2550, ext. 222 or kheatherington@swfrpc.org.

The **South Florida Regional Planning Council** announces a public meeting of The State Road 7/U.S. 441 Collaborative Steering Committee to which all persons are invited.

DATE AND TIME: Thursday June 11, 2009, 2:00 p.m. – 3:30 p.m.

PLACE: City of Lauderdale Lakes City Hall, Alfonso A. Gereffi Conference Room, 2nd Floor, 4300 N.W. 36 Street, Lauderdale Lakes, FL 33319

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue deliberations regarding economic development, aesthetic improvement and increased intergovernmental cooperation along the corridor.

A copy of the agenda may be obtained online at www.sfrpc.com/sr7/htm or by contacting: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Regional Planning Council at (954)985-4416. If you are hearing or speech impaired, please contact the agency at (954)967-4152, ext. 40 (TDD).

If any person decides to appeal any decision made by the State Road 7/U.S. 441 Collaborative Steering Committee 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: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 12, 2009, 10:00 a.m.
 PLACE: Board Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Citizen's Advisory Committee Meeting.

A copy of the agenda may be obtained by contacting: SFRTA Executive Office at (954)788-7915.

Pursuant to the provisions of 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.

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 12, 2009, 1:00 p.m.

PLACE: Conference Room 101, South Florida Regional Transportation Authority, Administration Building, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Evaluation/Selection Subcommittee for RFP 09-008 "General Counsel Legal Services".

A copy of the agenda may be obtained by contacting: Executive Office at (954)788-7915.

Pursuant to the provisions of 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, FL 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.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 12, 2009, 8:30 a.m.

PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Commission on Ethics at (850)488-7864. If you are

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: June 9, 2009, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, Florida 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business and conduct public hearings on regulatory and land acquisition matters. Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Feagle/Bonnet Lake Addition, 445 acres +/-, Columbia County, with funds from the Florida Forever Trust Fund. A workshop will follow the board meeting.

A copy of the agenda may be obtained by contacting: Kristel Callahan at (386)362-1001 or 1(800)226-1066 (Florida only), emailing: kjc@srwmd.org or on the District's website: www.mysuwanneeriver.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: Kristel Callahan at (386)362-1001 or 1(800)226-1066 (Florida only). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

NOTICE OF CHANGE – The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 5, 2009, 9:30 a.m.

PLACE: Punta Gorda City Hall, 326 W. Marion Avenue, Punta Gorda, Florida 33950. This is a change of location from the published year-long calendar.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Peace River Basin Board Meeting: Consideration of Basin business including discussion of the fiscal year 2010 budget

and adoption of proposed millage rate. Tours of Punta Gorda Water Supply projects will follow the meeting, 38100 Washington Loop Road. (Ad Order 50658)

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (FL only) or Frances Sesler at (352)796-7211, ext. 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: SWFWMD, Human Resources Director at the address above or by calling: (352)796-7211, ext. 4702, 1(800)423-1476 (FL only), ext. 4702, TDD (FL only) 1(800)231-6103, email: ADACoordinator@swfwmd.state.fl.us. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. If you are 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: Wednesday, June 10, 2009, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL 34240

GENERAL SUBJECT MATTER TO BE CONSIDERED: Manasota Basin Board Meeting; Consideration of Basin business including discussion of the fiscal year 2010 budget and adoption of proposed millage rate. (Ad Order 50658)

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (FL only) or Frances Sesler at (352)796-7211, ext. 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: SWFWMD, Human Resources Director at the address above or by calling: (352)796-7211, ext. 4702, 1(800)423-1476 (FL only), ext. 4702, TDD (FL only) 1(800)231-6103, email: ADACoordinator@swfwmd.state.fl.us. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. If you are 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: Thursday, June 11, 2009, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Withlacoochee River Basin Board Meeting

DATE AND TIME: Thursday, June 11, 2009, 1:00 p.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Coastal Rivers Basin Board Meeting. Consideration of Basin business including discussion of the fiscal year 2010 budget and adoption of proposed millage rate. (Ad Order 50658)

A copy of the agenda may be obtained by contacting: SWFWMD, Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (FL only) or Frances Sesler at (352)796-7211, ext. 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: SWFWMD, Human Resources Director at the address above or by calling: (352)796-7211, ext. 4702, 1(800)423-1476 (FL only), ext. 4702, TDD (FL only) 1(800)231-6103, email: ADACoordinator@swfwmd.state.fl.us. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs and activities. If you are 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 **South Florida Water Management District** announces a closed door attorney-client session.

DATE AND TIME: June 10, 2009, 9:00 a.m. – completed

PLACE: Edison State College, Conference Center, Building J, 7007 Lely Cultural Parkway, Naples, FL 34113

DATE AND TIME: June 11, 2009, 9:00 a.m. – completed

PLACE: Edison State College, Conference Center, Building J, 7007 Lely Cultural Parkway, Naples, FL 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: the District Clerk's Office at (561)682-2087.

of Florida, Case No. 02-80309-CV – Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt.

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For more information, you may contact: the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a closed door attorney-client session.

DATE AND TIME: June 10, 2009, 9:00 a.m. – completed

PLACE: Edison State College, Conference Center, Building J, 7007 Lely Cultural Parkway, Naples, FL 34113

DATE AND TIME: June 11, 2009, 9:00 a.m. – completed

PLACE: Edison State College, Conference Center, Building J, 7007 Lely Cultural Parkway, Naples, FL 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), F.S., to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District

The **South Florida Water Management District** announces a closed door attorney-client session.

DATE AND TIME: June 10, 2009, 9:00 a.m. – completed

PLACE: Edison State College, Conference Center, Building J, 7007 Lely Cultural Parkway, Naples, FL 34113

DATE AND TIME: June 11, 2009, 9:00 a.m. – completed

PLACE: Edison State College, Conference Center, Building J, 7007 Lely Cultural Parkway, Naples, FL 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), F.S., to discuss strategy related to litigation expenditures and/or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. The subject matter shall be confined to the

pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, M. Compagno, J. Nutt, B. Lewis, S. Martin.

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The **South Florida Water Management District** announces a closed door attorney-client session.

DATE AND TIME: June 10, 2009, 9:00 a.m. – completed

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PLACE: Edison State College, Conference Center, Building J, 7007 Lely Cultural Parkway, Naples, FL 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), Florida Statutes, to discuss strategy related to litigation expenditures and/or settlement negotiations in South Florida Water Management District v. State of Florida, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50-2008-CA-031975XXXXMB. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone, R. Hanna, C. Lamia, K. Artin, F. Springer, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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The **South Florida Water Management District** announces a closed door attorney-client session.

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PLACE: Edison State College, Conference Center, Building J, 7007 Lely Cultural Parkway, Naples, FL 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2008), F.S., to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, M. Meeker, R. Montgomery, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, J. Nutt.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Workshop

DATE AND TIME: June 10, 2009, 10:00 a.m.

PLACE: Tour of Naples Bay, Bayview Park, 1500 Danford Street, Naples, FL 34112

Meeting

DATE AND TIME: June 10, 2009, 1:00 p.m.

PLACE: Edison State College, Conference Center, Bldg. J, 7007 Lely Cultural Parkway, Naples, FL 34113

Audit and Finance Committee Meeting

DATE AND TIME: June 11, 2009, 9:00 a.m.

PLACE: Edison State College, Conference Center, Bldg. J, 7007 Lely Cultural Parkway, Naples, FL 34113

Regular Business Meeting

DATE AND TIME: June 11, 2009, 10:00 a.m.

PLACE: Edison State College, Conference Center, Bldg. J, 7007 Lely Cultural Parkway, Naples, FL 34113

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. The Governing Board may take official action at the meetings on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. If workshop items are not discussed on 6/10, the items may be discussed on 6/11.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters, and may include an amendment to the District's Fiscal Year 2009 budget to revise revenues and expenditures.

A copy of the agenda may be obtained by contacting: Jacki McGorty at (561)682-2087 or https://my.sfwmd.gov/portal/page?_pageid=2574,13014318&_dad=portal&_schema=PORTAL.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a hearing to which all persons are invited.

DATE AND TIME: June 11, 2009, 9:00 a.m.

PLACE: Edison State College, Conference Center, Building J, 7007 Lely Cultural Parkway, Naples, FL 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of public hearing from March 12, 2009 to adopt amendments to Rules 40E-2.051, 40E-2.061, 40E-2.091, 40E-2.331, 40E-24.011, 40E-24.101, 40E-24.201, 40E-24.301, 40E-24.401, 40E-24.501, 40E-20.091, 40E-20.331, F.A.C., regarding year-round landscape irrigation conservation measures. District staff is proposing to adopt amendments to the landscape irrigation conservation measures currently in place in Lee, Collier and portions of Charlotte County and to expand those conservation measures throughout the region of the South Florida Water Management District. District staff is also proposing to adopt amendments to create a general permit by rule for landscape irrigation use and to allow modification of such a permit that does not allow more cumulative days and time to conduct landscape irrigation than those provided under Chapter 40E-24, F.A.C. Lastly, the District is proposing to adopt amendments to the water conservation measures in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District" to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24, F.A.C.

A copy of the agenda may be obtained by contacting: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6060 or (561)682-6060, email: jerodrig@sfwmd.gov.

For procedural issues contact: Jan Sluth, Senior Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water**, A Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 15, 2009, 9:00 a.m.

PLACE: 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing and Final Adoption of the Tampa Bay Water FY 2009/2010 Proposed Budget, followed immediately by the Regular Board Meeting.

A copy of the agenda may be obtained by contacting: Tampa Bay Water at (727)796-2355 or can be accessed on the web at www.tampabaywater.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Records Department at (727)796-2355 If you are 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: Records Department at (727)796-2355.

DEPARTMENT OF ELDER AFFAIRS

NOTICE OF CHANGE – The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: June 10, 2009, 10:00 a.m. (EST)

PLACE: 210 North Palmetto Ave., Room 148, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast South District Long-Term Care Ombudsman Council business. (NOTE: Meeting starting time has changed since notice was published in the April 10, 2009 F.A.W. publication.).

A copy of the agenda may be obtained by contacting: Claudia Dinardo at (386)226-7846.

Pursuant to the provisions of 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: Claudia Dinardo at (386)226-7846. If you are 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: Claudia Dinardo at (386)226-7846 or by email: dinardoc@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, June 10, 2009, 2:00 p.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9654123690

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Data & Information Committee business.

A copy of the agenda may be obtained by contacting: Priscilla Zachary at (850)414-2323.

Pursuant to the provisions of 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: Priscilla Zachary at (850)414-2323. If you are

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: (850)414-2323 or by email: zacharypa@elderaffairs.org.

NOTICE OF CHANGE – The Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATE AND TIME: July 15, 2009, 10:00 a.m. (EST)

PLACE: 210 North Palmetto Ave., Room 148, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast South District Long-Term Care Ombudsman Council business. (NOTE: Meeting starting time has changed since notice was published in the May 1, 2009 F.A.W. publication.)

A copy of the agenda may be obtained by contacting: Claudia Dinardo at (386)226-7846.

Pursuant to the provisions of 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: Claudia Dinardo at (386)226-7846. If you are 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: Claudia Dinardo at (386)226-7846 or by email: dinardoc@elderaffairs.org.

The **Statewide Public Guardianship Office** announces a telephone conference call to which all persons are invited.

DATES AND TIME: June 2, 9, 16, 23, 30, 2009, 8:00 a.m. – 9:00 a.m.

PLACE: Callers within Tallahassee and outside of Tallahassee: 1(888)808-6959, when prompted, enter Conference Code: 9247380 followed by #

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting of the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting: Ms. Margo Mitchell at (850)414-2381.

Pursuant to the provisions of 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. Margo Mitchell at (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2009, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Health Information Exchange Coordinating Committee and State Electronic Prescribing Advisory Panel will meet to review the provisions of the American Recovery and Reinvestment Act related to health information technology and discuss strategies to promote health information exchange in Florida including electronic prescribing.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at: <http://www.fhin.net/FHIN/workgroups/HIECC.shtml> and <http://www.fhin.net/eprescribe/ePrescribeWG/meetings.shtml> seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Carolyn H. Turner at (850)922-5861. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Dana Watson at (850)921-2032.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: June 19, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Enhanced Benefits Panel will discuss issues related to the technical aspects of the Enhanced Benefits program, under Medicaid Reform.

A copy of the agenda may be obtained by contacting: Aldria White, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308, (850)488-5420, a week before 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 7 days before the workshop/meeting by contacting: Aldria White at the address and phone number written above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Aldria White at the address and phone number written above.

The **Agency for Health Care Administration, Division of Medicaid Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, June 22, 2009, 11:00 a.m. – 1:00 p.m.

PLACE: Agency for Health Care Administration, Conference Call: 1(888)808-6959, Conference Code: #7556753

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the Organ Transplant Advisory Council to discuss plans for reviewing transplant data and to conduct general business of the council.

A copy of the agenda may be obtained by contacting: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7322, or kumart@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Southwood Shared Resource Center** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 8, 2009, 1:30 p.m. – 4:00 p.m. or until Board business is concluded

PLACE: Turlington Building, Room 1703, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular bi-monthly meeting of the SSRC Board of Trustees.

A copy of the agenda may be obtained by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rick Mitchell at (850)488-9895, rick.mitchell@ssrc.myflorida.com.

The **Florida Black Business Investment Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 10, 2009, 10:00 a.m.

PLACE: Telephone Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the FBBIB in conjunction with the MBIC hereby announce a meeting to discuss operations, identify areas for future board priorities, receive reports from

committees/task force, review/approve related issues and other business as needed, and approve actions taken by the Chairman under delegated authority.

A copy of the agenda may be obtained by contacting: FBBIB, P. O. Box 7435, Tallahassee, FL 32314, (850)878-0826.

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: FBBIB, P. O. Box 7435, Tallahassee, FL 32314, (850)878-0826.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Division of Hotels and Restaurants**, Bureau of Elevator Safety announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2009, 9:00 a.m. – 3:00 p.m.

PLACE: Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL 32830-2203

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules and Standards for the Bureau of Elevator Safety; Rule 61C-5.001, F.A.C., Standards Adopted; Exclusions; and Conflicts.

A copy of the agenda may be obtained by contacting: Doug Melvin, Chief, Bureau of Elevator Safety, 1940 N. Monroe St., Tallahassee, FL 32399-1013.

Pursuant to the provisions of 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 Melvin, Chief, Bureau of Elevator Safety, 1940 N. Monroe St., Tallahassee, FL 32399-1013. If you are 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 Architecture and Interior Design** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 23, 2009, 2:00 p.m. (Eastern Time)

PLACE: Telephone Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Contact: 1(888)808-6959, Conference Code: 4879597 to participate in the telephone conference call.

A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

Pursuant to the provisions of 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, 1940 North Monroe Street, Tallahassee, Florida 32399-0751. If you are 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 32399-0751.

The **Electrical Contractors' Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: July 15, 2009, 4:00 p.m., Probable Cause Panel (portions closed to the public); July 16, 2009, 8:30 a.m. Discipline and General Business; July 17, 2009, 8:30 a.m. General Business

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: July 15, 2009, 4:00 p.m. Probable Cause Panel (portions closed to the public); July 16, 2009, 8:30 a.m., Discipline and General Business; July 17, 2009, 8:30 a.m., General Business.

A copy of the agenda may be obtained by contacting: Electrical Contractors' Licensing Board at (850)487-8304.

Pursuant to the provisions of 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: Electrical Contractors' Licensing Board 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: Electrical Contractors' Licensing Board at (850)487-8304.

The **Board of Landscape Architecture** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 29, 2009, 2:00 p.m.

PLACE: Conference Code: 1(888)808-6959, Access Phone: 9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

Pursuant to the provisions of 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 Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154. If you are 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 Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

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 **Board of Directors of Babcock Ranch, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: June 10, 2009, 1:00 p.m. – 5:00 p.m.

PLACE: Babcock Ranch, 8000 State Road 31, Punta Gorda, Florida 33982

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of Babcock Ranch Recreational Master Plan Report; discussion of long term goals, foundation opportunities, structural management objectives, and report from Management including financial projections and update; annual election of officers, and public comments.

A copy of the agenda may be obtained by contacting: Carlotta Stauffer, Division of State Lands, Director's Office, 3900 Commonwealth Blvd., MS 100, Tallahassee, FL 32399-3000, (850)245-2555, Carlotta.Stauffer@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: Carlotta Stauffer at address above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ann Rowe-McMullen, Advisor, Salter-Mitchell, 117 South Gadsden Street, Tallahassee, FL 32301, www.saltermitchell.com, (850)681-3200 office.

The **Board of Directors of Babcock Ranch, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: June 11, 2009, 8:30 a.m. – 12:00 Noon

PLACE: Babcock Ranch, 8000 State Road 31, Punta Gorda, Florida 33982

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of Babcock Ranch and property, hosted by Babcock Ranch.

A copy of the agenda may be obtained by contacting: Carlotta Stauffer, Division of State Lands, Director's Office, 3900 Commonwealth Blvd., MS #100, Tallahassee, FL 32399-3000, (850)245-2555, carlotta.stauffer@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: Carlotta Stauffer at address above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ann Rowe-McMullen, Advisor, Salter-Mitchell, 117 South Gadsden Street, Tallahassee, FL 32301, www.saltermitchell.com, (850)681-3200 office.

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 11, 2009, 9:00 a.m.

PLACE: Jacksonville City Hall, St. James Building, Exam Room 3, 117 West Duval Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lower St. Johns River Tributaries (LSJRT) Fecal Coliform Basin Management Action Plan (BMAP) Technical meetings were formed to provide a forum for stakeholders to discuss issues related to the LSJRT TMDLs, including development, allocation, and implementation of the TMDLs. Topics for this meeting include discussion of the Lower St. Johns River Tributaries Fecal Coliform Basin Management Action Plan.

A copy of the agenda may be obtained by contacting: Ms. Amy Tracy, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400, (850)245-8506.

Pursuant to the provisions of 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. Amy Tracy at (850)245-8506. If you are

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** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 12, 2009, 10:00 a.m.

PLACE: Brevard County Ag Center, 3695 Lake Drive, Cocoa, FL 32396

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the first meeting for the Indian River Lagoon Basin Management Action Plan (BMAP) to discuss implementation of Total Maximum Daily Loads (TMDLs) in the Indian River Lagoon Basin. The primary topics for discussion are an overview of the BMAP development process and associated technical issues related to BMAP development.

A copy of the agenda may be obtained by contacting: Ms. Amy Tracy, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400, (850)245-8506.

Pursuant to the provisions of 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. Amy Tracy at (850)245-8506. If you are 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**, Clean Boating Partnership announces a public meeting to which all persons are invited.

DATE AND TIME: June 18, 2009, 8:30 a.m. – 4:30 p.m.

PLACES: Department of Environmental Protection, 3900 Commonwealth Boulevard, Douglas Building, Room 1037, Tallahassee, FL 32399

Department of Environmental Protection, 2295 Victoria Avenue, Suite 364, Ft. Myers, FL 33902

Department of Environmental Protection, 7825 Baymeadows Way, Jacksonville, FL 32256

Department of Environmental Protection, 3319 Maguire Boulevard, Orlando, FL 32803

Department of Environmental Protection, 160 Government Center, Pensacola, FL 32502

Department of Environmental Protection, 13051 N. Telecom Parkway, Temple Terrace, FL 33637

Department of Environmental Protection, 400 North Congress Avenue, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: This video conference is to review discussion items and recommendations concerning the Department of Environmental Protection, Clean Marina Program and Clean Vessel Act Program.

A copy of the agenda may be obtained by contacting: Brenda Leonard, 3900 Commonwealth Blvd., MS #30, Tallahassee, FL 32399, (850)245-2847, Brenda.Leonard@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: Brenda Leonard, 3900 Commonwealth Blvd., MS #30, Tallahassee, FL 32399, (850)245-2847, Brenda.Leonard@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**, Bureau of Assessment and Restoration Support announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, July 22, 2009, 8:30 a.m. – 12:00 Noon

PLACE: Marco Island Marriott Beach Resort, Royal/Coconut Meeting Room, 400 S. Collier Boulevard, Marco Island, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present information and receive public comments on proposed revisions to Chapters 62-302 and 62-303, F.A.C., regarding the development of numeric nutrient criteria for streams, lakes, and springs. This is the second public workshop on this subject, following one that will be held on June 17, 2009, in Tallahassee (previously noticed in the May 15, 2009 issue of the Florida Administrative Weekly, Vol. 35, No. 19, pp. 2311-2312). This meeting will continue discussion of the technical basis for the numeric nutrient criteria for streams, lakes, and springs, and will include discussion of the proposed rule language in Chapters 62-302 and 62-303, F.A.C.

A copy of the agenda may be obtained by contacting: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS 6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us. Further information also may be obtained from the Department's website: <http://www.dep.state.fl.us/water/wqssp/nutrients/index.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429. If you are hearing or

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

The **Department of Environmental Protection** announces a hearing to which all persons are invited.

DATE AND TIME: August 12, 2009, 2:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment on the management of the FY 2009 Drinking Water State Revolving Fund (DWSRF) priority list for drinking water construction projects under Chapter 62-552, Florida Administrative Code (F.A.C.). Additional program funding of approximately \$15 million is available as a result of the American Recovery and Reinvestment Act (ARRA). Construction projects that meet the program and ARRA requirements will be added to the fundable portion of the priority list in priority score order, subject to the availability of funds. Projects shall be subject to a segment cap limit. The cost of these projects which is in excess of the segment cap will be placed on the contingency portion of the list for consideration of funding at a future public hearing. To be eligible for funding, all facilities plan documentation shall be submitted to the Department no later than June 30, 2009, and all remaining documents (biddable plans and specifications, site certifications, and all required permits) as required by the Rule 62-552.700, F.A.C. shall be submitted to the Department no later than July 17, 2009. All submissions shall be hand delivered or postmarked by the due date.

Project sponsors receiving ARRA funds will be required to award all construction contracts by December 1, 2009. Projects not meeting this deadline may be bypassed to ensure timely expenditure of the funds.

Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding the lists and any proposed actions. The Department may adopt, modify, or deny the proposed actions at the hearing.

After the hearing, the Department will file the written Record of Final Agency Action. A copy of the Record of Final Agency Action will be made available to persons to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with the Department's Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m., on the first working day after the public hearing.

A copy of the draft priority list may be obtained after August 3, 2009, by contacting: Venkata Panchakarla, Bureau of Water Facilities Funding, at the same address, or by phone at (850)245-8366, e-mail: Venkata.Panchakarla@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Venkata Panchakarla after August 3, 2009.

Pursuant to the provisions of 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: Venkata Panchakarla at (850)245-8366. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Board of Acupuncture** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 12, 2009, 9:00 a.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Board of Acupuncture, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

Pursuant to the provisions of 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 Acupuncture 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.

NOTICE OF CORRECTION – The **Board of Hearing Aid Specialists** announces a public meeting to which all persons are invited.

DATE AND TIMES: *Correction* July 17, 2009, 9:00 a.m. (Reconsiderations); *Correction* July 17, 2009, 12:00 Noon (General Business)

PLACE: Sheraton Sand Key Resort 1160 Gulf Blvd., Clearwater, FL 33767, (727)595-1611

GENERAL SUBJECT MATTER TO BE CONSIDERED: PCP with Reconsiderations and General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474 at least one week prior to meeting date.

The **Board of Nursing Home Administrators** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 19, 2009, 9:00 a.m. (will be held by telephone conference call if necessary)

PLACE: Hyatt Regency, 9300 Airport Boulevard, Orlando, Florida 32827, (407)285-1234

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 Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/nurshome/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: Joe Baker, Jr., Executive Director. If you are 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 Optometry** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, June 12, 2009, 3:00 p.m.

PLACE: Meet Me Number: 1(888)808-6959, Conference Code: 2454393. Department of Health, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida

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 Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/optometry/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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/optometry/index.html.

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

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 Speech-Language Pathology and Audiology** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday June 18, 2009, 9:00 a.m. or soon thereafter

PLACE: Conference Call Number (888)808-6959 Conference Code Number 245-4597.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Pursuant to the provisions of 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)245-4588. If you are 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 **Division of Emergency Medical Operations**, Bureau of Emergency Medical Services, EMS Advisory Council announces a public meeting to which all persons are invited.

DATES AND TIMES: June 29, 2009, 8:00 a.m. – 6:00 p.m.; June 30, 2009, 8:00 a.m. – 6:00 p.m.; July 1, 2009, 9:00 a.m. – 1:00 p.m.

PLACE: The Rosen Centre Hotel, 9840 International Drive, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council.

A copy of the agenda may be obtained by contacting: Desi Lassiter at (850)245-4055.

Pursuant to the provisions of 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: Desi Lassiter at (850)245-4055. If you are 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: Desi Lassiter at (850)245-4055.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Shared Service Alliance of Okeechobee and the Treasure Coast** announces a public meeting to which all persons are invited.

DATE AND TIME: June 4, 2009, 1:00 p.m.

PLACE: Clem C. Benton Building, 337 North US Highway 1, Suite 327D, Fort Pierce, FL 34950

GENERAL SUBJECT MATTER TO BE CONSIDERED: June Alliance Agenda.

Pursuant to the provisions of 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: Linda Poston at (772)467-4177. If you are 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 Children and Family Services** announces a meeting of the state's Council on Homelessness to which all parties are invited.

DATE AND TIME: June 23, 2009, 9:00 a.m. – 2:30 p.m.

PLACE: The Salvation Army, 1400 Tenth Street, Sarasota, FL 34230. Conference Call: 1(888)808-6959, Code: 9229760.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will receive public comments and local presentations, elect officers for the next year, and receive reports and recommendations from its committees for use in developing its annual report.

A copy of the agenda for the meeting can be obtained by contacting: Office on Homelessness at (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.

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 5, 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: June 15, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: Gulf Coast Community College, 5230 W. U.S. Hwy. 98, Social Science Building Room #201, Panama City, FL 32401

DATE AND TIME: June 22, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: Brevard Agricultural Center, 3695 Lake Drive, Cocoa FL 32926

DATE AND TIME: June 23, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: IGFA Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, FL 33004

DATE AND TIME: June 24, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: City of Key Colony Beach-City Hall Building, Mile Marker 53.5, 600 W. Ocean Drive, Key Colony Beach, FL 33051-0141

DATE AND TIME: June 25, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: Punta Gorda City Hall, 326 W. Marion Ave., Punta Gorda, FL 33950

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these workshops is to examine options for amending the shark rule (Chapter 68B-44, F.A.C.) to comply with the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for Atlantic Coastal Sharks. Specifically, the Florida Fish and Wildlife Conservation Commission will be gathering public comments on possible changes to the bag limit, prohibited species, size limits, landing requirements, and gear rules regarding the recreational and commercial harvest of sharks in state waters of Florida.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Robson, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The **Fish and Wildlife Conservation Commission (FWC)**, Boating and Waterways Section and Office of Recreation Services announces a public meeting to which all persons are invited.

DATE AND TIME: June 15, 2009, 6:30 p.m. – 8:00 p.m.

PLACE: Fish and Wildlife Research Institute (FWRI) USF Campus, KAS Auditorium, 100 8th Avenue, S.E., St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: The listening sessions are designed to learn about issues of concern to paddlers and others who use small non-motorized watercraft. Some of the issues FWC staff hope to learn more about include users' perspectives on access, navigation, shared use of waterways and safety.

A copy of the agenda may be obtained by contacting: Jerrie Lindsey at jerrie.lindsey@myfwc.com or call (850)410-4951; Lt. Scott Olson at scott.olson@myfwc.com or call (850)488-5600.

Pursuant to the provisions of 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: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jerrie Lindsey at jerrie.lindsey@myfwc.com or call (850)410-4951; Lt. Scott Olson at scott.olson@myfwc.com or call (850)488-5600.

The **Fish and Wildlife Conservation Commission**, Boating and Waterways Section and Office of Recreation Services announces a public meeting to which all persons are invited.

DATE AND TIME: June 23, 2009, 6:30 p.m. – 8:00 p.m.

PLACE: Fish and Wildlife Conservation Commission, South Regional Office, 8535 Northlake Blvd., West Palm Beach, FL 33412

GENERAL SUBJECT MATTER TO BE CONSIDERED: This listening session is designed to learn about issues of concern to paddlers and others who use small non-motorized

watercraft. Some of the issues FWC staff hope to learn more about include users' perspectives on access, navigation, shared use of waterways and safety.

A copy of the agenda may be obtained by contacting: Jerrie Lindsey at jerrie.lindsey@myfwc.com or call (850)410-4951; Lt. Scott Olson at scott.olson@myfwc.com or call (850)488-5600.

Pursuant to the provisions of 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: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jerrie Lindsey at jerrie.lindsey@myfwc.com or call (850)410-4951; Lt. Scott Olson at scott.olson@myfwc.com or call (850)488-5600.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited. The meeting will be held in person and by telephone conference call.

DATE AND TIME: Monday, July 13, 2009, 10:00 a.m.

PLACE: State Fire Marshal Conference Room, Third Floor, Atrium, 325 John Knox Road, Tallahassee, Florida 32303

Anyone wishing to attend may attend in person or by telephone conference call. Those attending by telephone conference call should dial (850)413-1591, (SC)293-1591. (Cisco VoIP Internal callers may reach the conference call by dialing 11591. Once you have dialed the initial number you will be prompted to enter the Conference ID which is 736078. The connection will be available 5 to 10 minutes before 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by contacting: Donald Rollins, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3628.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Donald Rollins, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section at (850)413-3628. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology** announces a public meeting to which all persons are invited.

DATE AND TIME: June 9, 2009, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of the adoption of proposed new Rule 71-1.001, F.A.C. Notice of this proposed adoption was published in the Florida Administrative Weekly on April 10, 2009 (Vol. 35, No. 14, pp. 1743-1744). Notice of change for this proposed rule was published in the Florida Administrative Weekly on May 1, 2009 (Vol. 35, No. 17, pp. 2080-2081).

A copy of the agenda may be obtained by contacting: Agency for Enterprise Information Technology or on the Cabinet website at <http://www.myflorida.com/myflorida/cabinet/>.

Pursuant to the provisions of 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: Agency for Enterprise Information Technology at (850)922-7502. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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, May 29, 2009, 1:00 p.m. (EST)

PLACE: 1(866)765-5861

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items shall include but not be limited to: update on audit activities and response; 2009 key projects; and 1st quarter departmental accomplishments.

A copy of the agenda may be obtained by contacting: The 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(866)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 DISTRICTS

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: June 3, 2009, 5:00 p.m.
 PLACE: 6191 Orange Drive, Suite 6181-P, Davie, FL 33314
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District Board.
 A copy of the agenda may be obtained by contacting: (954)584-1306 or Mail@BrowardSWCD.org.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)584-1306 or Mail@BrowardSWCD.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).

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces a telephone conference call to which all persons are invited.
 DATE AND TIME: Thursday, June 4, 2009, 8:30 a.m. – 9:30 a.m.
 PLACE: Conference Call: 1(888)808-6959, Conference Code: 4888347
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Grant Committee Meeting to review all quarterly regional grant applications.
 A copy of the agenda may be obtained by contacting: Christy Schnell at (850)488-1297.

FLORIDA LEAGUE OF CITIES

The **Florida Municipal Insurance Trust** announces a public meeting to which all persons are invited.
 DATE AND TIME: Friday, June 5, 2009, 8:30 a.m.
 PLACE: Ritz Carlton Naples, 2800 Vanderbilt Beach Road, Naples, FL, (239)598-3300
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.
 A copy of the agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.
 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 WORKER’S COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Worker’s Compensation Joint Underwriting Association, Inc.**, Board of Governors announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 9, 2009, 8:30 a.m.
 PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include approval of minutes; legislative update; 2009 meeting schedule; Bylaws; operations report; financial report; and committee reports on: 2008 Operations Report; budget expense considerations; disaster recovery matters; review of rates, rating plans and policy forms and associated matters to include application forms; 2009 loss ratio selection; and program to eliminate the Subplan D deficit; investment marketplace update; compliance review of the current investment portfolio; review of policy and guidelines for the investment of assets and associated matters; investment manager’s performance/selection; and 2009 Investment Committee meeting schedule.
 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.

SECURE AIRPORTS FOR FLORIDA’S ECONOMY COUNCIL

The **Secure Airports for Florida’s Economy (SAFE) Council** announces a public meeting to which all persons are invited.
 DATE AND TIME: Tuesday, June 9, 2009, 2:00 p.m. (EST) (1:00 p.m. CST)
 PLACE: Center for Urban Transportation Research, Boardroom, 4202 E. Fowler Avenue, CUT 100, Tampa, Florida 33620
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The SAFE Council will be holding a teleconference/meeting to discuss the status of SAFE Council initiatives, the legislative session, election of officers, future direction of the Council, and provisions for administrative support.
 A copy of the agenda may be obtained by contacting: Melissa McCarville at (813)974-6387, mccarville@cutr.usf.edu.
 Pursuant to the provisions of 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 McCarville at (813)974-6387. If you are 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 McCarville at (813)974-6387, mccarville@cutr.usf.edu.

FLORIDA PORTS COUNCIL

The **Florida Seaport Transportation and Economic Development Council** (FSTED) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 10, 2009, 1:30 p.m. – 5:00 p.m.

PLACE: Hilton Miami Downtown, Concerty Ballroom D, 1601 Biscayne Boulevard, Miami, FL 33132

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 5 days 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).

For more information, you may contact: Toy Keller at (850)222-8028.

THE ABLE TRUST

The **Able Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 12, 2009, 9:00 a.m. – conclusion

PLACE: Golden Eagle Golf & Country Club, 3700 Golden Eagle Drive, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Able Trust (Florida Governor’s Alliance for the Employment of Citizens with Disabilities) will hold its quarterly Board of Directors Meeting and its Annual Meeting of the organization. The agenda for the Board meeting will include adopting a budget for the next fiscal year, and other business that may come before the organization. The Annual Meeting is scheduled to immediately follow the Board of Directors meeting.

A copy of the agenda may be obtained by contacting: Able Trust at (850)224-4493 or at info@abletrust.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Able Trust at (850)224-4493 or at info@able

trust.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).

GOVERNOR’S COMMISSION ON DISABILITIES

The **Governor’s Commission on Disabilities** announces a telephone conference call to which all persons are invited.

DATES AND TIME: Wednesday, June 3, 2009; Thursday, May 4, 2009, 9:00 a.m. – 5:00 p.m. or until close of business (There will be opportunities for public comment on both days)

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, FL 32819, (407)996-9840. Conference Call: 1(888)808-6959, Conference Code: 6101108#. The Remote Cart Link is: <http://streamtext.com/text.aspx?event=FGC>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The commission is meeting to fulfill the mandate of Executive Order 08-193.

A copy of the agenda may be obtained by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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 4 days before the workshop/meeting by contacting: Stacia Woolverton at 1(877)232-4968 (Voice/TTY) or commission@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).

Please be advised that if you intend to provide materials to the Commissioners for review, the materials must be available in alternative formats in advance of dispersal to the Commissioners. If you need assistance in converting files to alternative formats, please send them to: commission@dms.myflorida.com.

FLORIDA BIRTH RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION

The **Florida Birth Related Neurological Injury Compensation Association** announces a public meeting to which all persons are invited.

DATE AND TIME: June 19, 2009, 8:00 a.m.

PLACE: Marriott – West Palm Beach, 1001 Okeechobee Blvd., West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: General.

A copy of the agenda may be obtained by contacting: Minnie Patrick at (850)488-8191.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 25, 2009, 9:00 a.m. (EST)

PLACE: via Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FIGA Board will meet regarding the general business of the Association. Some of the agenda items are Plan of Operation, Conflict of Interest Policy and TPA/Adjuster contracts.

A copy of the agenda may be obtained by contacting: Cathy Irvin at agfgroup.org or (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cathy Irvin at agfgroup.org or (850)386-9200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

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 HIGHWAY SAFETY AND MOTOR VEHICLES

NOTICE IS HEREBY GIVEN THAT the Department of Highway Safety and Motor Vehicles has received the petition for declaratory statement from Toyota Tsusho America, Inc. The petition seeks the agency's opinion as to the applicability of Section 320.645, Florida Statutes, as it applies to the petitioner.

The petition requests a statement as to whether the restrictions upon ownership of a dealership by a licensee provided in Section 320.645, Florida Statutes (2008), apply to Petitioner Toyota Tsusho America, Inc., so as to prohibit it from owning and operating Toyota automobile dealerships, some of which may include Lexus franchises, in the State of Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Peter N. Stoumbelis, Senior Assistant General Counsel.

Please refer all comments to: Peter N. Stoumbelis, Senior Assistant General Counsel, 2900 Apalachee Parkway, A-432, Tallahassee, FL 32399, (850)617-3101.

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 issued an order disposing of the petition for declaratory statement filed by Brickell Bay Club Condominium Association, Inc. on March 4, 2009. The following is a summary of the agency's disposition of the petition:

The Division finds that Brickell Bay Club Condominium Association, Inc. must vote to reaffirm a bylaw amendment establishing two-year staggered terms passed by a majority of unit owners under Section 718.112(2)(d)1., Florida Statutes (2008).

A copy of the Order Disposing 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 Robert J. Dewire, Petitioner/Unit Owner, In Re: Windjammer Point Condominium Association, Inc. The petition seeks the agency's opinion as to the applicability of Section 718.113(2), Florida Statutes as it applies to the petitioner.

Whether Windjammer Point Condominium Association, Inc.'s addition of boat lifts to the limited common element boat docks is a material alteration or substantial addition under article 13(A) of the declaration of condominium and Section 718.113(2), Florida Statutes, requiring 75% approval of the unit owners.

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 Walter L. Elden and Thomas Hroncich, Unit Owners/Petitioners, In Re: Crane Lakes Homeowners' Association, Inc. The petition seeks the agency's opinion as to the applicability of Section 723.078(2)(b), Florida Statutes, and the bylaws. as it applies to the petitioner.

Whether Crane Lakes Homeowners' Association, Inc.'s use of a limited proxy form as an absentee ballot complies with Section 723.078(2)(b), Florida Statutes, and the bylaws.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services has issued a Final Order Denying Amended Petition for Declaratory Statement filed May 15, 2009. The following is a summary of the agency's disposition of the petition: On April 15, 2009, the Department of Financial Services (Department) filed an Amended Order Denying Petition for Declaratory Statement with the Petitioner Sandra Padgett, instructing Ms. Padgett that the Petition for Declaratory Statement would be denied if adequate information was not received. No response had been received.

A copy of the Order Denying Amended Petition for Declaratory Statement may be obtained by contacting: Michael H. Davidson, Assistant General Counsel, Department of Financial Services, Division of Legal Services, 200 East Gaines Street, Tallahassee, Florida 32399-0390.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Cold Fire Law Enforcement Florida, LLC, Case #103050-09-FM on March 3, 2009. The following is a summary of the agency's disposition of the petition:

The subject of the Petition is whether the sale of a fire suppressant, either by itself, or loaded into a container, requires a license as a fire equipment dealer. The answer is no. The sale of fire suppressant and fire suppressant equipment does not require a license; however, when the product is sold, it must meet all of the requirements of Section 633.065, Florida Statutes, and may be installed, recharged, serviced, repaired, tested, marked, inspected and hydrotested only by a dealer licensed by the Department in accordance with Section 633.061, Florida Statutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340, or by e-mailing your request to Lesley.Mendelson@myfloridacfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by William Jolley, Case #103069-09-FM on March 6, 2009. The following is a summary of the agency's disposition of the petition:

The subject of the Petition is the code requirements for monitored fire alarm systems in new and existing structures. Fire suppression systems in existing structures are not required to be monitored under certain prescribed circumstances; however, fire suppression systems are required to be monitored in new structures. Monitoring requires the system to automatically notify the authority having jurisdiction when the suppression system is activated. The Petitioner wants to know whether a structure that was required to be monitored when new, is no longer required to be monitored once it is inspected as an existing structure. The answer is found in National Fire Protection Association standard 101-4.6.12.1, adopted by rule of the Department, which requires that once an existing life safety feature is installed, it cannot be removed or reduced where such feature is required for new construction.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340, or by e-mailing your request to Lesley.Mendelson@myfloridacfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Anthony Roseberry, Chief, Darden Restaurants, Inc., Intervener, Case #103061-09-FM on March 3, 2009. The following is a summary of the agency's disposition of the petition:

The subject of the Petition is fire suppression system requirements for Intervener's Gas Radiant Char Broilers in its three Red Lobster restaurants located in the City of Jacksonville, Florida. The Petitioner wants to know whether the broilers must meet the requirements for solid fueled fire suppression systems because wood chips are added to the gas fired broilers for flavor enhancement. The answer is no. The subject CSA certified Gas Radiant Char Broilers are gas fueled; therefore, the suppression system need not be UL listed for solid fuels, nor meet the requirements of solid fueled fire suppression systems.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340, or by e-mailing your request to Lesley.Mendelson@myfloridacfo.com.

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from Shields Family R.L.L.P. on May 15, 2009. The petition seeks the agency's opinion as to the applicability of on subsection 69A-60.007(5), F.A.C., as it applies to the petitioner.

For existing apartment buildings which are less than 3 stories and 11 dwelling units, is: (1) NFPA 101 section 31.3.4.5.2 as made applicable to them by section 31.3.4.5.1 to be construed as permitting single-station battery powered smoke alarms within the buildings, so long as they are installed in accordance with NFPA 101 section 9.6.2.9?; and (2) can NFPA 101 section 9.6.2.9 as applied to these same buildings through section 31.3.4.5.1 be a basis for a mandatory requirement that all smoke alarms in the buildings be hard-wired?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, or (850)413-4238, Fax: (850)922-1235 or (850) 488-0697 (please advise if you would like it mailed or faxed to you and please include your phone

number on your request in case any question arises), or by e-mailing your request to Lesley.Mendelson@myfloridacfo.com.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO DESIGN BUILDERS

The University of Central Florida on behalf of its Board of Trustees announces that Professional Services in the discipline of design/build will be required for the project listed below:

Project and Location: University of Central Florida, Main Campus, Orlando, Florida 32816-3020.

The project consists of the design and construction of minor projects for the university.

Minor projects are defined as projects with a value of up to \$1,000,000.00.

FORM OF PROPOSALS

It is the University's intention to have professionals in the disciplines of design/build for this project.

The selected design/build firm will provide design, construction documents, and administration for the referenced project. Blanket professional liability insurance for the design/build firm will be required for this project in the amount of \$250,000 and will be provided as a part of Basic Services.

Five (5) bound copies of the required proposal data shall be submitted to: Ms. Gina Seabrook, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 4:30 p.m. (Local Time), June 30, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

The committee members have elected not to meet with proposed firms.

INSTRUCTIONS FOR DESIGN/BUILDERS

Design/Build firms desiring to apply for consideration must include a letter of application and should have attached:

1. The most recent version of the Florida Board of Education "Professional Qualifications Supplement" (PQS) dated 7/03, completed by the applicant. Do not alter the PQS form.
2. A copy of the firm's current Professional Registration Certificates from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. The most recent version of the Florida Board of Education "Revised Construction Manager Qualifications Supplement" (CMQS) dated 02/02. Do not alter the CMQS form.

Applications that do not comply with all instructions may be disqualified. Application materials will not be returned.

Selection of finalists for interviews will be made on the basis of design/build firm's qualifications separately, including experience and ability; past experience; bonding capacity; cost estimating; qualification of the firm's personnel, staff and consultants; and ability to include minority business enterprise participation. Finalists will be provided with a description of the final interview topics. The Selection Committee may reject all proposals and stop the selection process at any time.

The plans and specifications for Florida Board of Education projects are subject to reuse in accordance with the provisions of Section 287.055, F.S. As required by Section 287.133, F.S., a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in

excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Carefully review the Design/Build Contract and General Condition's documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website at www.fp.ucf.edu with the advertisement.

INSTRUCTIONS FOR DESIGN/BUILDERS

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, F.S., a construction management firm 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 construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

DESIGN/BUILD CONTRACT

The contract for design/build services will consist of two phases. Phase one will consist of the development of construction documents and the development of a Guaranteed Maximum Price (GMP) at 50% construction documents. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the design/build firm becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable GMP within the time provided in the agreement may result in the termination of the design/build firm's contract.

PROJECT FACT SHEET

Project Fact Sheet contains the selection criteria which is the primary basis for determining the shortlist. The Project Fact Sheet, Professional Qualifications Supplement forms, Construction Manager Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida at (407)823-2166, Fax (407)823-5141, e-mail: gseabroo@mail.ucf.edu, Web site: www.fp.ucf.edu.

**PUBLIC ANNOUNCEMENT OF ARCHITECT –
ENGINEERING SERVICES SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and intent was issued to negotiate and enter into a contract for Architect Engineering services in accordance with the Consultants Competitive Negotiation Act, for the following:

DATE: May 7, 2009

NAME OF AGENCY: Florida School for the Deaf and the Blind

PROJECT NUMBER: 20090004

PROJECT NAME: Campus Wide Improvement Project

1. Akel Logan Shafer Architects
2. Fisher Koppenhafer Architecture
3. Stuebben Architecture

**PUBLIC ANNOUNCEMENT OF CONSTRUCTION
MANAGEMENT SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and intent was issued to negotiate and enter into a contract for Construction Management Services in accordance with the Consultants Competitive Negotiation Act, for the following:

DATE: May 12, 2009

NAME OF AGENCY: Florida School for the Deaf and the Blind

PROJECT NUMBER: FSDB 20090004

PROJECT NAME: Campus Wide Improvement Project

1. Elkins Construction
2. PPI Construction
3. Allstate Construction

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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

DEPARTMENT OF MANAGEMENT SERVICES

BIDS FOR BUILDING CONTRACTORS

PROPOSALS ARE REQUESTED FROM QUALIFIED BUILDING CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: MSFM-28004008

PROJECT NAME: Restoration of Vacant Gutted Space, Suite 124, Collins Building

PROJECT LOCATION: Tallahassee, Florida

MANADATORY PRE-BID MEETING: June 16, 2009, 10:00 a.m., Project Site: Collins Building

BID OPENING: June 30, 2009

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$300,000.00

PREQUALIFIED BIDDERS: Refer to DMS Website (below) for further details

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.

Please visit the Department's Website http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu and click on "Search Advertisements – Division of Real Estate Development and Management" Look for "Opportunities for Design and Construction Firms" and click on link.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF INVITATION TO BID

BID NO. BDC 103-08/09

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids from Certified or Registered General Contractors or Florida Department of Transportation Paving Contractors licensed to work in the jurisdiction for the project listed below:

PROJECT NAME: Little Talbot Island State Park-Resurfacing Day-Use Parking Area

SCOPE OF WORK: The contractor shall provide all labor, materials, equipment and supervision to resurface the entire day-use area with 1.5 inches of type SP-9.5 (Superpave) and restripe using thermoplastic striping reusing existing wheel stops.

PROJECT BUDGET: \$180,000.00

PARK LOCATION: Little Talbot Island State Park, 12157 Heckscher Dr., Jacksonville, Florida.

PROJECT MANAGER: Tom Napier, Bureau of Design and Construction, Alfred B. Maclay Gardens State Park, 3540 Thomasville Road, Tallahassee, FL 32309, (850)488-5372, Fax: (850)488-1141.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total Bid including Alternates exceeds \$200,000, each Bidder whose field is governed by Chapter 399, 455, 489 or 633, Florida Statutes, for licensure or certification, must submit the following prequalification data of their eligibility to submit bids 240 hours (10 days) PRIOR TO the Bid Opening date, unless the Bidder has been previously qualified by the Department of

Environmental Protection for the current biennium (July 1-June 30) of odd numbered years in accordance with subsection 60D-5.004(2), F.A.C., as evidenced by a letter from DEP to the Bidder, which letter shall be presented to DEP upon request. If the Department requires clarification or additional information, Bidder shall submit such information by 120 hours (5 days) prior to Bid Opening. Material submitted after those deadlines shall disqualify the Bidder.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Compact Disk (CD) containing the plans and specifications will be available on May 29, 2009, Little Talbot Island State Park, 12157 Heckscher Dr., Jacksonville, Florida 32226. Attention: Robert Joseph, Park Manager, Telephone: (904)251-2320, Fax: (904)251-2325.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: Michael Renard, Bureau of Design and Construction, (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m. (ET), Tuesday, June 23, 2009, to the below address: Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention: Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

BID POSTING DATE: No later than 2:00 p.m. (ET), Tuesday, June 30, 2009, unless extended by the Department for good cause.

NOTICE OF RIGHTS: Notice of Intent to Protest the Bid Specifications must be filed with (received by) the Agency Clerk, Lea Crandall, Department of Environmental Protection, Office of General Counsel, MS 35, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2242, Fax: (850)245-2303, email: Lea.Crandall@dep.state.fl.us, during the 72-hour period after Bid Specifications are posted on the Vendor Bid System. Failure to file a Notice of Intent to Protest or a formal, written Protest in accordance with Chapter 28-110, F.A.C., within ten days after the 72-hour period ends, as prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of your right to an administrative hearing on the Bid Specifications under Chapter 120, Florida Statutes. Rules for bid protests can be found in Sections 120.569 and

120.57, F.S., and Chapter 28-110, Florida Administrative Code. A bid protester shall comply with these statutes and rules.

DEPARTMENT OF MILITARY AFFAIRS

REQUESTING QUALIFICATIONS FOR DESIGN – BUILD FIRMS

The State of Florida, Department of Military Affairs (DMA), Construction and Facility Management Office (CFMO) requests qualifications from your firm for Design-Build Services for the Project Number 208016 for a new Engagement Simulation Training (EST) facility to be located at Camp Blanding Joint Training Center, 5629 State Road 16, West, Starke, Florida 32091.

You must go to the Vendor Bid System on the myflorida.com myfloridamarketplace website: http://vbs.dms.state.fl.us/vbs/main_menu for complete submission requirements and information.

POINT OF CONTACT: Department of Military Affairs, Construction and Facility Management Office, Contracting Branch (904)823-0255 or 0252, e-mail: cfmocontracting@fl.ngb.army.mil.

SERVICES TO BE PROVIDED: CFMO will contract with a single contract entity whose Design-Build team shall provide all services including, but not necessarily limited to site investigation, survey (topographical and utility), soils report, preconstruction, programming, schematic and preliminary designs, constructability reviews, complete design and engineering, life cycle cost analysis, construction documents, specifications, detailed line-item construction cost estimates, procurement, permitting and permits, bidding, labor, materials, equipment, construction management, and construction required to provide a complete facility. The selected Design-Build team is required to deliver this project within or under the approved budget of \$535,000.

PROJECT DESCRIPTION: This project will consist of installing a 50 foot by 150 foot metal pre-engineered building with two 12 foot by 12 foot roll up doors at each end. The building will have an interior ceiling height of 16 feet to accommodate the Engagement Simulation Training Equipment and other simulation devices. A 3 foot by 7 foot door will be required for entry into the building. The facility has to meet the Specifications as per TC-25-8.

The structure will include male/female latrines, storage controller rooms, scenario rooms, and classroom. Building requires HVAC and required electrical service for building components.

The building will need to meet current Florida Building Codes and ADA requirements. The structure will be engineered to meet applicable wind load requirements for the area. Antiterrorism/Force Protection (AT/FP) requirements will have to be met.

SUBMITTAL DUE DATE: Tuesday, June 30, 2009, 4:30 p.m.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

Request for Qualifications Architectural and Engineering Services for the TRDA Business Innovation Center Expansion A&E Services NOTICE IS HEREBY GIVEN that TRDA seeks proposals from qualified architects for design and construction documents for Phase II of an original Master Plan for expansion of a business incubation facility. Responses must be submitted in accordance with the RFQ posted on www.trda.org/contact_us/rfps.asp.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

The Division of Historical Resources announces that it will solicit applications for Special Category grants-in-aid assistance for historic preservation projects from July 1, 2009 to August 31, 2009.

The deadline for submitting applications online is August 31, 2009 before 12:00 a.m., midnight. The required paper copy and attachments must be either delivered to: Bureau of Historic Preservation office before 5:00 p.m., August 31, 2009, or be clearly postmarked or show evidence of submission to an express mail service on or before that date.

Applications will be reviewed in a public meeting of the Florida Historical Commission on November 16-19, 2009, from 9:00 a.m. to 5:00 p.m. in the R. A. Gray Building, Heritage Hall (Auditorium), 500 South Bronough Street, Tallahassee, Florida.

More information may be accessed online at <http://www.flheritage.com/grants>, by writing: Preservation Services/Grants-in-Aid Program, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, 4th Floor, Tallahassee, Florida 32399-0250, by calling grants staff at 1(800)847-7278, or by emailing: Crista Hosmer at cmhosmer@dos.state.fl.us.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA09-OR-144

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In Re: LAKE COUNTY LAND DEVELOPMENT

REGULATIONS APPROVED BY

LAKE COUNTY ORDINANCE NO. 2009-19

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Florida Statutes, (2008), approving a land development regulation adopted by a local government within the Green Swamp Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Lake County is a local government within the Green Swamp Area. § 380.0551(1), Florida Statutes (2008).
2. On May 8, 2009, the Department received for review Lake County Ordinance 2009-19 ("Ord. No. 2009-19") adopted by the Lake County Board of County Commissioners on April 21, 2009.
3. Ord. No. 2009-19 creates Section 9.09.00 establishing standards for noise protection and amends Chapter 14, Appendix E of the Lake County Code revising the submittal requirements for preliminary plats, construction plans, site plans, and master park plans to include the requirement for a noise study when new development and nearby properties differ in uses.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. §§ 380.05(6) and (11), Florida Statutes (2008).
5. Lake County is a local government within the Green Swamp Area of Critical State Concern. § 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Florida Statutes; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. ("Principles").
8. Ord. No. 2009-19 promotes and furthers the following Principles: consistent with the Principles in subsection 28-26.003(1), Florida Administrative Code, Objectives to Be Achieved:
 - (a) Minimize the adverse impacts of development on resources of the Floridian Aquifer, wetlands, and flood-retention areas.
 - (b) Protect the normal quantity, quality and flow of ground water and surface water which are necessary for the protection of resources of state and regional concern.
9. Ord. No. 2009-19 is not inconsistent with the remaining Principles. Ord. No. 2009-19 is consistent with the Principles for Guiding Development as a whole.
10. Ord. No. 2009-19 is consistent with Lake County Comprehensive Plan Goal 1: Future Land Use; Policy 1-14.2: Managing Future Land Use; Policy 7-10.10: Control Noise Pollution; and Policy 9-1.2.2: Land Use Planning of Adjacent Lands.

WHEREFORE, IT IS ORDERED that the above identified Lake County Ord. No. 2009-19 is consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
 CHARLES GAUTHIER, AICP
 Director, Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569,

FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY: AGENCY CLERK, DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 19th day of May, 2009.

/s/ _____
 Paula Ford, Agency Clerk

By U.S. Mail:
 Sanford A. Minkoff
 County Attorney
 Lake County
 P. O. Box 7800
 Tavares, FL 32778-7800

Neil Kelly
 Clerk of the Board of County
 Commissioners of Lake County
 P. O. Box 7800
 Tavares, FL 32778-7800

By Hand Delivery or Interagency Mail:
 Rebecca Jetton, DCA Area of Critical State Concern
 Administrator
 Barbara Powell, DCA Area of Critical State Concern Planner II
 Richard E. Shine, DCA Assistant General Counsel

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Pacific Rim International West, intends to allow the establishment of AA Accurate Truck & Auto Sales, Inc., as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co. Ltd. (DAIX) at 1644 North US 1, Ormond Beach (Volusia County), Florida 32174, on or after May 8, 2009.

The name and address of the dealer operator(s) and principal investor(s) of AA Accurate Truck & Auto Sales, Inc. are dealer operator(s): James Pascarelli, 1644 North US 1, Ormond Beach, Florida 32174; principal investor(s): James Pascarelli, 1644 North US 1, Ormond Beach, Florida 32174.

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: Wendy Yu, Pacific Rim International West, 2260 South Archibald Avenue, #E, 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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Auto Land Export Group, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 4612 North Florida Avenue, Tampa (Hillsborough County), Florida 33603, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Auto Land Export Group, Inc. are dealer operator(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603 and Mohamed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603; principal investor(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Auto Land Export Group, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 4612 North Florida Avenue, Tampa (Hillsborough County), Florida 33603, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Auto Land Export Group, Inc. are dealer operator(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603 and Mohamed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603; principal investor(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Auto Land Export Group, Inc., as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 4612 North Florida Avenue, Tampa (Hillsborough County), Florida 33603, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Auto Land Export Group, Inc. are dealer operator(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603; principal investor(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603.

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Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Auto Land Export Group, Inc., as a dealership for the sale of motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 4612 North Florida Avenue, Tampa (Hillsborough County), Florida 33603, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Auto Land Export Group, Inc. are dealer operator(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603 and Mohamed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603; principal investor(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Auto Land Export Group, Inc., as a dealership for the sale of motorcycles manufactured by Jiangsu Sunhou S & T Motorcycle Co. Ltd. (SNHU) at 4612 North Florida Avenue, Tampa (Hillsborough County), Florida 33603, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Auto Land Export Group, Inc. are dealer operator(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603; principal investor(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Finishline Scooters, LLC, as a dealership for the sale of motorcycles

manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 6600 Gulf Boulevard, St. Petersburg (Pinellas County), Florida 33706, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Finishline Scooters, LLC are dealer operator(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771; principal investor(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771.

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.

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Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Finishline Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 6600 Gulf Boulevard, St. Petersburg (Pinellas County), Florida 33706, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Finishline Scooters, LLC are dealer operator(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771; principal investor(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771.

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The name and address of the dealer operator(s) and principal investor(s) of Finishline Scooters, LLC are dealer operator(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771; principal investor(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771.

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Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Finishline Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 6600 Gulf Boulevard, St. Petersburg (Pinellas County), Florida 33706, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Finishline Scooters, LLC are dealer operator(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771; principal investor(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771.

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The name and address of the dealer operator(s) and principal investor(s) of Finishline Scooters, LLC are dealer operator(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771; principal investor(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771.

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Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Finishline Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 6600 Gulf Boulevard, St. Petersburg (Pinellas County), Florida 33706, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Finishline Scooters, LLC are dealer operator(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771; principal investor(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771.

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The name and address of the dealer operator(s) and principal investor(s) of Finishline Scooters, LLC are dealer operator(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771; principal investor(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771.

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Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Finishline Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 6600 Gulf Boulevard, St. Petersburg (Pinellas County), Florida 33706, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Finishline Scooters, LLC are dealer operator(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771; principal investor(s): John Leonard, 3269 Shore Drive, Largo, Florida 33771.

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Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of P and R Auto Brokers, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Hi-Bird Motorcycle Industry Co. Ltd. (HIBR) at 917 North Combee Road, Lakeland (Polk County), Florida 33801, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of P and R Auto Brokers, Inc. are dealer operator(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813; principal investor(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of P and R Auto Brokers, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 917 North Combee Road, Lakeland (Polk County), Florida 33801, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of P and R Auto Brokers, Inc. are dealer operator(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813; principal investor(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of P and R Auto Brokers, Inc., as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 917 North Combee Road, Lakeland (Polk County), Florida 33801, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of P and R Auto Brokers, Inc. are dealer operator(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813; principal investor(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of P and R Auto Brokers, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 917 North Combee Road, Lakeland (Polk County), Florida 33801, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of P and R Auto Brokers, Inc. are dealer operator(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813; principal investor(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of P and R Auto Brokers, Inc., as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 917 North Combee Road, Lakeland (Polk County), Florida 33801, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of P and R Auto Brokers, Inc. are dealer operator(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813; principal investor(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of P and R Auto Brokers, Inc., as a dealership for the sale of motorcycles manufactured by Taixing Sandi Motorcycle Co. Ltd. (SNDI) at 917 North Combee Road, Lakeland (Polk County), Florida 33801, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of P and R Auto Brokers, Inc. are dealer operator(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813; principal investor(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of P and R Auto Brokers, Inc., as a dealership for the sale of motorcycles manufactured by Jiangsu Sunhou S & T Motorcycle Co. Ltd. (SNHU) at 917 North Combee Road, Lakeland (Polk County), Florida 33801, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of P and R Auto Brokers, Inc. are dealer operator(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813; principal investor(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of P and R Auto Brokers, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 917 North Combee Road, Lakeland (Polk County), Florida 33801, on or after July 17, 2009.

The name and address of the dealer operator(s) and principal investor(s) of P and R Auto Brokers, Inc. are dealer operator(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813; principal investor(s): George Pappachen, 6535 Walkers Glen Drive, Lakeland, Florida 33813.

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.

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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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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: Caroline Khurana, Lambretta International, LLC, 14339 Lake City Way, Northeast, Seattle, Washington 98125.

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 Carter Brothers Manufacturing Co., Inc., intends to allow the establishment of Scooter Escapes, LLC dba Scooter Escapes, as a dealership for the sale of motorcycles manufactured by Sanyang Industry Co. Ltd. (SANY) at 1450 1st Avenue, North, St. Petersburg (Pinellas County), Florida 33705, on or after May 14, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Escapes, LLC dba Scooter Escapes are dealer operator(s): Chris Densmore, 1450 1st Avenue, North, St. Petersburg, Florida 33705; principal investor(s): Chris Densmore, 1450 1st Avenue, North, St. Petersburg, Florida 33705.

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: Jack Mullioned, Carter Brothers Manufacturing Co., Inc., 1871 US Highway 231, Brundidge, Alabama 36010.

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

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 Lambretta International, LLC, intends to allow the establishment of Scooter Boutique, Inc., as a dealership for the sale of motorcycles manufactured by HerChee Industrial Co. Ltd. (HERH) at 241 13th Avenue, North, Jacksonville Beach (Duval County), Florida 32250, on or after May 14, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Boutique, Inc. are dealer operator(s): Terry Henson, 241 13th Avenue, North, Jacksonville Beach, Florida 32250; principal investor(s): Terry Henson, 241 13th Avenue, North, Jacksonville Beach, Florida 32250.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

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 Piaggio Group Americas, Inc., intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of Aprilia motorcycles (APRI) at 2600 US Highway 1 South, St. Augustine (St. Johns County), Florida 32086, on or after May 13, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warwick, 2600 US Highway 1 South, St. Augustine, Florida 32086; principal investor(s): Peter Warwick, 2600 US Highway 1 South, St. Augustine, Florida 32086.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

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 Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by

Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 1024 South Main Street, Suite A, Gainesville (Alachua County), Florida 32601, on or after May 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 1024 South Main Street, Suite A, Gainesville, Florida 32601; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

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.

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A copy of such petition or complaint 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 Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 1024 South Main Street, Suite A, Gainesville (Alachua County), Florida 32601, on or after May 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 1024 South Main Street, Suite A, Gainesville, Florida 32601; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

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.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 266 Blanding Boulevard, Suites 1 & 3, Orange Park (Clay County), Florida 32073, on or after May 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 266 Blanding Boulevard, Suites 1 & 3, Orange Park, Florida 32073; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

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.

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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: Leo Su, Galaxy Powersports, LLC d/b/a JCL International, LLC, 2667 Northaven Road, Dallas, Texas 75229.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZYV) at 266 Blanding Boulevard, Suites 1 & 3, Orange Park (Clay County), Florida 32073, on or after May 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 266 Blanding Boulevard, Suites 1 & 3, Orange Park, Florida 32073; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

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.

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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 Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 32 San Marco Avenue, St. Augustine (St. Johns County), Florida 32084, on or after May 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 32 San Marco Avenue, St. Augustine, Florida 32084; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

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.

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Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Galaxy Powersports, LLC d/b/a JCL International, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by

Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 32 San Marco Avenue, St. Augustine (St. Johns County), Florida 32084, on or after May 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 32 San Marco Avenue, St. Augustine, Florida 32084; principal investor(s): Martin Solano, 4372 Sycamore Pass Court West, Jacksonville, Florida 32258.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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 Johnny Pag Motorcycles, intends to allow the establishment of Swamp Cycles, LLC, as a dealership for the sale of Johnny Pag Motorcycles at 633 Northwest 13th Street, Gainesville (Alachua County), Florida 32601, on or after May 5, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Swamp Cycles, LLC are dealer operator(s): Shawn Glasser, 1710 Southwest 49th Place, Gainesville, Florida 32608; principal investor(s): Shawn Glasser, 1710 Southwest 49th Place, Gainesville, Florida 32608.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: JR Pag, CEO, Johnny Pag Motorcycles, 1851 McGaw, Irvine, California 92614.

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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Auto Land Export Group, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 4612 North Florida Avenue, Tampa (Hillsborough County), Florida 33603, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Auto Land Export Group, Inc. are dealer operator(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603 and Mohamed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603; principal investor(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Auto Land Export Group, Inc., as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 4612 North Florida Avenue, Tampa (Hillsborough County), Florida 33603, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Auto Land Export Group, Inc. are dealer operator(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603; principal investor(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Auto Land Export Group, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 4612 North Florida Avenue, Tampa (Hillsborough County), Florida 33603, on or after June 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Auto Land Export Group, Inc. are dealer operator(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603; principal investor(s): Ahmed Elmunaier, 12519 Evington Point Drive, Riverview, Florida 33603.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Lance Powersports, Inc., intends to allow the establishment of Eco Green Machine, LLC, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 7000 Park Boulevard, Pinellas Park (Pinellas County), Florida 33781, on or after May 29, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Eco Green Machine, LLC are dealer operator(s): Ronnie Pournall, 7000 Park Boulevard, Pinellas Park, Florida 33781; principal investor(s): Ronnie Pournall, 7000 Park Boulevard, Pinellas Park, Florida 33781.

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: Gene Chang, Lance Powersports, Inc., 5200 Ontario Mills Parkway, 100-B, Ontario, California 91764.

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 Mod Cycles Corporation, intends to allow the establishment of Jude A. Mitchell d/b/a Jude's Cycle Service, as a dealership for the sale of motorcycles manufactured by Zongshen Industrial Group (ZONG) at 3038 North John Young Parkway, Unit 2, Orlando (Orange County), Florida 32804, on or after May 19, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Jude A. Mitchell d/b/a Jude's Cycle Service are dealer operator(s): Jude A. Mitchell, Post Office Box 585574, Orlando, Florida 32808; principal investor(s): Jude A. Mitchell, Post Office Box 585574, Orlando, Florida 32808.

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: Javier Opoczynski, General Manager, Mod Cycles Corporation, 7547 Northwest 52 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 Pacific Rim International West, Inc., intends to allow the establishment of Mega Power Sports Corp., as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co. Ltd. (DAIX) at 921 West International Speedway Boulevard, Daytona Beach (Volusia County), Florida 32114, on or after May 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Mega Power Sports Corp. are dealer operator(s): David Levison, 921 West International Speedway Boulevard, Daytona Beach, Florida 32114; principal investor(s): David Levison, 921 West International Speedway Boulevard, Daytona Beach, Florida 32114.

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: Wendy Yu, Pacific Rim International West, Inc., 2260 South Archibald Avenue, Unit E, 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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Japalu, Inc. d/b/a UPS Motors.com, as a dealership for the sale of motorcycles manufactured by Zhejiang Jiajue Apollo Vehicle Manufacture Co. Ltd. (JIAJ) at 9501 Northwest 27th Avenue, Miami (Dade County), Florida 33147, on or after June 22, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Japalu, Inc. d/b/a UPS Motors.com are dealer operator(s): Jaime Garcia, 5938 Southwest 112th Drive, Copper City, Florida 33330 and Juan Morales, 17938 Northwest 68th Avenue, Miami Lake, Florida 33015; principal investor(s): Flor Rojas, 5938 Southwest 112th Drive, Copper City, Florida 33330.

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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Japalu, Inc. d/b/a UPS Motors.com, as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacture Co. Ltd. (KNRO) at 9501 Northwest 27th Avenue, Miami (Dade County), Florida 33147, on or after June 22, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Japalu, Inc. d/b/a UPS Motors.com are dealer operator(s): Jaime Garcia, 5938 Southwest 112th Drive, Copper City, Florida 33330 and Juan Morales, 17938 Northwest 68th Avenue, Miami Lake, Florida 33015; principal investor(s): Flor Rojas, 5938 Southwest 112th Drive, Copper City, Florida 33330.

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.

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Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Japalu, Inc. d/b/a UPS Motors.com, as a dealership for the sale of motorcycles manufactured by Zhejiang Summit Huawin Motorcycle Co. Ltd. (POPC) at 9501 Northwest 27th Avenue, Miami (Dade County), Florida 33147, on or after June 22, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Japalu, Inc. d/b/a UPS Motors.com are dealer operator(s): Jaime Garcia, 5938 Southwest 112th Drive, Copper City, Florida 33330 and Juan Morales, 17938 Northwest 68th Avenue, Miami Lake, Florida 33015; principal investor(s): Flor Rojas, 5938 Southwest 112th Drive, Copper City, Florida 33330.

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Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Japalu, Inc. d/b/a UPS Motors.com, as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 9501 Northwest 27th Avenue, Miami (Dade County), Florida 33147, on or after June 22, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Japalu, Inc. d/b/a UPS Motors.com are dealer operator(s): Jaime Garcia, 5938 Southwest 112th Drive, Copper City, Florida 33330 and Juan Morales, 17938 Northwest 68th Avenue, Miami Lake, Florida 33015; principal investor(s): Flor Rojas, 5938 Southwest 112th Drive, Copper City, Florida 33330.

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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 Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Japalu, Inc. d/b/a UPS Motors.com, as a dealership for the sale of motorcycles manufactured by Jiangsu Sunhou S & T Motorcycle Co. Ltd. (SNHU) at 9501 Northwest 27th Avenue, Miami (Dade County), Florida 33147, on or after June 22, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Japalu, Inc. d/b/a UPS Motors.com are dealer operator(s): Jaime Garcia, 5938 Southwest 112th Drive, Copper City, Florida 33330 and Juan Morales, 17938 Northwest 68th Avenue, Miami Lake, Florida 33015; principal investor(s): Flor Rojas, 5938 Southwest 112th Drive, Copper City, Florida 33330.

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.

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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: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Snyder Computer Systems, Inc. d/b/a Wildfire Motors, intends to allow the establishment of Japalu, Inc. d/b/a UPS Motors.com, as a dealership for the sale of motorcycles manufactured by Zhejiang Leike Machinery Co. Ltd. (ZLMI) at 9501 Northwest 27th Avenue, Miami (Dade County), Florida 33147, on or after June 22, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Japalu, Inc. d/b/a UPS Motors.com are dealer operator(s): Jaime Garcia, 5938 Southwest 112th Drive, Copper City, Florida 33330 and Juan Morales, 17938 Northwest 68th Avenue, Miami Lake, Florida 33015; principal investor(s): Flor Rojas, 5938 Southwest 112th Drive, Copper City, Florida 33330.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Dan Vogel, Snyder Computer Systems, Inc. d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Estimated Borrowing Capacity

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida ("the Board") of its estimate of the borrowing capacity of the Florida Hurricane Catastrophe Fund ("the Fund") and the projected balance of the Fund as of December 31, 2009, in compliance with the requirements of Section 215.555(4)(c)2., Florida Statutes. The projected year-end balance on December 31, 2009, is estimated to be \$4.330 billion, which represents the amount of assets available to pay claims, not including any bond proceeds, resulting from Covered Events which may occur during the June 1, 2009, through May 30, 2010, Contract Year. The Fund's projected post-event borrowing capacity estimate is \$8 billion. Given the current state of the financial markets, the range of potential borrowing capacity estimates is dependent on many factors, such as: the size of the event, the markets accessed, the time necessary to access such markets, and the interest rates utilized. The estimated borrowing capacity and projected available year-end cash balance, together with other liquid resources, provides the Fund with a total estimated loss reimbursement capacity of \$15.830 billion over the next twelve months. Greater detail can be obtained in the "May 2009 Estimated Loss Reimbursement Capacity" Report, which can be found on the Fund's website at www.sbafla.com/fhcf/ under "Bonding Program". The obligation of the Board for the payment of reimbursable losses is limited in Section 215.555(4)(c)2., Florida Statutes, and shall not exceed the actual claims-paying capacity of the Fund. The Board recognizes that its good faith estimate is being made while highly volatile global financial market conditions exist; therefore, changing market conditions can dramatically impact the Fund's actual loss reimbursement capacity either positively or negatively. Current conditions may or may not be the same if and when the Board determines that it is necessary to seek the issuance of revenue bonds.

PUBLIC SERVICE COMMISSION

Notice for Comments on Proposed Changes

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission is soliciting comments on proposed changes to AT&T's (formerly known as BellSouth) Performance Assessment Plan filed in Docket No. 000121A-TP. Staff requests that any comments on changes to the Plan be filed by June 24, 2009, with the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399, (an electronic version should also be provided to: Jerry Hallenstein at jhallens@psc.state.fl.us). The comments should specifically address AT&T's Service Quality Measurement Plan Version 5.00 issued May 15, 2007, and the Self-Effectuating Enforcement Mechanism Administrative Plan Version 5.00 also dated May 15, 2007. All parties are encouraged to electronically submit a redline version of both plans.

For additional information, please contact: Timisha Brooks, Office of General Counsel at (850)413-6212.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

Town of Longboat Key

The Florida Department of Environmental Protection has determined that the Town of Longboat Key's project to replace existing mains in its water distribution system and modify a pump station will not adversely affect the environment. The total cost of the project is estimated to be \$7,000,000. 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: Paul Brandl, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8373.

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

City of North Miami Beach

The Florida Department of Environmental Protection has determined that the City of North Miami Beach's project to construct water improvements at the Norwood-Oeffler Water Treatment Plant will not adversely affect the environment. The

total cost of the project is estimated to be \$5,182,000. 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: Gregg Caro, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8546.

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

Town of Century

The Florida Department of Environmental Protection has determined that the Town of Century's project to construct a new 500,000 Gallon elevated storage tank, install two natural gas operated back-up generators, 18,000 feet of 6-inch water main and a booster station will not adversely affect the environment. The total cost of the project is estimated to be \$1,992,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of funds from the American Recovery and Reinvestment Act of 2009.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing: Isaac Santos, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-7546.

Notice of Entry of Final Order Adopting Verified List of Impaired Waters and Delisting of Waters

The Department of Environmental Protection gives notice that, pursuant to Section 403.067(4), F.S., and Chapter 62-303, F.A.C., three final orders were entered on May 19, 2009, adopting or revising Verified Lists of Impaired Waters for the second assessment of Group 1 and Group 2 waters and the first assessment of the Group 5 basins. In addition, certain waters were delisted within each basin. The second assessment of the Group 2 basins is being adopted for the first time and includes the following basins: Apalachicola-Chipola, Tampa Bay Tributaries, Charlotte Harbor, St. Lucie-Loxahatchee, Middle St. Johns River, and Lower St. Johns River. In addition, the previously adopted Group 5 and Group 1 Verified Lists of Impaired Waters and Delist lists have been revised. The Group 5 basins include the following basins: Everglades, Florida Keys, Indian River Lagoon, Perdido, Springs Coast, and Upper East Coast. The Group 1 basins include the following basins: Everglades West Coast, Lake Okechobee, Ochlockonee/St. Marks, Ocklawaha, Suwannee/Santa Fe, and Tampa Bay. These lists will be submitted to the United States Environmental Protection Agency (EPA) pursuant to Section 303(d) of the federal Clean Water Act and shall serve to update the previously approved Section 303(d) statewide list of Florida waters. These listings and delistings will also update the Group 2, Group 5, and Group 1 lists maintained by the

EPA. Waters within each basin that have been verified as impaired waters are set forth in Exhibits to each final order; the Exhibits also reflect waters that will be delisted.

A copy of the above-referenced final orders may be obtained by contacting: Ms. Pat Waters, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment, MS 3555, Tallahassee, Florida 32399-2400, (850)245-8449 or www.dep.state.fl.us/legal/final_orders/finalorders.htm.

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

Fairpoint Regional Utility System

The Florida Department of Environmental Protection has determined that Fairpoint Regional Utility System's project to construct a new water supply well, water treatment facility, and a water transmission line to connect the new facilities to the existing system will not adversely affect the environment. The total cost of the project is estimated to be \$2,520,000. 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: Venkata Panchakarla, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8366.

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTIFICATION

City of Plantation

The Florida Department of Environmental Protection has determined that the City of Plantation's project to replace existing mains in its water distribution system will not adversely affect the environment. The total cost of the project is estimated to be \$2,840,000. 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: Venkata Panchakarla, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8366.

NOTICE OF INTENT TO ISSUE PROPOSED

MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning: Crystal River Energy Center Units 3, 4 & 5, Power Plant Siting Application No. PA77-09, OGC Case No. 08-2881. On November 17, 2008 the Department received a petition to modify the Conditions of

Certification for Crystal River Units 3, 4 & 5 from Progress Energy Florida pursuant to Section 403.516(1)(c), Florida Statutes, for the addition of a gypsum material handling pad and an associated truck turnaround loop at the site. The Department proposes to modify the Conditions of Certification for the new gypsum material handling pad and truck loop, and to incorporate Department initiated updates. A copy of the proposed modification may be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 48, Tallahassee, FL 32399-3000, (850)245-2002. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida, 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

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 May 18, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the certificate of Leslie Doreen Braeseker, C.R.T. certificate #28244. 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 Chapters 20 and 468, Park IV, Section 20.43 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 May 18, 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 Jessica Renee Pollock, C.N.A. license #132407. 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 May 19, 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 Chikita Michelle Raines, L.P.N, license #PN 5145328. 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 May 19, 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 E. Wiginton, C.N.A., a.k.a. Jacqueline Wigginton, a.k.a. Jacqueline Winginton, license #CNA 77217. 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 May 19, 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 Ira L. Friedberg, R.Ph., license #PS 23100. 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 FINANCIAL SERVICES

NOTICE TO ALL POLICYHOLDERS, CREDITORS AND CLAIMANTS HAVING BUSINESS WITH MD MEDICARE CHOICE, INC.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2008-3191

In Re: The Receivership of MD MEDICARE CHOICE, INC., a Florida Health Maintenance Organization.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH MD MEDICARE CHOICE, INC.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 29th day of September, 2008, the Department of Financial Services of the State of Florida was appointed as Receiver of MD MEDICARE CHOICE, INC., effective at 11:59 p.m., September 30, 2008, and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of MD MEDICARE CHOICE, INC., shall present such claims to the Receiver on or before 11:59 p.m., Wednesday, September 30, 2009, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for MD MEDICARE CHOICE, INC., Post Office Box 110, Tallahassee, Florida 32302-0110. Additional information may be found at: www.floridainsurancereceiver.org.

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., June 19, 2009):

APPLICATION TO MERGE

Constituent Institutions: First America Bank, Osprey, Florida, and Manatee River Community Bank, FSB, Palmetto, Florida

Resulting Institution: First America Bank

Received: May 19, 2009

EXPANDED FIELD OF MEMBERSHIP

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at: <http://www.flofr.com/banking/cufm.asp>.

Name and Address of Applicant: Community South Credit Union, Post Office Box 623, Chipley, Florida 32428

Expansion Includes: Geographic based

Received: May 19, 2009

SOIL AND WATER CONSERVATION DISTRICTS

Broward Soil and Water Conservation District will Co-Sponsor a series of four free public Workshops for the Lauderdale Lakes Clean and Green Project, along with the City of Lauderdale Lakes, Waste Management and the South Florida Water Management District.

You will learn "helpful and practical information on what you can do to save money and live a cleaner, greener and more environmentally-friendly lifestyle!"

Community Gardening Workshop and Home Garden Contest Kickoff

Saturday, May 23, 2009, 10:00 a.m. – 12:00 Noon, Walmart at US 441 & Oakland Park Blvd.

Recycling/Anti-Littering and Pointless Personal Pollution

Saturday, June 27, 2009, 10:00 a.m. – 12:00 Noon, Multipurpose Building at 4345 N. W. 36th Street.

Water and Energy Conservation

Saturday, July 25, 2009, 10:00 a.m. – 12:00 Noon, Shoppes of St. Croix at US 441 and N. W. 34th Street.

Maintaining Your Garden and Community Roundtable

Saturday, August 22, 2009, 10:00 a.m. – 12:00 Noon., Willie Webb, Sr. Park at 3601 N. W. 21st Street.

For additional information: (954)535-2785 or Mail@BrowardSWCD.org.

FEDERAL EMERGENCY MANAGEMENT AGENCY

The Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to reimburse eligible applicants for eligible costs to repair and/or replace facilities damaged by the Severe Storms, Flooding, Tornadoes and Straight-Line Winds occurring during the period starting March 26, 2009 and ending May 5, 2009. This notice applies to the Public Assistance (PA), Individual Assistance (IA) and Hazard Mitigation Grant (HMGP) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207.

Under a major disaster declaration (FEMA-1831-DR-FL) signed by the President on April 21, 2009, the following counties have been designated eligible for PA: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa

Rosa, Wakulla, Walton and Washington. Additional counties may be designated at a later date. All counties in the State of Florida are eligible for HMGP.

This public notice concerns activities that may affect historic properties, activities that are located in or affect wetland areas or the 100-year floodplain, and critical actions within the 500-year floodplain. Such activities may adversely affect the historic property, floodplain or wetland, or may result in continuing vulnerability to flood damage.

Presidential Executive Orders 11988 and 11990 require that all federal actions in or affecting the floodplain or wetlands be reviewed for opportunities to relocate, and evaluated for social, economic, historical, environmental, legal and safety considerations. Where there is no opportunity to relocate, FEMA is required to undertake a detailed review to determine what measures can be taken to minimize future damages. The public is invited to participate in the process of identifying alternatives and analyzing their impacts.

FEMA has determined that for certain types of facilities the best alternative is restoration in the floodplain/wetland. These are facilities that meet all of the following criteria: 1) FEMA's estimate of the cost of repairs is less than 50% of the cost to replace the entire facility, and is less than \$100,000; 2) the facility is not located in a floodway; 3) the facility has not sustained major structural damage in a previous Presidentially declared flooding disaster or emergency; and 4) the facility is not critical (e.g., the facility is not a hospital, generating plant, emergency operations center, or a facility that contains dangerous materials). FEMA intends to provide assistance for the restoration of these facilities to their pre-disaster condition, except for certain measures to mitigate the effects of future flooding or other hazards may be included in the work. For example, a bridge or culvert restoration may include a larger waterway opening to decrease the risk of future washouts.

For routine activities, this will be the only public notice provided. Other activities and those involving facilities that do not meet the four criteria are required to undergo more detailed review, including study of alternate locations. Subsequent public notices regarding such projects will be published if necessary, as more specific information becomes available.

In many cases, an applicant may have started facility restoration before federal involvement. Even if the facility must undergo detailed review and analysis of alternate locations, FEMA will fund eligible restoration at the original location if the facility is functionally dependent on its floodplain location (e.g., bridges and flood control facilities), or the project facilitates an open space use, or the facility is an integral part of a larger network that is impractical or uneconomical to relocate, such as a road. In such cases, FEMA must also examine the possible effects of not restoring the facility, minimize floodplain/wetland impacts, and determine both that an overriding public need for the facility clearly outweighs the Executive Order requirements to avoid the

floodplain/wetland, and that the site is the only practicable alternative. State of Florida and local officials will confirm to FEMA that proposed actions comply with all applicable State and local floodplain management and wetland protection requirements.

FEMA intends to provide HMGP funding to the State of Florida to mitigate future disaster damages. These projects may include construction of new facilities that exceed code requirements, modification of existing, undamaged facilities, relocation of facilities out of floodplains, demolition of structures, or other types of projects to mitigate future disaster damages. In the course of developing project proposals, subsequent public notices will be published if necessary, as more specific information becomes available.

The National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. Those actions or activities affecting buildings, structures, districts or objects 50 years or older or that affect archeological sites or undisturbed ground will require further review to determine if the property is eligible for listing in the National Register of Historic Places (Register). If the property is determined to be eligible for the Register, and FEMA's undertaking will adversely affect it, FEMA will provide additional public notices. For historic properties not adversely affected by FEMA's undertaking, this will be the only public notice.

As noted, this may be the only public notice regarding the above-described actions under the PA, IA and HMGP programs. Interested persons may obtain information about these actions or a specific project by writing to: Federal Emergency Management Agency, Joint Field Office, 2728 Centerview Drive, Tallahassee, Florida 32301, or by calling (850)309-8601. Comments should be sent in writing to Jeffrey Bryant, Federal Coordinating Officer, at the above address within 15 days of the date of this notice.

AVISO PÚBLICO

Por este medio, la Agencia Federal para el Manejo de Emergencias (FEMA, por sus siglas en inglés) avisa al público su intención de reembolsar a los solicitantes elegibles los gastos elegibles de reparación y/o remplazo de instalaciones dañadas por las Severas Tormentas, Inundaciones, Tornados y Vientos Directos ocurridos durante el periodo del 26 de marzo al 5 de mayo de 2009. Este aviso aplica a los programas de Asistencia Pública (PA, por sus siglas en inglés), Asistencia Individual (IA, por sus siglas en inglés) y de Subvención para Mitigación de Riesgos (HMGP, por sus siglas en inglés) implantados según autoriza la Ley Robert T. Stafford de Ayuda por Desastre y Asistencia en Emergencias, 42 U.S.C. §§ 5121-5207.

Bajo una declaración de desastre mayor (FEMA-1831-DR-FL) firmada por el presidente el 21 de abril de 2009, los siguientes condados fueron designados elegibles para PA: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes,

Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Wakulla, Walton y Washington. Podrían designarse condados adicionales en una fecha futura. Todos los condados del estado de la Florida son elegibles para HMGP.

Este aviso público concierne las actividades que podrían afectar propiedades históricas, actividades ubicadas en humedales o el valle aluvial de 100 años, o que los afecten, y las acciones críticas dentro del valle aluvial de 500 años. Estas actividades podrían afectar adversamente propiedad histórica, valles aluviales o humedales, o podrían resultar en vulnerabilidad continua a daños por inundación.

Las Órdenes Presidenciales Ejecutivas 11988 y 11990 requieren que todas las acciones federales en el valle aluvial o en los humedales, o que los afecten, sean revisadas para oportunidades de reubicar, y evaluar las consideraciones sociales, económicas, históricas, ambientales, legales y de seguridad. Cuando no haya oportunidad de reubicación, FEMA tiene como requisito realizar una revisión detallada para determinar las medidas que pueden tomarse para minimizar daños futuros. Se invita al público a participar en el proceso de identificar alternativas y analizar sus impactos.

FEMA ha determinado que, para ciertos tipos de instalaciones, la mejor alternativa es la restauración en el valle aluvial/humedal. Éstas son instalaciones que cumplen con todo lo siguiente: 1) el estimado de costos de FEMA para las reparaciones es menos del 50% del costo de remplazar la instalación completa, y menos de \$100,000; 2) la instalación no está ubicada en un área propensa a inundación; 3) la instalación no ha sufrido daños estructurales serios en un desastre o emergencia anterior de inundación declarada por el presidente y 4) la instalación no es crítica (p. ej., la instalación no es un hospital, planta generatriz, centro de operación en emergencias o instalación que contenga materiales peligrosos). FEMA pretende proveer asistencia para la restauración de estas instalaciones a su condición previa al desastre, excepto para ciertas medidas para mitigar los efectos de inundaciones futuras u otros peligros que podrían incluirse en el trabajo. Por ejemplo, la restauración de un puente o alcantarilla puede incluir una apertura más grande de la vía fluvial para reducir el riesgo de futura erosión del suelo por inundación.

Éste será el único aviso público que se proveerá para las actividades de rutina. Otras actividades y las que involucran instalaciones que no cumplan con los cuatro criterios tienen que pasar por una revisión más detallada, que incluya el estudio de ubicaciones alternas. Se publicarán avisos públicos subsiguientes para dichos proyectos, de ser necesario, y según aparezca información más específica.

En muchos casos, es posible que un solicitante comience la restauración de una instalación antes de que el gobierno federal se involucre. Aunque la instalación tenga que pasar por una revisión detallada y un análisis de ubicación alterna, FEMA

proveerá los fondos por la restauración elegible en la ubicación original si la instalación depende funcionalmente de su ubicación en el valle aluvial (p. ej., puentes e instalaciones de control de inundaciones), o el proyecto facilita el uso de un espacio abierto, o la instalación es parte integral de una red mayor que no resulta práctico o económico reubicar, como una carretera. En estos casos, FEMA también tiene que examinar los posibles efectos de no restaurar la instalación, minimizar el impacto a valles aluviales / humedales y determinar que la necesidad pública primordial de la instalación claramente sobrepasa los requisitos de la Orden Ejecutiva para evitar el valle aluvial /humedal, y que el sitio es la única alternativa practicable. Funcionarios del estado de Florida y locales confirmarán a FEMA que las acciones propuestas cumplirán con todos los requisitos aplicables estatales y locales de manejo de valles aluviales y de protección de humedales.

FEMA pretende proveer fondos para HMGP al estado de Florida para mitigar daños por desastres futuros. Estos proyectos pueden incluir construcción de instalaciones nuevas que sobrepasen los requisitos de codificación, modificación de instalaciones existentes sin daños, reubicación de instalaciones a lugares fuera de los valles aluviales, demolición de estructuras u otros tipos de proyectos para mitigar daños por desastres futuros. En el transcurso del desarrollo de propuestas de proyectos, se publicarán avisos públicos subsiguientes de ser necesario, según aparezca información más específica.

La Ley Nacional de Conservación Histórica requiere que las agencias federales tomen en consideración los efectos de sus acciones en propiedades históricas. Esas acciones o actividades que afectan edificios, estructuras, distritos u objetos de más de 50 años o que afectan sitios arqueológicos o terrenos sin perturbar requerirán mayor revisión para determinar si la propiedad es elegible para aparecer en el Registro Nacional de Lugares Históricos (Registro). Si se determina que la propiedad es elegible para estar en el Registro, y las acciones de FEMA la afectarán adversamente, FEMA proveerá avisos públicos adicionales. Éste será el único aviso público para las propiedades históricas que no se verán afectadas adversamente por las acciones de FEMA.

Según mencionado, éste será el único aviso público relacionado con las acciones antes descritas bajo los programas de PA, IA y HMGP. Las personas interesadas en obtener información sobre estas acciones o un proyecto en particular pueden escribir a: Federal Emergency Management Agency, Joint Field Office, 2728 Centerview Drive, Tallahassee, Florida 32301, o llamar al (850)309-8601. Los comentarios deben enviarse por escrito a Jeffrey Bryant, Federal Coordinating Officer, a la dirección anterior en un periodo de 15 días después de la fecha de este aviso.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN May 11, 2009
and May 15, 2009**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF REVENUE

12-14.003	5/12/09	6/1/09	34/5	
12-14.005	5/12/09	6/1/09	34/5	
12-18.001	5/12/09	6/1/09	35/5	35/10
12-18.002	5/12/09	6/1/09	35/5	
12-18.004	5/12/09	6/1/09	35/5	35/10
12-18.008	5/12/09	6/1/09	35/5	
12-24.001	5/12/09	6/1/09	35/5	
12-24.002	5/12/09	6/1/09	35/5	
12-24.003	5/12/09	6/1/09	35/5	
12-24.004	5/12/09	6/1/09	35/5	
12-24.005	5/12/09	6/1/09	35/5	
12-24.007	5/12/09	6/1/09	35/5	
12-24.008	5/12/09	6/1/09	35/5	
12-24.009	5/12/09	6/1/09	35/5	
12-24.010	5/12/09	6/1/09	35/5	
12-24.011	5/12/09	6/1/09	35/5	
12-28.001	5/12/09	6/1/09	35/5	
12-28.002	5/12/09	6/1/09	35/5	
12-28.003	5/12/09	6/1/09	35/5	
12-28.004	5/12/09	6/1/09	35/5	
12-28.005	5/12/09	6/1/09	35/5	
12-28.006	5/12/09	6/1/09	35/5	
12-28.007	5/12/09	6/1/09	35/5	
12-28.008	5/12/09	6/1/09	35/5	
12-28.009	5/12/09	6/1/09	35/5	

Sales and Use Tax

12A-1.029	5/12/09	6/1/09	35/5	
12A-1.036	5/12/09	6/1/09	35/5	
12A-1.040	5/12/09	6/1/09	35/5	
12A-1.075	5/12/09	6/1/09	35/5	
12A-15.002	5/12/09	6/1/09	35/5	
12A-15.010	5/12/09	6/1/09	35/5	
12A-15.011	5/12/09	6/1/09	35/5	
12A-15.012	5/12/09	6/1/09	35/5	
12A-17.003	5/12/09	6/1/09	35/5	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Miscellaneous Tax

12B-5.020	5/12/09	6/1/09	35/5	35/11
12B-5.030	5/12/09	6/1/09	35/5	
12B-5.040	5/12/09	6/1/09	35/5	
12B-5.050	5/12/09	6/1/09	35/5	
12B-5.060	5/12/09	6/1/09	35/5	
12B-5.070	5/12/09	6/1/09	35/5	
12B-5.080	5/12/09	6/1/09	35/5	
12B-5.090	5/12/09	6/1/09	35/5	
12B-5.100	5/12/09	6/1/09	35/5	
12B-5.110	5/12/09	6/1/09	35/5	
12B-5.121	5/12/09	6/1/09	35/5	35/14
12B-5.130	5/12/09	6/1/09	35/5	35/14
12B-5.150	5/12/09	6/1/09	35/5	35/11
12B-5.150	5/12/09	6/1/09	35/5	
12B-5.400	5/12/09	6/1/09	35/5	
12B-5.401	5/12/09	6/1/09	35/5	
12B-8.016	5/12/09	6/1/09	34/51	

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

19B-16.003	5/14/09	6/3/09	35/14	
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DEPARTMENT OF CORRECTIONS

33-601.243	5/15/09	6/4/09	35/13	
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WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

40B-9.011	5/11/09	5/31/09	34/50	34/52
40B-9.021	5/11/09	5/31/09	34/50	34/52
40B-9.031	5/11/09	5/31/09	34/50	34/52
40B-9.041	5/11/09	5/31/09	34/50	34/52
40B-9.042	5/11/09	5/31/09	34/50	34/52
40B-9.045	5/11/09	5/31/09	34/50	34/52
40B-9.051	5/11/09	5/31/09	34/50	34/52
40B-9.061	5/11/09	5/31/09	34/50	34/52
40B-9.065	5/11/09	5/31/09	34/50	34/52
40B-9.071	5/11/09	5/31/09	34/50	34/52
40B-9.081	5/11/09	5/31/09	34/50	34/52
40B-9.111	5/11/09	5/31/09	34/50	34/52
40B-9.121	5/11/09	5/31/09	34/50	34/52
40B-9.122	5/11/09	5/31/09	34/50	34/52
40B-9.123	5/11/09	5/31/09	34/50	34/52

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
40B-9.125	5/11/09	5/31/09	34/50	34/52
40B-9.126	5/11/09	5/31/09	34/50	34/52
40B-9.131	5/11/09	5/31/09	34/50	34/52
40B-9.132	5/11/09	5/31/09	34/50	34/52
40B-9.133	5/11/09	5/31/09	34/50	34/52
40B-9.134	5/11/09	5/31/09	34/50	34/52
40B-9.138	5/11/09	5/31/09	34/50	34/52
40B-9.1381	5/11/09	5/31/09	34/50	34/52
40B-9.141	5/11/09	5/31/09	34/50	34/52
40B-9.1411	5/11/09	5/31/09	34/50	34/52
40B-9.142	5/11/09	5/31/09	34/50	34/52
40B-9.145	5/11/09	5/31/09	34/50	34/52
40B-9.151	5/11/09	5/31/09	34/50	34/52
40B-9.161	5/11/09	5/31/09	34/50	34/52
40B-9.320	5/11/09	5/31/09	34/50	34/52

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

61G15-18.011	5/13/09	6/2/09	35/7	
61G15-21.009	5/13/09	6/2/09	35/14	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

62B-26.014	5/15/09	5/15/09	35/6	35/13
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Division of Recreation and Parks

62D-2.015	5/13/09	6/2/09	35/14	
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DEPARTMENT OF HEALTH

Board of Medicine

64B8-42.001	5/11/09	5/31/09	34/51	35/14
64B8-42.002	5/11/09	5/31/09	34/51	35/14

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Nursing

64B9-3.014	5/11/09	5/31/09	35/11	
64B9-4.002	5/15/09	6/4/09	35/8	35/15

Board of Osteopathic Medicine

64B15-12.003	5/12/09	6/1/09	33/39	35/9
64B15-14.007	5/15/09	6/4/09	34/47	35/8
64B15-14.0076	5/15/09	6/4/09	34/47	35/8

Board of Physical Therapy Practice

64B17-2.001	5/12/09	6/1/09	35/13	
64B17-2.005	5/12/09	6/1/09	35/13	
64B17-6.001	5/12/09	6/1/09	35/13	

Board of Speech-Language Pathology and Audiology

64B20-2.003	5/12/09	6/1/09	34/15	34/48
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School Psychology

64B21-503.002	5/12/09	6/1/09	35/13	
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FLORIDA HOUSING FINANCE CORPORATION

67-48.002	5/11/09	5/31/09	35/12	
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DEPARTMENT OF FINANCIAL SERVICES

Funeral and Cemetery Services

69K-25.004	5/13/09	6/2/09	35/13	
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OIR Insurance Regulation

69O-157.302	5/11/09	5/31/09	34/43	35/2
69O-157.303	5/11/09	5/31/09	34/43	35/2
69O-157.304	5/11/09	5/31/09	34/43	35/2