

(4) Failure to timely file an appeal as described herein shall constitute a waiver of any such entitlement.

(5) A committee desiring a hearing before the commission must include in the appeal a separate request for hearing.

(6) Appeals under this rule are exempt from the confidentiality provisions of Section 106.25, F.S.

Rulemaking Specific Authority 20.10(3), 97.012(1), 106.03(7), 106.22(9) FS. Law Implemented 106.03 FS. History--New 2-28-90, Amended 10-29-03,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0981
 RULE TITLE: School District Virtual Instruction Program

PURPOSE AND EFFECT: The purpose of the rule development is to review the current process for provider approval in order to remove any unnecessary language and to update contact information as well as the web site address for the electronic application.

SUBJECT AREA TO BE ADDRESSED: Process for approving providers of virtual instruction.

RULEMAKING AUTHORITY: 1002.45 FS.

LAW IMPLEMENTED: 1002.45 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: July 20, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Department of Education, 325 West Gaines Street, Room 1724, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sally Roberts, Educational Policy Consultant, Division of Public Schools, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, FL 32399-0400; (850)245-9617. TO REQUEST THE RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott (850)245-9661 or lynn.abbott@fldoe.org

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.303
 RULE TITLE: Reporting Disciplinary Infractions
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to state that acts directly associated with an inmate's intentional self injurious behavior shall not be reported for disciplinary action.

SUBJECT AREA TO BE ADDRESSED: Reporting Disciplinary Infractions.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.04 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.303 Reporting Disciplinary Infractions.

(1) through (3) No change.

(4) The commission of acts that should normally result in consideration for formal disciplinary action shall not be subject to such action when these acts are directly associated with an inmate's intentional self injurious behavior.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History--New 3-12-84, Formerly 33-22.04, Amended 12-30-86, 10-1-95, Formerly 33-22.004, Amended 5-21-00, 2-11-01,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.001
 RULE TITLE: Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update September 2009 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The handbook update requires Medicaid durable medical equipment and medical supplies providers to enter the prescribing physician's name and National Provider Identifier on the claim and Medicaid home health providers to enter the ordering physician's name and National Provider Identifier on the claim. The handbook update also contains policy clarifications. The effect will be to incorporate by reference in rule update September 2009 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

SUBJECT AREA TO BE ADDRESSED: Medicaid Providers Who Bill on the CMS-1500.

RULEMAKING AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: July 7, 2009, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Armstrong, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8071, armstrol@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, July 2008, update September 2009, which is incorporated by reference. The handbook 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 Provider Handbooks. Paper copies of the handbook may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

(2) No change.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History—New 10-1-03, Amended 7-2-06, 3-7-07, 4-9-08, 12-3-08,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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|-----------|-----------------------------------------------|
| RULE NO.: | RULE TITLE: |
| 59G-6.010 | Payment Methodology for Nursing Home Services |

PURPOSE AND EFFECT: The proposed rule development incorporates changes to the Florida Title XIX Long-Term Care Reimbursement Plan effective July 1, 2009, in accordance with Senate Bill 2600 and, 2009-10 General Appropriations Act, Specific Appropriation 219 and Senate Bill 1658.

1. The Agency shall implement a recurring methodology in the Title XIX Nursing Home Reimbursement Plan to reduce nursing home rates to achieve an \$81,333,369 rate reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

3. In accordance with Senate Bill 1658, 409.9082 Quality assessment on nursing home facility providers; exemptions; purpose; federal approval required; remedies, effective July 1, 2009, the Agency may exempt from the quality assessment or apply a lower quality assessment rate to a qualified public, non-state-owned or operated nursing home facility whose total annual indigent census days are greater than 25 percent of the facility's total annual census days.

SUBJECT AREA TO BE ADDRESSED: July 1, 2009 nursing home reimbursement.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.9082 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: July 22, 2009, 9:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759 or by e-mail at stephene@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid

| | |
|-----------|-----------------------------------------------------|
| RULE NO.: | RULE TITLE: |
| 59G-6.020 | Payment Methodology for Inpatient Hospital Services |

PURPOSE AND EFFECT: The proposed rule development incorporates changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan effective July 1, 2009, in accordance with Senate Bill 2600, 2009-10 General Appropriations Act, Specific Appropriation 188 189, and Senate Bill 1658.

1. \$168,300 is provided to Lee Memorial Hospital for the Regional Perinatal Intensive Care Center (RPICC) Program.
2. The Agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve a \$35,478,571 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.
3. Elimination of the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. For any public hospital or any leased public hospital found to have sovereign immunity or hospital with graduate medical education positions that does not qualify for the elimination of the inpatient ceilings under this section of proviso or any other proviso listed, such hospitals shall be exempt from the inpatient reimbursement ceilings contingent on the hospital or local governmental entity providing the required state match. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.
4. Elimination of the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.
5. Elimination of the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2009 and any hospitals that becomes a designated or provisional trauma center during Fiscal Year 2009-2010. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in Section 12, chapter 2007-326, Laws of Florida. The Agency shall use the average of the 2003, 2004 and 2005 audited Disproportionate Share Hospital (DSH) data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited Disproportionate Share Hospital (DSH) data for a hospital, the agency shall use the

average of the audited DSH data for 2003, 2004 and 2005 that are available. Funds in Specific Appropriation 188 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. In the event the state share provided through grants and donations is not available to fund the removal of inpatient ceilings for hospitals, the Agency for Health Care Administration shall submit a revised hospital reimbursement plan to the Legislative Budget Commission for approval.

6. Elimination of the inpatient reimbursement ceilings for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the Certificate of Need Program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation. Included in these funds are the annualized amounts to offset the reductions taken against hospitals defined in Section 408.07(45), Florida Statutes, that are not certified trauma centers, as identified in Section 12, chapter 2007-326, Laws of Florida.

7. \$69,899,581 is provided to buy back of the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for the following three categories of hospitals. Of these funds \$38,503,310 is provided to the first category of hospitals, which are those hospitals that are part of a system that operates a provider service network in the following manner: \$18,152,419 is for Jackson Memorial Hospital; \$5,407,484 is for hospitals in Broward Health; \$5,457,550 is for hospitals in the Memorial Healthcare System; and \$2,748,092 is for Shands Jacksonville and \$6,737,765 is for Shands Gainesville. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the inpatient rate. Of the above funds, \$21,365,269 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. Of the above funds, \$10,031,002 shall be used for the third category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates to rural hospitals. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. For this section of proviso the agency shall use the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the

agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

8. Public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in Section 408.07(45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians and for designated trauma hospitals may buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

9. Medicaid payments for multi-visceral transplant and intestine transplants in Florida. The agency shall establish a reasonable global fee for these transplant procedures and the payments shall be used to pay approved multi-visceral transplant and intestine transplant facilities a global fee for providing transplant services to Medicaid beneficiaries. Payment of the global fee is contingent upon the non-federal share being provided through grants and donations from state, county or other governmental funds. The agency is authorized to seek any federal waiver or state plan amendment necessary to implement this provision.

10. \$155,223,205 is provided for Disproportionate Share (DSH) Hospital payments to public hospitals.

11. A formula for disproportionate share payments to provider service networks.

12. \$66,131,172 is provided for Payments to defined statutory teaching hospitals. Prior to the distribution of these funds to the statutorily defined teaching hospitals. \$6,487,220 shall be allocated to Shands Jacksonville Hospital.; \$2,660,440 shall be allocated to Tampa General Hospital; and \$1,083,512 shall be allocated to Shands Teaching Hospital.

13. \$2,000,000 is provided for Payments to hospitals participating in graduate medical education initiatives, specifically consortiums engaged in developing new graduate medical education positions and programs. Consortiums shall consist of a combination of statutory teaching hospitals, statutory rural hospitals, hospitals with existing accredited graduate medical education positions, medical schools, Department of Health clinics, federally qualified health centers, and where possible, the Department of Veterans' Affairs clinics. Ideally, each consortium will have at least five residents per training year. Each consortium must include primary care providers and at least one hospital, and consortium residents shall rotate between participating primary care sites and hospitals. On or before September 1, 2009, consortiums will apply to the agency for funding with the objective of initiating new medical resident programs and five

initial resident positions by July 2010. On or before October 1, 2009, the agency in consultation with the Department of Health shall at a minimum fund two consortiums, one of which shall be designed to serve a rural area. All consortium-initiated residency programs and positions shall be reviewed by the Community Hospital Education Council, which shall report all findings to the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care.

14. \$13,200,000 is provided for Payments to family practice teaching hospitals.

15. \$800,000 is provided for payments to hospitals licensed as specialty children's hospitals. The funds shall be distributed equally among the hospitals that qualify.

16. \$9,216,200 is provided for payments to Provider Service Networks. Distributions are made to qualifying Provider Service Network hospitals or systems proportionally based on Fiscal Year 2006-2007 Provider Service Network patient days from qualifying Provider Service Network hospitals or systems. The Provider Service Network inpatient days used in distributing these funds shall be based on the utilization for the following individual hospitals or hospital systems only: Jackson Memorial Hospital – 15,464 days; Broward Health – 18,109 days; Memorial Healthcare System – 12,047 days; Shands Teaching – Gainesville – 1,581 days; and Shands Teaching – Jacksonville – 13,227 days.

17. Unrelated to SB 2600, the Agency is deleting the phrase "Upon request for a copy of any cost report, the hospital involved shall be notified as to the person making the request and what is being requested. Unless prohibited by a court of competent jurisdiction, the cost report shall be released to the requestor within a limited reasonable time from receipt of the request by the Agency for Health Care Administration. Reasonable time is defined as the time allowed to enable the Agency to retrieve the record and delete exempt portions of the record" from Section A.I. of the Inpatient Hospital reimbursement Plan.

18. Unrelated to SB 2600, The Agency is removing the "October 1, 2003" date from the provision related to the acceptance of audited cost reports.

SUBJECT AREA TO BE ADDRESSED: July 1, 2009 Inpatient hospital reimbursement rates, DSH payments and cost report issues.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: July 22, 2009, 10:00 a.m. – 11:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.030
 RULE TITLE: Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: The proposed rule development incorporates changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan in accordance with Senate Bill 2600, 2009-2010 General Appropriations Act, Specific Appropriation 193.

1. The Agency may amend its current facility fees and physician services to allow for payments to hospitals providing primary care to low-income individuals and participating in the Primary Care Disproportionate Share Hospital (DSH) program in Fiscal Year 2003-2004 provided such hospital implements an emergency room diversion program so that non-emergent patients are triaged to lesser acute settings; or a public hospital assumed the fiscal and operating responsibilities for one or more primary care centers previously operated by the Florida Department of Health or the local county government. Any payments made to qualifying hospitals because of this change shall be contingent on the state share being provided through grants and donations from counties, local governments, public entities, or taxing districts, and federal matching funds. This provision shall be contingent upon federal approval of a state plan amendment.

2. The Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve a \$10,403,322 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

3. Elimination of the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. For any public hospital or any leased public hospital found to have sovereign immunity or hospital with graduate medical education positions that does not qualify for the

elimination of the outpatient ceilings under this provision of proviso or any other proviso listed, such hospitals shall be exempt from the outpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

4. Elimination of the outpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.

5. Elimination of the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2009 or become a designated or provisional trauma center during Fiscal Year 2009-2010. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in section 13, chapter 2007-326, Laws of Florida. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available. Funds provided for the elimination of hospital outpatient ceilings in Specific Appropriation 193 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. The agency shall submit a revised hospital outpatient reimbursement plan to the Legislative Budget Commission for approval if the state share is not available to fund the removal of hospital outpatient ceilings or if the Centers for Medicare and Medicaid Services does not approve amendments to the Medicaid Hospital Outpatient Reimbursement Plan to eliminate the reimbursement ceilings for certain hospitals.

6. \$18,445,845 is provided to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for the following three categories of hospitals:

- \$6,711,233 is provided to the first category of hospitals, which are those hospitals that are part of a system that operate a provider service network in the following manner: \$2,762,760 is for Jackson Memorial Hospital; \$803,934 is for hospitals in Broward Health; \$1,211,814 is for hospitals in the Memorial Healthcare System; and \$795,574 to Shands Jacksonville and \$1,137,151 to Shands Gainesville. In the event that the above amounts exceed the amount of the

Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the outpatient rate.

- \$5,985,074 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the outpatient rate.

- \$5,749,538 shall be used for the third category to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for rural hospitals. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the outpatient rate for those individual hospitals. For this section of proviso the agency shall use the average of 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

7. Provided for public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in s. 408.07 (45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians and designated trauma hospitals to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid outpatient trend adjustment applied to the individual state mental health hospitals.

8. Unrelated to SB 2600, the Agency is deleting the phrase "Upon request for a copy of any cost report, the hospital involved shall be notified as to the party making the request and the information requested. Unless prohibited by a court of competent jurisdiction, the cost report shall be released to the requestor 15 days from receipt of the request by AHCA" from section A.J. of the Title XIX Outpatient Hospital Plan.

9. Unrelated to SB 2600, The Agency is removing the "October 1, 2003" date from the provision related to the acceptance of audited cost reports.

SUBJECT AREA TO BE ADDRESSED: July 1, 2009 Outpatient Hospital reimbursement rates and cost report issues.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: July 22, 2009, 10:00 a.m. – 11:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

59G-6.090

RULE TITLE:

Payment Methodology for County Health Departments

PURPOSE AND EFFECT: The proposed rule incorporates changes to the Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan (the Plan) effective July 1, 2009. In accordance with Senate Bill 2600, 2009-10 General Appropriations Act, Specific Appropriation 212, the Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan will be amended as follows:

1. The Agency shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to achieve a \$3,024,506 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. A buy back provision for the County Health Departments to apply to their rate reduction.

SUBJECT AREA TO BE ADDRESSED: July 1, 2009 County Health Department reimbursement rates.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: July 22, 2009, 11:00 a.m. – 12:00 Noon
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Tallahassee, Florida 32308, (850)414-2756 or at stephene@ahca.myflorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-19.008
RULE TITLE: Committees

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

SUBJECT AREA TO BE ADDRESSED: Committees.

RULEMAKING AUTHORITY: 120.53, 473.304 FS.

LAW IMPLEMENTED: 120.53, 20.30(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.001
RULE TITLE: Licensee

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

SUBJECT AREA TO BE ADDRESSED: Licensee.

RULEMAKING AUTHORITY: 455.271, 473.304 FS.

LAW IMPLEMENTED: 455.271 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.001
RULE TITLE: Certified Public Accountants Required to Comply with this Chapter

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

SUBJECT AREA TO BE ADDRESSED: Certified Public Accountants Required to Comply with this Chapter.

RULEMAKING AUTHORITY: 473.304, 473.312, 473.313 FS.

LAW IMPLEMENTED: 473.311, 473.312, 473.313 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.003
RULE TITLE: Continuing Professional Education

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

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education.

RULEMAKING AUTHORITY: 120.55(1)(a)4., 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.305, 473.312 FS.
 LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

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|--------------|----------------------------------------------------------------|
| RULE NO.: | RULE TITLE: |
| 61H1-33.0032 | Board Approval of CPA Ethics Continuing Education by Providers |

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

SUBJECT AREA TO BE ADDRESSED: Board Approval of CPA Ethics Continuing Education by Providers.

RULEMAKING AUTHORITY: 120.55(1)(a)4., 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

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| RULE NO.: | RULE TITLE: |
| 61H1-33.006 | Inactive Florida Certified Public Accountants Who Desire to Become Active Licensees |

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

SUBJECT AREA TO BE ADDRESSED: Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

RULEMAKING AUTHORITY: 455.271, 473.304, 473.311, 473.312, 473.313 FS.

LAW IMPLEMENTED: 455.271, 473.311, 473.312, 473.313, 473.323(1)(i) 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

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| RULE NO.: | RULE TITLE: |
| 61H1-38.005 | Scholarships |

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

SUBJECT AREA TO BE ADDRESSED: Scholarships.

RULEMAKING AUTHORITY: 473.304(1), 473.3065(3) FS.

LAW IMPLEMENTED: 473.3065 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

| | |
|------------|-------------|
| RULE NO.: | RULE TITLE: |
| 61J1-1.003 | Chairperson |

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to remove the language concerning the number of board members required to constitute a quorum because the requirements are set by statute.

SUBJECT AREA TO BE ADDRESSED: Removal of quorum requirements due to the requirements being set by statute.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.207, 475.613 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: Thomas O’Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-1.003 Chairperson.

The chairperson is the chief officer of the board and presides at all hearings and conferences, when present. In the absence of the chairperson, the vice chairperson presides. The chairperson and vice chairperson shall be elected by the members of the board at the first meeting of each year. ~~Four members of the board shall constitute a quorum to do business.~~

Rulemaking Specific Authority 475.614 FS. Law Implemented 455.207, 475.613 FS. History--New 10-15-91, Formerly 21VV-1.003, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-4.003 Continuing Education

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618, 475.628 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: Thomas O’Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: RULE TITLE:

61J2-24.001 Disciplinary Guidelines

PURPOSE AND EFFECT: To eliminate the fine and penalty for a license issued by mistake and to update citations.

SUBJECT AREA TO BE ADDRESSED: This rule addresses elimination of the fine and penalty for a license issued by mistake and updates citations.

RULEMAKING AUTHORITY: 455.2273, 475.05 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.453 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.: RULE TITLES:

64B9-4.013 Recertification

64B9-4.014 Inactive Status; Reactivation

PURPOSE AND EFFECT: The purpose of the amendments is to permit Clinical Nurse Specialists the same opportunity to inactivate their advanced licenses that is accorded to advanced registered nurse practitioners.

SUBJECT AREA TO BE ADDRESSED: Certification.

RULEMAKING AUTHORITY: 464.006, 464.012, 464.014 FS.

LAW IMPLEMENTED: 456.036(5), 456.036(9), 464.012, 464.014, 455.711(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-4.013 Recertification; Inactive Status.

(1) Upon initial certification, an ARNP shall be issued a certificate in the appropriate category. At the first and subsequent recertifications thereafter, the licensee shall, upon payment of the renewal fee provided in subsection 64B9-7.001(6), F.A.C., receive a dual RN/ARNP license/certificate.

(2) For each recertification cycle, the ARNP shall submit all of the following to the Board:

- (a) Proof of malpractice insurance or exemption.
- (b) Protocols or exemption.
- (c) Proof of current national certification if required.

(3) Failure to recertify as an Advanced Registered Nurse Practitioner within the time period prescribed by the Department will result in the certificate being placed on delinquent status.

~~(4) An ARNP may apply to place his certificate on inactive status. The application shall be made on forms provided by the Board and shall be accompanied by an application fee for inactive status as specified in subsection 64B9-7.001(7), F.A.C. Applications for inactive status will be considered only during the biennium renewal period. If the licensee seeks to have only the ARNP certificate on inactive status, the licensee will be reissued an R.N. license, provided that said R.N. licensure has been duly renewed.~~

~~(5) When the Registered Nurse license of an Advanced Registered Nurse Practitioner is placed on inactive status, the Advanced Registered Nurse Practitioner certificate will also be placed on inactive status.~~

Rulemaking Specific Authority 464.006, 464.014 FS. Law Implemented 456.036(5), 464.012, 464.014, 455.711(5) FS. History—New 8-31-80, Formerly 21O-11.27, Amended 3-19-87, Formerly 21O-11.027, 61F7-4.013, 59S-4.013, Amended 2-18-98, 4-5-00,_____.

64B9-4.014 Inactive Status: Reactivation of ~~of~~ ARNP Certificate.

(1) An ARNP or CNS may apply to place his/her certificate on inactive status. The application shall be made on forms provided by the Board and shall be accompanied by an application fee for inactive status as specified in subsection 64B9-7.001(11)(c), F.A.C. Applications for inactive status will be considered only during the biennium renewal period. If the licensee seeks to have only the certificate on inactive status, the licensee will be reissued an R.N. license, provided that said R.N. licensure has been duly renewed.

(2) When the Registered Nurse license of an ARNP or CNS is placed on inactive status, the ARNP or CNS certificate will also be placed on inactive status.

~~(3)(4)~~ No inactive certificate may be reactivated unless the applicant holds a current, active license to practice as a Registered Nurse in this State, and meets the requirements of Rule 64B9-4.002, F.A.C., if applicable.

~~(4)(2)~~ Reactivation of an inactive ARNP or CNS certificate or dual RN/ARNP or RN/CNS license/certificate shall be in the manner as provided in Rule 64B9-6.003, F.A.C.

(3) Documentation of active practice as a nurse practitioner or a clinical nurse specialist within the past 5 years or documentation of an ARNP or CNS refresher course to include both theoretical and clinical components must be submitted. A current Registered Nurse license under Sections 464.008, 464.009, F.S., is required for the clinical component of a refresher course.

Rulemaking Specific Authority 464.006, 464.012, 464.014 FS. Law Implemented 456.036(9), 464.012, 464.014 FS. History—New 8-31-80, Amended 3-16-81, 6-18-85, Formerly 21O-11.28, Amended 3-19-87, 10-21-87, Formerly 21O-11.028, Amended 12-27-93, Formerly 61F7-4.014, 59S-4.014, Amended 4-5-00,_____.

DEPARTMENT OF HEALTH

Board of Optometry

| | |
|--------------|------------------------------------------------------|
| RULE NO.: | RULE TITLE: |
| 64B13-18.002 | Formulary of Topical Ocular Pharmaceutical Agents |

PURPOSE AND EFFECT: The purpose of the amendments is to add two additional pharmaceutical agents to the rule, which a certified optometrist is qualified to administer and prescribe in the practice of optometry.

SUBJECT AREA TO BE ADDRESSED: Pharmaceutical Agents.

RULEMAKING AUTHORITY: 463.005, 463.055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1)(a) through (5)(n) No change
- (o) Disluprednate ophthalmic emulsion – .05%
- (a) through (d) No change
- (e) Bimatoprost – .03%

Rulemaking Specific Authority 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History—New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09, 6-28-09,_____.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

| RULE NOS.: | RULE TITLES: |
|------------|---------------------------------------------------------|
| 64I-1.001 | Definitions |
| 64I-1.002 | Services |
| 64I-1.003 | Order of Selection |
| 64I-1.004 | Scope of Services |
| 64I-1.005 | Transitional Living Facility (TLF) Service Requirements |

PURPOSE AND EFFECT: To develop an order of selection for services provided by the Brain and Spinal Cord Injury Program (BSCIP) in compliance with Section 381.76(2), F.S., and to develop service requirements for transitional living facilities (TLFs) in compliance with Section 381.75, F.S., and, in particular, subsections (5)-(7).

SUBJECT AREA TO BE ADDRESSED: Order of Selection and Transitional Living Facilities for Brain and Spinal Cord Injury.

RULEMAKING AUTHORITY: 381.0011 FS.

LAW IMPLEMENTED: 381.7395, 381.745, 381.76, 381.79 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: July 9, 2009, 1:00 p.m. and July 10, 2009, 9:00 a.m.

PLACES: Physical locations for video teleconferencing for July 9, 2009: Department of Health, Children’s Medical Services, 910 North Jefferson Street, Jacksonville, FL 32309; Department of Health, 4025 Esplanade Way, Room 335N, Tallahassee, FL 32311; and Department of Health, Children’s Medical Services, Broward General Medical Center, 1625 SE 3rd Avenue, Suite 415, Ft. Lauderdale, FL 33316; Physical locations for July 10, 2009: Department of Health, 4025 Esplanade Way, Room 335N, Tallahassee, FL 32311; Department of Health, Children’s Medical Services, 13101 Bruce B Downs Boulevard, Room 2004, Tampa, FL 33612; and Department of Health, Children’s Medical Services, 5192 Bayou Boulevard, Pensacola, FL 32503

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Suzanne Kelly, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4110

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

FLORIDA HOUSING FINANCE CORPORATION

| RULE NOS.: | RULE TITLES: |
|------------|--------------------------------------------------------------------------------------------------------|
| 67-37.002 | Definitions |
| 67-37.005 | Local Housing Assistance Plans (LHAP) |
| 67-37.006 | Review of Local Housing Assistance Plans and Amendments |
| 67-37.007 | Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans |
| 67-37.008 | Local Housing Assistance Trust Fund |
| 67-37.010 | Local Affordable Housing Advisory Committees and Incentive Strategies |
| 67-37.011 | Interlocal Entities |

PURPOSE AND EFFECT: This Rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to local governments as an incentive to create partnerships to produce and preserve affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshops will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-37, Florida Administrative Code.

RULEMAKING AUTHORITY: 420.907 FS.

LAW IMPLEMENTED: 420.9071, 420.9072, 420.9073, 420.9075, 420.9076, 420.9078, 420.9079 FS.

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

DATE AND TIME: July 23, 2009, 1:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Darlene Raker at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Dearduff, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING FINANCE CORPORATION'S WEB SITE: www.floridahousing.org.

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NO.: 69H-2.008
RULE TITLE: Other Forms Adopted

PURPOSE AND EFFECT: 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. **SUBJECT AREA TO BE ADDRESSED:** Forms for requesting information from workers' compensation claimants and liability claimants pursuant to the enactment of federal law and the promulgation of federal standards.

RULEMAKING AUTHORITY: 284.17, 284.39 FS.

LAW IMPLEMENTED: 284.30, 284.40, 284.41 FS.

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

DATE AND TIME: Monday, July 13, 2009, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: George Rozes, (850)413-4754 or George.Rozes@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: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.: 69L-6.012
RULE TITLE: Notice of Election to be Exempt

PURPOSE AND EFFECT: Proposed rule amendment to delete and replace all language in subsection 69L-6.012(15), F.A.C., and add a new paragraph 69L-6.012(15)(a), F.A.C. The proposed new language in subsection 69L-6.012(15), F.A.C., provides that when a corporation or limited liability company named on any Certificate of Election to be Exempt remains dissolved or inactive after 90 days from the date of its dissolution or its change in status, the Certificate of Election to be Exempt is immediately revoked by operation of law. Additional language also provides that when a person named on a Certificate of Election to be Exempt no longer meets the issuance requirements of the certificate, such certificate is

revoked by operation of law. New paragraph 69L-6.012(15)(a), F.A.C., provides guidance regarding a corporation or limited liability company's right to petition the Department to review the revocation of its Certificate of Election to be Exempt or to file an appeal pursuant to Section 120.68, F.S. The proposed rule amendment advances the statutory mandate to facilitate the self-execution of workers' compensation law pursuant to Chapter 440, F.S.

SUBJECT AREA TO BE ADDRESSED: Amendment making the revocation of Certificates of Election to be Exempt an operation of law for any dissolved corporation or limited liability company that continues to remain dissolved or inactive 90 days after the date of its dissolution or when it became inactive. Also provides for the revocation by operation of law of any Certificate of Election to be Exempt where the person named on the certificate no longer meets the requirements for issuance of the certificate.

RULEMAKING AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05 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: Thursday, July 16, 2009, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter, (850)413-1878 or Tasha.Carter@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: Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone (850)413-1878

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

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:

69V-40.0311

69V-40.0511

69V-40.201

RULE TITLES:

Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure

Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure

Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure

PURPOSE AND EFFECT: Persons seeking licensure as a mortgage broker, mortgage brokerage business or mortgage lender under Chapter 494, Florida Statutes, must disclose to the Office of Financial Regulation any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. These requirements also apply to the relevant persons of an applicant in the case of a mortgage brokerage business or mortgage lender (e.g., officers, directors, control persons, etc.) The rules require the submission of certain documentation relating to the applicant's law enforcement record. Currently, the rules provide that the omission of any part of a law enforcement record that is required under the rules to be disclosed is deemed a material misrepresentation or material misstatement on the license application. The purpose of the proposed rule amendments is to clarify that the omission of any "material" part of a law enforcement record is a material misrepresentation or material misstatement on the license application.

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

RULEMAKING AUTHORITY: 494.0011 FS.

LAW IMPLEMENTED: 112.011, 494.0031, 494.0033, 494.0041, 494.0061, 494.0062, 494.0072 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.0311 Effect of Law Enforcement Records on Applications for Mortgage Broker Licensure.

(1) General Procedure Regarding Law Enforcement Records. At the time of submitting a mortgage broker application, an applicant for a mortgage broker license shall disclose on the application form any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation, as specified in this rule, relating to: 1) all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class "A", "B", "C", or "D" crime as described in this rule, 2) any pending criminal charges relating to a class "A", "B", "C", or "D" crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

- (a) A copy of the police arrest affidavit, arrest report or similar document.
- (b) A certified copy of the charges.
- (c) A certified copy of the plea, judgment, and sentence where applicable.
- (d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.
- (e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (1) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), F.S.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class "A", "B", "C" or "D" crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) through (19) No change.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0033, 494.0041 FS. History—New 12-2-08, Amended _____.

69V-40.0511 Effect of Law Enforcement Records on Applications for Mortgage Brokerage Business Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each officer, director, control person, member, partner, or joint venturer of a Mortgage Brokerage Business License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as "relevant persons." If the applicant is a natural person, he or she is a relevant person under this rule. At the time of submitting a Mortgage Brokerage Business Application, the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class "A", "B", or "C" crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class "A", "B", or "C" crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

- (a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (2) herein is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0041(2)(c), F.S.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class “A”, “B”, or “C” crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant’s failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant’s file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) through (18) No change.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0031, 494.0041 FS. History–New 12-2-08, Amended

69V-40.201 Effect of Law Enforcement Records on Applications for Mortgage Lender and Correspondent Lender Licensure.

(1) General Procedure Regarding Law Enforcement Records. For purposes of this rule each designated principal representative and each officer, director, control person, member, partner, or joint venturer of a Mortgage Lender or Correspondent Lender License applicant, and each ultimate equitable owner with a 10-percent or greater interest in the applicant shall be referred to collectively as “relevant persons.” At the time of submitting a Mortgage Lender or Correspondent Lender Application, the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo

contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class “A”, “B”, or “C” crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class “A”, “B”, or “C” crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(2) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (1) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 494.0072(2)(c), F.S.

(b) Notwithstanding paragraph (a), the Office shall not deny an application for failure to provide documentation listed in subsection (1) when the crime is not a class “A”, “B”, or “C” crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant’s failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant’s file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(3) through (18) No change.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 112.011, 494.0061, 494.0062, 494.0072 FS. History–New 12-2-08, Amended _____.

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: 69V-560.1021
 RULE TITLE: Effect of Law Enforcement Records on Applications for Money Services Business Licensure

PURPOSE AND EFFECT: Persons seeking licensure as a money services business under Chapter 560, Florida Statutes, must disclose to the Office of Financial Regulation any pending criminal charges and all criminal matters in which the applicant has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. These requirements also apply to the relevant persons of an applicant (e.g., officers, directors, control persons, etc.) The rules require the submission of certain documentation relating to the applicant's law enforcement record. Currently, the rules provide that the omission of any part of a law enforcement record that is required under the rules to be disclosed is deemed a material misrepresentation or material misstatement on the license application. The purpose of the proposed rule amendments is to clarify that the omission of any "material" part of a law enforcement record is a material misrepresentation or material misstatement on the license application.

SUBJECT AREA TO BE ADDRESSED: Money Services Businesses.

RULEMAKING AUTHORITY: 560.105 FS.

LAW IMPLEMENTED: 112.011, 560.114, 560.1401, 560.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.1021 Effect of Law Enforcement Records on Applications for Money Services Business Licensure.

(1) Definitions. For purposes of this rule:

(a) "Relevant persons" means each officer, director, responsible person, compliance officer, or controlling shareholder of the money services business applicant, and any other person who has a controlling interest in the money services business applicant as provided in Section 560.127, F.S. If the applicant is a natural person, he or she is the relevant person under this rule.

(b) "Trigger date" means the date on which an applicant was found guilty, or pled guilty, or pled nolo contendere to a crime.

(2) General Procedure Regarding Law Enforcement Records. At the time of submitting an Application for Licensure as a Money Services Business, Form OFR-560-01, which is incorporated by reference in Rule 69V-560.1012, F.A.C., the applicant shall disclose on the application form any pending criminal charges and all criminal matters in which a relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of any crime. In addition, the applicant shall supply the Office with required documentation for each relevant person, as specified in this rule, relating to: 1) all criminal matters in which the relevant person has pled guilty or nolo contendere to, or has been convicted or found guilty, regardless of whether adjudication was withheld, of a class "A", "B", or "C" crime as described in this rule, 2) any pending criminal charges for a relevant person relating to a class "A", "B", or "C" crime as described in this rule, or 3) shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The required documentation must be legible. Required documentation includes:

(a) A copy of the police arrest affidavit, arrest report or similar document.

(b) A certified copy of the charges.

(c) A certified copy of the plea, judgment, and sentence where applicable.

(d) A certified copy of an order of entry into pre-trial intervention, and the order of termination of pre-trial intervention showing dismissal of charges where applicable.

(e) A certified copy of an order of termination of probation or supervised release, if applicable.

(3) Effect of Failure to Fully Disclose Law Enforcement Record on Application.

(a) The omission of any material part of a law enforcement record required to be disclosed pursuant to subsection (2) is a material misrepresentation or material misstatement on the application and the application shall be denied pursuant to Section 560.114(1)(k), F.S.

(b) Notwithstanding paragraph (3)(a), the Office shall not deny an application for failure to provide documentation listed in subsection (2) when the crime is not a class "A", "B", or "C" crime and the applicant has disclosed the crime on the application form.

(c) If the Office discovers the applicant's failure to disclose after a license has been granted, the Office will suspend or revoke each license currently held by the applicant as follows:

1. Suspension for 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and licensing rules applicable to the application at the time the Office issued the license, and the documentation in the applicant's file at the time the Office issued the license.

2. Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and licensing rules applicable to the application at the time the Office issued the license.

(4) through (19) No change.

Rulemaking Authority 560.105 FS. Law Implemented 112.011, 560.114, 560.1401, 560.141 FS. History--New 4-16-09, Amended

pursuant to Section 267.0617, F.S., and shall apply to all applications received for grant assistance and all grant awards made following the date of adoption.

SUMMARY: This rule will clarify procedures and requirements pertaining to the Small Matching and Special Category Grant Programs, including: explanation of the federal and state sources of grant funding, descriptions of the two grant programs and their respective project categories, identification of non-allowable grant expenditures, explanation of required match contributions (including Rural Economic Development waivers and reductions), description of application submission and review procedures and key provisions of the Historic Preservation Grant Award Agreement, explanation of Grantee reporting requirements (project progress and expenditure documentation, photographic documentation and compliance with the Florida Single Audit Act), and the restrictive covenants and preservation agreement required as a condition of receipt of grant funds.

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: 267.031(1), 267.0617(5) FS.

LAW IMPLEMENTED: 267.0617(2), (3) 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: July 20, 2009, 10:00 a.m.

PLACE: Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250

Pursuant to the provisions of 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: Jennifer Patnode, (850)245-6341. If you are 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: David Ferro, (850) 245-6363

THE FULL TEXT OF THE PROPOSED RULES IS:

1A-39.001 Division of Historical Resources Grant Programs.

The purpose of this chapter is to establish administrative procedures for all Division of Historical Resources (Division) grant programs conducted pursuant to Section 267.0617, F.S.,

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Historical Resources

| RULE NOS.: | RULE TITLES: |
|------------|----------------------------------------------------|
| 1A-39.001 | Division of Historical Resources Grant Programs |
| 1A-39.002 | Definitions |
| 1A-39.003 | Grant Funding |
| 1A-39.004 | Grant Programs |
| 1A-39.005 | Non-Allowable Costs |
| 1A-39.006 | Match Contributions |
| 1A-39.007 | Application Procedures |
| 1A-39.008 | Application Review |
| 1A-39.009 | Grant Award Agreement |
| 1A-39.010 | Reporting Requirements |
| 1A-39.011 | Restrictive Covenant |
| 1A-39.012 | Preservation Agreement |

PURPOSE AND EFFECT: The purpose of the rule is to establish administrative procedures for Division of Historical Resources historic preservation grant programs conducted

and shall apply to all applications received for grant assistance and all grant awards made following the date of adoption. Grants awarded prior to the effective date of this rule shall continue to be subject to the provisions of Chapter 1A-35, F.A.C.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New _____.

1A-39.002 Definitions.

The following words and terms shall have the following meanings:

(1) “Acquisition” means fee simple purchase of real property.

(2) “Acquisition & Development” means a project involving the purchase and/or improvement (restoration, rehabilitation, preservation or reconstruction) of a historic building, structure, site or object.

(3) “Applicant” means an eligible applicant as defined in subsection 1A-39.007(5), F.A.C., of this chapter.

(4) “Approved Scope of Work” means the work specified in Section I of the Historic Preservation Grant Award Agreement, or in a fully executed amendment thereto, as being authorized for expenditure of grant funds and for contribution to the required match. Expenditures for work not included in the Approved Scope of Work are not eligible for grant funding or contribution to match.

(5) “Bureau” means the Bureau of Historic Preservation within the Division of Historical Resources of the Department of State. The Bureau’s mailing address is 500 South Bronough Street, Tallahassee, Florida 32399-0250. Its telephone number is (850)245-6333, and its web address is www.flheritage.com.

(6) “Certified Local Government” means a historic preservation program established by county or municipal ordinance that is certified by the Secretary of the Interior pursuant to 36 CFR Part 61, the implementing regulations for the National Historic Preservation Act of 1966, as amended.

(7) “Development” means architectural and other planning and construction required to facilitate the preservation, rehabilitation or restoration of a historic property, or the reconstruction of such property that no longer exists.

(8) “Division” means the Division of Historical Resources of the Florida Department of State.

(9) “Effective Date” means July 1 of the state fiscal year in which requested grant funding is appropriated by the Florida Legislature. Neither grant funds nor match contributions may be expended before this date except as allowed in subsection 1A-39.009(3), F.A.C., of this chapter.

(10) “Encumbrance” means commitment of grant funds and match by binding contract.

(11) “Expenditure” means the outlay of cash or the amount due and owing after receipt of goods or services included in the Approved Scope of Work.

(12) “Expiration Date” means the date by which all grant funds and match must be expended.

(13) “Florida Historical Commission” means the eleven (11)-member advisory body created pursuant to Section 267.0612, F.S., to assist the director of the Division of Historical Resources in carrying out the purposes, duties, and responsibilities of the division.

(14) “Florida Master Site File” means the list maintained by the Division of Historical Resources, of all recorded historical and archaeological sites and properties in the State of Florida.

(15) “Florida Single Audit Act” means the uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities as codified in Section 215.97, F.S. (see subsection 1A-39.010(4), F.A.C., of this chapter).

(16) “Furniture and Equipment” means features not physically attached to a structure, including but not limited to: desks, tables, chairs, area rugs, computers, kitchen appliances, portable lighting fixtures, and components of portable sound or projection systems.

(17) “Grantee” means the organization or governmental entity to which a grant is awarded, which has entered into a binding agreement (Historic Preservation Grant Award Agreement) with the Division of Historical Resources, Florida Department of State, and which is responsible and accountable both for the use of the funds provided and for the performance of the grant-assisted project.

(18) “Grant Period” means the period between “effective date” and “expiration date” of the Historic Preservation Grant Award Agreement during which time expenditure of all grant funds and all contributions to match must be made.

(19) “Historic District” means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

(20) “Historic Markers” means Official Florida Historic Markers as defined by subsection 1A-48.002(3), F.A.C., of this chapter.

(21) “Historic Preservation Grant Award Agreement” means the legal instrument which binds the Grantee and the Division of Historical Resources, Florida Department of State, to the terms, conditions, and limitations of the Division’s grants programs.

(22) “Historic Property” means any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, and folklife resources. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other

objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of Florida. (Reference: Section 267.021(3), F.S.).

(23) “Indirect Costs” means grantee overhead, management expenses, general operating costs and other costs (excluding contractor’s overhead and profit, which are considered direct project costs) that are not readily identifiable as expenditures for the materials and services required to complete the work identified in the Approved Scope of Work in Section I of the Historic Preservation Grant Award Agreement. Examples of indirect costs include: rent/mortgage, utilities, janitorial services, insurance, accounting, non-grant related administrative and clerical staffing, and fundraising activities.

(24) “In-kind Contribution” means a non-monetary contribution of equipment, services, or labor provided by the grantee to meet match requirements. Items and services must be such that there would normally be a charge for them and must be essential to the implementation of the project and can be documented as to value.

(25) “Match” means cash, in-kind contributions or donated materials, which must be made by the grantee in order to receive the grant award. All match contributions, whether cash, in-kind contributions, or donated materials, must be consistent with the Approved Scope of Work and must be essential to the implementation of the project.

(26) “National Register of Historic Places” means the list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture, authorized by the National Historic Preservation Act of 1966, as amended through 2000, and administered by the U.S. Department of the Interior, National Park Service. Copies are available from the Bureau.

(27) “Non-profit Organization” means a corporate entity which is registered pursuant to Chapter 617, F.S., as a Florida non-profit corporation with the Division of Corporations, Florida Department of State. Grantees other than government entities must maintain active non-profit status with the Division of Corporations during the grant period. Exception: To qualify as a “non-profit organization,” organizations from outside of Florida must have been determined by the U.S. Department of the Treasury, Internal Revenue Service, to be exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

(28) “Planning” means research, testing, analysis and design required for implementation of an Acquisition & Development, Archaeological Excavation or Museum Exhibit project.

(a) Planning for an Acquisition & Development project may include: historical research, development of a Historic Structures Report, condition assessment, survey, hazardous materials survey and abatement plan, rehabilitation feasibility study, and construction documents (plans and specifications).

(b) Planning for an Archaeological Excavation project may include research, predictive modeling and remote sensing applications, as necessary for development of a research design for the project.

(c) Planning for a Museum Exhibit project may include historical research, conceptual and design documents and specifications.

(29) “Preservation” means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work (including accessibility and life safety requirements) to make properties functional is appropriate within a preservation project.

(30) “Preservation Agreement” means the notarized legal instrument by which a Grant Recipient and Owner commit to maintenance and preservation of the historic integrity of a historic property improved with Small Matching Grant assistance or a property other than real property improved with Special Category grant assistance. This legal instrument is applicable only to those Acquisition & Development projects for which recordation of Restrictive Covenants is not possible or required. Properties other than real property include but are not limited to: locomotives, railcars, marine vessels, aircraft and other movable objects. The term of the Preservation Agreement for Special Category grants is ten (10) years from the date of execution. The term of the Preservation Agreement for a Small Matching Grant Acquisition & Development project is five (5) years. The Preservation Agreement must be executed and submitted to the Department prior to any release of grant funding.

(31) “Preservation Standards” means the following standards promulgated by the National Park Service, United States Department of the Interior and the Division for the types of projects indicated:

(a) For projects involving individual historic buildings, the Secretary of the Interior’s Standards for the Treatment of Historic Properties;

(b) For projects involving archaeological investigation, the Secretary of the Interior’s Standards for Archaeological Documentation;

(c) For projects involving historical research, the Secretary of the Interior’s Standards for Historical Documentation;

(d) For projects involving documentation of a historic structure, the Secretary of the Interior’s Standards for Architectural and Engineering Documentation; and

(e) For survey projects, in addition to the Secretary of the Interior's Standards for Preservation Planning, the Florida Master Site File Guidelines for Users, Photo Submission Policy and How to Package Documents checklist.

(f) The National Park Service and Division standards referenced in paragraphs (a) through (e) above are available from the Bureau.

(32) "Project" means the undertaking that encompasses a set of tasks or activities defined by the scope of work and budget included in the Small Matching Historic Preservation Grant Application or Special Category Historic Preservation Grant Application and formalized in the Historic Preservation Grant Award Agreement. The project must begin on the grant effective date and end on or before the grant expiration date. A project may be a part of a larger effort undertaken in a series of distinct phases, which may have begun before the grant period and which may extend beyond the grant period.

(33) "Project Administrative Expenditures" means those expenditures directly attributable to management and oversight of the grant-assisted Project and meeting the reporting and associated requirements of the Historic Preservation Grant Award Agreement.

(34) "Project Budget" means the budget and project description included in the Small Matching Historic Preservation Grant Application or Special Category Historic Preservation Grant Application. The project budget must succinctly describe all major elements of project work, the estimated cost of each and clearly allocate requested grant funding and match contributions to each.

(35) "Project Manager" means the designated representative of the Grantee who is authorized to serve as liaison with the Department for all administrative requirements set forth in the Historic Preservation Grant Award Agreement.

(36) "Project Schedule" means the detailed timeline showing beginning and ending dates for all key elements of the Approved Scope of Work and all other major activities associated with project completion (e.g., draft report or construction document reviews, bidding, contract negotiation, and local permitting reviews).

(37) "Property Owner" means the owner(s) of land or building(s) or both, and of all improvements made with grant funds.

(38) "Real Property" means all land, structures, firmly attached and integrated equipment (e.g., light fixtures or a well pump), and anything growing on the land, as opposed to personal property (movable assets).

(39) "Reconstruction" means depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location and for which there is sufficient documentation available to accurately replicate the property.

(40) "Rehabilitation" means making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

(41) "Religious Property" means a building or portion of a building used as a place of worship. School facilities and residential buildings owned by religious institutions, except those portions of such buildings that may be used as places of worship, are not religious properties for the purpose of state funded grant awards.

(42) "Restoration" means accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(43) "Restrictive Covenants" means the legal instrument by which a Grant Recipient and Owner commit to maintenance and preservation of the historic integrity of a property improved with Special Category grant assistance. This legal instrument is recorded at the appropriate county clerk's office in the county in which the property is located and is binding on the current and subsequent owners for a term of ten (10) years from the date on which the instrument is recorded. The Restrictive Covenants must be recorded and submitted to the Department for projects involving real property prior to any release of Special Category Grant funding.

(44) "Review Panels" means ad hoc groups appointed by the Secretary of State to review, rank and recommend funding levels for Small Matching Historic Preservation Grant Applications. Panel members may include architects, engineers, historians, architectural historians, archaeologists, educators and museum professionals with experience in historic preservation, as well as citizens with demonstrated interest and experience in historic preservation.

(45) "Stabilization" means applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present. Also see "Preservation" in subsection (29) above.

(46) "Survey" means the act or process of determining the location and identification of historical and archaeological sites and properties. An aspect of identification is evaluation, meaning determination of the historical significance or values represented by historical and archaeological sites and properties which have been located and otherwise described. For the purpose of this grant program, historic significance is evaluated on the basis of the criteria for evaluation for the National Register of Historic Places, which are available from the Bureau.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History--New _____.

1A-39.003 Grant Funding.

Source of Grant Funds.

(1) The Division of Historical Resources (Division) grants both state and federal funds to assist historic preservation activities authorized by Section 267.0617, F.S.

(2) Federal funds for historic preservation grants-in-aid are apportioned to the State of Florida by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act. No Acquisition & Development projects for religious properties may be funded with these federal funds.

(3) The use of federal funds provided by the U.S. Department of the Interior for historic preservation grants-in-aid is subject to the policies, procedures, and guidelines set forth by that agency in the most recent edition of the Historic Preservation Fund Grants Manual, and to any special conditions required by the U.S. Department of the Interior in apportioning monies to the State of Florida from which such projects will be funded. Examples of special conditions include ending dates by which all costs charged against a federal grant must be incurred and any prohibitions against the use of federal grant funds for lobbying activities. A copy of the federal Historic Preservation Fund Grants Manual may be obtained by writing or calling the Bureau and paying the cost of photocopying.

(4) Should the Division receive federal funding for Acquisition & Development grant activities, federal regulations require that properties be listed in the National Register of Historic Places or listed as contributing to the significance of a historic district listed in the National Register of Historic Places to be eligible for such funding.

(5) State funds consist of funds which have been appropriated by the Florida Legislature, made available from dedicated sources, donated pursuant to Section 550.0351(2), F.S., or contributed from any other public or private source, except those federal funds for grants-in-aid received from the U.S. Department of the Interior, pursuant to the National Historic Preservation Act.

(6) State-funded Acquisition & Development activities for religious properties shall be limited to exterior work and only such interior work as is essential to the preservation of basic structural integrity.

(7) At least 80% of each donation made pursuant to Section 550.0351(2), F.S., shall be available for allocation to eligible projects within a 50-mile radius of the racetrack or fronton which held the Charity Day from which the donation is derived. The remaining 20% of each donation may be used for eligible projects in other areas of the state.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History--New _____.

1A-39.004 Grant Programs.

(1) Grant funds for historic preservation activities are awarded through two grant programs, the Small Matching Grant program and the Special Category Grant program, each with distinct program requirements and separate annual application cycles.

(a) Small Matching Grant Program. The purpose of this program is to provide funding to assist local, regional and state-wide efforts to preserve significant historic structures and archaeological sites, and promote knowledge and appreciation of the history of Florida. This program does not fund operational support for historic preservation organizations.

1. Small Matching Grant project categories include:

a. Acquisition & Development projects:

(i) Acquisition of historic properties or archaeological sites;

(ii) Development activities including: restoration, rehabilitation, preservation and reconstruction, and site-specific planning for these activities; and recordation of historic and archaeological properties threatened with damage or destruction;

b. Protection & Education projects:

(i) Community Education projects aimed at increasing public understanding and awareness of the importance of historic and archaeological resources and their preservation, in general and for specific sites and properties;

(ii) Survey & Planning projects, which identify and evaluate cultural resources and which contribute to processes and programs to protect those resources; and preparation of long-range historic preservation and management plans for historic and archaeological properties;

(iii) Main Street projects include those providing technical support to the statewide Florida Main Street Program and a one-time start-up grant to newly designated Florida Main Street communities pursuant to Chapter 1A-38, F.A.C.;

(iv) Marker projects assist with the acquisition of state markers for which texts have been approved by the State Historic Marker Council;

(v) Preparation of National Register nomination proposals for individual historic properties or archaeological sites, historic or archaeological districts, or thematic or multiple resource groups;

(vi) Statewide Special Projects, which address one or more statewide historic preservation needs identified by the Division. Applications for these projects are solicited by the Division within the regular grant cycle announcement; and

(vii) Florida Certified Local Governments (CLGs) (see subsection 1A-39.002(6), F.A.C., of this chapter) are eligible to compete for a minimum of 10% of the annual federal Historic Preservation Fund apportionment received by the Division from the National Park Service. These CLG grants are awarded for Community Education, Survey & Planning, Marker and National Register nomination projects.

2. Award Amount and Match Requirements. Except for projects providing technical support to the statewide Florida Main Street Program and Statewide Special Projects, the maximum award amount for the Small Matching Grant program is \$50,000. All Small Matching Grant awards require an equal match unless exempted as follows:

a. Match requirements may be waived by the Division for projects providing technical support to the statewide Florida Main Street Program and for Statewide Special Projects.

b. Rural Economic Development Initiative (REDI) Communities – For Small Matching Grants, the match requirement will be waived for applications for projects within communities designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, F.S. Exceptions to this waiver allowance are funding requests for acquisition of historic properties or purchase of historic markers, both of which must meet the full match requirement. The community in which the project site is located must be a designated REDI community at the time of application. A list of REDI qualified counties and municipal governments is available from the Governor’s Office of Tourism Trade and Economic Development.

3. An applicant from the same organization shall submit no more than one (1) application under a single application deadline in any Small Matching Grant category. State, county or city governments, or universities may submit single applications from more than one division or department during any grant cycle provided that those divisions or departments are separate and distinct budgetary units and providing that applications do not address the same facility, project or site.

(b) Special Category Grant Program. The purpose of this program is to provide funding to assist major local, regional and state-wide efforts to preserve significant historic structures and archaeological sites, to assist major archaeological excavations, and assist in the development and fabrication of major museum exhibits that will promote knowledge and appreciation of the history of Florida. For the purpose of this program, the term “major” means projects with grant funding needs in excess of \$50,000. This program does not fund operational support for historic preservation organizations.

(c) Special Category Grant project categories include:

1. Acquisition of historic properties or archaeological sites;

2. Development activities, including: restoration, rehabilitation, preservation, and reconstruction, and site-specific planning required for these activities;

3. Archaeological excavation projects, including: research, field investigation, testing, analysis and publication of findings; and

4. Museum exhibit projects for Florida history museums, including: research, exhibit design, fabrication and installation.

(2) Award Amount and Match Requirements.

(a) The applicant shall request no more than \$350,000 in a single application. The minimum grant request amount for the Special Category Grant Program is \$50,000.

(b) The match requirement for the Special Category Grant Program shall be the greater of \$50,000 or 50% of the requested grant amount unless as reduced in subsection (3) below.

(3) Rural Economic Development Initiative (REDI) Communities. For Special Category Grants, the match requirement shall be reduced to 10% of the requested grant amount for projects within rural communities designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, F.S. The community in which the project site is located must be a REDI community at the time of application. A list of REDI qualified counties and municipal governments is available from the Governor’s Office of Tourism Trade and Economic Development.

(4) An applicant from the same organization shall submit no more than one (1) Special Category Historic Preservation Grant Application under a single application deadline. State, county or city governments, or universities may submit single applications from more than one division or department during any grant cycle provided that those divisions or departments are separate and distinct budgetary units and providing that applications do not address the same facility, project or site.

(5) Grantees may have no more than one (1) previously awarded Special Category Grant open at the time of application. Applications from applicants with more than one open Special Category Grant shall be declared ineligible by staff and such applications shall be returned to the applicant with a written explanation.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New _____.

1A-39.005 Non-Allowable Costs.

The following categories of expenditures are non-allowable for expenditure of grant funds and as contributions to required match:

(1) Expenditures for work not included in the Approved Scope of Work;

(2) Costs of goods and services not procured in accordance with procurement procedures set forth in the Historic Preservation Grant Award Agreement;

(3) Expenses incurred or obligated prior to or after the grant period;

(4) Expenditures for work not consistent with the applicable preservation standards (see subsection 1A-39.002(31), F.A.C., of this chapter);

(5) Expenditures for Furniture and Equipment, unless specifically authorized as a part of a grant project;

(6) Expenses associated with lobbying or attempting to influence federal, state, or local legislation, the judicial branch, or any state agency;

(7) Private entertainment, food, beverages, plaques, awards, or gifts;

(8) Costs or value of donations or in-kind contributions not documented in accordance with the provisions of the Historic Preservation Grant Award Agreement;

(9) Indirect costs, except indirect costs for Statewide Special Projects and grants providing technical assistance to the statewide Florida Main Street Program, which shall be considered on a case-by-case basis but shall not exceed 20% of the grant award amount;

(10) Project Administrative Expenditures, whether grant expenditures or match contributions, which in aggregate exceed 10% of the grant award amount;

(11) Costs for projects having as their primary purpose the fulfillment of federal or state historic preservation regulatory requirements, specifically, costs of consultation and mitigation measures required under Section 106 of the *National Historic Preservation Act of 1966*, as amended through 2000, or under Section 267.031, F.S.;

(12) Projects which are restricted to private or exclusive participation, which shall include restricting access on the basis of sex, race, color, religion, national origin, disability, age, handicap, or marital status;

(13) Grantee operational support (i.e., organization salaries, travel, supplies) (Note: project-specific travel costs may be allowed if requested and approved during the application review process and if included in the Approved Scope of Work);

(14) Vehicular circulation and parking (Exception: provision of code-required handicapped parking pad);

(15) Sidewalks, landscape features, planting, irrigation systems and site lighting (Exception: sidewalk required to link code-required handicapped parking pad to the accessible entry, planting required to halt erosion, and limited site lighting required for security, if included in the Approved Scope of Work);

(16) Capital improvements to non-historic properties (except as approved for Museum Exhibit projects);

(17) Capital improvements to the interior of religious properties (Exception: repairs to primary elements of the structural system. Examples include: foundation repairs, repairs to columns, load bearing wall framing, roof framing, masonry repairs, and window and exterior door repairs);

(18) Code-required accessibility improvements for religious properties;

(19) Insurance costs (Exception: costs for builder's risk, workers compensation and contractor's liability insurance); and

(20) Purchase of equipment (other than equipment incorporated as capital improvements into a historic building during restoration or rehabilitation, and equipment required for a museum exhibit). If special equipment is required for completion of the Project and said equipment is included in the

Approved Scope of Work for the Project as an eligible grant expense, it shall be rented for the grant term. If the value of special equipment is to be used as a match contribution, the value of the match contribution shall be limited to the cost of rental for the grant period at the market rate for such rental in the region.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New _____.

1A-39.006 Match Contributions.

(1) For the purposes of this program, allowable match contributions must relate directly to the Approved Scope of Work and may include cash, the value of in-kind services, and donated property and materials directly involved in project work. The required match must include a minimum cash contribution of 25%.

(a) In-kind services must be valued at the current Florida minimum wage unless the donor is performing services for which he or she is regularly employed at a higher prevailing wage, in which case, their value may include salary and benefits. Donated materials must be valued at the actual cost or fair market value and must be documented as such.

(b) The full amount of the cash match contribution must be cash-on-hand and dedicated to the project as documented by resolution or documented board action. Availability of cash match contributions must be documented by a bank statement or letter from the grantee's financial institution. For the purpose of this program, cash-on-hand includes funds identified in executed award letters or contracts from third parties, provided that those funds are expressly for the project for which the grant application is submitted.

(c) Written Pledges committed to be paid by a donor over a defined time frame (e.g., two (2) \$1,000.00 cash payments, the first to be made on January 31, 2010 and the second on January 31, 2011), with a donor's signature will be accepted as contributions to the required match. Anonymous pledges shall not be accepted as match contributions.

(d) The value of donated property will be accepted as a contribution to the required match, with the following conditions:

1. The donated property must be the historic property or archaeological site that is the subject of the project for which grant funds are requested.

2. Donation of the property must take place during the grant period.

3. Only the value of the historic building and its footprint or the portion of the property occupied by the archaeological site is eligible for contribution to the required match. This value must be based on a complete summary appraisal prepared by a Florida State Certified General Real Estate Appraiser.

4. Legal fees and other costs associated with the donation are not eligible match contributions.

(e) All match contributions must be documented as prescribed in the application. Match contributions that are not so documented will be disallowed, potentially resulting in a determination of application ineligibility or in reduction of the amount of grant award.

(2) Non-allowable match contributions include:

(a) Funding requested but not yet approved through local or state government appropriation processes;

(b) Anticipated proceeds from fundraising activities;

(c) Expenditures made prior to or after the Grant Period;

(d) Grant funding from other sources applied for but not yet awarded;

(e) Cash pledges not meeting the requirements in paragraph 1A-39.006(1)(c), F.A.C., of this chapter;

(f) Other grant funds from the Department of State or resources contributing to match requirements for other Department of State grant awards;

(3) Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the required support material, which includes the dollar amount dedicated to the project and the date the funds will be available. Resolutions that have not been approved by the application deadline shall not be used as match documentation.

(4) State agencies and universities must document all match contributions in writing. Match commitment letters must be signed by the duly authorized representative of the applicant agency.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New _____.

1A-39.007 Application Procedures.

(1) The Division shall be responsible for the administration of all grant applications, procedures, and awards. Applicants shall meet all program deadlines as posted on the Division's website. Posted deadlines will appear at least sixty (60) days in advance of the deadline. Deadline dates are also available by contacting the Bureau at the address or telephone numbers indicated in subsection 1A-39.002(5), F.A.C., of this chapter.

(2) At least thirty (30) days prior to each grant solicitation period, the Division shall publish in the Florida Administrative Weekly notification of the impending grant application period. This notification shall include the address of the online site where a solicitation letter describing any Statewide Special Projects or technical assistance projects for the Florida Main Street Program to be considered for funding is posted, where applications may be found, and where a mailing address and telephone number may be found through which additional information and assistance may be obtained.

(3) Florida Historical Commission and Review Panel meetings shall be noticed in the Florida Administrative Weekly and on the Division's website. Application review meetings

shall be conducted in accordance with procedures outlined in this chapter and in Sections 112.313, 112.3143, 120.525 and 267.0617, F.S.

(4) Program guidelines shall be posted on the Division's website and shall contain information on eligibility requirements, application review procedures, evaluation criteria, disbursement of funds, and grant administration procedures.

(5) Applicant Eligibility. To be eligible to apply to the Division for grant funding, an applicant organization must:

(a) Be a public entity governed by a county, municipality, school district, community college, college, university, or an agency of state government; or a non-profit organization.

(b) Have ownership of the property for which grant funding is requested or have the concurrence of the property owner. Except for projects involving property acquisition or site-specific archaeological investigation, the owner must be a public entity governed by either a municipality, county, or a non-profit organization as defined in subsection 1A-39.002(27), F.A.C., of this chapter. For the purposes of this program, an eligible applicant may lease state-owned land or building(s) or both.

(c) Have satisfied the administrative requirements of previous grants received from the Division or other Divisions of the Department of State, including grants that may be open at the time of application.

(d) Agree to and be able to match the requested grant amount or portion thereof as required by the specific grant program.

(e) Submit a completed application. Except as allowed in paragraph 1A-39.007(8)(c), F.A.C., of this chapter, applications shall be submitted to the Division online with specified supporting documents submitted by mail or express delivery service (unless applicants are specifically directed to do otherwise for special historic preservation funding appropriated by the Florida Legislature or made available by the federal government), and

(f) Agree to comply with all legal and financial requirements as set forth in this chapter and the grant program guidelines.

(6) For Acquisition & Development grant assistance, projects must be limited to a single site, or group of sites in which all the properties have the same owner(s).

(7) Should an entity receive legislative funding outside the review of the Florida Historical Commission, Review Panel or Secretary of State, that entity shall not be eligible to receive historic preservation grant assistance from the Division for the same project within the same fiscal year in which the legislative funding is made available.

(8) Applications for historic preservation grant assistance shall be made on the appropriate historic preservation grant application form:

(a) Small Matching Historic Preservation Grant Application (DOS Form HR3E0410705SM, effective (date of adoption), 2009, incorporated by reference).

(b) Special Category Historic Preservation Grant Application (DOS Form HR3E0410705SC, effective (date of adoption), 2009, incorporated by reference).

(c) Online applications and instructions are available at the Division's web site. A copy of the application and all applicable supporting materials must be submitted to the attention of the Bureau by mail or express delivery service as specified in the instructions. If a prospective applicant does not have access to the internet, paper copies of the application may be obtained from the Bureau by writing to the address indicated in subsection 1A-39.002(5), F.A.C., of this chapter.

(d) For Acquisition projects:

1. In addition to the supporting documents referenced above, the application must include the following:

a. A copy of the complete summary appraisal prepared by a Florida State Certified General Real Estate Appraiser. Two appraisals are required if the first appraisal exceeds \$500,000.00;

b. A copy of a title search;

c. A copy of an executed option or purchase agreement;

d. A copy of the certified land survey; and

e. If applicable, a copy of the archaeological survey report justifying the archaeological site Acquisition project.

2. The maximum grant share for an Acquisition project shall not exceed 50% of the value of the property as determined by a complete summary appraisal prepared by a Florida State Certified General Real Estate Appraiser. If the appraisal exceeds \$500,000, a second appraisal must be obtained. In such case, the grant award shall not exceed 50% of the average of the two appraisals.

3. Only the purchase of the historic property or archaeological site is eligible for grant funding. All closing costs are the responsibility of the Grantee organization.

(9) Application Deadlines. There are two funding cycles annually; one for Special Category Grant funds, and one for state and federal Small Matching Grant funds. Applicants must submit separate applications for each cycle.

(a) To be considered for funding, online applications must be submitted by 12:00 midnight on the deadline specified in the grant solicitation notice for the given grant cycle. Paper applications and required supporting materials must be received in the Division offices on or before 5:00 p.m. on the deadline specified in the grant solicitation letter for the given grant cycle, or be clearly postmarked or show evidence of submission to an express mail service on or before the online application deadline.

(b) In addition to the annual Special Category and Small Matching Grant cycles, the Division may also conduct special grant cycles should additional grant funds become available.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History—New _____.

1A-39.008 Application Review.

(1) Upon receipt of grant applications, the Division shall review and evaluate each application for completeness and eligibility according to the funding cycle and application deadline for which it is intended. Each complete and eligible application shall be assigned an identification number.

(2) Late, Incomplete and Ineligible Applications.

(a) If the online application is submitted after the established deadline or if the required supporting materials are postmarked or submitted to an express parcel service after the established deadline, the application will be declared ineligible by Division staff and will be returned to the applicant with a written explanation.

(b) Grants staff will perform a completeness review of each application received by the established submission deadline. If an application is found to be incomplete, the applicant will be notified in writing of the identified completeness deficiencies and will be given an opportunity, by a date certain deadline, to submit to the Division information and documentation necessary to render the application complete. If the identified completeness deficiencies are not corrected by the established deadline, the application will be declared ineligible by Division staff and will be returned to the sender with a written explanation of the Division's finding of ineligibility. Incomplete applications are those for which responses have not been provided for all required application questions, or applications lacking required supporting materials (as so indicated in the Application Checklist included with the application) such as documentation of match availability, and current photographs of the resource(s) involved in the project.

(c) Ineligible applications also include those from applicants that do not meet the eligibility requirements in subsection 1A-39.007(5), F.A.C., of this chapter, applications requesting funding amounts inconsistent with the maximum award amounts in paragraph 1A-39.004(1)(b), F.A.C., of this chapter for Small Matching Grants or paragraph 1A-39.004(2)(b), F.A.C., of this chapter for Special Category Grants, or those from applicants claiming the REDI match waiver or reduction provided by subparagraph 1A-39.004(1)(b)2. and subsection 1A-39.004(3), F.A.C., of this chapter but who are not eligible for such waiver or match reduction.

(3) All complete and eligible applications shall be reviewed by the Division professional staff for sufficiency and conformance with the evaluation criteria in subsection 1A-39.008(8), F.A.C., of this chapter.

(4) After initial staff technical review, if clarification is required, staff will request necessary additional information and establish a deadline for submission of that information by the applicant. Such request may be made of the applicant by

letter, facsimile, e-mail, or by telephone, based on contact information provided in the application. Additional information received after the established deadline will not be accepted.

(5) The Division shall send copies of the applications and submitted supporting materials to each member of the Historical Commission or the Review Panel or make these materials available online in sufficient time for members to review all applications prior to the Commission or Panel convening in a public meeting for the purpose of considering the applications for funding.

(6) The Division shall also provide the following information to the Historical Commission or the Review Panels, as applicable, during or prior to the public meeting at which applications are considered:

(a) An opinion as to whether or not the project is appropriate for the type of grant assistance requested in the application;

(b) An assessment of compliance of the proposed project with applicable preservation standards;

(c) Any additional information or clarification requested from an applicant and received within the specified timeframe;

(d) An assessment of the eligibility of claimed match contributions and the project budget, with recommendations for any grant funding level adjustments that may be justified by the findings of the staff technical review. Examples of the need for such adjustment would be a recommendation to delete work not consistent with the applicable preservation standards or to reduce the grant award in an amount commensurate with inadequately documented or non-allowable match contributions.

(e) Information regarding the applicant's administrative performance for open or previous Department grants. This information shall be considered in evaluating administrative capability and in development of funding recommendations. Among factors to be considered are:

1. Timeliness of Progress and Expenditure Report submissions;

2. Adequacy of expenditure documentation;

3. Compliance with interest reporting or payment requirements;

4. Compliance of previous project or project phases with applicable preservation standards;

5. Compliance with draft contract and product review submission requirements; and

6. Time required for project completion.

(f) For Florida Certified Local Government (CLG) applicants competing for the federal funding described in paragraph 1A-39.004(1)(a), F.A.C., of this chapter, information regarding the applicant's compliance with CLG reporting requirements will be provided.

(7) The Historical Commission and the Review Panels shall annually convene separate public meetings, either in person or by teleconference, to consider applications for federal or state Small Matching Grant assistance, and Special Category Grant assistance, within 150 days of the relevant application deadline.

(a) Applications for Small Matching Grant assistance shall be reviewed by a Review Panel.

(b) Applications for Special Category Grant assistance shall be reviewed by the members of the Historical Commission.

(c) The Division shall publish a notification of the time and place of the meeting and where a copy of the agenda may be obtained in the Florida Administrative Weekly at least thirty (30) days prior to the Historical Commission or Review Panel meeting.

(8) The Historical Commission and the Review Panels shall evaluate each application based on the criteria relating to the site involved, the prospective grantee, and the anticipated public benefit, as follows:

(a) Criteria related to the site:

1. Historic significance, meaning the relative importance of the site in connection with prehistory or historical events, developments or personalities.

2. Endangerment, meaning existing or potential threats of loss or damage through demolition, deterioration or encroaching development.

3. Appropriateness of the historic preservation treatment proposed in relation to the preservation of the historic appearance and character of the site and the protection to be provided against existing or potential threats.

(b) Criteria related to the grantee:

1. Administrative capability, including personnel, facilities and organization adequate to complete the project and meet the administrative requirements of the grant. Applicant administrative performance for previous or open grants awarded by the Division or other divisions of the Department of State shall be considered.

2. Financial resources adequate to meet grant match requirements and, as applicable, to carry project costs as necessary pending receipt of reimbursements from grant funds.

3. Availability of professional and technical services required to carry out the project work.

(c) Criteria related to public benefit:

1. Compatibility with statewide historic preservation priorities established by the Division, which include but are not limited to: equitable geographic and demographic distribution of available grant funds. These priorities are subject to change depending on regional or statewide concerns (e.g., disasters such as fire, flooding or hurricane damage). Further information about these priorities is available from the Bureau.

2. Educational potential or demonstration value for enhancing the public awareness of Florida history, Florida historic sites and properties, the objectives of historic preservation, and the application of historic preservation methods, materials and standards.

3. Anticipated economic benefits, including direct impact on the local economy and the stimulation of additional private sector interest and investment in historic preservation projects.

4. Public use or other public good resulting from the project.

(9) Overmatch (contribution of match resources in excess of the match requirements indicated in paragraphs 1A-39.004(1)(b) and 1A-39.004(2)(b) and subsection 1A-39.004(3), F.A.C., of this chapter) shall result in no special consideration or advantage in application ranking; however, the applicant shall be required to document the availability of funding sufficient to complete the project if completion requires more than the sum of the required match and the requested grant funding.

(10) The Historical Commission and the Review Panels shall each develop priority listings of all project applications reviewed by ranking each project relative to the others and shall recommend funding levels and any appropriate special conditions for each individual project. An example of a special condition is a requirement that the grantee must ensure that masonry repairs are undertaken in accordance with the guidance contained in National Park Service Preservation Brief No. 2: Repointing Mortar Joints in Historic Buildings, available from the Bureau.

(11) For the purpose of establishing priority listings and recommending funding levels within the Small Matching Grant program, two (2) Review Panels shall consider applications in two general categories, Acquisition & Development and Protection & Education. Applications within the Protection & Education category shall be considered by groups in the following sub-categories: Survey & Planning, Community Education, Main Street, Historical Markers, National Register Nominations, and Statewide Special Projects. The Review Panels shall rank individual projects within each sub-category, also recommending funding levels for each individual project.

(12) The recommendations of the Historical Commission and the Review Panels shall be submitted by the Division to the Secretary of State for review and approval. At a minimum, the written recommendations shall include a ranking of all proposed projects, however categorized, and the recommended funding level for each proposed project.

(13) The Division shall prepare a final priority listing of all project applications with an associated level of funding for each project, as approved by the Secretary, and shall notify all applicants in writing of the final decision on the priority order and the recommended funding level for their respective applications.

(14) Funding for state Small Matching Grants and Special Category Grants is contingent on an annual appropriation by the Florida Legislature.

(15) Grant funds shall be awarded in accordance with the final priority listing of the applications considered for grant assistance in a given funding cycle, unless otherwise provided by the Legislature. Funds shall not be provided for projects which were not applied for, reviewed and recommended in accordance with procedures outlined in this chapter.

(16) If reallocation of grant funds becomes necessary due to completion of a project at less than anticipated cost or project cancellation during the grant period for either a federal-funded or state-funded grant project:

(a) The Division Director shall increase the grant award amount for projects funded in the same grant cycle that received only a portion of the recommended funding amount; and

(b) If the funds available for reallocation exceed the amount needed to accomplish in paragraph (a) above, after funding the projects in paragraph (a), the Division Director shall allocate remaining additional funds to new grant awards in rank order at the recommended funding level for projects reviewed and ranked in the same grant cycle but not funded because of insufficient funding.

(c) Any funds remaining in any grant allocation as a result of completion of a project at less than anticipated cost or project cancellation that are not reallocated in accordance with paragraph (a) or (b) above, shall revert to the funding source from which the grant funds were appropriated.

(17) If additional grant funds become available during the grant year for either federal-funded or state-funded grants, the Director shall increase grant awards or award new grants for applications reviewed by the Historical Commission or Review Panel during the normal review processes as in subsection 1A-39.008(1), F.A.C., of this chapter, or establish a special process for awarding such additional funds.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History--New _____.

1A-39.009 Grant Award Agreement.

(1) All grant awards which have been approved in accordance with subsection 1A-39.008(15), F.A.C., of this chapter shall be formalized through a Historic Preservation Grant Award Agreement by which the grantee enters into a contract with the State of Florida for the management of grant funds. The grant award agreement is specific to the type of project being assisted. The four types of grant award agreements are as follows:

(a) Special Category Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAASC, effective (date of adoption), 2009, incorporated by reference. This agreement shall be used for all Special Category Grant awards.

(b) Small Matching Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAASM, effective (date of adoption), 2009, incorporated by reference. This agreement shall be used for all Acquisition and Development, Survey and Planning, Community Education, and National Register Nomination projects for which a match is required.

(c) Non-Matching Grants Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAANM, effective (date of adoption), 2009, incorporated by reference. This agreement shall be used for all Acquisition and Development, Survey and Planning, Community Education, National Register Nomination, and Statewide Special Projects and technical assistance projects for the Florida Main Street Program (solicited by the Division to meet statewide historic preservation needs) for which the match requirement has been waived.

(d) Abbreviated Historic Preservation Grant Award Agreement, DOS Form HR3E1208GAAAB, effective (date of adoption), 2009, incorporated by reference. This agreement shall be used for all local Main Street and Historic Marker projects.

(2) The project work may not be initiated prior to the effective date of the Historic Preservation Grant Award Agreement, except as allowed in subsection 1A-39.009(3), F.A.C.

(3) The Division shall authorize initiation of project work prior to the effective date of the Historic Preservation Grant Award Agreement if loss of the property would likely otherwise occur. Such authorization must be secured prior to the initiation of work and shall apply only to work to be undertaken during the period after the project has been recommended to the Legislature for funding by the Secretary of State and before legislative appropriation of grant funds. The grantee must request such authorization in writing and must document the imminent threat to the property by submission of a letter report from a Florida registered structural engineer clearly describing the conditions constituting the threat and proposed corrective measures. The Division shall review the documentation provided by the grantee and make a determination regarding justification for requested authorization. The written determination of the Division shall be final. Any authorization granted for work initiated prior to the effective date of the Historic Preservation Grant Award Agreement shall apply only to that work addressing the conditions contributing to the identified threat to the property. All proposed corrective measures shall meet applicable preservation standards. Division authorization for initiation of project work prior to the effective date of the Historic Preservation Grant Award Agreement shall impose no liability on the Division if anticipated grant funds are not appropriated by the legislature. All such work shall be undertaken solely at the applicant's risk.

(4) Grant Encumbrance Period and Expenditure Period:

(a) Encumbrance Period for Projects Requiring Contractual Services:

1. During the encumbrance period, but not later than the end date of the encumbrance period, the grantee shall execute all required contracts for all work to be accomplished with grant funds. Projects for which encumbrance is not accomplished by the established deadline may be cancelled by the Division and the grant funds may be reallocated in accordance with subsection 1A-39.008(16), F.A.C., of this chapter.

2. For the purpose of the Special Category Grant program, the encumbrance deadline is June 30 of the state fiscal year in which grant funds are appropriated by the Legislature.

3. For the purpose of the Small Matching Grant program (including: matching Acquisition & Development, Survey & Planning, Community Education, and National Register Nomination projects; non-matching Acquisition & Development, Survey & Planning, Community Education, National Register Nomination projects; and Main Street and Historic Marker projects), grant funds must be encumbered by November 1 of the state fiscal year in which the grant funds are appropriated by the Legislature.

4. Exception: The encumbrance period for a Special Category Grant project may be extended by written approval of the Division. To be eligible for this extension, the Grantee must demonstrate to the satisfaction of the Division that full encumbrance of grant funding and the required match by binding contract(s) is achievable by the end of the requested extended encumbrance period. The Grantee's written request for extension of the encumbrance deadline must be submitted to the Division no later than May 31 of the state fiscal year in which the grant funds are appropriated by the Legislature. For Special Category Grant projects, the maximum extension of the encumbrance period shall be 180 days.

5. Exception: A one-time thirty (30) day extension of the encumbrance period for Small Matching Grant projects may be granted by the Division if requested in writing by the Grantee. To be eligible for this extension, the Grantee must demonstrate to the satisfaction of the Division that full encumbrance of grant funding and the required match by binding contract(s) is achievable by December 1 of the state fiscal year in which the grant funds are appropriated by the Legislature. The Grantee's written request for extension of the encumbrance deadline must be submitted to the Division no later than October 1 of the state fiscal year in which the grant funds are appropriated by the Legislature. No further extension of the encumbrance period shall be granted.

6. Small Matching Grant projects for which full encumbrance of grant funding and the required match is not accomplished by the extended encumbrance deadline may be terminated by the Division. In such cases, all grant funds not expended in accordance with the provisions of the Historic

Preservation Grant Award Agreement by the extended encumbrance period end date will be reallocated in accordance with subsection 1A-39.008(16), F.A.C., of this chapter.

(b) For projects not involving contract services (e.g., archaeological or other research projects conducted by universities, projects conducted by staff within State Parks, or small development projects involving repairs undertaken by volunteers), the grantee and the Division shall consult on a case-by-case basis to develop an acceptable encumbrance schedule.

(c) The Division will not release more than 25% of the total grant amount until an executed contract with an architect, contractor, consultant or vendor has been submitted by the grantee and approved by the Division. Acquisition grants that were awarded for the purchase of real property are exempt from this provision. The Division shall maintain a copy of all such executed contracts in the grant files.

(d) Expenditure Period.

1. For Special Category Grant projects, grant funds and required match resources must be expended by June 30 of the fiscal year following the fiscal year in which grant funds were appropriated by the Legislature.

2. For Small Matching Grant projects, grant funds must be expended by June 30 of the fiscal year in which grant funds were appropriated by the Legislature.

3. Grant funds shall not be used for project expenditures that are incurred after the expenditure period end date, which is the termination date of the Historic Preservation Grant Award Agreement.

4. For Special Category Grant projects, the Division may extend the expenditure period by not more than 180 days provided that the grantee requests the extension in writing and:

a. Documents that all grant funds and match contributions are encumbered; and

b. Demonstrates to the satisfaction of the Division that project work is progressing at a rate such that completion is achievable within the extended expenditure period.

5. For Small Matching Grant Projects, a one-time thirty (30) day extension may be granted by the Division if requested in writing by the grantee. To be eligible for this extension, the grantee must demonstrate to the satisfaction of the Division that project work is progressing at a rate that completion is achievable within the extended grant period.

6. For Special Category and Small Matching Grant projects, the grantee's written request for extension shall be submitted to the Division no later than thirty (30) days prior to the termination date of the Historic Preservation Grant Award Agreement.

(5) Grant Funding Disbursement.

(a) Grantees may elect either Advance Disbursement or Reimbursement of grant funds in the Historic Preservation Grant Award Agreement. Once this election is made, it shall not be amended.

(b) All grantee payment requests must be submitted to the Division in writing on the Payment Request Form provided by the Division (DOS Form HR3E1208PRF, effective (date of adoption), 2009), incorporated by reference).

(c) Grant payments are contingent upon completion by the grantee of specific performance measures as prescribed in the Historic Preservation Grant Award Agreement.

(d) Reimbursement for expenditures shall be based on documentation provided in the Project Progress and Expenditure Reports described in Rule 1A-39.010, F.A.C., of this chapter.

(e) Release of grant funds for Advance Disbursement projects shall be as specified in the Historic Preservation Grant Award Agreement, subject to release of state appropriation to the Division. The release schedule may be adjusted by the Division with prior notice to the Grantee.

(f) The Final Payment (10% of the grant award amount) shall be retained by the Division until receipt, review and approval of a the Final Project Progress and Expenditure Report described in paragraphs 1A-39.010(1)(b) and (2)(c), F.A.C., of this chapter, documenting full expenditure of all grant funds and required match contributions. For the purpose of this provision, "expenditure" shall mean that all goods and services have been delivered, invoiced, and approved by the Division. While proof of payment is not required for request of the 10% retainage amount, such proof of payment must be submitted to the Division within 30 (thirty) days after the date of issuance of the state warrant for the final grant payment.

(g) The Department shall reduce total grant funding for the Project in direct proportion to match contributions not met by the end of the Grant Period. This reduction shall be calculated by dividing the actual match amount by the required match amount indicated in the Historic Grant Award Agreement and multiplying the product by the grant award amount indicated in the Historic Grant Award Agreement.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History--New _____.

1A-39.010 Reporting Requirements.

(1) Special Category Grant Project Reporting Requirements.

(a) Special Category Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERSC, effective (date of adoption), 2009), incorporated by reference and available on the Division's web site, covering six (6) month reporting intervals shall be submitted until the project is complete. For the purpose of this program, a project is considered complete when all grant funding and required match resources have been expended, and all corresponding project work has been reviewed and approved by the Division. Reports are due thirty (30) days following the end date of each

reporting interval. The first Project Progress and Expenditure Report is due on January 31 of the state fiscal year in which the grant was awarded.

(b) A Final Special Category Grant Project Progress and Expenditure Report, contained in DOS Form HR3E1208PERSC, and photographs of completed project work or copies of final grant products shall be submitted within thirty (30) days following the expenditure of all grant and match funding, and contribution of all in-kind services, and donated materials included in the match documented in the grant application for the project, which is incorporated by reference in the Historic Preservation Grant Award Agreement.

(2) Small Matching Grant Project Reporting Requirements.

(a) For each type of Small Matching Grant Project, a Project Progress and Expenditure Report shall be submitted at three-month reporting intervals until the project is complete. For the purpose of this program, a project is considered complete when all grant funds and required match resources have been expended, and all project work or final grant-assisted products have been reviewed and approved by the Division. Reports are due thirty (30) days following the end date of each reporting interval. The first Project Progress and Expenditure Report is due on October 31 of the state fiscal year in which the grant was awarded.

(b) The following Project Progress and Expenditure Report forms, available on the Division's web site, shall be used for the corresponding Small Matching Grant project type:

1. Acquisition & Development Project Progress and Expenditure Report (DOS Form HR3E1208PERSMAD, effective (date of adoption), 2009), incorporated by reference);

2. Survey and Planning/Community Education Project Progress and Expenditure Reports (DOS Form HR3E1208PERSMSPCE, effective (date of adoption), 2009), incorporated by reference);

3. Non-Matching Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERNM, effective (date of adoption), 2009) (for special solicited projects and REDI waiver projects);

4. Abbreviated Historic Preservation Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERAB, effective (date of adoption), 2009) (for Historical Marker and Main Street projects); and

5. Certified Local Government Grant Project Progress and Expenditure Reports (DOS Form HR3E1208PERCLG, effective (date of adoption), 2009).

(c) Final Project Progress and Expenditure Reports for each type of Small Matching Grant (contained in each of the Project Progress and Expenditure Report forms listed in 2. above) shall be submitted within thirty (30) days following the expiration date but not later than July 31 of the year following the state fiscal year in which the grant was awarded. Final

Project Progress and Expenditure Reports shall include photographs of completed project work or copies of final grant products.

(3) All Project Progress and Expenditure Reports shall include the following:

(a) A written description of the work completed;

(b) Financial documentation showing the expenditure of grant funds and match resources including: a detail listing check number, amount of check, date of check, name of payee, a description of the expenditure, and copies of invoices and cancelled checks, copies of the paid invoices for all cash purchases, or alternative expenditure documentation as approved in writing by the Division.

(c) For all Acquisition & Development projects, photographs describing the current status of project work as related to the Approved Scope of Work. All photographs shall be captioned with property name, date of photograph, and description of feature and work described. Photographs shall be clear and sufficient to describe all completed elements of the Approved Scope of Work.

(4) All Project Progress and Expenditure Reports require completion of a grantee assessment to assist in identifying non-state entity grantees that are required to comply with the Florida Single Audit Act, Sections 215.97(2)(a) and 215.97(8)(a), F.S. Information provided by this grantee assessment shall be reported by grants staff to the Department's Office of Inspector General in accordance with the established procedures of that office.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History--New _____.

1A-39.011 Restrictive Covenants.

(1) For Special Category Grant projects involving acquisition of or improvement to real property, the grantee and the property owner(s) shall execute and file a Restrictive Covenants, DOS Form HR3E1208RC, effective (date of adoption), 2009, with the Clerk of the Circuit Court in the county where the property is located, prior to release of the grant funds.

(2) The restrictive covenant shall include the following provisions:

(a) The Restrictive Covenants, incorporated herein by reference, shall run with the title of the property, shall encumber the property and shall be binding upon the grantee and the owner(s), if different, and the successors in interest for ten (10) years from the date of the recordation of the Restrictive Covenants.

(b) The grantee and owner(s) shall permit the Division to inspect the property at all reasonable times to determine whether the grantee and owner(s) are in compliance with the terms of the Restrictive Covenants.

(c) The grantee and owner(s) shall maintain the property in accordance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

(d) The grantee and owner(s) agree that no modifications will be made to the property, other than routine repairs and maintenance, without advance review and approval of the plans and specifications by the Division’s Bureau of Historic Preservation.

(e) The Restrictive Covenants shall also contain an amortization schedule of the repayment of grant funds, should the grantee or owner(s) or their successors in interest violate the Restrictive Covenants.

(f) Other provisions as agreed upon by the Division and the grantee.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History–New _____.

1A-39.012 Preservation Agreement.

(1) For Special Category and Small Matching Grant projects involving properties other than real property (e.g., an aircraft, locomotive or marine vessel), Division receipt of an executed and notarized Preservation Agreement, DOS Form HR3E1208PASC, effective (date of adoption), 2009, incorporated herein by reference, shall be required prior to the release of grant funds. Through this Preservation Agreement, the grantee and the property owner(s) shall commit to the following for a term of ten (10) years for Special Category Grant projects and five (5) years for Small Matching Grant projects:

(a) To assume the cost of the continued maintenance and repair of the property so as to preserve the architectural or historical integrity of the same.

(b) That no visual or structural alterations will be made to the property without prior written permission of the Division.

(c) That the Division, its agents and designees shall have the right to inspect the property at all reasonable times in order to ascertain whether or not the conditions of this agreement are being observed.

(d) The Preservation Agreement shall also contain an amortization schedule for the repayment of grant funds, should the grantee or owners or their successors in interest violate the Preservation Agreement.

(e) Other provisions as agreed upon by the Division and the grantee.

(2) For Small Matching Grant projects involving acquisition of or improvement to a historic property, Division receipt of an executed and notarized Preservation Agreement, DOS Form HR3E1208PASM, effective (date of adoption), 2009, incorporated herein by reference, shall be required prior to the release of grant funds. Through this Preservation Agreement, the grantee and the property owner(s) shall commit to the provisions indicated in subsection 1A-39.012(1), F.A.C., of this chapter for a term of five (5) years.

Rulemaking Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2), (3) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Ferro

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: JuDee Pettijohn, Deputy Secretary of State for Cultural, Historical and Information Programs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2009

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NO.: 5F-5.002
RULE TITLE: Weighing or Measuring Device Permits; Requirements and Fees

PURPOSE AND EFFECT: To create and administer a program to permit commercially operated weighing and measuring devices in the State of Florida, in accordance with the mandates of Sections 531.60-.66, F.S.

SUMMARY: Establishes requirements, fees and adopts such forms as are necessary to create and administer a program, in accordance with Sections 531.60-.66, F.S., for the permitting of commercially operated weighing and measuring devices 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: 531.66 FS.

LAW IMPLEMENTED: 531.60 -.66 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Max Gray, (850)488-9140. If you are 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: Max Gray, Chief, Bureau of Weights and Measures, 3125 Conner Blvd, Tallahassee, FL 32399, phone: (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-5.002 Weighing or Measuring Device Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply:

(a) Commercial Purpose. Any weighing and measuring device is used for a commercial purpose when it is: used or employed in commerce to establish the size, quantity, extent, area, or measurement of any commodity sold, offered, or submitted for sale or hire; used or employed in computing any basic charge or payment for services rendered on the basis of weight, measure, or count; or used or employed in determining the winner of any award based on weight, measure, or count.

(b) Department. The Florida Department of Agriculture and Consumer Services.

(c) Location. Any single structure, site, mobile unit or similar type establishment where commercial weighing and/or measuring activities are conducted by an owner or person in possession of a device for which a permit is required.

(d) Law Enforcement Purposes. Any weighing or measuring device is used for law enforcement purposes when it is: used or employed by a government agency for only the purposes of the enforcement of law and not for any commercial use. Examples of law enforcement purposes include, but are not limited to, the weighing of confiscated contraband by an agency as part of a criminal or civil case or investigation and the weighing of vehicles by a government agency to enforce highway weight restrictions.

(e) Owner. A person, as defined in this rule, that owns or uses, has primary possession or control over the use of, or otherwise employs a weighing or measuring device for use in conducting commercial transactions or for law enforcement purposes.

(f) Commercial Use Permit (Permit). A certificate issued by the Department that authorizes the holder to use or employ commercial weighing and/or measuring devices for an individual location for which the certificate is issued.

(g) Person. Includes both singular and plural, as the case demands, and includes individuals, partnerships, corporations, companies, societies, associations, and all other groups or combinations.

(h) Retail Establishment. A location, as defined above, in which scales with manufacturers' rated capacity of 100 pounds or less or the metric equivalent are utilized in conducting commercial weighing or measuring activities.

(2) No owner or person in possession shall operate any commercial weighing or measuring device listed in paragraph 5F-5.002(6)(e) or (f), F.A.C., without first obtaining a weighing or measuring device commercial use permit.

(3) Commercial Use Permits (Permits). Each permit shall be conspicuously displayed at the location for which it is issued. Permits shall be issued by the Department following

receipt and approval of a completed Weighing and Measuring Device Permit Application, DACS-03560, (Rev. 06/09), herein adopted and incorporated by reference, identifying the specific type of weighing and measuring devices for which the permit is sought. A copy of the Weighing and Measuring Device Permit Application can be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Weights and Measures, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 or from the Department's web site at <http://www.doacs.state.fl.us/onestop/index.html>. The applicant shall provide the requested business information, the name and signature of the applicant or applicant's agent, shall complete the Permit Fee Worksheet (page two of application) providing the total number of each specific device type at the permit location, and shall pay a total fee based on the amounts specified in subsection 5F-5.002(6)(e) or (f), F.A.C.

(4) Exemptions. The provisions of this rule do not apply to measuring devices used exclusively for measuring petroleum products taxed under Section 525.09, F.S.; to a taximeter that is licensed, permitted, or registered by a municipality, county, or other local government and tested for accuracy and compliance with state standards by the local government in cooperation with the state as authorized in Section 525.421, F.S.; or to a device used exclusively for weighing railroad cars and is tested for accuracy and compliance with state standards by a private testing agency.

(5) Except for permits for additional devices put into service at a location with an existing permit which will be prorated on a quarterly basis as prescribed in subsection 5F-5.002(7), F.A.C., Weighing and Measuring Device Permits shall be valid for one year from the date of issuance. Fees paid for required weighing and measuring device permits are not refundable.

(6) Weighing and Measuring Device Commercial Use Permit Fees.

(a) One annual commercial use permit shall be issued to each location for all weighing and measuring devices at that location based on the total number, type, size and/or capacity of devices at that location. The permit shall expire one year following the date of issuance and must be renewed annually. The annual permit renewal fee shall be the same as the fees established in paragraphs 5F-5.002(6)(e) and (f), F.A.C.

(b) If the ownership of a permitted device(s) changes, the current permit for that device(s) will remain in effect until its original expiration date and will be transferred by the Department to the new owner if:

1. The device(s) for which the permit was issued remained in the same location; and

2. The new owner, or a representative of the new owner, notifies the Department of the change in ownership in writing within 30 days of the change in ownership by mail to the

Bureau of Weights and Measures, 3125 Conner Boulevard, L-2, Tallahassee, Florida 32399-1650, or by facsimile at (850)922-6064.

(c) If the ownership and location of a permitted device(s) changes, the current permit for that device(s) automatically expires and a new permit application must be submitted to the Department and a new permit shall be issued which will expire one year from the date of issuance. However, if the location of a permitted device(s) changes without a change in ownership, the current permit for that device(s) shall be transferred by the Department to the new location upon notification by the owner. The owner shall notify the Department in writing within 30 days of the change in location by mail to the Bureau of Weights and Measures, 3125 Conner Boulevard, L-2, Tallahassee, Florida 32399-1650, or by facsimile at (850)922-6064.

(d) The failure of an owner to notify the Department of the change in ownership or location of a permitted device(s) within thirty days of the change will subject the owner to paying the prescribed fees for a new permit and any applicable late fee as prescribed in subsection 5F-5.002(9), F.A.C.

(e) The following commercial use permit fees for weighing and measuring devices are based on the manufacturers' rated capacity or the device's design and use:

1. For weighing devices used during any portion of the period covered by the commercial use permit with a manufacturer's rated capacity of up to and including 100 pounds or the metric equivalent, the fees in Table 1 will apply:

| <u>Table 1</u> | |
|----------------------------------------------------------|--------------------------------------------|
| <u>Number of Devices per Single Retail Establishment</u> | <u>Fee per Single Retail Establishment</u> |
| <u>1 to 5</u> | <u>\$40</u> |
| <u>6 to 10</u> | <u>\$125</u> |
| <u>11 to 30</u> | <u>\$175</u> |
| <u>31 and Over</u> | <u>\$225</u> |

2. For weighing devices with a manufacturer's rated capacity of greater than 100 pounds up to and including 5,000 pounds or the metric equivalents, the annual permit fee shall be \$75 per device.

3. For weighing devices with a manufacturer's rated capacity of greater than 5,000 pounds up to and including 20,000 pounds or the metric equivalents, the annual permit fee shall be \$150 per device.

4. For weighing devices with a manufacturer's rated capacity of greater than 20,000 pounds or the metric equivalent, the annual permit fee shall be \$200 per device.

5. For wheel load weighing devices the annual permit fee shall be \$15 per device.

6. For static and in-motion railroad track scales used to weigh railway cars that are not tested for accuracy and compliance with state standards by a private testing agency, the annual permit fee shall be \$200 per device.

7. For belt conveyor scales, the annual permit fee shall be \$400 per device.

8. For weighing devices used only for law enforcement purposes by a government agency, the annual permit fee shall be \$0.

(f) The following are the commercial use permit fees for measuring devices:

1. For mass flow meters with a maximum flow rate of up to and including 150 pounds per minute or the metric equivalent, the annual permit fee shall be \$100 per device.

2. For mass flow meters with a maximum flow rate of greater than 150 pounds per minute or the metric equivalent, the annual permit fee shall be \$250 per device.

3. For volumetric flow meters with a maximum flow rate of up to and including 20 gallons per minute or the metric equivalent, the annual permit fee shall be \$40 per device.

4. For volumetric flow meters with a maximum flow rate of greater than 20 gallons per minute or the metric equivalent, the annual permit fee shall be \$80 per device.

5. For tanks used as measures with capacities of less than 500 gallons or the metric equivalent, with or without gage rods or markers, the annual permit fee shall be \$100 per device.

6. For tanks used as measures with capacities 500 gallons or greater or the metric equivalent, with or without gage rods or markers, the annual permit fee shall be \$200 per device.

7. For taximeters that are not tested for accuracy and compliance with state standards by a local government in cooperation with the state as authorized in Section 525.421, F.S., the annual permit fee shall be \$35 per device.

8. For grain moisture meters, the annual permit fee shall be \$25 per device.

9. For multiple dimension measuring devices, the annual permit fee shall be \$100 per device.

10. For measuring devices used only for law enforcement purposes by a government agency, the annual permit fee shall be \$0.

(g) The Department shall test weighing and measuring devices that are not used commercially, including devices used only for law enforcement purposes, only if the device is permitted and the appropriate fees are paid in accordance with this rule.

(7) Fees for Device(s) placed into Service at a Location with an Existing Commercial Use Permit. The Department shall be notified by the applicant about any non-replacement weighing or measuring device that is put into service during a permit year at a location with an existing permit using the Weighing and Measuring Device Permit Application, DACS-03560, (Rev. 06/09). The fee shall be prorated on a quarterly basis of the fee prescribed in paragraph 5F-5.002(6)(e) or (f), F.A.C., for every three month period or portion thereof remaining until the expiration of the existing permit for that location.

(8) Replacement Devices. Each device for which a permit has been issued may be replaced with a device of the same type, size and capacity and will not require additional fees to be paid until renewal of the permit providing the following conditions apply:

(a) The amount of the fee for the replacement device would have been the amount of the fee for the original device as prescribed in paragraph 5F-5.002(6)(e) or (f), F.A.C., and

(b) The replacement device shall be reported to the Department within 30 days of replacement in writing with the brand name and capacity of both the device(s) being replaced and the replacement device(s) by mail to the Bureau of Weights and Measures, 3125 Conner Boulevard, L-2, Tallahassee, Florida 32399-1650, or by facsimile at (850)922-6064.

(9) Late Fees. The Department shall not issue a Weighing and Measuring Device Permit until all applicable fees, including late fees, are received by the Department. A late fee of \$100 per location must be paid in addition to the annual commercial use permit fee required by subsections 5F-5.002(6)(e) and (f), F.A.C., if:

(a) The annual commercial use permit application and renewal fee is not received by the Department within thirty days after its annual due date (one year from the date of issuance); or

(b) A commercial use permit application and fee for a non-replacement device put into service at a permitted location is not received by the Department within thirty days after the device is placed into service.

(10) Enforcement Actions and Administrative Penalties.

(a) The Department shall impose administrative penalties against the owner or person in possession to enforce compliance with Sections 531.60-.66, F.S., and this rule.

(b) This section sets forth the guidelines the Department will follow in imposing the penalties authorized under Section 531.50 and Sections 531.60-.66, F.S. The purpose of the guidelines is to give notice of the range of penalties which normally will be imposed for a single violation. These guidelines list aggravating and mitigating factors that, if present, will reduce or increase penalties to be imposed. No aggravating factors will be applied to increase a fine imposed for a violation above the statutory maximum as provided in Section 531.50, F.S. The guidelines in this rule are based upon a single count violation of each provision listed. Multiple counts of the violated provision or a combination of the listed violations will be added together to determine an overall total penalty and will be grounds for enhancement of penalties.

(c) Nothing in this rule shall limit the ability of the Department to informally dispose of administrative actions by settlement agreement, consent order, or other lawful means.

(d) Rule Not All-Inclusive. This rule contains illustrative violations. It does not, and is not intended to, encompass all possible violations of the statutes or Department rules that

might be committed by any person. The absence of any violation from this rule shall in no way be construed to indicate that the violation is not subject to a penalty. In an instance where the violation is not listed in this rule, the penalty will be determined by consideration of:

1. The closest similar violation, if any, that is listed in this section; and

2. The mitigating or aggravating factors listed in this section.

(e) Aggravating and Mitigating Factors. The Department will consider aggravating and mitigating factors in determining penalties for violations of Sections 531.60-.66, F.S., and this rule. The factors shall be applied against each single count of the listed violation.

1. Aggravating Factors:

a. Degree and extent of potential harm caused by the violation.

b. The amount of money by which the violator benefited from noncompliance.

c. Whether the violation was committed willfully.

d. The compliance record of the violator including previous violations for the same or similar offenses that resulted in enforcement action.

e. The violation was repeated with 2 years of the first violation.

f. The violator impeded, or otherwise failed to cooperate with the Department's inspection or investigation.

g. The deterrent effect of the penalty imposed.

h. Undue delay in initiating or completing corrective action or failure to take affirmative or corrective action after receipt of notice of the violation.

i. The violator's prior knowledge of Sections 531.60-.66, F.S. and Rule 5F-5.002, F.A.C.

j. The cost of the enforcement action.

k. The number of other violations proven in the same proceeding.

2. Mitigating Factors:

a. Degree and extent of potential harm caused by the violation.

b. The amount of money by which the violator benefited from noncompliance.

c. Whether the violation was committed willfully.

d. The compliance record of the violator including previous violations for the same or similar offenses that resulted in enforcement action.

e. Any documented efforts by the violator to correct the violation.

f. Length of time operating location while out of compliance.

g. Reliance of written professional or expert counsel or advice.

h. Whether the intentional actions of another party prevented the violator from complying with the applicable law or rules.

i. Financial hardship.

j. Acts of God or nature that impairs the ability of the violator to comply Sections 531.60-.66, F.S. or Rule 5F-5.002, F.A.C.

k. The violator expeditiously took affirmative or corrective action after it received written notification of the violation.

l. The number of violations charged in the administrative complaint.

m. If a repeat violator, whether 2 years has passed since the last violation.

(f) The provisions of this rule shall not be construed so as to prohibit or limit any other civil action or criminal prosecution that may be brought. In addition to the penalties established in this rule, the Department reserves the right to seek to recover any other cost, penalties, attorney's fees, court costs, service fees, collection costs, and damages allowed by law. Additionally, the Department reserves the right to seek to recover any cost, penalties, attorney's fees, court costs, service fees, collection costs, and costs resulting from a payment that is returned for insufficient funds to the Department.

(g) Penalties.

1. Notification of Noncompliance. Any Department investigation or inspection which reveals a violation of Sections 531.60-.66, F.S., or this rule in which the Department determines the violator was unaware of the rule or unclear as to how to comply with it will result in the written notification informing the violator of the requirement to complete and submit the application for a Weighing and Measuring Device Permit and the required fee within 10 days of notification by the Department. For the purposes of this rule, the following violations shall result in the issuance of a notice of noncompliance for the first violation only:

a. Using a weighing or measuring device for commercial purposes without a valid Commercial Use Permit.

b. Failure to submit a Weighing and Measuring Device Permit Application for a location or facility using commercial weighing or measuring devices.

c. Failure to report a replacement device(s) placed into service at a permitted location that would result in an increase in the fee for the location or facility.

d. Failure to report a non-replacement device(s) placed into service at a permitted location that would result in an increase in the fee for the location.

e. Failure to renew an existing Weighing and Measuring Device Permit within 30 days after its due date for renewal.

2. Devices Placed Out of Service by the Department. Any investigation or inspection in which the Department determines that a device(s) is out of compliance with Sections 531.60-.66, F.S., or this rule shall result in the device(s) being

prohibited from further commercial use until the proper commercial use permit has been issued by the Department. The Department shall prevent the continued unauthorized use of the device(s) by attaching DACS Form 03562, "Out of Service" tag, (Rev. 06/09), to the device(s). DACS form 03562 (Rev. 06/09) is hereby adopted and incorporated by reference, a copy of which can be viewed on the Department's web site at www.doacs.state.fl.us/onestop/index.html. Upon compliance with the applicable requirement, the Out of Service tag shall be removed from the weighing and measuring device(s).

3. Minor Violations. A violation of Sections 531.60-.66, F.S., or this rule is a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. In addition to placing the device(s) out of service, the Department may impose an administrative fine of \$250 per violation which may be adjusted upward for the existence of aggravating factors to statutory maximum of \$1,000 for a first violation or downward depending upon the existence of mitigating factors. For the purposes of this rule, the following violations shall be considered minor violations:

a. Using a weighing or measuring device for commercial purposes without a valid Commercial Use Permit.

b. Failure to submit a Weighing and Measuring Device Permit Application for a location or facility using commercial weighing or measuring devices.

c. Failure to report a replacement device(s) placed into service at a permitted location that would result in an increase in the fee for the location or facility.

d. Failure to report a non-replacement device(s) placed into service at a permitted location that would result in an increase in the fee for the location.

e. Failure to renew an existing Weighing and Measuring Device Permit within 30 days after its due date for renewal or within 10 days from receipt of a Notice of Noncompliance.

4. Major Violations. A violation of Sections 531.60-.66, F.S., or this rule is a major violation if it results in economic or physical harm to a person or adversely affects the public health, safety, or welfare or creates a significant threat of such harm. In addition to placing the device(s) out of service, major violations shall result in the imposition of an administrative fine of \$500 per violation, which may be adjusted upward to statutory maximum of \$1,000 for a first violation, \$2,500 for a second violation within two years of the first violation, \$5,000 for a third violation within two years of the first violation, or downward depending upon the existence of mitigating or aggravating factors. For the purposes of this rule, the following violations shall be considered major violations:

a. Using a device for commercial purposes after notifying the Department the device is not used commercially.

b. Removal of an "Out of Service" tag that was applied for violating provisions of this rule without approval from the Department.

c. Impeding, obstructing, or hindering, a Department employee during duties associated with enforcement of provisions of this ruler.

(11) Resolution of Violations, Settlement, and Additional Enforcement Remedies.

(a) The Department and any person charged with a violation may agree to resolve violations prior to administrative hearing, or to enter into settlement pursuant to Section 120.57(4), F.S. The penalties addressed in this rule shall not be construed to limit the authority of the Department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The Department shall utilize all available remedies to ensure voluntary compliance including administrative action, civil actions, and referrals for criminal prosecution. The Department shall enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement and as authorized by Chapter 120 or Chapter 531, F.S.

(b) Failure to respond to an administrative complaint shall result in the entry of a Default Final Order against the violator or entity responsible for the violation. The Department may impose administrative fines in a Default Final Order equal to the maximum amount allowed, not to exceed \$5,000 per violation.

(c) A failure to comply with either a Final Order or a Default Final Order of the Department shall result in permit revocation and an administrative fine of \$5,000 per violation.

(d) Nothing in this rule shall prohibit the Department from imposing additional sanctions for violations of Chapter 531, F.S., or the rules promulgated thereunder.

Rulemaking Authority 570.07(23), 531.66 FS. Law Implemented 531.60-.66 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Isadore Rommes, Director, Division of Standards

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

DEPARTMENT OF EDUCATION

State Board of Education

| | |
|------------|--------------------------------------------|
| RULE NO.: | RULE TITLE: |
| 6A-4.00821 | Florida Educational Leadership Examination |

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt revisions to the registration form and to the examination fee structure. The effect of these changes will be a fee structure more aligned with the real cost of the examinations.

SUMMARY: The rule is proposed for amendment to adopt a revised registration form and a revised fee structure for the Florida Educational Leadership Examination.

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: 1012.59(1) FS.

LAW IMPLEMENTED: 1012.59 FS.

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

DATE AND TIME: July 14, 2009, 10:00 a.m.

PLACE: Conference Call 1(888)808-6959; conference code 4617163

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Michael Jones, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.00821 Florida Educational Leadership Examination.

(1) through (3) No change.

(4) Registration, late registration, and refunds.

(a) Registration for the examination shall be for the initial examination or for one (1) or more subtests not previously passed. To register to take the examination, an applicant shall submit a completed application to the test administration agency. The completed application shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. A completed application shall consist of the following:

a. A completed application Form CG-20-04, Registration Application: Certification Examinations for Florida Educators, which includes the applicant's signature. Form CG-20-04 is hereby incorporated by reference and made a part of this rule to become effective September 1, 2009 ~~August 1, 2008~~. This form may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 or ~~may be submitted~~ online via the Florida Teacher Certification Examinations/Florida Educational Leadership Examination Program Web site at <http://www.fldoe.org/edcert/apply.asp>.

b. ~~Before January 1, 2009, a fifty (50) dollar registration fee. Before September 1, 2009, Beginning January 1, 2009, an eighty-five (85) dollar first-time registration fee and a fee of one hundred (100) dollars fee for each retake registration; effective January 1, 2009, Beginning September 1, 2009, a four hundred thirty (430) dollar fee for each first-time registration and a four hundred fifty (450) dollar fee for each retake registration.~~

c. A charge of one hundred (100) dollars in addition to the fees described in sub-subparagraph 6A-4.0021(4)(a)1.b., F.A.C., for certification applicants taking a supplemental examination.

2. An incomplete application shall be returned to the applicant. Applications which are completed and resubmitted to the test administration agency after the fifty (50) day deadline shall be acceptable only if the applicant complies with requirements specified in paragraph 6A-4.00821(4)(b), F.A.C.

(b) through (c) No change.

(5) through (10) No change.

Rulemaking Specific Authority 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History—New 12-25-86, Amended 1-11-89, 5-19-98, 10-6-99, 7-17-00, 7-16-01, 3-24-02, 10-17-02, 3-24-03, 7-21-03, 6-22-04, 5-19-08, 7-21-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Sellers, Deputy Commissioner, Accountability, Research, and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

RULE NO.: 9B-76.001
 RULE TITLE: Administration

PURPOSE AND EFFECT: To incorporate administrative rules for the State of Florida’s Neighborhood Stabilization Program (NSP) in order to enable the Department of Community Affairs to award and administer Neighborhood Stabilization Program (NSP) funds in accordance with the provisions of Title III of Division B of the Housing and Economic Recovery Act of 2008 (HERA), federal Public Law 110-289.

A rule development workshop was held on April 17, 2009, for which the notice referenced Rule 9B-43.0072, F.A.C. That rule has now been renumbered as 9B-76.001 in order to create a separate chapter for the NSP.

SUMMARY: Chapter 9B-76, F.A.C., has been established in order to provide administrative guidance and oversight for the State of Florida Neighborhood Stabilization Program (NSP).

This rule is only applicable to the jurisdictions funded under the State’s Program for the purpose of carrying out NSP related activities in accordance with Public Law 110-289.

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: Chapter 2009-01, Laws of Florida.

LAW IMPLEMENTED: Chapter 2009-01, Laws of Florida.

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

DATE AND TIME: July 22, 2009, 2:00 p.m. – 5:00 p.m.

PLACE: Randall Kelly Training Center, Room 305, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Pat Harvey, Department of Community Affairs at (850)487-3644. If you are 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: Jacquelyn Dupree, Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL, (850)487-3644, e-mail: jackie.dupree@dca.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-76.001 Administration.

(1) The objective of this section is to establish administrative procedures for implementing and managing NSP funded projects in accordance with Public Law 110-289 and 24 CFR Part 570. This rule applies to all State-funded NSP grant recipients, whether Urban Entitlement or participants of the Florida Small Cities CDBG Program, located in the following jurisdictions:

- Alachua County
- Apopka
- Bay County
- Bradenton
- Charlotte County
- Citrus County
- Clay County
- Clearwater
- Davie
- Daytona Beach

Delray Beach
Ft. Pierce
Hernando County
Indian River County
Martin County
Melbourne
Miami Beach
Ocala
Okaloosa County
Osceola County
Palm Coast
Santa Rosa County
St. Johns County
St. Lucie County
Tallahassee
Titusville

Except as described in the Federal Register Notice (Vol. 73, No. 194), all statutory and regulatory provisions governing the Community Development Block Grant (CDBG) program for states, including 24 CFR part 570 subpart I, for CDBG entitlement communities, including those at 24 CFR part 570 subparts A, C, D, J, K and O, and applicable program guidance, shall apply to the use of these funds. In addition, the following provisions are applicable:

(2) Definitions.

(a) "Activity delivery costs" are non-administrative costs which can be directly associated with and required for an eligible NSP activity and may not exceed 10 percent of the housing construction budget. If paid to the developer, these costs shall be included in the developer's proposal. Activity delivery costs must be consistent with the guidelines in Technical Memo CDBG-HCD-08-01.

(b) "Affordable rents" is defined as the Fair Market Rents (FMR) as published annually by HUD for the sub-grantees.

(c) "Blighted structure" means a structure that has substantial deterioration in which conditions are leading to economic distress or endangerment of life, the sub-recipient jurisdiction concurs that the structure is blighted, and one or more of the following factors are present:

1. Unsanitary or unsafe conditions;
2. Deterioration of site or other improvement; or
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.

(d) "CATF" means the Citizen Advisory Task Force which the State's sub-recipient must create in order to provide public participation and comply with citizen participation requirements.

(e) "Current market appraised value" means the value of a foreclosed upon home or residential property that is established through an appraisal made in conformity with the appraisal requirements of the URA at 49 CFR 24.103 and completed

within sixty (60) days prior to an offer made for the property by a grantee, sub-recipient, developer, or individual homebuyer.

(f) "Day" means calendar day.

(g) "Developer" means an entity provided NSP funds for purchasing, rehabilitating and disposing of properties that have been abandoned or foreclosed upon including maintaining, assembling, and facilitating the redevelopment of vacant property, and/or marketing, and disposing of land-banked properties.

(h) "Developer Fee" is an amount in addition to activity costs paid to a developer in consideration of the developer's efforts. This amount is considered "estimated profit."

(i) "Foreclosed property" has been foreclosed upon at the point that, under state or local law, the mortgage or tax foreclosure is complete. The U.S. Department of Housing and Urban Development (HUD) generally will not consider a foreclosure to be complete until after the title for the property has been transferred from the former homeowner under some type of foreclosure proceeding or transfer in lieu of foreclosure, in accordance with state or local law.

(j) "Land bank" is a governmental or nongovernmental nonprofit entity established, at least in part, to assemble, temporarily manage, and dispose of land for the purpose of stabilizing neighborhoods and encouraging re-use or redevelopment of urban property. For the purposes of the NSP program, a land bank will operate in a specific, defined geographic area. It will purchase properties that have been abandoned or foreclosed upon and maintain, assemble, facilitate redevelopment of, market, and disposal of the land-banked properties. If the land bank is a governmental entity, it may also maintain abandoned or foreclosed property that it does not own, provided it charges the owner of the property the full cost of the service or places a lien on the property for the full cost of the service.

(k) "NSP Target Area" means a geographical area to be served by an NSP activity.

(l) "State Sub-recipient" refers to the unit of general purpose local government that is eligible to receive State NSP funds.

(m) "Sub-recipient" has the same meaning as in the first sentence of 24 CFR 570.500(c). This includes any nonprofit organization or unit of general purpose local government that the state awards NSP funding.

(n) "Subprime loan refers to an industry to describe loans with less stringent lending and underwriting terms and conditions. Due to the higher risk, sub-prime loans charge higher interest rates and fees. For the purposes of NSP, subprime loans are those loans which do not meet conventional underwriting guidelines for prime mortgages.

(o) "Revenue" for the purposes of section 2301(d)(4) of Title III of HERA has the same meaning as program income, as defined at 24 CFR 570.500(a), as amended.

(3) Interlocal Agreements. Housing acquisition and disposition, including homeownership assistance and counseling, will not require an interlocal agreement. NSP State sub-recipients proposing eligible public facility or infrastructure activities within the boundaries of another jurisdiction shall be required to enter into an Interlocal Agreement. Both jurisdictions must be eligible to participate in NSP. The Interlocal Agreement must include the following provisions, or submit documentation of an established relationship between jurisdictions, which includes the following provisions:

(a) Includes as parties all State sub-recipients whose jurisdictions are included in the project and/or target area(s):

(b) Authorizes the State's sub-recipient to undertake the activities in all jurisdictions included in the interlocal agreement; and

(c) Affirms that all activities are consistent with each sub-recipient's comprehensive plan and provides documentation which includes applicable excerpts of each sub-recipient's comprehensive plan in the supporting documentation section of the application.

(4) Expenditures and Limitations.

(a) State sub-recipients must submit at least one request for funds each month.

(b) State sub-recipients may maintain no more than \$100,000 cash-on-hand to meet daily cash needs. Amounts greater than \$100,000 shall be expended within fourteen (14) days or returned to the Department.

(c) Escrow Accounts. Recipients and/or sub-recipients may draw down NSP funds and deposit them into an interest-bearing escrow account for rehabilitation. The sub-recipient must separately track, for each housing unit, the receipt and disbursement of all escrowed funds, including funds escrowed by a sub-recipient.

1. Funds may be requested only after execution of the contract by the State sub-recipient or their sub-recipients.

2. Escrowed funds must be used in accordance with the escrow agreement. The Department may refuse to disburse funds for escrow accounts if the State's sub-recipient fails to comply with the terms of prior escrow accounts.

3. Any request for escrow funds shall be accompanied by information identifying the activity and the basis for the amount, i.e., address of the home and the cost for rehabilitation. Escrowed funds must be expended within ten (10) days from date of deposit in the escrow account or be returned to the Department. At the end of a calendar quarter during which escrow funds were received, the State's sub-recipient shall submit a report identifying the amount and date escrow funds were received, the amount expended during the quarter and escrow balance. If there is a balance at the end of the quarter, and the 10-day period has not expired, a final report shall be submitted within seven days after the 10-day period, along with any unexpended balance and interest.

4. Interest earned on escrow accounts shall be returned quarterly to the Department.

(d) A land bank may not hold property for more than ten years without obligating the property for a specific NSP eligible activity. Under no circumstances may NSP grant funds be used:

1. To pay more than the appraised value of the property, or

2. For activities that displace a tenant/homeowner.

(e) Up to 6.8 percent of the funds allocated to a jurisdiction may be used for administrative costs as specified in 24 CFR 570.206.

(f) Developer Fees are defined under Section (2) Definitions, and the amount paid from NSP funds shall be limited to a maximum of 12 percent of the total project cost. Unless a contract involving developer fees is procured by competitive bids, or no NSP funds are used for developer fees, recipients and sub-recipients shall negotiate fair and reasonable developer fees as required by 24 CFR 85.36 (f) (2), which shall include preparing a cost analysis. Written justification for the developer fee amount, based on a cost analysis and consideration of at least the elements identified in 24 CFR 85.36 (f) (2), shall be part of the procurement documentation.

(g) Architectural and Engineering Costs. The maximum percentage of subgrant funds allowed for architectural and engineering costs shall be based on the subgrant activities which require architectural design and engineering and shall not exceed the Rural Development (RD) Rural Utility Service (RUS) fee schedule (Form RD 1942-19) in Florida RUS Bulletin 1780-9, which can be obtained from the Department, and which is incorporated herein by reference, as effective on 5-23-06.

1. If more than one design professional is needed for an activity or activities the local government shall not exceed the appropriate RD/RUS fee curve for each activity covered by each design professional negotiated separately. For projects involving both Table I and II activities, engineering costs shall be pro-rated appropriately.

2. For each additional engineering service and for preliminary engineering, the local government shall negotiate a reasonable fee for the service following procurement procedures in 24 C.F.R. 85.36, as effective on 5-23-06. Preliminary engineering costs not to exceed one-half of one percent of the estimated construction cost may be paid with NSP funds over and above the amounts included in the RD/RUS fee schedule.

(5) No less than 25 percent of the State's NSP allocation shall be allocated to assist the NSP Low-Income (NSPLI) target population not exceeding 50 percent of area median income. These supplemental funds must be used to provide rental housing for those individuals and families whose incomes do not exceed 50 percent of area median income.

If the NSP sub-grantee does not have at least five years experience providing rental housing to a low-income target population, it must either partner with one or more local housing authorities or non-profit organizations in the county which have such experience, or designate one to be the eligible applicant for supplemental funding.

(6) Recapture and Re-allocation of NSP funds. The Department shall recapture unobligated NSP funds in accordance with the process outlined in the State of Florida's Action Plan Substantial Amendment as approved by HUD.

(7) Duration of assistance. NSP assistance may be provided for a maximum of four years based on the State's program and availability of funding.

(8) Program Income. Any program income earned as a result of activities funded under this grant shall be returned to the Department within thirty (30) days of receipt or as otherwise outlined in the State's substantial amendment to the 2008 Action Plan. Interest earned on escrow accounts shall be considered separately from program income.

(9) The Department shall conduct on-site monitoring visits to determine whether State's sub-recipients are complying with program requirements. Sub-recipients shall respond to any issues identified in a monitoring report within thirty (30) days after receiving the report. Failure to respond may result in the Department rejecting requests to draw funds.

(10) Amendments. All proposed amendments to the Subgrant Agreement must be approved by the Department.

(a) Documentation Required. All requests for subgrant agreement amendments shall include the following written documentation for review by the Department:

1. A cover letter signed by the Chief Elected Official or his or her designee which describes the need for the proposed changes and their effect upon the approved project.

2. A completed DCA Modification to Grant Agreement form signed by the CEO or designee.

3. All application forms that would be changed by the proposed amendment.

4. A revised activity work plans if activity accomplishments, schedules or expenditures will change as a result of the amendment.

5. A revised budget showing the current and amended budget if amounts for activities will be changed.

6. If there is a change in activity location, a legible map which indicates the proposed change.

7. For amendments involving addition of an activity, reduction or deletion of an activity, or a reduction in proposed beneficiaries, a copy of the minutes of the meeting of the Citizen's Advisory Task Force (CATF) when the proposed amendment was reviewed.

8. A public hearing to obtain citizen comments is required for any amendment involving addition of an activity, reduction or deletion of an activity, or a reduction in proposed

beneficiaries. This hearing is in addition to review by the CATF. A copy of this notice must be submitted with the request for an amendment.

9. Signature of the Chief Elected Official, or designee on Form DCA 07.02, Request for Amendment, (as adopted on March 28, 2002).

(b) The amendment must be received by the Department at least forty-five (45) days prior to the end of the subgrant agreement. If the amendment is extending the subgrant agreement period, it must be received by the Department at least ninety (90) days prior to the end of the subgrant agreement. No funds shall be obligated or expended on an activity until the Department approves the amendment if such funds are dependent on the amendment's approval.

(c) If the State's sub-recipient requests administrative closeout prior to the termination date of the subgrant agreement, any amendment affecting closeout and requiring Department approval must be included with the closeout.

(d) Time Extensions to Subgrant Agreements. Any proposed amendment extending the termination date of the subgrant agreement must be approved by the Department. The State's sub-recipient must explain any delay affecting project completion and must justify the need for the extension.

(11) Beneficiaries of Public Improvements. For activities where hookups or connections are required for beneficiary access to NSP-funded infrastructure, low-, moderate-, and middle income area benefit (LMMA) shall be determined by the number of low-, moderate-, and middle-income persons in households connected to and able to use the water, sewer or other infrastructure at the time of administrative closeout. For activities where hookups or connections are required as a condition for beneficiary access to a NSP funded infrastructure, no hookup or connection fees shall be charged to very-low, low-, moderate-, and middle-income beneficiaries. Further, no portion of the project construction costs shall be charged to low-, moderate-, and middle-income beneficiaries.

(12) Lead-Based Paint. The applicant shall adopt and implement procedures to fulfill regulatory and statutory requirements relating to Lead-Based Paint pursuant to 24 C.F.R. 570.487, 24 C.F.R. Part 35, and Section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Section 4822 et seq.), as effective on 00-00-09. The applicant is required to:

(a) Prohibit use of lead-based paint;

(b) Notify potential beneficiaries of the hazards of lead-based paint;

(c) Inspect properties prior to initiating rehabilitation to determine if lead-based paint is present;

(d) Take any necessary actions to ensure the protection of workers and occupants during abatement;

(e) Ensure that proper cleanup and disposal procedures are used; and

(f) Retain records of enforcement and monitoring for at least three years.

(13) Procurement. Grant funds shall be used to obtain commodities and services only in accordance with written procurement procedures adopted by the local government and shall comply with the provisions of 24 C.F.R. 85.36, as effective on 00-00-09, which is hereby incorporated by reference, and, for covered professional services contracts, Section 287.055, F.S., (Consultants Competitive Negotiation Act).

(a) Any procurement which requires public notice in a newspaper shall be published in a daily newspaper of general circulation in a nearby Office of Management and Budget (OMB) designated metropolitan statistical area (MSA). Alternatively, a local government may substitute such notice with a combination of local newspaper publication and mailed announcements to potential bidders, which generates at least three responsible and responsive bids or proposals. Such publication and/or mailing shall allow at least 12 days for receipt of the proposals or bids.

(b) The Department must provide written permission prior to the local government awarding any contract exceeding \$25,000 procured as a result of inadequate competition, a sole source or a noncompetitive procurement. For contracts below \$25,000, the local government's files must document the justification for such noncompetitive procurement which complies with 24 C.F.R. 85.36(b)(4).

(c) All contracts for professional services shall conform to the following:

1. Any Request for Proposals which includes more than one service shall provide that:

a. Proposals may be submitted for one or more of the services;

b. Qualifications and proposals shall be separately stated for each service;

c. The evaluation of the proposals shall be separate for each service.

2. A written evaluation, such as a ranking sheet or narrative, shall be prepared for each proposal, ranking or comparing each proposal to the criteria in the published Request for Proposals. Based on that criteria, the written evaluation will document why the successful proposal was selected.

3. A separate professional services contract must be procured and executed between the local government and any professional services consultant for each particular NSP subgrant and each service. Each advertisement for procurement of NSP professional services, except for subgrant application preparation, must identify either the NSP subgrant cycle by federal fiscal year or the NSP subgrant agreement number.

4. Each professional services contract must reference the NSP subgrant agreement to which it is applicable.

(d) Construction Contracts.

1. If NSP and other sources of funding are being jointly used to fund activities under a single contract, the activities to be paid for with NSP funds must be shown separately in the bid proposal so that the NSP activities and the amount of the contract to be paid from NSP funds are identifiable.

2. If, after applying any specified deductive alternates, construction bids exceed available funds, the local government shall not negotiate with the low bidder unless there is only one bidder or all bidders are allowed to submit revised bids for the revised project.

3. If the construction cost can be reduced by deleting entire line items or reducing quantities based on unit prices identified in the bid, the effect of such deletions or reductions on all bidders' prices shall be determined. Contract award shall be made to the low, responsive and responsible bidder for the revised project.

4. All contracts in excess of \$100,000 covered by Section 3 regulations shall contain the language required in 24 C.F.R. 135.38, as effective on 00-00-09, which is hereby incorporated by reference.

5. The provisions of this subsection shall not be construed to conflict with or supersede the requirements of Section 287.055, F.S., or any other applicable State or federal law.

(14) Housing Rehabilitation Standards. Upon completion of the housing rehabilitation program, all housing units addressed with NSP funds must be in compliance with the subgrantee's local housing code and the HUD Section 8, Housing Quality Standards. This requirement does not apply if the construction activity is limited to water hookups, sewer hookups, the abandonment of wells, or the abandonment of septic systems with no internal or external modifications to the housing structure.

(15) If manufactured housing units are used for replacement housing, they must meet the following specifications:

(a) Manufactured housing units must be built to HUD post-1994 construction standards.

(b) The units must be new, previously uninstalled manufactured housing units.

(c) Units must bear HUD compliance certification meeting HUD wind resistance construction standards for wind zone 3.

(d) The county shall inspect and approve the installation of all manufactured housing units.

(e) Units must be installed to the manufacturer's installation instructions.

(f) These funds may not be used for furniture or interior design costs, insurance, financing points, or add-on structures.

(g) Replacement units may be placed on leased land or resident-owned land.

(h) Site location must meet minimum safety criteria (e.g., not located in floodplain, not in high velocity wind zone, etc.).

(i) Units must be for owner-occupancy.

(j) The costs of each manufactured housing unit must not exceed the appraised value of the unit per the Fannie Mae/Freddie Mac manufactured housing appraisal guidelines currently in effect (e.g., Fannie Mae, Announcement 03-06, Appraisal Guidelines for Manufactured Housing).

(16) Adjustable Rate Mortgages. No adjustable rate mortgages can be obtained by persons acquiring houses assisted with state NSP funds. Mortgages must be for a fixed rate for a minimum of 15 years.

(17) Davis Bacon Labor Standards. Compliance with Davis Bacon Labor Standards will be required for construction, including rehabilitation, contracts that exceed \$2,000 unless the property where rehabilitation or construction will occur contains or, for new construction, will contain less than eight units.

(18) Eminent Domain. State NSP funds cannot be used in conjunction with properties acquired through eminent domain.

(19) Environmental Review. All activities and projects must comply with the requirements of 24 CFR Part 58. An environmental assessment must be submitted to the Department and a Release of Funds sent to the State's subgrantee prior to the obligation or expenditure of more than \$15,000 in administrative funds. No other funds can be obligated or expended prior to the Release of Funds being sent to the State's subgrantee.

(20) Housing Counseling. Each homebuyer assisted with NSP funds is required to receive and complete at least eight hours of homebuyer counseling from a HUD-approved housing counseling agency before obtaining a mortgage loan. The counseling may be funded with NSP funds.

(21) Property Acquisition. Each foreclosed property acquired with NSP funding must be acquired at a minimum discount of five percent below the current appraised value. The State encourages each applicant to obtain as much discount as possible. The overall portfolio of all properties purchased with the State's allocation must meet a minimum of 15 percent discount. Each transaction will require a current appraisal completed within sixty (60) days of an offer made for the property.

(22) Settlement Cost. Subgrantees are encouraged to minimize settlement costs when selling to eligible property owners.

(23) Relocation Activities. No NSP funds can be used on permanent relocation activities under the State NSP. Temporary relocation is eligible provided the sub-recipient has an approved Anti-Displacement Relocation Policy.

(24) Subprime Mortgages. No subprime mortgages may be obtained by persons acquiring houses assisted with NSP funds.

(25) Uniform Relocation Act. All property acquisition is subject to the requirements of the federal Uniform Relocation and Real Properties Act. This applies to both voluntary and involuntary transactions. NSP requires an exception to the

Uniform Relocation Act and purchase price requirements under CDBG regulations. URA requires that sellers of property acquired with CDBG funds be paid an amount equal to the appraised value of the property. Properties receiving NSP funds must be purchased at a minimum 15% discount from the current appraised value of the property. An appraisal by the purchasing entity is required and must be within 60 days of any offer. All other URA requirements, including relocation continue to apply.

(26) Subgrant Closeout.

(a) An administrative closeout may be submitted only after all activities have been completed and all documents required for final payment for all activities, including, but not limited to final inspections, release of liens, certificates of occupancy, and recording of liens has been received. If the sub-recipient has transferred funds from the NSP operating account or the escrow account and these funds remain under the control of the sub-recipient, the funds are not considered expended for purposes of administrative closeout unless they will be paid out as part of the closeout.

(b) At the time of submission of the closeout report, the State's sub-recipient must have available documentation which verifies its certification that all construction has been completed, inspected and approved by all parties prior to the subgrant agreement end date and submission of the administrative closeout.

(c) Upon completion of the activities contained in the State's sub-recipient NSP subgrant agreement, including any amendments, the State's sub-recipient shall submit to the Department a closeout which, at a minimum, gives the final statement of costs, certifies that the project and all non-administrative activities are completed and accepted, certifies that all costs except those reflected on the closeout have been paid, and reports the demographics of the program's beneficiaries.

(d) If any change has been made since the application map or the last map amendment, the closeout shall also contain a revised map of the activities completed during the term of the NSP subgrant agreement.

(e) The closeout shall include a list of the households assisted under the subgrant agreement, and certify that they met NSP household income eligibility requirements. HUD or DCA may require additional information to be submitted.

(f) For activities where hookups or connections are required for beneficiary access to the public improvement, evidence at the time of closeout must show:

1. The total number of persons in all households in the service area;

2. The number of low-, moderate-, and middle-income households (LMMH) connected to the infrastructure; and

3. Projects meeting the low-, moderate-, and middle-income area (LMMA) NSP national objective must document that the number of LMMA persons in households

connected to the infrastructure divided by the total number of beneficiaries in the service area equals at least 51 percent or higher.

(g) The closeout must contain original signatures from the authorized representative of the State's sub-recipient. Facsimile (FAX) submissions are not acceptable.

(h) If a State's sub-recipient fails to meet contractual requirements on time, the Department reserves the right to require that a State's sub-recipient financially (not administratively) close out a subgrant agreement in order to meet federal requirements for the timely distribution of funds set by HUD.

(i) The closeout is due within forty-five (45) days after expiration or termination of the subgrant agreement.

(27) Mitigation of fraud, waste and abuse.

(a) The Department will conduct oversight of the expenditure of NSP funds to prevent waste, fraud and abuse by monitoring, subgrantee monthly reporting and ensuring subgrantees are aware of federal financial recordkeeping and best practice methods for fraud prevention, through technical assistance and training.

(b) To prevent the opportunity for fraudulent activities or fiscal mismanagement related to real estate and financial transactions, sub-grantees are required to work with a third party management or accounting entity that can assist with proper asset valuation and secured transactions, unless they can demonstrate significant experience in these areas.

Rulemaking Authority Chapter 2009-01, Law of Florida. Law Implemented Chapter 2009-01, Law of Florida. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jacquelyn Dupree, Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL, (850)487-3644, e-mail: jackie.dupree@dca.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas G. Pelham

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: 11B-18.004
RULE TITLE: Regional Training Areas

PURPOSE AND EFFECT: To update the names of Commission-certified training schools.

SUMMARY: To update the names of Commission-certified training schools.

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: 943.03(4), 943.12(1), (2) FS.
LAW IMPLEMENTED: 943.25(5) 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: July 21, 2009, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

(1) Region I.

(a) No change.

(b) Commission-certified training schools within Region I: George Stone Vo-Tech Criminal Justice Training Center and Northwest Florida State College Criminal Justice Training Center ~~Okaloosa Walton College Criminal Justice Training Center.~~

(2) through (3) No change.

(4) Region IV.

(a) No change.

(b) Commission-certified training schools within Region IV: Lake City Community College Criminal Justice Center, North Florida Community College Criminal Justice Academy, and Santa Fe ~~Community~~ College Institute of Public Safety.

(5) through (6) No change.

(7) Region VII.

(a) No change.

(b) Commission-certified training schools within Region VII: Brevard Community College Criminal Justice Division, Criminal Justice Institute at Valencia Community College, School of Emergency Services Institute at Daytona State College ~~Daytona Beach Community College Emergency~~

~~Services Institute~~, Criminal Justice Academy of Osceola, Lake Technical Center Institute of Public Safety, and Seminole Community College Criminal Justice Institute.

- (8) No change.
- (9) Region IX.
- (a) No change.

(b) Commission-certified training schools within Region IX: Hillsborough Community College Yabor City Campus Criminal Justice Institute, Manatee Technical Law Enforcement Institute ~~Criminal Justice Academy~~, Manatee Sheriff's Office Training Center, Pasco-Hernando Community College Public Service Technology Center, and St. Petersburg ~~Junior~~ College Southeastern Public Safety Institute.

- (10) Region X.
- (a) No change.

(b) Commission-certified training schools within Region X: Sarasota County Technical Institute/Sarasota Criminal Justice Academy and Southwest Florida Public Service Academy ~~Lee County Vo-Tech Center (Central)/Southwest Florida Criminal Justice Academy~~.

- (11) Region XI.
- (a) No change.

(b) Commission-certified training school within Region XI: Indian River State Community College Criminal Justice Institute.

- (12) No change.
- (13) Region XIII.
- (a) No change.

(b) Commission-certified training school within Region XIII: Broward ~~Community~~ College ~~Criminal Justice Institute~~ of Public Safety and Broward County Sheriff's Office Institute for Criminal Justice Studies.

- (14) through (16) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History—New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-27-06, 3-21-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

| | |
|-------------|-----------------------------------------------------------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 11B-20.001 | Definitions and Minimum Requirements for General Certification of Instructors |
| 11B-20.0014 | Minimum Requirements for High-Liability and Specialized Topics Instructor Certification |

PURPOSE AND EFFECT: To revise the requirements for obtaining a general, specialized, or high-liability instructor certification and changed the affiliation reporting requirements, and to revise forms CJSTC-10, CJSTC-61, CJSTC-71, and CJSTC-81 to correspond with the proposed rule revisions.

SUMMARY: Rule 11B-20.001: To revise the Speed Measurement Device Instructor Field Evaluation form CJSTC-10, Instructor Certification Application form CJSTC-71, and the Instructor Competency Checklist form CJSTC-81 to correspond with the proposed rule revisions. To retire the CMS Instructor Techniques Course number 1116 and replace it with the Florida General Instructor Techniques Course number 1186. To revise this rule section to require a training center director or agency administrators to report an instructor's change in affiliation by submitting a completed Affidavit of Separation form CJSTC-61 to Commission staff. To remove the permissive word "authorize," and restructure the sentence with more appropriate rule language.

Rule 11B-20.0014: To clarify that the timeline of four years is required to apply for a specialized instructor certification after completion of a specialized instructor course. To clarify the required training and internship requirements for instructors who do not comply with the four-year time line. To clarify existing rule language for obtaining a Law Topics, Speed Measurement, Canine Team, and Breath Test specialized instructor certification.

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

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

RULEMAKING AUTHORITY: 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 943.12(3), (9), 943.13(6), 943.14(3) 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: July 21, 2009, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-20.001 Definitions and Minimum Requirements for General Certification of Instructors.

(1) No change.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised ~~October 30, 2008~~ ~~November 8, 2007~~, hereby incorporated by reference;

(b) through (c) No change.

(3) General Instructor Certification.

(a) Instructor applicants shall comply with the following requirements to obtain General Instructor Certification:

1. Instructor applicants shall successfully complete the Traditional Instructor Techniques Course (Retired 6/30/2004), ~~or CMS Instructor Techniques Course (Retired 11/14/08), or Florida General Instructor Techniques Course~~ delivered through a training school or complete equivalent instructor training. The training center director is authorized to have instructor applicants complete only those portions of the CMS Instructor Techniques Course for which the instructor applicant is deficient.

2. Instructor applicants who apply for General Instructor Certification shall have completed the required instructor training within four years of the date the instructor applicant applies for certification. Instructor applicants who apply more than four years from the date training was completed shall be required to complete the General Instructor Refresher Course.

3. After successful completion of the mandatory instructor training, instructor applicants shall complete an internship.

a. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor. The training center director, agency administrator, or designee shall complete the

Instructor Competency Checklist, form CJSTC-81, revised ~~October 30, 2008~~ ~~November 8, 2007~~, hereby incorporated by reference.

b. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.

c. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.

4. Instructor applicants shall complete the Instructor Certification Application form CJSTC-71 and attach all required documentation prior to submitting the application for approval. The training center director, agency administrator, or designee is required to submit form CJSTC-71 to Commission staff or electronically ~~transmit~~ ~~transmitted~~ through the Commission's ATMS. Form CJSTC-71 and supporting documentation on ~~each~~ ~~all~~ ~~affiliated instructor~~ ~~instructors~~ shall be maintained in the instructor's file.

5. Instructor Separation ~~or Change of~~ ~~from~~ Affiliation.

a. When an instructor requests a change of affiliation, ~~or the training center director or agency administrator separates an instructor for administrative purposes~~, the training center director, agency administrator, or designee shall complete an Affidavit of Separation, form CJSTC-61, revised November 8, 2007, hereby incorporated by reference, and ~~submit~~ ~~submitted~~ to Commission staff, or immediately transmit through the Commission's ATMS. A copy shall be maintained in the instructor's file.

b. When a training center director or agency administrator separates an instructor ~~for administrative purposes~~, the training center director, agency administrator, or designee shall notify the instructor of the separation and submit form CJSTC-61 to Commission staff ~~or transmit through the Commission's ATMS~~. A copy of form CJSTC-61 shall be maintained in the instructor's file.

c. If the separation involves a violation of Section 943.13(4), F.S., or moral character violation, the training center director, agency administrator, or designee shall also complete the Affidavit of Separation Supplement, form CJSTC-61A, revised November 8, 2007, hereby incorporated by reference and form CJSTC-61 ~~and submit~~ to Commission staff.

(b) Equivalent Instructor Training.

1. Instructor applicants who request an exemption from the required instructor training shall be evaluated by the training center director for completion of equivalent instructor training by documenting the instructor applicant's qualifications. Documentation shall include the instructor applicant's training in all of the following competencies, or the training center director may authorize the instructor applicant

to complete only those portions of the Florida General Instructor Techniques Course ~~CMS Instructor Techniques Course~~ for which the instructor applicant is deficient:

- a. Training liability.
- b. Ethics.
- c. Human diversity training required by Section 943.1758, F.S.
- d. Adult learning theory.
- e. Communication skills.
- f. Instructional aids ~~Learning aids~~.
- g. Principles of instruction.
- h. Lesson plan preparation.
- i. Evaluation, measurement, and simulation ~~and measurement~~.
- j. Demonstration of instructional ability.
- k. Group management.
- l. Facilitation skills.
- m. Applied Learning Concepts.

2. Instructor applicants shall complete an internship.

a. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a training center director or agency administrator, who is currently an instructor, or a designee who is currently an instructor. The training center director, agency administrator, or designee, shall complete the Instructor Competency Checklist form CJSTC-81.

b. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.

c. The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.

3. Instructor applicants shall complete the Instructor Certification Application form CJSTC-71 and attach all required documentation prior to submitting the application for approval. The training center director, agency administrator, or designee is required to submit form CJSTC-71 to Commission staff or electronically transmit through the Commission's ATMS. Form CJSTC-71 and supporting documentation on each affiliated instructor shall be maintained in the instructor's file ~~shall electronically transmit through the Commission's ATMS, or submit form CJSTC-71 to Commission staff. The supporting documentation for affiliated instructors shall be maintained in the instructor's file.~~

(c) Exemption from Instructor Techniques Courses.

1. Instructor applicants are exempt from the Florida General Instructor Techniques ~~Traditional General Instructor Techniques Course (Retired 6/30/2004) or CMS General Instructor Techniques Course~~ when the instructor applicant is a

full-time instructor at a vocational technical institution or an accredited community college, college, or university. The instructor applicant shall provide documentation of his or her full-time status and identify the name and location of the vocational technical institution, ~~college~~, community college, college, or university.

2. Instructor applicants shall complete an internship pursuant to subparagraph (3)(b)2. of this rule section.

3. Instructor applicants shall complete the Instructor Certification Application form CJSTC-71 and attach all required documentation prior to submitting the application for approval.

(4) through (6) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.14(3) FS. History—New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, _____.

11B-20.0014 Minimum Requirements for High-Liability and Specialized Topics Instructor Certification.

(1) No change.

(a) through (b) No change.

(c) Complete the instructor training requirements set forth in subsection (2) of this rule section, for High-Liability Instructor Topics for which the instructor applicant is requesting certification. The High-Liability Training Courses and proficiency requirements are outlined in Rule 11B-35.0024, F.A.C.

(d) through (f) No change.

(2) No change.

(3) Specialized Topics Instructor Certifications. Instructor applicants who apply for a Specialized Topics Instructor Certification shall have completed the applicable specialized instructor course within four years of the date the instructor applicant applies for certification. Instructor applicants who apply for a Specialized Topics Instructor Certification more than four years from the date training was completed, shall meet the requirements for completing an internship and demonstration of proficiency skills if applicable to the specialized topic. Instructor applicants shall meet the requirements for each Specialized Instructor Topics Certification requested.

(a) Law Topics Instructor Certification. Instructor applicants ~~Individuals~~ who request certification to instruct legal topics as outlined in subparagraphs (3)(a)6.-8. of this rule section shall comply with the following requirements to obtain Law Topics Instructor Certification:

1. Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for General Instructor Certification at the same time the instructor requests a Law Topics Instructor Certification; and

2. Possess three years of criminal justice experience and a minimum of fifteen semester hours of college law courses, to include both a constitutional law course and a criminal law course with a grade of "C" or above from an accredited college or university; or

3. Possess a juris doctorate from an accredited college or university defined in Section 943.22, F.S.

4. ~~Successfully complete a Law Topics internship supervised by a certified instructor and document on the Instructor Competency Checklist form CJSTC-81. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a certified instructor and shall complete the Instructor Competency Checklist form CJSTC-81. The instructor applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.~~

5. ~~Be The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.~~

6. through 8. No change.

(b) Speed Measurement Instructor Certification. Instructor applicants who request certification ~~To be certified~~ to instruct speed measurement training courses ~~an instructor applicant shall:~~

1. Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for General Instructor Certification at the same time the applicant is requesting Speed Measurement Instructor Certification; and

2. Possess three years experience as a speed measurement device operator; and

3. Successfully complete at a training school, the Speed Measurement Instructor Course for Law Enforcement Officers, course number 1159 or the Radar Speed Measurement Instructor Course for Law Enforcement Officers, course number 1108, retired December 31, 2006, and the Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors, course number 1109, to be retired December 31, 2008; and

4. Complete the Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised October 30, 2008 ~~November 8, 2007~~, hereby incorporated by reference.

5. ~~Successfully complete a speed measurement internship supervised by a certified Speed Measurement Instructor and document on the Instructor Competency Checklist form CJSTC-81. The instructor applicant shall be supervised by and have his or her instructional abilities evaluated by a certified speed measurement instructor and shall complete the Instructor Competency Checklist form CJSTC-81. The instructor~~

~~applicant shall demonstrate the applicable competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.~~

6. ~~Be The instructor applicant shall be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.~~

(c) Canine Team Instructor Certification. Instructor applicants who request to obtain certification to instruct Commission-approved canine team training courses shall ~~An instructor applicant shall:~~

1. Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for a General Instructor Certification at the same time the applicant requests Canine Team Instructor Certification.

2. Possess a minimum of three years criminal justice canine team experience documented in the instructor applicant's file at the training school or agency.

3. Successfully complete ~~Successful completion of the Canine Team Training Course~~ number 1112 or an equivalent course pursuant to subsection 11B-27.013(4), F.A.C.

4. Successfully complete the Canine Team Training Instructor Course through a training school.

5. Successfully complete a Canine Team internship supervised by a certified Canine Team Instructor and document on the Instructor Competency form CJSTC-81. An ~~Complete an internship documented on a Competency Checklist form CJSTC-81. As part of the required internship, an instructor applicant shall instruct any topic of the Canine Team Training Course or Canine Team Training Instructor Course and shall be evaluated by a certified canine team instructor.~~

6. Be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and documented on form CJSTC-81.

7. Provide verification that there is not a sustained "excessive use-of-force" complaint against the instructor applicant, involving the use of the canine at the time a canine was under his or her command, at the agency(s) where the instructor applicant obtained experience as a canine officer. The verification shall be documented on agency letterhead and signed by the agency administrator or designee.

(d) Breath Test Instructor Certification. Instructor applicants who request certification ~~A Breath Test Instructor shall be certified by the Commission~~ to instruct the Breath Test Operator Course, Breath Test Operator Renewal Course, Agency Inspector Course, and the Agency Inspector Renewal Course, pursuant to subsection 11B-35.007, F.A.C., shall. ~~Only certified breath test instructors shall instruct such courses.~~

~~1. Breath test instructor applicants shall:~~

~~1.a.~~ Possess a General Instructor Certification or be eligible for General Instructor Certification and apply for a General Instructor Certification at the same time the applicant requests a Breath Test Instructor Certification.

~~2.b.~~ Successfully complete the Breath Test Instructor Course through a training school and complete the required Alcohol Testing Program proficiencies.

~~3.e.~~ Have a minimum of three years experience as a certified breath test operator and agency inspector.

~~4.d.~~ Possess a valid Breath Test Operator Permit and a valid Agency Inspector Permit at the time the application for breath test instructor certification is submitted.

~~5.e.~~ Successfully complete a Breath Test internship supervised by a certified Breath Test Instructor and document on the Instructor Competency Checklist form CJSTC-81. ~~Be supervised by and have his or her instructional abilities evaluated by a Commission-certified Breath Test Instructor and complete the Instructor Competency Checklist form CJSTC-81. The instructor applicant shall successfully demonstrate the competencies listed on form CJSTC-81, which shall be maintained in the instructor's file at the training school.~~

~~6.f.~~ Be evaluated by his or her students. Student evaluations shall be reviewed with the instructor applicant by a training center director, agency administrator, or an instructor designated by the training center director or agency administrator, and shall be documented on form CJSTC-81, which shall be maintained in the instructor's file at the training school or agency.

~~7.z.~~ Alcohol Testing Program staff shall possess a General Instructor Certification pursuant to sub-subparagraph (3)(d)1.a. of this rule section, and shall be exempt from the requirements of sub-subparagraphs (3)(d)1.b.-f. of this rule section.

~~Rulemaking Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3), (9), 943.13 (6), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Cabinet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

| | |
|-------------------|----------------------------------------------------------------------------------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 11B-21.002 | Criminal Justice Training Schools' Request for Certification, Expansion of Certification, and Re-certification |
| 11B-21.005 | Criminal Justice Training School Requirements for Certification and Re-certification |

PURPOSE AND EFFECT: To revise the Commission-certified training school staffing and equipment requirements in rule and to revise forms CJSTC-29, CJSTC-203, CJSTC-204, and CJSTC-205 to correspond with the proposed rule revisions.

SUMMARY: 11B-21.002: To revise the Criminal Justice Training School Certification and Re-certification Application form CJSTC-29 to require at least one full-time instructor or instructor coordinator that reports solely to the training center director for training schools with a Type "B" or "C" certification. To revise the reference to "Medical First Responder" to "First Aid" to correspond with the current course name.

11B-21.005: To revise the Defensive Tactics Facility and Equipment Requirements form CJSTC-203 to allow outdoor chemical agent exposure. To revise the Staffing Requirements form CJSTC-204 to reflect the new staffing requirements for training schools with a Type "B" or "C" certification required in Rule 11B-21.002, F.A.C. To revise the Training School Classroom Facility and Equipment Requirements form CJSTC-205 to update the required instructional aid equipment.

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: 943.03(4), 943.12(1), (2) FS.
LAW IMPLEMENTED: 943.12(3), (7), 943.14, 943.17(1)(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: July 21, 2009, 1:00 p.m.
PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 or

donnahunt@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-21.002 Criminal Justice Training Schools’ Request for Certification, Expansion of Certification, and Re-certification.

(1) Training organizations requesting Commission certification, re-certification, or expansion of a current certification shall apply to the Commission by submitting to Commission staff a completed Training School Certification, Re-certification, or Expansion of Certification Application, form CJSTC-29, revised October 30, 2008 ~~February 7, 2002~~, hereby incorporated by reference. Form CJSTC-29 shall reflect that certification is for the training organization requesting the certification, re-certification, or expansion of a current certification.

(2) through (6) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14 FS. History–New 7-21-82, Amended 1-28-86, Formerly 11B-21.02, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, 3-21-07, 6-9-08, _____.

11B-21.005 Criminal Justice Training School Requirements for Certification and Re-certification.

Training Schools certified by the Commission shall comply with the following requirements:

(1) through (2) No change.

(3) Classroom Facility and Equipment Requirements. Comply with the classroom facility and equipment requirements set forth in the Training School Classroom Facility Requirements, form CJSTC-205, revised October 30, 2008 ~~May 6, 2004~~, hereby incorporated by reference.

(4) No change.

(5) Defensive Tactics Facility, Equipment, and Instructor to Student Ratio Requirements. When conducting Commission-approved defensive tactics training, comply with the defensive tactics equipment, facility, and instructor to student ratio requirements set forth in subsection 11B-35.0021(4), F.A.C., and in the Defensive Tactics Facility and Equipment Requirements, form CJSTC-203, revised October 30, 2008 ~~November 8, 2007~~, hereby incorporated by reference.

(6) through (7) No change.

(8) Staffing Requirements. Comply with the personnel requirements set forth in the Staffing Requirements, form CJSTC-204, revised October 30, 2008 ~~May 6, 2004~~, hereby incorporated by reference. The following specifications shall be met:

(a) through (c) No change.

(9) Comply with the instructor certification requirements set forth in Rule Chapter 11B-20, F.A.C., when delivering Commission-approved training.

(10) through (11) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(3), (7), 943.14, 943.17(1)(g) FS. History–New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

| RULE NOS.: | RULE TITLES: |
|--------------|--------------------------------------|
| 11B-27.00212 | Maintenance of Officer Certification |
| 11B-27.00213 | Temporary Employment Authorization |
| 11B-27.013 | Canine Team Certification |

PURPOSE AND EFFECT: To revise the requirements for complying with the Commission’s Firearms Qualification Standard, Firearms performance evaluation, equivalent canine team training evaluations, and agency or training school affiliation reporting requirements for canine team evaluators, and to revise forms CJSTC-86A, CJSTC-70, and CJSTC-4 CMS to correspond with the proposed rule revisions.

SUMMARY: 11B-27.00212: To revise form CJSTC-86A. To revise the Law Enforcement Officer Firearms Qualification Standard form CJSTC-86A to permit the use of a reduced sized target to demonstrate proficiency (with a handgun only) on the Commission’s Firearms Qualification Standard Course of Fire pursuant to Rule 11B-27.014, F.A.C. To revise the Commission’s Firearms Qualification Standard Course of Fire for officers injured in the line of duty. To revise the to grant a two-year extension, to officers who have been injured in the line of duty, to satisfy the Commission’s Firearms Qualification Standard Course of Fire pursuant to Rule 11B-27.014, F.A.C.

11B-27.00213: To revise form CJSTC-4 CMS. To revise the CMS Firearms Performance Evaluation form CJSTC-4 CMS to remove the proficiency skills designated as “CMS New” pursuant to the revisions in Rule 11B-35.0023, F.A.C. To clarify rule language. 11B-27.013 To clarify the process for canine team evaluators to evaluate canine team equivalent training. To require that Equivalent training shall be reviewed

and approved by a Commission-approved evaluator, however, a canine team evaluator shall not approve equivalent canine team training for they delivered. To revise form CJSTC-70. To revise the Patrol Canine Team Certification Application form CJSTC-70 to require the first and second canine team evaluator to include their agency or training school affiliation.

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

LAW IMPLEMENTED: 943.11, 943.12, 943.12(3), 943.12(17), 943.13, 943.13(11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3), 943.17(1)(a), 943.1701, 943.1715, 943.1716, 943.253 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: July 21, 2009, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt at (850)410-8615 or donnahunt@FDLE.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-27.00212 Maintenance of Officer Certification.

(1) through (13) No change.

(14) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard, form CJSTC-86A, revised January 29, 2009 ~~November 8, 2007~~, hereby incorporated by reference, and maintained in the officer's employment file.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report, form CJSTC-86, revised November 8, 2007, hereby incorporated by reference, and maintained in the officer's file. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, the date of completion.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

(e) In the event a certified law enforcement officer is injured in the line of duty and fails to meet this standard by June 30 of a reporting year, the agency administrator or designee shall complete the Injury in the Line of Duty, form CJSTC-86B, created January 29, 2009, hereby incorporated by reference. The agency shall submit form CJSTC-86B and the supporting documentation to Commission staff prior to the June 30 deadline to ensure the officer's certificate does not become inactive on the reporting deadline for that two-year reporting cycle.

(15) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History—New 11-5-02, Amended 12-3-03, 11-30-04, 3-27-06, 3-21-07, 6-9-08, _____.

Editorial Note: See 11B-27.0023, F.A.C.

11B-27.00213 Temporary Employment Authorization.

A Certificate of Compliance shall not be issued to officers employed on a Temporary Employment Authorization (TEA) prior to meeting the requirements of Sections 943.13(1)-(10), F.S.

(1) No change.

(2) An officer employed on a TEA, shall be excused from the firearms training requirement upon placement of a statement. An agency administrator is authorized to request to waive the firearms training requirement for a TEA by placing a statement in the officers file at the employing agency. The statement shall be, which has been signed by the agency administrator, confirming that the TEA-appointed officer shall not be permitted to carry a firearm until the following classroom training requirements have been fulfilled:

(a) No change.

(b) Firearms Range Training. The trainee’s proficiency demonstration shall be documented on a CMS Firearms Performance Evaluation, form CJSTC-4 CMS, revised October 30, 2008 ~~November 8, 2007~~, hereby incorporated by reference, and maintained in the trainee’s file at the employing agency. The instructor shall qualify the trainee with a handgun (revolver or semi-automatic pistol) and long gun (shotgun or semiautomatic rifle/carbine) using the Commission’s Basic Recruit Training Firearms Course of Fire, pursuant to form CJSTC-4 CMS, and the form shall be maintained in the trainee’s file at the employing agency. Trainees shall fire a long gun as prescribed in the Commission-approved Basic Recruit Training Program.

(3) through (5) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.131, 943.133, 943.139, 943.1395, 943.17(1)(a) FS. History–New 11-5-02, Amended 11-30-04, 3-27-06, 6-9-08,_____.

11B-27.013 Canine Team Certification.

(1) No change.

(2) Patrol canine team certification requirements. Commission certification of a patrol canine team is not required. Prior to submitting a Patrol Canine Team Certification Application, form CJSTC-70, revised October 30, 2008 ~~November 8, 2007~~, hereby incorporated by reference, the agency employing the patrol canine team shall collect, verify, and have on file documents establishing compliance with the requirements of this rule section, regardless of where canine training takes place.

(3) No change.

(4) Equivalent Training. Equivalent training shall be reviewed and approved by a Commission-approved evaluator. Equivalent training for a canine team, with a handler who has never been certified, shall comply with the objectives of the Canine Team Training Course, which is a minimum of 400 hours. Equivalent training for a previously certified handler, who is assigned a new canine, shall comply with the objectives of the Canine Team Training Course with the exception of the administrative block of instruction. It is the responsibility of the employing agency submitting the Patrol Canine Team Certification Application form CJSTC-70, to provide documentation of training to the Commission-approved evaluator for review and approval as equivalent training. A Commission-approved evaluator shall not approve equivalent training that the evaluator delivered.

(5) through (8) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17) FS. History–New 3-29-89, Amended 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt at (850)410-8615 or donnahunt@FDLE.state.fl.us
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

**DEPARTMENT OF LAW ENFORCEMENT
 Criminal Justice Standards and Training Commission**

RULE NO.: 11B-30.007
 RULE TITLE: Application for the State Officer Certification Examination and Notification Process

PURPOSE AND EFFECT: Currently an injured applicant must request a rule waiver in order to obtain a refund of the \$100 examination fee. This change will refund the injured applicant’s \$100 examination fee without the need to go through the rule waiver process.

SUMMARY: To allow an applicant to reschedule the State Officer Certification Examination if injured in a basic recruit training program and the injury prevents the applicant from taking the scheduled examination.

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

LAW IMPLEMENTED: 943.12(17), 943.1397(3) 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: July 21, 2009, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-30.007 Application for the State Officer Certification Examination and Notification Process.

- (1) No change.
- (2) through (5) No change.

(6) An applicant who has been scheduled to take the SOCE and is unable to take the certification examination on the date scheduled, shall be given the opportunity to submit a request to reschedule the SOCE within sixty days of the missed examination date. Rescheduling shall be subject to all requirements for eligibility, pursuant to Rule 11B-30.006, F.A.C. An additional application fee shall not be charged. Rescheduling of the SOCE, pursuant to this rule section, does not constitute a re-examination, pursuant to Section 943.1397, F.S. The following conditions shall be documented in the applicant’s request to reschedule the SOCE date:

- (a) through (e) No change.

(f) Injury During Training. An applicant shall be permitted to reschedule an SOCE if the applicant is injured while in an academy and the injury prevents the applicant from completing the basic recruit training program prior to the scheduled SOCE examination date. The applicant’s injury must occur as a result of participating in activities required in a basic recruit training program. Documentation of the applicant’s injury and how the injury occurred shall be submitted to Commission staff on training school letterhead and signed by the training center director.

Rulemaking Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(17), 943.1397(3) FS. History–New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

**DEPARTMENT OF LAW ENFORCEMENT
 Criminal Justice Standards and Training Commission**

| RULE NOS.: | RULE TITLES: |
|-------------|------------------------------------------------------------------------------------------------|
| 11B-35.001 | General Training Programs; Requirements and Specifications |
| 11B-35.002 | Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation |
| 11B-35.0021 | Courses for Basic Recruit Training and Instructor Training Requiring Proficiency Demonstration |
| 11B-35.0023 | Student Transfers within Basic Recruit Training Programs |

| | |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11B-35.0024 | Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and Instructor Training Courses Requiring Proficiency Demonstration |
| 11B-35.003 | Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training |
| 11B-35.006 | Advanced Training Program |
| 11B-35.007 | Specialized Training Program |

PURPOSE AND EFFECT: To revise the general training requirements and specifications for competency-based training. To revise the required demonstration of proficiency skills in basic recruit training programs for students transferring from one training school to another. To revise the performance requirements for basic recruit training courses and instructor training courses. To revise the required demonstration of proficiency skills and student to instructor ratio requirements for basic recruit training, specialized instructor training, and specialized training courses. To revise basic recruit training program courses, specialized training program courses, specialized instructor training courses. To revise/create performance evaluation forms CJSTC-3, CJSTC-4 CMS, CJSTC-5 CMS, CJSTC-6 CMS, CJSTC-7 CMS, CJSTC-10, CJSTC-13, and to revise form CJSTC-70.

SUMMARY: Rule 11B-35.001: To increase the written end-of-examination passing scores and clarify the requirements to retake an academy examination. To increase the written end-of-course examination passing score for Advanced and Specialized Training Courses from 75% to 80%. To increase the written end-of-course examination passing score for Specialized Instructor Training Courses from 75% to 85%. To clarify the process for granting a “first attempt” and “second attempt” for passing a written end-of-course examination and demonstration of proficiency skills in the high-liability topics. To clarify the use of “competency-based instruction” for basic recruit training programs and Commission-approved specialized instructor training program courses. To clarify the use of “competency-based instruction” for basic recruit training programs and Commission-approved specialized instructor training program courses. To revise form CJSTC-3. To revise the Role-Play Practicum Check Sheet form CJSTC-3 and add the Dart-Firing Stun Gun course # CJK_0422 and the role-play practicum scenarios, to add the Department of Education’s common course numbers to each of the role-play course names, and to update the instructions on the form.
 Rule 11B-35.002 and 11B-35.0023: To revise the process for a student who transfers to another training school. To revise the CMS Firearms Performance Evaluation form CJSTC-4 CMS and Rule 11B-27.0023, F.A.C., to remove the requirement that an individual complete the proficiency skills designated as

“CMS New,” and requires that the student demonstrate the required proficiency skills at the time of the requested transfer. The training center director shall evaluate the student’s completed performance evaluation form(s) and ensure the student meets the current proficiency standards. This will ensure that a student completes the most current proficiency skills prior to transferring to a different training school. To add a new basic recruit training course and course number. To add the new DUI Traffic Stops course number CJK_0083 in the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, and to the Florida CMS Law Enforcement Basic Recruit Training Program cross-over courses, numbers 1178 and 1179. To add new CJK numbers required by the Department of Education. To add a new CJK number, required by the Department of Education, for Criminal Justice Legal 1, Criminal Justice Legal 2, Criminal Justice Communications, Interpersonal Skills 1, Interpersonal Skills 2, Emergency Preparedness, and Correctional Operations, in the Traditional Correctional Basic Recruit Training Program number 502.

Rule 11B-35.0021: To revise the title of Rule 11B-35.0021, F.A.C., to better describe the rule language contained in that rule section. To add the new DUI Traffic Stops course to the Law Enforcement Basic Recruit Training Programs. To add the new DUI Traffic Stops course number CJK_0083 to the Florida CMS Law Enforcement Basic Recruit Training Program number 1177, and add the Florida CMS Law Enforcement Basic Recruit Training Program cross-over courses numbers 1178 and 1179. Housekeeping revisions. To add course numbers to existing course names for ease of finding the correct course. To add the new category of “Specialized Instructor Courses.” To add the required demonstration of proficiency requirements for the Speed Measurement Instructor Course number 1159. To revise the student to instructor ratio for defensive tactics and to add a student to instructor ratio for instruction of the Speed Measurement Instructor Course. To revise the student to instructor ratio for instruction of defensive tactics from 10 to 8 with the lead instructor included in the ratio. To add a student to instructor ratio for instruction of the Speed Measurement Instructor Course number 1159.

Rule 11B-35.0024: To revise the rule section title. To revise the title of the Rule 11B-35.0024, F.A.C., to better describe the rule language contained in that rule section. To clarify existing rule language. To change “cognitive knowledge” to “written end-of-course examination,” throughout all rules sections for consistency with terminology used by the training schools. To change “demonstration of high-liability proficiency skills” to “demonstration of proficiency skills” throughout all rule sections to clarify the proficiency skills process, i.e., “demonstration of proficiency skills in the high-liability topics of vehicle operations, defensive tactics, first aid, and firearms.”

To increase the written end-of-course examination passing score for specialized instructor training courses and the passing score for demonstration of proficiency skills. To increase the written end-of-course examination for Specialized Instructor Training Courses listed in Rule 11B-35.007, F.A.C., from 75% to 85%. To increase the proficiency demonstration for firearms instructors from 80% to 85%. To clarify the process for granting a “first attempt” and “second attempt” for successfully passing a written end-of-course examination and demonstration of proficiency skills in the high-liability topics. To add proficiency demonstrations for the DUI Traffic Stops course number CJK_0083 in a basic recruit training program and for the Speed Measurement Instructor course number 1159 (specialized instructor course). To add rule language to require that a basic recruit student achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required proficiency skills at 100% for the DUI Traffic Stops course number CJK_0083. To add rule language to require that an instructor student achieve a score of no less than 85% on the required written end-of-course examination and demonstrate the required proficiency skills at 100% for the Speed Measurement Instructor course number 1159. To revise and add CJSTC forms. To revise the CMS Firearms Performance Evaluation form CJSTC-4 CMS; CMS First Aid Performance Evaluation form CJSTC-5 CMS; CMS Defensive Tactics Performance Evaluation form CJSTC-6 CMS; CMS Vehicle Operations Performance Evaluation form CJSTC-7 CMS; Speed Measurement Device Instructor Field Evaluation form CJSTC-10; and to create the DUI Traffic Stops Performance Evaluation form CJSTC-13.

Rule 11B-35.003: To clarify the curriculum and high-liability training requirements for completing Auxiliary Officer Basic Recruit Training. To add detailed curriculum and high-liability training requirements for becoming a certified auxiliary officer. To clarify that the Auxiliary Officer Prerequisite Course shall be taught at a Commission-certified training school. Housekeeping revisions. To update rule references.

Rule 11B-35.006: Housekeeping revisions. To retire the Laser Speed Measurement Operators Course for Law Enforcement. To remove redundant rule language. To repeal form CJSTC-8. To repeal the Radar Operator Performance Report form CJSTC-8 because the form is no longer needed.

Rule 11B-35.007: To update the Specialized Instructor Training Program Course list and the Specialized Training Program Course list. To transfer the CMS General Instructor Update Course and the CMS Defensive Tactics and Firearms Instructor Update Course from the Specialized Instructor Training Courses list to the Specialized Training Program Course list. The transferred courses are Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses. To change the name of the Speed Measurement Instructor

Course for Law Enforcement Officers number 1159 to Speed Measurement Instructor Course number 1159. To add the new Florida General Instructor Techniques Course number 1186 (specialized instructor training course). To update the Specialized Training Program Course List. To add the Elder Abuse Investigations number 1185 (specialized training program course) to the Specialized Training Program Course List. To reduce the required hours in the Breath Test Operator Course from 24 to 16 hours and reduce the Breath Test Operator Renewal Course from 6 to 4 hours.

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: 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.17, 943.17(1), 943.17(1)(a), 943.175, 943.25 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: July 21, 2009, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

11B-35.001 General Training Programs; Requirements and Specifications.

(1) through (5) No change.

(6) For the Florida CMS Law Enforcement Basic Recruit Training Program, Cross-Over Programs to Florida CMS Law Enforcement Basic Recruit Training Program, and CMS Law Enforcement Auxiliary Prerequisite Course effective April 1, 2008, the training center director shall:

(a) No change.

(b) Conduct student role-play practicums, as required in the curriculum, and report the results on a Role-Play Practicum Check Sheet, form CJSTC-3, revised October 30, 2008 ~~created November 8, 2007~~, hereby incorporated by reference. This form shall be completed by an instructor and maintained in the ~~student or~~ course file at the training school.

(7) through (8) No change.

(9) Student academic performance in courses.

(a) Each training center director shall make available to its students and Commission staff a written copy of its performance standards.

(b) A student enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the ~~written cognitive~~ end-of-course examinations, exclusive of demonstration of proficiency skills in the ~~High-Liability~~ Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specified Specialized Training Program Course pursuant to subparagraphs (d)1.-13. of this rule section shall achieve a score of no less than ~~80%~~ 75% on the ~~written cognitive~~ end-of-course examination, ~~exclusive of demonstration of proficiency skills~~. A student enrolled in a Specialized Instructor Training Course shall achieve a score of no less than 85% on the written end-of-course examination, exclusive of demonstration of any proficiency skills.

(c) The training center director or designee is responsible for the development, maintenance, and administration of comprehensive end-of-course examinations. The training center director is authorized to develop, maintain, and administer additional academic tests for courses and is not limited to only the utilization of a comprehensive end-of-course examination. Training schools shall maintain examinations for Commission-approved Basic Recruit, Advanced, Specialized Instructor Training, and Specified Specialized Training Program Courses, pursuant to subparagraph (d)1.-13. of this rule section and in compliance with the administration, confidentiality, and security requirements of subsections 11B-35.0085(2)-(5), F.A.C.

(d) Specialized Instructor Training Courses outlined in subsection 11B-35.007(3), F.A.C., and the following Specified Specialized Training Program Courses require an end-of-course examination:

| | Course Number | Course Title | Course Hours |
|-----|---------------|----------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 1. | 1112 | Canine Team Training Course | 400 |
| 2. | 1113 | Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (Retired To be retired 12/31/08) | 12 |
| 3. | 1132 | Parking Enforcement Specialist for Civilians | 16 |
| 4. | 1133 | Selective Traffic Enforcement Program for Civilians | 80 |
| 5. | 732 | Traffic Control Officer for Civilians | 8 |
| 6. | 851 | Breath Test Operator Course | 24 |
| 7. | 951 | Breath Test Operator Renewal Course | 6 |
| 8. | 850 | Agency Inspector Course | 24 |
| 9. | 950 | Agency Inspector Renewal Course | 6 |
| 10. | 1134 | Criminal Justice Officer Ethics Course | 8 |
| 11. | 1135 | Crimes Against Children | 24 |
| 12. | 1136 | Domestic Violence | 8 |
| 13. | 1137 | Violent Crime Investigator Training Course | 40 |

(e) End-of-course examinations shall be developed and administered for each course in a basic recruit training program based on the learning objectives in each course.

(10) through (11) No change.

(12) Student attendance requirements for Commission-approved Basic Recruit Training Programs outlined in subsection 11B-35.002(1), F.A.C., Specialized Training Programs outlined in subsection 11B-35.007(1), F.A.C., and Advanced Training Program Courses outlined in paragraph 11B-35.006(1)(b), F.A.C.

(a) The training center director or designee shall maintain daily student attendance records for each training course. A training school shall have a written copy of its attendance policy available for review by students and Commission staff.

(b) Each student shall attend all sessions of a training course except for absences approved by the training center director. The training center director shall maintain in the student or course file at the training school, documentation specifying the reason for excused absence(s). Students shall be responsible for class work missed during absences. The training center director shall determine the content and quantity of makeup work. Documentation of the student's make-up work shall be signed by the training center director and maintained in the student or course file at the training school.

(c) The Commission approves competency-based instruction in the delivery of basic recruit training and instructor training courses defined in subparagraph (12)(c)1. of this rule section ~~the delivery of High Liability Basic Recruit Training High Liability Courses and CMS Instructor Courses as "competency based" instruction. Competency based instruction is defined as "curriculum that uses specific objectives and performance-based learning to achieve performance standards, in lieu of established contact hours."~~

1. Competency-based instruction is defined as "curriculum that uses specific objectives and performance-based learning to achieve performance standards, in lieu of established contact hours" in a delivery format that ensures that the training school delivers all curriculum materials.

2. Training schools are permitted to use competency-based instruction for courses within the basic recruit training programs except the Criminal Justice Officer Physical Fitness Training Course. Basic recruit students shall participate in 100% of the required hours in the Criminal Justice Officer Physical Fitness Course. The delivery of basic recruit training programs shall adhere to total program hours.

3. Training schools are permitted to use competency-based instruction for Commission-approved Instructor Courses.

~~(d) The Commission approves the delivery of courses within its Basic Recruit Training Programs in a delivery format that ensures the training school delivers all curriculum materials and adheres to the required program hours, however, basic recruit students shall participate in 100% of the required hours in the Criminal Justice Officer Physical Fitness Training course.~~

(13) Student Re-examination Policy for Commission-approved Basic Recruit Training Program Courses.

(a) A student shall achieve a passing score, pursuant to subsection 11B-35.001(9), F.A.C., on all end-of-course examinations in a Commission-approved Basic Recruit Training Program to successfully complete a program. A student who has failed a written ~~cognitive~~ end-of-course examination may be granted a re-examination by the training center director if:

1. There is technical difficulty in the administration of the test.

2. A condition of the student adversely impacts the student's ability to achieve a passing score on an end-of-course examination.

3. The end-of-course testing instrument is shown to be invalid.

(b) Exclusive of the Commission's Basic Recruit Training Courses requiring proficiency demonstration ~~high liability training courses~~ and re-examinations in paragraph (13)(a) of this rule section, a student may be granted one written end-of-course ~~cognitive~~ re-examination during a single Basic Recruit Training Program. Students, who have failed the written end-of-course examination to successfully demonstrate the required cognitive knowledge ~~the required cognitive knowledge~~ after a second attempt, shall be deemed to have failed the course.

(c) The training center director is authorized to approve a student's request for re-examination.

(14) Student re-examination policy for Commission-approved Advanced and Specialized Training Program Courses. A student who has failed a written ~~cognitive~~ end-of-course examination in a Commission-approved Advanced or Specialized Training Program Course may be granted a re-examination of the course by the training center director as set forth in paragraph (13)(a) of this rule section. Each training school shall develop its own administrative procedures for processing a student's request for a re-examination as set forth in subsection (13) of this rule section. Training school procedures for processing student requests for re-examination shall be documented and maintained on file at the training school for review by Commission staff and the student.

(15) through (17) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, _____.

11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation.

(1) There are established by the Criminal Justice Standards and Training Commission, Basic Recruit Training Programs (B RTP) that provide the minimum required knowledge and

proficiency skills necessary for officer employment and certification pursuant to Sections 943.10(1)-(3), F.S. Individuals who apply for employment as a Florida law enforcement, correctional, or correctional probation officer, shall successfully complete one of the following Commission-approved Basic Recruit Training Programs:

| (a) Law Enforcement Discipline | | | | |
|--------------------------------|---------------------------------|----------------------------------------------------------------------------------------------|--------------------------|-----------|
| Program Number | Basic Recruit Training Programs | Program Hours | Retired (R) Effective(E) | |
| 1. | 002 | Traditional Law Enforcement B RTP | 672 | R-6/30/04 |
| 2. | 224 | CMS Application-Based Law Enforcement B RTP | 770 | R-3/31/08 |
| 3. | 1177 | Florida CMS Law Enforcement B RTP | 770 | E-4/1/08 |
| 4. | 222 | Traditional Correctional Cross-Over to Traditional Law Enforcement B RTP | 172 | R-3/31/05 |
| 5. | 1143 | Traditional Correctional Cross-Over to CMS Application-Based Law Enforcement B RTP | 444 | R-3/31/08 |
| 6. | 1178 | Correctional Officer Cross-Over Training to Florida CMS Law Enforcement B RTP | 457 | E-4/1/08 |
| 7. | 223 | Traditional Correctional Probation Cross-Over to Traditional Law Enforcement B RTP | 412 | R-3/31/06 |
| 8. | 1157 | Traditional Correctional Probation Cross-Over to CMS Application-Based Law Enforcement B RTP | 554 | R-3/31/08 |
| 9. | 1179 | Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement B RTP | 529 | E-4/1/08 |
| 10. | 211 | Law Enforcement Auxiliary Officer B RTP | 317 | R-3/31/08 |
| 11. | 1180 | CMS Law Enforcement Auxiliary Officer B RTP | 319 | E-4/1/08 |

| (b) Correctional Discipline | | | | |
|-----------------------------|---------------------------------|--------------------------------------------------------------------------------------|--------------------------|-----------|
| Program Number | Basic Recruit Training Programs | Program Hours | Retired (R) Effective(E) | |
| 1. | 502 | Traditional Correctional B RTP | 552 | E-4/1/08 |
| 2. | 555 | Traditional Law Enforcement Cross-Over to Traditional Correctional B RTP | 156 | R-3/31/06 |
| 3. | 556 | Traditional Correctional Probation Cross-Over to Traditional Correctional B RTP | 256 | R-3/31/08 |
| 4. | 1155 | CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional B RTP | 199 | R-3/31/08 |
| 5. | 1181 | Law Enforcement Officer Cross-Over Training to Traditional Correctional B RTP | 199 | E-4/1/08 |
| 6. | 1182 | Correctional Probation Officer Cross-Over Training to Traditional Correctional B RTP | 256 | E-4/1/08 |
| 7. | 501 | Correctional Auxiliary Officer B RTP | 254 | E-1/1/97 |

| (c) Correctional Probation Discipline | | | | |
|---------------------------------------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------|
| Program Number | Basic Recruit Training Programs | Program Hours | Retired (R) Effective(E) | |
| 1. | 602 | Traditional Correctional Probation B RTP | 412 | R-8/31/07 |
| 2. | 1176 | Florida Correctional Probation B RTP | 465 | E-4/1/08 |
| 3. | 667 | Traditional Correctional Cross-Over to Traditional Correctional Probation B RTP | 172 | R-3/31/08 |
| 4. | 660 | Traditional Law Enforcement Cross-Over to Traditional Correctional Probation B RTP | 134 | R-3/31/06 |
| 5. | 1156 | CMS Application-Based Law Enforcement Cross-Over to Traditional Correctional Probation B RTP | 112 | R-3/31/08 |
| 6. | 1183 | Correctional Officer Cross-Over Training to Florida Correctional Probation B RTP | 172 | E-4/1/08 |
| 7. | 1184 | Law Enforcement Officer Cross-Over Training to Florida Correctional Probation B RTP | 112 | E-4/1/08 |
| 8. | NA | Correctional Probation Auxiliary B RTP; there is no course. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(7), F.A.C., a basic recruit student shall complete the Correctional Probation B RTP, pursuant to paragraph (8)(c) of this rule section. | NA | NA |

(2) through (4) No change.

~~(5) High Liability Basic Recruit Training Courses, pursuant to Rule 11B-35.0024, F.A.C., successfully completed at a training school, shall be transferable from one training school to another, or from one Commission-approved Basic Recruit Training Program to another, pursuant to Rule 11B-35.0024, F.A.C. A basic recruit student who requests transfer of successfully completed High Liability Basic Recruit Training Course(s) shall have completed the high liability training designated as "CMS New in the High Liability Basic Recruit Training Course for which the training is requested.~~

~~(5)(6)~~ Commission-approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission-approved Basic Recruit Training Programs establish the minimum required entry-level training for law enforcement, correctional, and correctional probation officers. Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an officer in the discipline for which certification is sought, and have met the requirements of Sections

943.13(1)-(8) and (11), 943.14(7), and 943.17(1)(g), F.S., shall successfully complete a Commission-approved Basic Recruit Training Program pursuant to this rule section. The Commission's Basic Recruit Training Programs are:

(a) No change.

(b) Traditional Correctional Basic Recruit Training Program number 502:

| | Course Name | Course Number | Course Hours |
|-----|----------------------------------------------------|-------------------------------------------|--------------|
| 1. | Criminal Justice Legal 1 | CJK_0270 CJD_770 | 46.0 |
| 2. | Criminal Justice Legal 2 | CJK_0271 CJD_771 | 22.0 |
| 3. | Criminal Justice Communications | CJK_0272 CJD_772 | 42.0 |
| 4. | Interpersonal Skills 1 | CJK_0283 CJD_773 | 62.0 |
| 5. | Interpersonal Skills 2 | CJK_0101 CJD_750 | 50.0 |
| 6. | CMS Criminal Justice Defensive Tactics | CJK_0051 | 80.0 |
| 7. | CMS Criminal Justice Firearms | CJK_0040 | 80.0 |
| 8. | CMS First Aid for Criminal Justice Officers | CJK_0031 | 40.0 |
| 9. | Emergency Preparedness | CJK_0480 CJD_741 | 26.0 |
| 10. | Correctional Operations | CJK_0102 CJD_752 | 64.0 |
| 11. | Criminal Justice Officer Physical Fitness Training | CJK_0280 | 40.0 |
| | Total | | 552.0 |

(c) through (d) No change.

(e) Florida CMS Law Enforcement Basic Recruit Training Program number 1177 (Effective April 1, 2008):

| | Course Name | Course Number | Course Hours |
|-------------------|----------------------------------------------------|--------------------------------------------|------------------------------------|
| 1. | Introduction to Law Enforcement | CJK_0007 | 11.0 |
| 2. | Legal | CJK_0008 | 69.0 |
| 3. | Communications | CJK_0017 | 76.0 |
| 4. | Human Issues | CJK_0011 | 40.0 |
| 5. | Patrol 1 | CJK_0061 | 58.0 |
| 6. | Patrol 2 | CJK_0062 | 40.0 |
| 7. | Crime Scene Investigations | CJK_0076 | 24.0 |
| 8. | Criminal Investigations | CJK_0071 | 56.0 |
| 9. | Traffic Stops | CJK_0082 CJK_0084 | 24.0 48.0 |
| 10. | DUI Traffic Stops | CJK_0083 | 24.0 |
| 11.10. | Traffic Crash Investigations | CJK_0086 | 32.0 |
| 12.11. | CMS Law Enforcement Vehicle Operations | CJK_0020 | 48.0 |
| 13.12. | CMS First Aid for Criminal Justice Officers | CJK_0031 | 40.0 |
| 14.13. | CMS Criminal Justice Firearms | CJK_0040 | 80.0 |
| 15.14. | CMS Criminal Justice Defensive Tactics | CJK_0051 | 80.0 |
| 16.15. | Dart-Firing Stun Gun | CJK_0422 | 8.0 |
| 17.16. | Criminal Justice Officer Physical Fitness Training | CJK_0096 | 60.0 |
| | Total | | 770.0 |

(f) No change.

(7) through (c) No change.

(d) Law Enforcement Cross-Over Basic Recruit Training Programs.

1. through 2. No change.

3. Correctional Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1178 (Effective April 1, 2008). An individual who has successfully completed the Correctional Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

| | Course Name | Course Number | Course Hours |
|-----------------|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------------------------|
| a. | Correctional Cross-Over to Law Enforcement Introduction and Legal | CJK_0221 | 47.0 |
| b. | Correctional Cross-Over to Law Enforcement Communications | CJK_0222 | 56.0 |
| c. | Correctional Cross-Over to Law Enforcement Human Issues | CJK_0223 | 32.0 |
| d. | Patrol 1 | CJK_0061 | 58.0 |
| e. | Patrol 2 | CJK_0062 | 40.0 |
| f. | Crime Scene Investigations | CJK_0076 | 24.0 |
| g. | Criminal Investigations | CJK_0071 | 56.0 |
| h. | Traffic Stops | CJK_0082 CJK_0084 | 24.0 48.0 |
| i. | DUI Traffic Stops | CJK_0083 | 24.0 |
| j.f. | Traffic Crash Investigations | CJK_0086 | 32.0 |
| k.j. | CMS Law Enforcement Vehicle Operations | CJK_0020 | 48.0 |
| l.k. | Dart-Firing Stun Gun | CJK_0422 | 8.0 |
| m.f. | Cross-Over Correctional to Law Enforcement CMS High-Liability. (End-of-course examination is not required for CJK_0212) | CJK_0212 | 8.0 |
| | Total | | 457.0 |

4. Correctional Probation Officer Cross-Over Training to Florida CMS Law Enforcement Basic Recruit Training Program number 1179 (Effective April 1, 2008). An individual who has successfully completed the Correctional Probation Officer Basic Recruit Training Program and passed the SOCE, shall complete the following courses to satisfy the training requirements to become a law enforcement officer:

| | Course Name | Course Number | Course Hours |
|-----------------|-------------------------------------------------------------------|--------------------------------------------|------------------------------------|
| a. | Correctional Cross-Over to Law Enforcement Introduction and Legal | CJK_0221 | 47.0 |
| b. | Correctional Cross-Over to Law Enforcement Communications | CJK_0222 | 56.0 |
| c. | Correctional Cross-Over to Law Enforcement Human Issues | CJK_0223 | 32.0 |
| d. | Patrol 1 | CJK_0061 | 58.0 |
| e. | Patrol 2 | CJK_0062 | 40.0 |
| f. | Crime Scene Investigations | CJK_0076 | 24.0 |
| g. | Criminal Investigations | CJK_0071 | 56.0 |
| h. | Traffic Stops | CJK_0082 CJK_0084 | 24.0 48.0 |
| i. | DUI Traffic Stops | CJK_0083 | 24.0 |
| j.f. | Traffic Crash Investigations | CJK_0086 | 32.0 |
| k.j. | CMS Criminal Justice Vehicle Operations | CJK_0020 | 48.0 |
| l.k. | Dart-Firing Stun Gun | CJK_0422 | 8.0 |
| m.f. | CMS Criminal Justice Firearms | CJK_0040 | 80.0 |
| | Total | | 529.0 |

(e) No change.

(f) through (e) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History—New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08,_____.

11B-35.0021 ~~High-Liability Proficiency~~ Courses for Basic Recruit Training and Instructor Training Requiring Proficiency Demonstration.

(1) High-Liability Basic Recruit ~~High-Liability~~ Training Courses:

(a) CMS Criminal Justice Firearms, course number CJK 0040 Course.

(b) CMS Law Enforcement Vehicle Operations, course number CJK 0020 Course.

(c) CMS Criminal Justice Defensive Tactics, course number CJK 0051 Course.

(d) CMS First Aid for Criminal Justice Officers, course number CJK 0031 Course.

(2) DUI Traffic Stops, course number CJK 0083.

(3)(2) High-Liability Instructor ~~High-Liability~~ Training Courses:

(a) CMS Firearms Instructor Course, number 801.

(b) CMS Vehicle Operations Instructor Course, number 800.

(c) CMS Defensive Tactics Instructor Course, number 802.

(d) CMS First Aid Instructor Course, number 1114.

(4) Specialized Instructor Training Courses: Speed Measurement Instructor Course, number 1159.

(5)(3) Applicants shall complete the training requirements set forth in subsections subsection 11B-20.0014(2)-(3), F.A.C., to become certified by the Commission to instruct in the high-liability topics of firearms, vehicle operations, defensive tactics, ~~and~~ first aid, ~~and~~ speed measurement.

(6)(4) Instructor to student ratios for instruction of proficiency skills in High-Liability Basic Recruit Training Courses and Instructor Training Courses requiring proficiency demonstration courses.

(a) For instruction of the CMS Criminal Justice Firearms Course or CMS Firearms Instructor Course, there shall be no more than six students actively engaged on a firearms range for each Commission-certified firearms instructor. One rangemaster shall supervise all range activity while training is actively engaged. The rangemaster shall be a Commission-certified firearms instructor and shall not be included as an instructor to comply with the instructor to student ratio requirements. Discretionary course of fire shall be conducted with a one-to-one instructor to student ratio. Actively engaged is defined as “a student on the firing range handling a weapon.”

(b) For instruction of the CMS Law Enforcement Vehicle Operations Course or CMS Vehicle Operations Instructor Course, there shall be at least one Commission-certified

vehicle operations instructor for each vehicle actively engaged on a driving range. One rangemaster shall supervise all range activity while training is actively engaged. Actively engaged is defined as “a vehicle that is at the point between the start and end of an exercise.” Returning from or being in route to a driving range or course shall not be considered as actively engaged. The rangemaster shall be a Commission-certified vehicle operations instructor and shall not be included as an instructor to comply with the instructor to vehicle ratio requirements.

(c) For instruction of the CMS Criminal Justice Defensive Tactics Course or CMS Defensive Tactics Instructor Course, there shall be one lead defensive tactics instructor that shall be counted in the instructor to student ratio of for each class plus one Commission-certified defensive tactics instructor for every eight ten students actively engaged in defensive tactics. Actively engaged is defined as “a student engaged in the practical performance of any one of the approved defensive tactics techniques.”

(d) For instruction of the CMS First Aid for Criminal Justice Officers Course and CMS First Aid Instructor Course, at least one Commission-certified CMS First Aid Instructor shall be required for every ten students actively engaged in the practical and performance areas of the training. Actively engaged is defined as “a student involved in the practical performance of any first aid skills training.” CPR Instructors, who possess a valid CPR Instructor Certification from an entity referenced in Rule 64J-1.022, F.A.C., are permitted to instruct CPR in the CMS First Aid for Criminal Justice Officers Course and the CMS First Aid Instructor Course, or be used to meet the required instructor to student ratio for demonstration of proficiency in these courses. The instructor to student ratio shall match the prerequisites set forth in the approved CPR course certification requirements. A copy of the Instructor Exemption Application form CJSTC-82 and a copy of the instructor’s valid CPR Instructor Certification shall be maintained in the instructor’s file.

(e) For instruction of the Speed Measurement Instructor Course, there shall be one Commission-certified Speed Measurement Instructor for each class. Speed Measurement Device Operators are authorized to instruct the practical exercises in the Speed Measurement Instructor Course under the supervision of a certified Speed Measurement Instructor, pursuant to Rule 11B-35.006, F.A.C. A copy of the Instructor Exemption form CJSTC-82 shall be maintained in the course file.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2), 943.14(3), 943.17 FS. Law Implemented 943.12(5), 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-21-07, 6-9-08,_____.

11B-35.0023 Student Transfers within Basic Recruit Training Programs.

(1) No change.

(2) A student enrolled in a Commission-approved Basic Recruit Training Program may transfer courses to another training school, provided the courses have been successfully completed and the student has not been dismissed from the previous training school. Verification shall be made by reviewing the student's course score in item number 12 of the Training Report form CJSTC-67 to determine if the student was dismissed from the previous training school.

(a) Courses completed in a Traditional Basic Recruit Training Program shall be recognized and transferable to a Traditional Basic Recruit Training Program in a different training school.

(b) Courses completed in the CMS Application-Based Law Enforcement Basic Recruit Training Program shall be transferable to a CMS Application-Based Law Enforcement Basic Recruit Training Program in a different training school.

(c) Courses completed in the Florida CMS Law Enforcement Basic Recruit Training Program shall be transferable to a Florida CMS Law Enforcement Basic Recruit Training Program in a different training school.

(d) Courses completed in the Florida Correctional Probation Basic Recruit Training Program shall be transferable to a Florida Correctional Probation Basic Recruit Training Program in a different training school.

(e) Basic recruit training courses requiring proficiency demonstrations that were successfully completed shall be transferable. Demonstration of proficiency skills required by the rule at the time of the requested transfer shall be met by the student. The training center director or designee shall evaluate the student's completed performance evaluation form(s) and ensure the student meets the current proficiency standards. Demonstration of the new skills shall be documented on the applicable performance evaluation form pursuant to Section 11B-35.0024, F.A.C. ~~High-Liability Basic Recruit Training Courses successfully completed shall be transferable provided the student requesting the transfer has successfully demonstrated the high liability proficiency skills designated as "CMS New" in the high liability basic recruit training course requested.~~

(3) Both the transferring student and the receiving training school shall request the transferring training school to complete and submit the appropriate student records. Upon receipt of such request, the transferring training school is responsible for submitting the transferring student's records to the receiving training school.

(4) When a student has successfully completed courses included in a Commission-approved Basic Recruit Training Program at two or more training schools, and has met all requirements for completion of the program set forth in the requirements of this rule section, the training school where the student has successfully completed the greatest number of courses in that program, shall upon receipt of the student records from the other training school(s), submit a Training

Report form CJSTC-67 to Commission staff. The training school submitting form CJSTC-67, may require the student to demonstrate the required ~~high-liability~~ proficiency skills ~~in a High-Liability Basic Recruit Training Course(s) not completed at that school, pursuant to subsection 11B-35.0024(1), F.A.C.~~ The training school submitting form CJSTC-67 shall provide the student with written evidence of the student's successful completion of the Basic Recruit Training Program.

(5) Nothing in this rule section shall be construed to prevent a training school from admitting a student for the limited purpose of completing a course(s) required for completion of a Commission-approved Basic Recruit Training Program at another training school where the student is enrolled.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.17 FS. History—New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 6-9-08, _____.

11B-35.0024 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and ~~High-Liability~~ Instructor Training Courses Requiring Proficiency Demonstration.

(1) Students enrolled in a Commission-approved Basic Recruit Training Program ~~or and a High-Liability~~ Instructor Training Course, shall qualify through demonstration of proficiency skill(s) in the applicable course(s) and pass a written end-of-course examination of proficiency skill(s) in the applicable High-Liability Basic Recruit Training Courses and instructor courses high liability proficiency skill(s), and a written examination.

(2)(a) A basic recruit student shall be given the opportunity for one additional attempt at the required demonstration of ~~high-liability~~ proficiency skill(s), or one re-examination of required written end-of-course examination in DUI Traffic Stops and each cognitive knowledge in each of the four high-liability topics of firearms, vehicle operations, defensive tactics, and first aid. A basic recruit student, who has failed to pass the written end-of-course examination successfully demonstrate the cognitive knowledge or the required demonstration of the ~~high-liability~~ proficiency skill(s) after a second attempt, shall be deemed to have failed the training course High-Liability Training Course.

(b) An instructor student shall pass a written end-of-course examination and demonstrate proficiency skill(s) during the first attempt. An instructor student, who has failed to pass the written end-of-course examination or successfully demonstrate the proficiency skill(s) during the first attempt, shall be deemed to have failed the instructor training course. An instructor student who has failed a written end-of-course examination or the proficiency skills(s) during the first attempt, shall be granted a re-examination by the training center director if: An instructor student shall successfully demonstrate cognitive knowledge and proficiency skill(s) during the initial qualification. An instructor student, who has

~~failed to successfully demonstrate the cognitive knowledge or the high liability proficiency skill(s) during the first attempt, shall be deemed to have failed the High Liability Instructor Training Course. An instructor student who has failed a cognitive end-of-course examination of the high liability proficiency skill(s) during the first attempt, shall be granted a re-examination by the training center director if:~~

1. There is technical difficulty in the administration of the test, such as a power failure or evacuation of the building; ~~or-~~

2. A condition of the student adversely impacts the student's ability to achieve a passing score on an end-of-course examination. A condition of the student that adversely impacts the student's ability could include illness or death of a family member; ~~or-~~

3. The end-of-course testing instrument is determined to be invalid by the training school.

(3) Successful completion and demonstration of proficiency skills ~~Completion of a high liability course and demonstration of proficiency in the high liability topics~~ is required for each of the following high-liability courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics Instructor Courses, CMS Criminal Justice Firearms Course, CMS Firearms Instructor Courses, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Courses, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Courses.

(a) CMS Criminal Justice Defensive Tactics Course.

1. The CMS Criminal Justice Defensive Tactics Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate at 100% proficiency, defensive tactics skills taught by a training school, with the results recorded on the required CMS Defensive Tactics Performance Evaluation, form CJSTC-6 CMS, revised October 30, 2008 ~~November 8, 2007~~, hereby incorporated by reference. Form CJSTC-6 CMS shall be maintained in the student or course file.

3. A basic recruit student shall be subject to chemical agent contamination as described in the CMS Criminal Justice Defensive Tactics Course. Prior to beginning a Florida CMS Law Enforcement, Traditional Correctional, or Florida Correctional Probation Basic Recruit Training Program, a student shall complete the Physical Fitness Assessment form CJSTC-75B. This form verifies that there are no known medical conditions that would prevent a student from participating in chemical agent contamination. A student who has provided the training school with documentation of prior chemical agent exposure that includes chemical agent contamination and working through the effects of chemical agent contamination in a training environment, shall be exempt from this requirement.

(b) CMS Defensive Tactics Instructor Course.

1. An instructor student shall complete the ~~CMS~~ Defensive Tactics Instructor requirements ~~Course~~ pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Criminal Justice Defensive Tactics Course in a Commission-approved Basic Recruit Training Program or the CMS Defensive Tactics Instructor Course.

2. A defensive tactics instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and demonstrate all the required Defensive Tactics High-Liability Proficiency Skills, at 100% for all proficiency skills, with the results recorded on the required CJSTC-6 CMS form. A copy of the completed form CJSTC-6 CMS shall be provided to the student and the original form CJSTC-6 CMS shall be maintained in the student or course file.

(c) CMS Criminal Justice Firearms Course.

1. The CMS Criminal Justice Firearms Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall achieve a score of 80% on the required written end-of-course examination and demonstrate the required Firearms High-Liability Proficiency Skills, using the B-21E Target or equivalent, at 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night) and a long gun (shotgun or semiautomatic rifle/carbine). The results shall be recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, revised October 30, 2008 ~~November 8, 2007~~, hereby incorporated by reference. The B-21E target is commercially available through retailers. Form CJSTC-4 CMS shall be maintained in the student or course file.

(d) CMS Firearms Instructor Course.

1. An instructor student shall complete the ~~CMS~~ Firearms Instructor requirements ~~Course~~ pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: ~~The~~ CMS Criminal Justice Firearms Course in a Commission-approved Basic Recruit Training Program or ~~the~~ CMS Firearms Instructor Course.

2. A firearms instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and demonstrate the required Firearms High-Liability Proficiency Skills, using the B-21E Target or equivalent, at ~~85%~~ 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night) and a long gun (shotgun or semi-automatic rifle/carbine) ~~for daylight and night~~ for all proficiency skills, with the results recorded on the required CJSTC-4 CMS form. A copy of the completed form CJSTC-4 CMS shall be provided to the student and the original form CJSTC-4 CMS shall be maintained in the student or course file.

(e) CMS First Aid for Criminal Justice Officers Course.

1. The CMS First Aid for Criminal Justice Officers Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required First Aid High-Liability Proficiency Skills at 100%, with the results recorded on the required CMS First Aid Performance Evaluation, form CJSTC-5 CMS, revised October 30, 2008 November 8, 2007, hereby incorporated by reference. Form CJSTC-5 CMS shall be maintained in the student or course file.

(f) CMS First Aid Instructor Course.

1. An instructor student shall complete the CMS First Aid Instructor Course pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS First Aid for Criminal Justice Officers Course in a Commission-approved Basic Recruit Training Program or the CMS First Aid Instructor Course.

2. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and demonstrate the required First Aid High-Liability Proficiency Skills, at 100% for all proficiency skills, with the results recorded on the required CJSTC-5 CMS form. A copy of the completed form CJSTC-5 CMS shall be provided to the student and the original form CJSTC-5 CMS shall be maintained in the student or course file.

(g) CMS Law Enforcement Vehicle Operations Course.

1. The CMS Law Enforcement Vehicle Operations Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required Vehicle Operations High-Liability Proficiency Skills, with four out of five runs (80%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, revised October 30, 2008 November 8, 2007, hereby incorporated by reference. Form CJSTC-7 CMS shall be maintained in the student or course file.

(h) CMS Vehicle Operations Instructor Course.

1. An instructor student shall complete the ~~CMS~~ Vehicle Operations Instructor ~~requirements~~ ~~Course~~ pursuant to Rule 11B-20.0014, F.A.C., to instruct the following courses: The CMS Law Enforcement Vehicle Operations Course in a Commission-approved Basic Recruit Training Program or the CMS Vehicle Operations Instructor Course.

2. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and demonstrate the required Vehicle Operations High-Liability Proficiency Skills, with four out of five runs (80%) for each exercise, with the results recorded on the required CJSTC-7 CMS form. A copy of the completed form

CJSTC-7 CMS shall be provided to the student and the original form CJSTC-7 CMS shall be maintained in the student or course file.

(4) Successful completion and demonstration of proficiency skills is required for each of the following basic recruit or specialized training courses

(a) DUI Traffic Stops Course, number CJK 0083.

1. The DUI Traffic Stops Course shall be delivered to students enrolled in a Commission-approved Law Enforcement Basic Recruit Training Program.

2. A basic recruit student shall achieve a score of no less than 80% on the required written end-of-course examination and demonstrate the required DUI Traffic Stops proficiency skills at 100% proficiency, with the results recorded on the required DUI Traffic Stops Performance Evaluation, form CJSTC-13 CMS, created October 30, 2008, hereby incorporated by reference. Form CJSTC-13 CMS shall be maintained in the student or course file.

(b) Speed Measurement Instructor Course, number 1159.

1. An instructor student shall complete the Speed Measurement Instructor requirements, pursuant to Rule 11B-20.0014, F.A.C., to instruct speed measurement courses and the speed measurement instructor course.

2. An instructor student shall achieve a score of no less than 85% on the required written end-of-course examination and demonstrate the required proficiency skills at 100%, with the results recorded on the required Speed Measurement Device Instructor Field Evaluation form CJSTC-10, revised October 30, 2008, hereby incorporated by reference. A copy of the completed form CJSTC-10 shall be provided to the student and the original form CJSTC-10 shall be maintained in the student or course file.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12, 943.17 FS. History—New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08,_____.

11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training.

(1) No change.

(2) To become certified as an auxiliary officer, an applicant shall meet the requirements outlined in Sections 943.13(1)-(9), and (11), 943.14(7), and 943.17(1)(g), F.S., and successfully complete the following Auxiliary Officer Basic Recruit Training Program requirements; outlined in this rule section, complete the applicable Commission approved CMS High-Liability Basic Recruit Training Courses for vehicle operations, defensive tactics, and firearms, and shall be taught by a Commission-certified high-liability instructor at a training school or agency.

(a) Auxiliary Officer Prerequisite Course taught at a Commission-certified training school using Commission-certified instructors; and

(b) High-liability Training Courses for vehicle operations, defensive tactics, and firearms, taught by a Commission-certified instructor and applicable to the discipline for which certification is sought. The vehicle operations, defensive tactics, and firearms courses shall be taught at a Commission-certified training school or criminal justice agency.

(c) Instruction of the CMS Law Enforcement Vehicle Operations Course is based on employing agency requirements. Auxiliary officers operating an agency vehicle are required to complete this training.

(3) A training school shall submit form CJSTC-67 to Commission staff upon an individual's successful completion of a CMS Law Enforcement or Correctional Auxiliary Officer Prerequisite Course. The training school or agency shall document the student's successful completion of the applicable Basic Recruit Training High-Liability Basic Recruit Training Courses, pursuant to subsection 11B-35.0024(3), F.A.C. Regardless of where the Basic Recruit Training High-Liability Basic Recruit Training Course is completed, the employing agency shall maintain the training documentation in the officer's file.

(4) Commission-approved Basic Recruit Training High-Liability Basic Recruit Training Courses instructed at a Commission-certified training school shall be recognized by the Commission for applicants requesting certification as a law enforcement, correctional, or correctional probation officer, if the applicant has maintained active employment within the a discipline as an auxiliary officer, or has completed training within the past four years pursuant to subsection 11B-35.002(2), F.A.C. Recognition of completed Basic Recruit Training High-Liability Courses high-liability courses shall comply with paragraph 11B-35.0023(2)(e), F.A.C. subsection 11B-35.002(5), F.A.C.

(5) CMS Law Enforcement Auxiliary Officer Basic Recruit Training Program number 1180 (Effective April 1, 2008).

| (a) | CMS Law Enforcement Auxiliary Officer Prerequisite Course | Course Number | Course Hours |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------|
| 1. | Law Enforcement Auxiliary Introduction | CJK_0240 | 27.0 |
| 2. | Law Enforcement Auxiliary Patrol and Traffic | CJK_0241 | 19.0 |
| 3. | Law Enforcement Auxiliary Investigations | CJK_0242 | 17.0 |
| 4. | Dart-Firing Stun Gun | CJK_0422 | 8.0 |
| 5. | CMS First Aid for Criminal Justice Officers | CJK_0031 | 40.0 |
| | CMS Law Enforcement Auxiliary Officer Prerequisite Course | Sub-total | 111.0 109.0 |
| (b) | CMS Criminal Justice Firearms This course shall be taught by a Commission-certified high-liability instructor at a training school or agency. | CJK_0040 | 80.0 |

| | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|---------|
| (c) | CMS Criminal Justice Defensive Tactics This course shall be taught by a Commission-certified high-liability instructor at a training school or agency. | CJK_0051 | 80.0 |
| (d) | CMS Law Enforcement Vehicle Operations **CMS Law Enforcement Vehicle Operations is optional and is based on employing agency requirements. If required, the course shall be taught by a Commission-certified high-liability instructor at a training school or agency. If CMS Law Enforcement Vehicle Operations is not instructed, the total program hours will be reduced to 271 hours. | CJK_0020 | 48.0 |
| | CMS Law Enforcement Auxiliary Officer Program | Total | **319.0 |

(6) Correctional Auxiliary Officer Basic Recruit Training Program number 501 (Effective January 1, 1997).

| (a) | Correctional Auxiliary Officer Prerequisite Course | Course Number | Minimum Hours |
|-----|----------------------------------------------------|---------------|---------------|
| 1. | Administration | NA | 1 |
| 2. | Legal | NA | 24 |
| 3. | Report Writing | NA | 4 |
| 4. | Safety Issues | NA | 4 |
| 5. | Interpersonal Skills | NA | 5 |
| 6. | Security Procedures and Inmate Supervision | NA | 4 |
| 7. | Equipment | NA | 2 |
| 8. | Facility Movement | NA | 4 |
| 9. | Correctional Operation and Intake Procedures | NA | 1 |
| 10. | Inmate Property | NA | 2 |
| 11. | Search Procedures | NA | 3 |
| 12. | CMS First Aid for Criminal Justice Officers | CJK_0031 | 40 |
| | Correctional Auxiliary Officer Prerequisite Course | Sub-total | 94 |
| (b) | CMS Criminal Justice Firearms | CJK_0040 | 80 |
| (c) | CMS Criminal Justice Defensive Tactics | CJK_0051 | 80 |
| | Correctional Auxiliary Officer Program | Total | 254 |

(7) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08,_____.

11B-35.006 Advanced Training Program.

(1) No change.

(b) The following is a complete list of active Advanced Training Program Courses:

| | Course Number | Course Name | Course Hours |
|-----|---------------|------------------------------------------------------------------------------------------------------|--------------|
| 1. | 006 | Line Supervision | 80 |
| 2. | 011 | Developing and Maintaining a Sound Organization | 40 |
| 3. | 012 | Planning the Effective Use of Financial Resources | 40 |
| 4. | 013 | Building and Maintaining a Sound Behavioral Climate | 40 |
| 5. | 016 | Narcotics and Dangerous Drugs Investigations | 40 |
| 6. | 019 | Criminal Law | 40 |
| 7. | 020 | Case Preparation and Court Presentation | 40 |
| 8. | 032 | Special Tactical Problems | 40 |
| 9. | 033 | Sex Crimes Investigation | 40 |
| 10. | 036 | Injury and Death Investigation | 40 |
| 11. | 047 | Interviews and Interrogations | 40 |
| 12. | 050 | Stress Management Techniques | 40 |
| 13. | 053 | Crisis Intervention | 40 |
| 14. | 054 | Organized Crime | 40 |
| 15. | 057 | Discipline and Special Confinement Techniques | 40 |
| 16. | 058 | Supervision of the Youthful Offender | 40 |
| 17. | 068 | Advanced Report Writing and Review | 40 |
| 18. | 072 | Firefighting for Correctional Officers | 40 |
| 19. | 073 | Community and Human Relations | 40 |
| 20. | 074 | Substance Abuse and Awareness Education | 40 |
| 21. | 077 | Underwater Police Science and Technology | 80 |
| 22. | 080 | Computers and Technology in Criminal Justice | 40 |
| 23. | 085 | Emergency Preparedness for Correctional Officers | 40 |
| 24. | 087 | Advanced Traffic Accident Investigations | 80 |
| 25. | 088 | Traffic Accident Reconstruction | 80 |
| 26. | 090 | School Resource Officer | 40 |
| 27. | 091 | Domestic Intervention | 40 |
| 28. | 093 | Hostage Negotiations | 40 |
| 29. | 094 | Drug Abuse Resistance Education (D.A.R.E.) – FDLE instructed only | 80 |
| 30. | 096 | Drug Abuse Resistance Education (D.A.R.E.) | 40 |
| 31. | 094 & 097 | Drug Abuse Resistance Education (D.A.R.E.) | 40 |
| 32. | 098 | Traffic Homicide Investigation | 80 |
| 33. | 100 | Crimes Against the Elderly | 40 |
| 34. | 107 | Middle Management (Effective 10/1/06) | 40 |
| 35. | 809 | *CMS Field Training Officer Program Course (This course is not mandated for field training officers) | 40 |
| 36. | 1100 | *Field Training Officer Course for Correctional and Correctional Probation Officers | 40 |
| 37. | 1151 | Conducting Background Investigations | 40 |
| 38. | 1152 | Investigation and Supervision of Officer Involved Shootings | 40 |
| 39. | 1153 | Computer Crimes Investigations | 40 |
| 40. | 1154 | Financial Fraud Investigations | 40 |
| 41. | 1158 | Speed Measurement Course (Effective 1/1/07) | 40 |
| 42. | 1161 | Managing and Communicating with Inmates and Offenders (Effective 11/16/06) | 40 |
| 43. | 1163 | Gangs and Security Threat Groups | 40 |
| 44. | 1164 | Inmate Manipulation (Effective 11/16/06) | 40 |
| 45. | 1165 | Spanish for Criminal Justice Professionals (Effective 2/1/07) | 40 |
| 45. | 1166 | Advanced Investigative Techniques of Human Trafficking Offenses (Effective 5/10/07) | 40 |

*Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.

Officers who are currently receiving salary incentive payment for completion of the Radar Speed Measurement Training Course for Law Enforcement Officers number 055 and Laser Speed Measurement Operators Course for Law Enforcement Officers number 095 are not eligible to receive additional salary incentive credit for course number 1158.

(2) through (3) No change.

(4) To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

~~(a) A Radar Operator Performance Report, form CJSTC 8, revised November 8, 2007, hereby incorporated by reference, shall be completed for the Radar Speed Measurement Training Course for Law Enforcement Officers.~~

~~(a)(b) A Speed Measurement Operator Performance Report form CJSTC-11, revised November 8, 2007, hereby incorporated by reference, shall be completed for the Speed Measurement Course number 1158, and for the Laser Speed Measurement Operators Course for Law Enforcement Officers number 095 (Retired 12/31/06).~~

~~(b)(e) Speed Measurement Device Operators are authorized to instruct the practical exercises in the Speed Measurement Course with a certified Speed Measurement Instructor. A copy of the Instructor Exemption form CJSTC-82 shall be maintained in the course file.~~

(5) No change.

Rulemaking Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.12(5), 943.17(1) FS. History--New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, _____.

11B-35.007 Specialized Training Program.

(1) through 10. No change.

(3) Specialized Instructor Training Courses. Courses developed and approved by the Commission for instructor training shall be delivered in their entirety by a training school for an individual to qualify to apply as a Commission-certified instructor. Commission-approved Specialized Instructor Training Courses are:

| | Course Number | Course Names | Course Hours |
|----------------|-----------------|-----------------------------------------------------------------------|--------------|
| (a) | 1115 | General Instructor Refresher Course | 8 |
| (b) | 1116 | CMS Instructor Techniques Course (Retired 11/14/08) | 80 |
| (c) | 803 | CMS General Instructor Transition Course (Retired 3/31/08) | 12 |
| (d) | 1167 | CMS General Instructor Update Course | 4 |
| (d)(e) | 800 | CMS Vehicle Operations Instructor Course | 40 |
| (e)(f) | 805 | CMS Vehicle Operations Instructor Transition Course (Retired 3/31/08) | 16 |
| (f)(g) | 801 | CMS Firearms Instructor Course | 44 |

| | | | |
|--------|------|---------------------------------------------------------------------------------------------------------------------------|----|
| (g)(#) | 806 | CMS Firearms Instructor Transition Course (Retired 3/31/08) | 12 |
| (h)(+) | 802 | CMS Defensive Tactics Instructor Course | 80 |
| (l)(+) | 807 | CMS Defensive Tactics Instructor Transition Course (Retired 3/31/08) | 32 |
| (k) | 1169 | CMS Defensive Tactics and Firearms Instructor Update Course | 6 |
| (l)(#) | 1114 | CMS First Aid Instructor Course | 40 |
| (k)(#) | 804 | CMS First Aid Instructor Transition Course (Retired 3/31/08) | 8 |
| (l)(#) | 1107 | Canine Team Training Instructor Course | 40 |
| (m)(#) | 1109 | Laser Speed Measurement Device (LSMD) Instructor Transition Course for Radar Instructors (Retired To be retired 12/31/08) | 24 |
| (n)(#) | 1110 | Breath Test Instructor Course | 40 |
| (o)(#) | 1111 | Breath Test Instructor Renewal Course | 8 |
| (p)(+) | 1159 | Speed Measurement Instructor Course for Law Enforcement Officers (Effective 1/1/07) | 40 |
| (q) | 1186 | Florida General Instructor Techniques Course | 64 |

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses:

| | Course Number | Course Names | Course Hours |
|-----|---------------|------------------------------------------------------------------------------------------------------------------------|--------------|
| (a) | 1125 | Contraband Forfeiture | 40 |
| (b) | 1126 | Human Diversity In-service Training for Professionalism and Ethics | 4 |
| (c) | 1127 | Human Diversity In-service Training for Interdependent Relationships | 8 |
| (d) | 1128 | Human Diversity In-service Training for Reducing Inter-group Conflict | 4 |
| (e) | 1129 | Human Diversity In-service Training for Sexual Harassment in the Workplace | 4 |
| (f) | 1130 | Human Diversity In-service Training for Specialized Topics in Diversity | 4 |
| (g) | 1144 | CMS Human Interaction Course | 16 |
| (h) | 1131 | Human Diversity In-service Training for Discriminatory Profiling and Professional Traffic Stops | 4 |
| (i) | 1112 | Canine Team Training Course | 400 |
| (j) | 1113 | Laser Speed Measurement Device (LSMD) Transition Operators Course for Radar Operators (Retired To be retired 12/31/08) | 12 |
| (k) | 1132 | Parking Enforcement Specialist for Civilians | 16 |
| (l) | 1133 | Selective Traffic Enforcement Program for Civilians | 80 |
| (m) | 732 | Traffic Control Officer for Civilians | 8 |
| (n) | 851 | Breath Test Operator Course | 16 24 |
| (o) | 951 | Breath Test Operator Renewal Course | 4 6 |
| (p) | 850 | Agency Inspector Course | 24 |
| (q) | 950 | Agency Inspector Renewal Course | 6 |
| (r) | 1134 | Criminal Justice Officer Ethics Course | 8 |
| (s) | 1135 | Crimes Against Children | 24 |
| (t) | 1136 | Domestic Violence | 8 |
| (u) | 1137 | Violent Crime Investigator Training Course | 40 |
| (v) | 808 | CMS Field Training Officer Transition Course | 8 |
| (w) | 1140 | Basic Incident Command System (ICS) Course | 6 |

| | | | |
|------|------|---------------------------------------------------------------|------------|
| (x) | 1141 | Intermediate Incident Command System (ICS) Course | 21 |
| (y) | 1142 | Advanced Incident Command System (ICS) Course | 16 |
| (z) | 1149 | CMS Special Populations Course | 32 |
| (aa) | 1150 | CMS Problem-Solving Model: SECURE Specialized Training Course | 6 |
| (bb) | 1160 | Dart-Firing Stun Gun | 86 |
| (cc) | 1167 | CMS General Instructor Update Course | 4 |
| (dd) | 1169 | CMS Defensive Tactics and Firearms Instructor Update Course | 6 |
| (ee) | 1185 | Elder Abuse Investigations | No Mandate |

(5) No change.

~~(6) Training schools shall report the satisfactory completion of training pursuant to paragraph 11B-35.001(1)(b), F.A.C., by transmitting a completed Training Report form CJSTC-67 within 30 days of course completion through the Commission's ATMS.~~

~~(6)(7) Criminal Justice Standards and Training Trust Fund Officer Training Monies may be expended to conduct Commission-approved Specialized Training Program Courses pursuant to subsection (1) of this rule section. Officer Training Monies shall be expended pursuant to the requirements of Rule Chapter 11B-18, F.A.C.~~

Rulemaking Specific Authority 943.03(4), 943.12(1), (2) FS. Law Implemented 943.175, 943.25 FS. History—New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, 3-27-06, 3-21-07, 6-9-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Hunt at (850)410-8615 or donnahunt@fdle.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE NO.: 11C-6.010
 RULE TITLE: Retention of Applicant Fingerprints
 PURPOSE AND EFFECT: To update rule language pursuant to Chapter 120, F.S.

SUMMARY: Removes a reference to an outdated alternative invoicing method.

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: 943.05(2)(g), (h), 1012.32(3), 1012.465, 1012.56 FS.

LAW IMPLEMENTED: 220.187(6)(b), 551.107 (7)(c), 744.3135(4)(b), 943.13(5), 985.644(5)(b), 1002.421(3)(a) 1012.32(3), 1012.465, 1012.56 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: July 21, 2009, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Martha Wright at (850)410-8113 or e-mail: marthawright@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha Wright at (850)410-8113

THE FULL TEXT OF THE PROPOSED RULE IS:

11C-6.010 Retention of Applicant Fingerprints.

(1) through (7) No change.

(8) As a condition of participation in the AFRNP, the agency must inform the Department in writing and receive written confirmation from the Department of all persons with retained fingerprints who are no longer employed, licensed, certified, or otherwise associated with the agency in order that such persons may be removed from the AFRNP database. Without regard to whether an applicant fingerprint entry is retained in the AFRNP database, data from an applicant fingerprint entry which would improve the quality or clarity of an arrest fingerprint entry will be merged with the arrest fingerprints, and the applicant print will be retained as part of the criminal history record database. An applicant fingerprint entry which is found to match a latent fingerprint taken from a crime scene will be retained as part of the criminal history database unless an arrest fingerprint offers a match that is at least as demonstrable. ~~With respect to any person previously entered in the database for whom the Department does not receive notification of removal by September 29 in the case of the first billing option above at subsection (7), or by two days prior to the anniversary date in the case of the second billing option, the annual fee must be paid.~~

~~Rulemaking Specific Authority 943.05(2)(g), (h), 987.407(4), 1012.32(3), 1012.465, 1012.56 FS. Law Implemented 220.187(6)(b), 551.107 (7)(c), 744.3135(4)(b), 943.13(5), 985.644(5)(b), 1002.421(3)(a) 987.407, 1012.32(3), 1012.465, 1012.56 FS. History--New 11-30-04, Amended 6-9-08,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha Wright at (850)410-8113

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 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."

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-4.1090
 RULE TITLE: Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the proposed rule is to adopt the most current version of the items incorporated by reference. The effect of the proposed rule amendments will incorporate the new flood insurance studies for Taylor County.

SUMMARY: This proposed rule will address items incorporated by reference.

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: 373.044 FS.

LAW IMPLEMENTED: 373.083, 373.084, 373.085, 373.086, 373.413, 373.416 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: 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 FULL TEXT OF THE PROPOSED RULE IS:

40B-4.1090 Publications and Agreements Incorporated by Reference.

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

(g) Taylor County, Florida and Incorporated Areas, Effective May 4, 2009;

~~(h)~~(e) Union County, Florida and Incorporated Areas, Effective February 4, 2009.

Rulemaking Authority 373.044 FS. Law Implemented 373.083, 373.084, 373.085, 373.086, 373.413, 373.416 FS. History--New 11-21-02, Amended 5-13-07, 4-21-08, 4-30-09,_____.

Copies of the items incorporated by reference may be obtained by contacting: Linda Welch, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, FL 32060, (386)362-1001.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-400.315
 RULE TITLE: No Notice General Permit for Activities in Uplands

PURPOSE AND EFFECT: To delete partial delegation to Collier County for projects less than 40 acres total land area.

SUMMARY: Collier County has requested to relinquish its delegated authority for all projects less than 40 acres. This delegation was approved on September 17, 1980. Permit applicants in Collier County will now need to submit an application to the South Florida Water Management District for projects less than 40 acres which do not qualify for a No Notice General Permit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed revision to relinquish Collier County's delegation authority for projects less than 40 acres with a surface water management system in Collier County has in the past impacted fewer than 10 applicants per year. Applicants can be individual, business, agricultural interest, or local and/or state government. Only minimal additional staff time will be required to review/approve these permit applications.

Permit application processing fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance, and as a result, the District's total projected revenue is expected to increase by up to \$2,000.00 per application submitted. The application fees currently used by Collier County for processing applications pursuant to paragraph 40E-400.315(2)(c), F.A.C., are not directly equivalent to the application fees assessed by the District. The proposed rule will impose no new capital and equipment or

operating and maintenance costs, nor will it require hiring of new employees or contractors. Individual and Entities, including local governments, could potentially be required to pay an application fee of up to \$2,000.00 to submit the application to the District. However, some of the projects that previously qualified for the No Notice provision of paragraph 40E-400.315(2)(c), F.A.C., will also qualify for a No Notice General Permit under subsection 40E-400.315(1), F.A.C., and thus would not incur additional costs.

It is anticipated that the proposed rule revision will have a minimal affect on small businesses and small cities, since any of those entities that qualified for the existing No Notice General Permit likely would have needed to apply to the County for their various local government authorizations. Those who do not qualify will be required to pay \$2,000 per application submitted to the District.

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: 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS.

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

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

DATE AND TIME: August 13, 2009, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of 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. 6080 or (561)682-6080. If you are 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: Anita R. Bain, Director, Environmental Resource Permitting Division, Environmental Resource Regulation Department, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6866 or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact Jan Sluth, Senior Paralegal, Office of Counsel, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-400.315 No Notice General Permit for Activities in Uplands.

- (1) No change.
- (2) through (2)(b) No change.

~~(e) Thresholds and Additional Conditions Within Collier County.~~

- ~~1. The project must have less than 40 acres total land area.~~
- ~~2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.~~

Rulemaking Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 4-14-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anita R. Bain, Director, Environmental
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.044
RULE TITLE: State Term Contracts
PURPOSE AND EFFECT: To update Rule 60A-1.044, Florida Administrative Code, to reflect requirements for use of state term contracts by state agencies.

SUMMARY: Repeal paragraphs (2) and (3) and amend (5) to remove exceptions to use of state term contracts by state agencies.

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: 287.042(12) FS.

LAW IMPLEMENTED: 287.056(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelley Scott, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-3049, Kelley.Scott@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

~~60A-1.044 State Term Contracts; Usage and Exclusivity; Exceptions.~~

~~(1) State Term Contracts. State term contracts are indefinite quantity contracts competitively procured by the Department pursuant to Section 287.057, F.S., available for use by eligible users.~~

~~(2) Usage and Exclusivity. Section 287.056(1), F.S., mandates state term contract usage and exclusivity as follows:~~

~~(a) Agencies. Agencies are required to use state term contracts, except as provided in this rule.~~

~~(b) Other Entities. The Department encourages its vendors to offer state term contract pricing to additional entities, particularly charitable entities recognized under Section 501(c)(3) of the Internal Revenue Code. These entities are encouraged to review state term contracts and request identical pricing, which the vendor may grant at its discretion. Other entities purchasing from state term contracts assume and bear complete responsibility with regard to performance of any contractual obligation or term.~~

~~(3) Exceptions. An agency may purchase commodities or contractual services from other than the state term contract vendor(s) if:~~

~~(a) The purchase amount does not exceed the greater of \$250 or any threshold amount established in the state term contract; or~~

~~(b) The agency determines in writing that the state term contract item cannot meet an agency need because of one of these factors: unavailability of the contract item within agency schedule or delivery requirements; need for compatibility with existing equipment or systems; or the contract item fails to meet agency required specifications, quality levels or technical requirements; or~~

~~(c) The state term contract expressly designates that it is a non-exclusive contract, which designation may be conditional, e.g., require any off contract vendors to match or beat the contract price.~~

~~(2)(4) State Agency Standard Configuration and Options. State term contracts for commodities may provide cost-effective standard configuration products, i.e., those that meet most or a significant portion of agency requirements at a reduced cost. A state term contract offering standard configuration products may also list specific options or additions to the standard configuration products, which agencies or eligible users may elect to add to the standard configuration product as needed. If an agency determines that a standard configuration product will not meet the agency's needs and that it is therefore necessary for the agency to purchase specific product options or additions to the standard configuration product, the agency shall, in writing, specify why the standard configuration product(s) cannot meet the agency's needs due to: unavailability of the product within agency schedule or delivery requirements; need for compatibility with~~

existing equipment or systems; or failure to meet agency-required specifications, quality levels or technical requirements.

~~(3)~~⁽⁵⁾ The agencies' written determination for state term contract or standard configuration exceptions required by (2) ~~(3)~~ and (4) above shall also include the price impact, both as a dollar amount and as a percentage of the price of the state contract or standard configuration item(s), that results because of the exception or deviation.

Rulemaking Specific Authority 287.042(12) FS. Law Implemented 287.056(1) FS. History--New 7-26-04, Amended 10-15-06,_____.

Editorial Note: Formerly 60A-1.008(3)(a), (4), (5), F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kelley Scott, Governance Manager, Division of State Purchasing, Department of Management Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles Covington, Director, Division of State Purchasing, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

DEPARTMENT OF MANAGEMENT SERVICES

Division of Telecommunications

RULE NO.: 60FF-5.001
RULE TITLE: 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.

SUMMARY: The new rule will clarify the requirements and procedures for reimbursement for actual cost incurred to provide 911 or E911 services.

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: 365.172(6)(a)11., 365.173(2)(d) FS.

LAW IMPLEMENTED: 365.173(2)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.001 Requirements for Sworn Invoices Submitted by or on Behalf of Wireless Service Providers.

All wireless service providers seeking reimbursement for actual costs incurred to provide 911 or E911 service pursuant to Section 365.173(2)(d), F.S., shall complete and submit a sworn invoice containing the following:

- (1) The service provider's name and address;
- (2) The date of the invoice;
- (3) The service period for which reimbursement is sought;
- (4) Itemization of non-recurring charges for which reimbursement is sought, including:
 - (a) Description of each item;
 - (b) Quantity of each item provided;
 - (c) Unit cost of each item; and
 - (d) Total cost of each item.
- (5) Itemization of monthly recurring charges for which reimbursement is sought, including:
 - (a) Description of each item;
 - (b) Quantity of each item provided;
 - (c) Unit cost of each item; and
 - (d) Total cost of each item.
- (6) Itemization of other recurring charges for which reimbursement is sought, including:
 - (a) Timing of each recurring item, e.g., annual, quarterly, bi-monthly, etc.;
 - (b) Description of each item;
 - (c) Quantity of each item provided;
 - (d) Unit cost of each item; and
 - (e) Total cost of each item.
- (7) Totaled Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges.
- (8) Total amount of reimbursement sought in the invoice;
- (9) The following certification: "I hereby certify that the foregoing statements are true and correct, and that no material fact has been withheld or concealed from the Wireless 911 Board"; and
- (10) The dated and notarized signature of the person submitting the invoice.
- (11) Payment will be made to the order of the provider only.
- (12) Vendors need to register at the myfloridamarketplace.com as a vendor doing business with the State of Florida in order for the Board to generate a warrant.

(13) Each wireless provider shall submit to the E911 Board (Board), by August 1 of each year, a detailed estimate of the capital and operating expenses (cost recovery proposal) for which it anticipates that it will seek reimbursement under Section 365.173(2)(d), F.S., during the ensuing state fiscal year.

(14) In order to be eligible for cost recovery during any ensuing state fiscal year, a wireless provider must submit all sworn invoices for allowable purchases made within the previous calendar year not later than March 31 of the fiscal year.

(15) The Board shall submit to the Legislature, by September 15 of each year, its legislative budget request for funds to be allocated to wireless providers under section 365.173(2)(d), F.S., during the ensuing state fiscal year.

(a) The Board's legislative budget request shall be based on the cost recovery proposals submitted by the wireless providers and estimated surcharge revenues.

(b) The requirement that a wireless provider timely submit its cost recovery proposal by August 1 of each year is mandatory in order to enable the Board to timely prepare and submit its legislative budget request to the Legislature by September 15 of each year.

(c) Accordingly, in order to be eligible for cost recovery during any ensuing state fiscal year, a wireless provider must submit its cost recovery proposal no later than August 1 of each year.

(16) A wireless provider that fails to timely submit its cost recovery proposal for the ensuing state fiscal year shall be deemed ineligible for and thereby precluded from any cost recovery during the ensuing state fiscal year.

(17) A wireless provider deemed ineligible for cost recovery in the ensuing state fiscal year for failure to timely file its cost recovery proposal may request reinstatement of its eligibility by showing good cause in writing explaining in detail the facts and circumstances purporting to excuse its noncompliance. The wireless provider's representative shall be required to appear either in person or via teleconference at the next ensuing Board meeting to present its position and answer any questions from the Board. The Board, in the exercise of its powers enumerated in Section 365.172(6), F.S., shall consider the facts and circumstances and determine whether relief is justified to avoid imposition of a substantial hardship or a violation of the principles of fairness, and whether relief would serve the purpose of Sections 365.172, 365.173, 365.174, F.S., and, particularly, Section 365.173(2)(d), F.S.

Rulemaking Authority 365.172, 365.173 FS. Law Implemented 365.173(2)(d) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-22.011 RULE TITLE: Standards for Business Valuations

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to provide the standard for licensees performing business valuations for clients.

SUMMARY: The standard for licensees performing business valuations for clients will be updated.

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: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-22.011 Standards for Business Valuations. Licensees performing business valuations for clients shall comply with “Statement on Standards for Valuation Services No. 1,” as published by the American Institute of Certified Public Accountants, in effect as of January 1, 2008. (Available from the AICPA's + Resource Online at: <http://bvfis.aicpa.org/Resources/Laws+Rules+Standards+and+Other+Related+Guidance/AICPA+valuation+Standard+and+implementation+Toolkit.htm> or call 1(888)777-7077) ~~“Consulting Services Practice Aid 93-3, Conducting a Valuation of A Closely Held Business,”~~ published by the American Institute of CPAs. The rule does not encompass consulting engagements wherein a licensee provides written or oral advisory services in which the client is informed in writing that the services provided were not performed in accordance with “Statement on Standards for Valuation Services No. 1.” ~~Consulting Services Practice Aid 93-3~~ established by the AICPA.

Rulemaking Specific Authority 473.304, 473.315 FS. Law Implemented 473.315 FS. History–New 11-2-95, Amended 2-18-96, 9-30-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 15, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-28.0052
RULE TITLE: Number of Sitzings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the requirements of the CPA examination.

SUMMARY: The requirements for the CPA examination 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: 455.217(1), 473.304, 473.306 FS.

LAW IMPLEMENTED: 455.217(1), 473.306 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-28.0052 Number of Sitzings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules.

(1) No change.

(2) A candidate shall be deemed to have passed the CPA Examination when the candidate has been granted credit for all sections of the CPA Examination. Upon certification by the

Board to the Department that the applicant has met all licensure requirements as imposed by Chapters 455 and 473, F.S., and the rules promulgated pursuant thereto, the Department shall issue a license to practice public accounting to such individual. However, in no event shall an initial license be issued if the initial licensure fees and all required documents are not received within 36 months of the date of certification by the board; in such case, the certification expires and the applicant may reapply for licensure by endorsement, pursuant to Section 473.308(3)(a), F.S.

Rulemaking Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History–New 1-1-04, Amended 2-24-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 15, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-28.007
RULE TITLE: Law and Rules Examination

PURPOSE AND EFFECT: The Board proposes the repeal of the rule due to a statutory change.

SUMMARY: The rule will be repealed due to a statutory change.

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

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

RULEMAKING AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.306 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-28.007 Laws and Rules Examination.

~~At the time of application for licensure, the applicant must pass the examination on Chapters 455 and 473, F.S., and related administrative rules approved by the Board. A grade of at least 80 is a passing grade.~~

~~Rulemaking Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History–New 4-8-86, Formerly 21A-28.007, Repealed _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-31.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update the licensure application process.

SUMMARY: The licensure application process will be updated.

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: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.

LAW IMPLEMENTED: 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-31.001 Fees.

(1) Applicants to sit for the Uniform CPA Examination, as a first time candidate or for candidates transferring partial credits from another state, a fifty dollar (\$50.00) application fee will be owed prior to processing the application. Once the

applicant has been approved to sit for the exam as a Florida candidate, it is the applicant's responsibility to complete the examination process with the national vendor and pay any examination fee required by the vendor the following initial examination fee will be charged to take each section of the exam: ~~Auditing \$159.25, Accounting \$148.00, Regulation \$125.50, and Business E & C \$114.25.~~

(2) through (8) No change.

~~(9) The CPE reporting form must be postmarked by or on July 15. If it is postmarked or completed on-line after July 15 but by December 31, a \$50.00 delinquency fee will be imposed by the Board. No CPE reporting form will be accepted if it is postmarked or completed on-line after December 31.~~

~~(9)(10) Duplicate licensee fee – If a licensee requests a duplicate license or wall certificate, the Board will issue the duplicate if the request is made in writing and is accompanied by a payment of \$25.00.~~

~~(10)(11) For verification of licensure to other states; fifty dollars (\$50.00).~~

~~(11)(12) For initial licensure, fifty dollars (\$50.00). However, in no event shall an initial license be issued if the initial licensure fees and all required documents are not received within 12 months of the date of certification by the board; in such case, the certification expires and the applicant may reapply for licensure by endorsement, pursuant to Section 473.308(3)(a), F.S.~~

~~(12)(13) For approval of continuing education provider status, one hundred dollars (\$100.00), valid for two years.~~

~~(13)(14) For approval of a continuing education course in ethics, meeting the requirements of Section 473.312(1)(c), F.S., two hundred fifty dollars (\$250.00).~~

~~Rulemaking Specific Authority 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS. Law Implemented 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. History–New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99, 4-3-02, 1-27-04, 1-31-05, 7-14-05, 4-9-06, 12-3-06, 4-29-07, 9-24-07, 2-24-08, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: 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."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-341.417
RULE TITLE: General Permit for Construction, Alteration, Operation, and Maintenance of Boat Ramp Facilities

PURPOSE AND EFFECT: This proposed rule amends an existing noticed general environmental resource permit under Part IV of Chapter 373, F.S., for boat ramps and their associated accessory docks. The amendments will conform the general permit with the requirements of Section 373.118(5), F.S. (as amended by Chapter 2005-158, Laws of Florida), including authorizing certain upland improvements associated with a boat ramp facility that is constructed, operated, and maintained by a governmental entity, provided the ramp and associated facilities remain open to the general public for the life of the facility. The amendments also will make the general permit more useable by expanding the geographical area where it applies.

SUMMARY: The proposed rule authorizes the construction, alteration, maintenance, and operation of a single boat ramp serving an individual, single-family dwelling unit, a multi-family dwelling unit, a commercial entity, or a governmental entity. The boat ramp for a multi-family residence or a commercial or governmental entity will be authorized to contain a maximum of two accessory docks having a maximum cumulative size of either 500 square feet within Outstanding Florida Waters (as listed in Rule 62-302.700, F.A.C.) or 1,000 square feet in other waters. The general permit also authorizes a maximum of 1.2 acres of impervious surface in uplands subject to vehicular traffic associated with a governmental entity's boat ramp, provided: 1) that any such impervious surface exceeding 4,000 square feet must have a fully operational stormwater management system completed in conformance with the terms and conditions of the general permit prior to operation of any portion of the boat ramp facility; and 2) the ramp and associated facilities remain open to the general public for the life of the facility.

The existing general permit is not allowed to be used in waters that are accessible to manatees within 27 counties. The geographic applicability of the general permit is proposed to be expanded to all counties in Florida, except for waters that are accessible to manatees within Charlotte, Hillsborough, Levy, Manatee, and Pinellas Counties or the St. Johns River and its tributaries in Lake and Seminole Counties. However, construction or expansion of a multi-family, commercial, or

governmental boat ramp in waters that are accessible to manatees must be consistent with applicable state approved manatee protection plans.

Boat ramp facilities authorized under the proposed noticed general permit cannot be associated with a larger plan of development that requires a permit under Part IV of Chapter 373, F.S. Boat ramps and accessory docks authorized under the general permit cannot adversely impede navigation or create a navigational hazard in the water body, and a minimum navigational access of two feet below mean low water in tidal waters or mean annual low water in non-tidal waters must already exist to the proposed ramp. The general permit does not authorize any filling of wetlands or other surface waters, other than for construction of the actual boat ramp surface, incidental filling associated with recontouring the land under the ramp to create a smooth grade, and placement of pilings for associated accessory docks. The general permit contains additional conditions and limitations to ensure that it does not allow significant adverse impacts to occur individually or cumulatively, as required by Sections 373.118, 373.406(5), and 373.414(9), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared by the Agency. There are several groups who will be affected by the revisions to the NGP. Single-family, multi-family, commercial, governmental interests, boat ramp users, companies who design and build ramps, businesses operating in the vicinity, and surrounding property owners near a boat ramp constructed under the revised NGP will all receive a positive externality from the increased water access or the related increase in boater traffic. In the case of property owners (including single-family, multi-family, commercial, and surrounding property owners), this benefit stems primarily from increases in property values and increased utility derived from water access. In the case of affected businesses (including commercial interests, companies who design and build boat ramps, and businesses operating in the vicinity) and government interests, the benefits are related to the increased fee for use and retail sales income derived from increased boater traffic.

Costs from the NGP are primarily from negative environmental impacts, increased maintenance and enforcement costs, and transactional costs. The environmental impact costs are shared among all affected parties in the form of increased water and air pollution as well as increased erosion from the increased boat traffic. The increased costs of maintenance and enforcement are borne by those who build a new ramp under the NGP. Transactional costs for this rule change are expected to be minor and directly impact those who build ramps.

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: 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS.

LAW IMPLEMENTED: 373.118(1), 373.118(5), 373.406(5), 373.413, 373.414(9), 373.416, 373.418, 373.426 FS.

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

DATE AND TIME: August 3, 2009, Monday, 1:30 p.m., EDT

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Road, Tallahassee, FL

Toll Free Teleconference Number (888)808-6959, Conference Code 2458486

Pursuant to the provisions of 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: VanTassel at (850)245-8486 or Mary.VanTassel@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ann Lazar, Environmental Supervisor, Department of Environmental Protection, Office of Submerged Lands and Environmental Resources at 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, by e-mail at ann.lazar@dep.state.fl.us, or (850)245-8495. (OGC No. 05-1659)

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 62-341.417 follows. See Florida Administrative Code for present text.)

62-341.417 General Permit for Construction, Alteration, Operation, and ~~or~~ Maintenance of Boat Ramp Facilities ~~Ramps~~ and Associated Accessory Docks.

(1) A general permit is hereby granted, except in waters that are accessible to manatees within Charlotte, Hillsborough, Levy, Manatee, and Pinellas Counties or the St. Johns River and its tributaries in Lake and Seminole Counties, for construction, alteration, maintenance, and operation of a single boat ramp for the following entities or facilities:

(a) An individual, detached single-family dwelling unit or two adjacent detached single-family dwelling units, provided the ramp is located on the shared property line.

(b) A multi-family dwelling unit, which, for the purpose of this rule, shall include attached multi-family dwelling units, regardless of the legal subdivision of the underlying property.

(c) A commercial entity, provided such ramp is open to the general public for the life of the ramp, with or without a fee and without any membership or qualifying requirements.

(d) A governmental entity, such as a federal, state, county, or municipal agency, or a water management or inland navigation district, provided the boat ramp is open to the general public for the life of the facility, with or without a fee. The following associated facilities are also authorized for governmental entities in accordance with the terms and conditions of this general permit, provided the ramp and associated facilities remain open to the general public for the life of the facility, with or without a fee: ingress and egress traffic lanes, boat trailer parking spaces, an access road, and associated accessory docks.

(2) The boat ramp and associated facilities must meet all of the following conditions:

(a) The work does not qualify for an exemption under Part IV of Chapter 373, F.S., or Part V of Chapter 403, F.S.

(b) The work is not part of a larger plan of development that requires a permit under Part IV of Chapter 373, F.S.

(c) A minimum navigational access of two feet below mean low water in tidal waters or mean annual low water in non-tidal waters must already exist to the proposed ramp. Depth indicators shall be installed at the ramp to identify the controlling depths of the navigational access.

(d) The construction, alteration, or use of the boat ramp, including any accessory docks, shall not adversely impede navigation or create a navigational hazard in the water body.

(e) There shall be no dredging or filling of submerged grassbeds or coral communities.

(f) There shall be no filling of wetlands or other surface waters, other than for construction of the actual boat ramp surface, incidental filling associated with recontouring the land under the ramp to create a smooth grade, and placement of pilings for associated accessory docks.

(g) No part of the accessory docks shall be located over submerged grassbeds or coral communities.

(h) Dredging shall be limited to no more than 100 cubic yards, and in no case shall be more than is necessary to construct the boat ramp surface or restore the ramp to its original configuration and dimension.

(i) All dredged material that results from activities authorized by this general permit shall be deposited in an upland spoil site designed and located to prevent the escape of dredged material into wetlands or other surface waters.

(j) The above-water portion of the boat ramp shall be stabilized to prevent turbidity.

(k) The work shall not cause or contribute to violations of state water quality standards.

(l) Work under this general permit shall not commence until the Department has provided written confirmation that the applicant qualifies to use the general permit.

(m) This general permit is limited to one use per parcel o property and cannot be combined with other noticed general permits or exemptions.

(3) Construction of the boat ramp is limited as follows:

(a) The boat ramp for a single-family or multi-family dwelling unit, pursuant to paragraph (1)(a) or (b), is limited to a single lane and must not exceed a width of 20 feet, including the side slopes, with the boat ramp surface not to exceed a width of 12 feet.

(b) The boat ramp for a commercial or governmental entity pursuant to paragraph (1)(c) or (d) is limited to a maximum of two lanes and must not exceed a width of 60 feet, including the side slopes, with the ramp surface not to exceed a width of 36 feet.

(c) Construction or expansion of a multi-family, commercial, or governmental boat ramp pursuant to paragraph (1)(b), (c), or (d) in waters that are accessible to manatees must meet the following criteria:

1. The proposed boat ramp facility must be consistent with the state approved manatee protection plan in counties required to have a manatee protection plan adopted under Section 379.2431(2) F.S., or counties that have voluntarily completed a state approved manatee protection plan. Documentation of plan consistency must be submitted concurrently with the notice to use the general permit in the form of a letter of consistency concurrence from the Florida Fish and Wildlife Conservation Commission.

2. The proposed boat ramp facility must have a kiosk or permanent information display board providing information on manatee protection or the manatee zones in Chapter 68C-22, F.A.C., for that county and must follow the standard manatee construction conditions for in-water work.

(d) A boat ramp for a multi-family residence or for commercial or governmental entities pursuant to paragraph (1)(b), (c), or (d) can have a maximum of two accessory docks, abutting either one or both sides of the boat ramp, provided that the cumulative square footage of accessory docks over wetlands or other surface waters does not exceed 500 square feet in Outstanding Florida Waters or 1,000 square feet outside Outstanding Florida Waters. In addition, the accessory docks shall not be used for overnight mooring.

(4) The following criteria only apply to governmental entities. Any new upland parking or other impervious surface associated with boat ramps for single-family, multi-family, and commercial entities pursuant to paragraph (1)(a), (b), or (c) is subject to the permitting requirements and criteria in Chapter 40B-4, 40B-400, 40C-4, 40C-40, 40C-42, 40D-4, 40D-40, 40E-4, 40E-40, 62-330, or 62-346, F.A.C. The total impervious surface in uplands that is subject to vehicular traffic associated with a boat ramp for a governmental entity pursuant to paragraph (1)(d) shall not exceed 1.2 acres. Before operating any portion of such a boat ramp facility that contains 4,000 square feet or more impervious surface subject to vehicular

traffic, a stormwater management system meeting all of the following requirements must be constructed and fully operational.

(a) Each system must be designed by a registered professional in accordance with Chapter 471, 472, 481, or 492, F.S., as applicable, and must be constructed, operated, and maintained to serve the total project area of the boat ramp facility.

(b) No system shall accept or treat offsite runoff.

(c) The system must provide treatment for a minimum stormwater retention volume of one-half inch of runoff. Recovery of the specified retention volume must occur within 72 hours by percolation through the sides and bottom of the retention basin.

(d) Impervious traffic lanes and parking areas must be graded such that runoff is directed to the stormwater treatment system.

(e) The system must include a continuous vegetated buffer strip adjacent to the downstream side of impervious areas subject to stormwater treatment. The buffer strip must be at least 25 feet wide and stabilized by well-established natural vegetation.

(f) The permittee must maintain the integrity of the treatment system and buffer strips at all times for the life of the system.

(g) Upon completing construction of the stormwater management system, the system must be operated and maintained by the permittee in accordance with the terms of this general permit for the life of the system. The permittee shall perform routine inspections of the buffer to check for development of concentrated flow through it, gully erosion, or loss of vegetation, and must repair the buffer as soon as practical to restore shallow overland flow conditions and prevent further concentration of flow and damage to the buffer.

(5) Commercial or governmental entities proposing to construct a boat ramp pursuant to paragraph (1)(c) or (d) shall execute and record in the public land records of the county in which the boat ramp is located a binding agreement in favor of and acceptable to the Department ensuring that the facility will remain open to the general public for the life of the facility.

(6) The construction or alteration of a boat ramp or accessory docks does not obligate the Department to approve any subsequent request to dredge for navigational access.

Rulemaking Specific Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.118(5), 373.406(5), 373.413, 373.414(9), 373.416, 373.418, 373.426 FS. History--New 10-3-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet G. Llewellyn, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 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 this repeal is to remove New Mexico as a state which has licensure requirements not substantially equivalent to Florida.

SUMMARY: The rule is being repealed.

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

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

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.

Rulemaking Specific Authority 464.009(2) FS. Law Implemented 464.009(2) FS. History--New 3-11-09, Repealed.

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: June 5, 2009

DEPARTMENT OF HEALTH

Office of Statewide Research

RULE NO.: 64H-2.002
RULE TITLE: Institutional Review Board Applications

PURPOSE AND EFFECT: The purpose of this rule is to provide an application mechanism and fee schedule requesting Institutional Board review, pursuant to the provisions of Section 381.86(5), F.S.

SUMMARY: Rule 64H-2.002, F.A.C., adopts a fee schedule for review of human subjects research pursuant to Section 381.86(5), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Number of people affected: 43; Number of entities affected: 10; Dollar impact \$27,500; Cost to agency: \$5,000 a year;

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: 381.86 FS.

LAW IMPLEMENTED: 381.86(5) FS.

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

DATE AND TIME: Wednesday, July 15, 2009, 1:00 p.m. – 2:00 p.m.

PLACE: Department of Health, 4030 Esplanade Way, 2nd Floor, Room 258, 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 2 days before the workshop/meeting by contacting: Ronique Hall, (850)245-4444, x3927. If you are 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: Ronique Hall, Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Mail Bin A #24, Tallahassee, FL 32399, (850)245-4444, x3927

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64H-2.002 follows. See Florida Administrative Code for present text.)

64H-2.002 Institutional Review Board Applications.

(1) Requests for Institutional Review Board review shall be submitted electronically using the Department's electronic system. Instructions are available at <http://FLpublichealthETHICS.net/instructions>. The website address is also available by contacting: Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Bin #A-24, Tallahassee, Florida 32399, (850)245-4585.

(2) Fees are waived for any student who is a candidate for a degree at a university located in Florida.

(3) Fees do not apply to Department of Health employees, including contracted employees, or investigators conducting research involving human subjects at the request of the Department under a contract, memorandum of understanding, or similar agreement, unless the study is industry sponsored, or sponsored by a for-profit organization. If so, then the fees listed in subsection (5) shall apply.

(4) Requests for review of studies involving Department electronic databases (such as, but not limited to Vital Statistics, Florida Cancer Data System) shall be charged according to the following schedule:

- (a) Initial Requests \$250.
- (b) Amendments \$100.
- (c) Continuing Reviews \$250.
- (d) Studies that expire will be assessed an additional \$250.
- (e) Requests for study closure shall not be charged a fee.
- (f) Requests for Continuing Review are due 60 days prior to study expiration.

(5) Requests for review of studies that are industry sponsored, or sponsored by a for-profit organization, shall be charged according to the following schedule:

- (a) Initial Requests \$2,000.
- (b) Amendments \$100.
- (c) Continuing Reviews \$1,000.
- (d) Studies that expire will be assessed an additional \$2,000 fee.
- (e) Requests for study closure shall not be charged a fee.
- (f) Requests for Continuing Review are due 60 days prior to study expiration.

(6) Requests for review of all other studies shall be charged according to the following schedule:

- (a) Initial Requests \$500.
- (b) Amendments \$100.
- (c) Continuing Reviews \$500.
- (d) Studies that expire will be assessed an additional \$500 fee.
- (e) Requests for study closure shall not be charged a fee.
- (f) Requests for Continuing Review are due 60 days prior to study expiration.

(7) Fees do not apply for non-research determinations or studies that are exempt per 45 CFR 46.101 (b).

(8) Fees are due at the time a request for review is made. IRB determinations will not be granted until payment is received by the Department.

(9) Fees do not apply to studies that are requesting continuing review during the grants no-cost extension period or afterward when the study remains with no funding.

(9) Fees are nonrefundable, except if a fee is paid when none is due. Specific instructions on how to pay the fee are available at the website indicated in subsection (1).

Rulemaking Specific Authority 381.86 FS. Law Implemented 381.86(5) FS. History--New 9-2-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ronique Hall

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jean Kline

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 9, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NO.: 69H-2.008
RULE TITLE: Other Forms Adopted

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

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

RULEMAKING AUTHORITY: 284.17, 284.39 FS.

LAW IMPLEMENTED: 284.30, 284.40, 284.41 FS.

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

DATE AND TIME: Monday, July 20, 2009, 9:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

| RULE NOS.: | RULE TITLES: |
|------------|-----------------------------------------|
| 69L-24.001 | Purpose |
| 69L-24.002 | Scope |
| 69L-24.003 | Definitions |
| 69L-24.004 | Monitoring, Examining and Investigating |
| 69L-24.005 | Maintaining and Providing Records |
| 69L-24.006 | Administrative Penalties and Fines |

| | |
|-------------|----------------------------------------------------------------------------|
| 69L-24.007 | Patterns or Practices |
| 69L-24.021 | Minimum Performance Standards |
| 69L-24.0211 | Monitoring |
| 69L-24.022 | Auditing |
| 69L-24.0222 | Re-Audit and Certification for Noncompliance |
| 69L-24.0231 | Benefits and Administration Trust Fund Penalties Improper Filing Practices |
| 69L-24.024 | Medical Penalties |
| 69L-24.0241 | Employee Failure to Appear for Independent Medical Examination |

PURPOSE AND EFFECT: Rule Chapter 69L-24, 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 regarding the establishment of uniform guidelines under which the Department of Financial Services, Division of Workers' Compensation will monitor, audit and investigate regulated entities to ensure compliance with statutory obligations under Chapter 440, Florida Statutes. The proposed rules provide guidance to regulated entities regarding requirements to provide timely payment of workers' compensation benefits to injured workers, to timely pay medical bills to providers, and to timely report workers' compensation data to the Department. Regulated entities include but are not limited to insurers, service companies, third-party administrators, self-serviced self-insured employers or funds, managing general agents, and data submitters that are responsible for adjusting workers' compensation claims or submitting information and data regarding those claims to the Department. The purpose and effect is also to establish uniform guidelines to penalize regulated entities for failure to provide timely payment of workers' compensation benefits to injured workers, for failure to timely pay medical bills to providers, and for failure to timely report workers' compensation information or data to the Department, based on findings made during the process of monitoring, auditing and investigating those regulated entities.

SUMMARY: Repeal of all existing rules in Rule Chapter 69L-24, F.A.C., and replacement of those rules with new rules which establish guidelines to monitor, audit and investigate regulated entities for compliance with the requirements of Chapter 440, Florida Statutes, regarding timely payment of benefits to injured workers, timely payment of medical bills, and timely reporting of data to the Department, and establish penalty guidelines for assessment of penalties for failure to comply with the statutory requirements.

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

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

RULEMAKING AUTHORITY: 440.13(11), 440.185, 440.20(6), 440.525(4), 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.13(11), 440.185, 440.20(6), (8), 440.525, 440.593 FS.

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

DATE AND TIME: Wednesday, August 5, 2009, 10:00 a.m.

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

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, (850)413-1775.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

WORKERS' COMPENSATION INSURERS' STANDARDS AND PRACTICES

69L-24.001 Purpose.

The purpose and intent of this rule chapter is to promote the self execution of the workers' compensation system through monitoring and enforcement of a regulated entity's fulfillment of its statutory obligations to provide timely payment of workers' compensation benefits to injured workers, to timely pay medical bills to providers, and to timely report workers' compensation medical data to the Department. The timely and accurate reporting of medical data is critical in that it enables the Department to provide current information about medical costs to policymakers and stakeholders so they can make qualitative and objective decisions relating to reimbursements to health care providers. Timely and accurate reporting of first reports of injury or illness is critical in that it allows the Department to monitor claims to ensure that regulated entities are fulfilling their statutory and rule obligations regarding the claims. The purpose of this rule chapter is also to establish performance standards and uniform guidelines for administrative fines and penalties assessed upon regulated entities for violations of Chapter 440 and other applicable Florida Statutes and Department Rules.

Rulemaking Authority 440.13(11), 440.185(10), 440.20(6), 440.525(4), 440.591, 440.593(5) FS. Law Implemented 440.13(11), 440.185, 440.20(6), (8), 440.525, 440.593 FS. History—New _____.

69L-24.002 Scope.

This rule chapter applies to all regulated entities as defined in this rule chapter and applies to all violations discovered through monitoring, examining, or investigating. This rule chapter shall not be construed as creating any substantive violations not otherwise prescribed by statute or rule.

Rulemaking Authority 440.13(11), 440.185(10), 440.20(6), 440.525(4), 440.591, 440.593(5) FS. Law Implemented 440.13(11), 440.185, 440.20(6), (8), 440.525, 440.593 FS. History—New _____.

69L-24.003 Definitions.

The following definitions shall apply in the rule chapter:

(1) "Action" – an event or events leading to the commission of a violation.

(2) "Audit" – a process whereby the practices of regulated entities are examined to verify compliance with Chapter 440 and other applicable Florida Statutes and Administrative Rules. The term "audit" is synonymous with the term "examination".

(3) "Batch" – a group of data records that is created and evaluated by CPS from manually or electronically submitted data received by the Department.

(4) "Centralized Performance System (CPS)" – a system that evaluates payment and filing data submitted to the Department.

(5) "Department" – the Florida Department of Financial Services.

(6) "Department Rules" – any and all rules adopted by the Department of Financial Services in its administration of Chapter 440 that apply to insurers or other regulated entities.

(7) "Division" – the Division of Workers' Compensation within the Florida Department of Financial Services.

(8) "Examination" – a process whereby the practices of regulated entities are examined to verify compliance with Chapter 440 and other applicable Florida Statutes and Department Rules. The term "examination" is synonymous with the term "audit".

(9) "F.A.C." – Florida Administrative Code.

(10) "F.S." – Florida Statutes.

(11) "Form DFS-F2-DWC-1" – Form DFS-F2-DWC-1 (First Report of Injury or Illness) or an electronic equivalent as required in Chapter 69L-56, F.A.C.

(12) "Investigation" – a Department review that is conducted to verify compliance with Chapter 440 and other applicable Florida Statutes and Department Rules.

(13) "Pattern or Practice" – a repeated or customary act(s) of non-compliance with any single provision of Chapter 440 or other applicable Florida Statutes or Department Rules on an individual claim or on multiple claims.

(14) “Regulated Entity” – any insurer as defined in Section 440.02(4), F.S., employer, service company, servicing agent, third-party administrator, claims handling entity, self-serviced self-insured employer or fund, submitter of forms or data on behalf of an insurer, or managing general agent that is responsible for handling or adjusting claims, or fulfilling an insurer’s responsibility to transmit workers’ compensation data to the Department.

(15) “Violation” – any finding of non-compliance with Chapter 440 or other applicable Florida Statutes or Department Rules.

Rulemaking Authority 440.13(11), 440.185(10), 440.20(6), 440.525(4), 440.591, 440.593(5) FS. Law Implemented 440.13(11), 440.185, 440.20(6), (8), 440.525, 440.593 FS. History–New _____.

69L-24.004 Monitoring, Examining and Investigating.

(1) The Department shall monitor, examine, or investigate the performance of regulated entities to ensure compliance with Chapter 440 and other applicable Florida Statutes and Department Rules as often as is deemed necessary.

(a) Monitoring includes, but is not limited to, the ongoing review of data provided to the Department by regulated entities.

(b) Examining or investigating includes, but is not limited to, the review of a regulated entity’s processes and may be based upon:

1. The regulated entity’s performance in prior examinations and/or investigations, or
2. Information obtained through the monitoring process, or
3. Information obtained through other methods utilized by the Department.

(2) Monitoring, examining, or investigating includes, but is not limited to, the review of the following:

- (a) Timeliness and accuracy of indemnity and/or medical payments.
- (b) Timeliness and accuracy of the filing of medical bill data.
- (c) Timeliness and accuracy of all forms required to be reported pursuant to Chapter 69L-3, F.A.C..
- (d) Timeliness and accuracy of electronic transactions required by Chapter 69L-56, F.A.C..
- (e) Denial of claims.
- (f) Delay in provision of benefits.
- (g) Harassment, coercion or intimidation of any party.
- (h) Evidence of the mailing and wording of the fraud statement pursuant to Section 440.105(7), F.S..
- (i) Timeliness of the response to a Petition for Benefits.
- (j) Timeliness of the compliance with a Judge of Compensation Claim’s order.
- (k) Timeliness of the compliance with a Department rule, order or directive.

(l) Compliance with CPS batch timeframes.

(m) Claims-handling practices.

(n) Timeliness of medical authorizations.

(o) Mailing of Form DFS-F2-DWC-65 (Important Workers’ Compensation Information for Florida’s Employers) or Form DFS-F2-DWC-66 (Informacion Importante Del Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Empleadores De La Florida) to the employer.

(p) The date that Forms DFS-F2-DWC-60 or 61 (Important Workers’ Compensation Information for Florida’s Workers’ brochure or Informacion Importante De Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Trabajadores De La Florida) were mailed to the injured worker, and

(q) Mailing of the Employee Notification Letter to the injured worker.

(3) Reports resulting from an examination or investigation conducted under Chapter 440 and other applicable Florida statutes and Department rules, are confidential and exempt from Section 119.07(1), F.S., pursuant to Section 624.319, F.S., until the examination or investigation ceases to be active.

Rulemaking Authority 440.13(11), 440.185(10), 440.20(6), 440.525(4), 440.591, 440.593(5) FS. Law Implemented 440.13(11), 440.185, 440.20(6), (8), 440.525, 440.593(5) FS. History–New _____.

69L-24.005 Maintaining and Providing Records.

(1) Pursuant to Section 440.525(1), F.S., the Department may examine and investigate regulated entities as often as is warranted to ensure that they are fulfilling their obligations under Chapter 440, F.S. The Department shall have the power to conduct onsite inspections of claims records and documentation of an insurer, third-party administrator, servicing agent, or other claims-handling entity, and conduct interviews, both sworn and un-sworn, of claims-handling personnel. Insurers, third-party administrators, servicing agents, and other claims-handling entities shall make all claims records, documentation, communication, and correspondence available to Department personnel during regular business hours, pursuant to Section 440.525(3), F.S. All regulated entities shall provide to the Department all information and documentation that is requested for the purposes of monitoring, examining, or investigating the regulated entity’s operations and processes. Such information and documentation, including specific data, shall be made available to the Department within 14 calendar days of receipt of any request by the Department unless the Department allows an extension of time.

(2) For examinations or investigations, if the regulated entity maintains hard-copy files, the hard-copy files shall be made available to the Department on or before the date requested by the Department. If the regulated entity maintains electronic files and an examination or investigation is

conducted at the regulated entity's offices, a sufficient number of functioning computers shall be made available to the Department for access to the electronic claims documents and information. Requests for information may include, but are not limited to:

(a) The date of notification or knowledge of the injury as defined in subsections 69L-3.002(23) and 69L-56.002(35), F.A.C.

(b) The date of initial disability, the eighth day of disability and knowledge of the eighth day of disability.

(c) The date each indemnity payment was mailed to the injured worker, the amount of the payment, and the period of time that was covered in the payment.

(d) The date that Forms DFS-F5-DWC-9 (Health Insurance Claim Form/CMS-1500), DFS-F5-DWC-10 (Statement of Charges for Drugs and Medical Supplies Form and Instructions), DFS-F5-DWC-11 (American Dental Association Dental Claim Form), and DFS-F5-DWC-90 (Hospital Billing Form (UB-04)), or their electronic equivalents, were received from the health care provider pursuant to Rule 69L-7.602, F.A.C.

(e) The date that Forms DFS-F5-DWC-9 (Health Insurance Claim Form/CMS-1500), DFS-F5-DWC-10 (Statement of Charges for Drugs and Medical Supplies Form and Instructions), DFS-F5-DWC-11 (American Dental Association Dental Claim Form), and DFS-F5-DWC-90 (Hospital Billing Form (UB-04)), or their electronic equivalents, were paid, disallowed, or denied.

(f) The date that Forms DFS-F5-DWC-9 (Health Insurance Claim Form/CMS-1500), DFS-F5-DWC-10 (Statement of Charges for Drugs and Medical Supplies Form and Instructions), DFS-F5-DWC-11 (American Dental Association Dental Claim Form), and DFS-F5-DWC-90 (Hospital Billing Form (UB-04)), or their electronic equivalents, were mailed or transmitted to the Department.

(g) The date that Forms DFS-F2-DWC-60 or 61 (Important Workers' Compensation Information for Florida's Workers' brochure or Informacion Importante De Seguro De Indeminizacion Por Accidentes De Trabajo Para Los Trabajadores De La Florida) were mailed to the injured worker.

(h) The date that Form DFS-F2-DWC-65 or 66 (Employer Informational Brochure) was mailed to the employer.

(i) The date that the Employee Notification Letter was mailed to the injured worker.

(j) the date that any written request for medical authorization was received and the date that the medical authorization was granted in response to the written request.

(k) Electronic Data Interchange (EDI) transactions and requirements pursuant to Chapter 69L-56, F.A.C.,

(l) the date that the 120-day notice required under Section 440.20(4), F.S. was mailed,

(m) all diary notes, claim notes, and correspondence available for review during an examination, audit or investigation.

Rulemaking Authority 440.13(11), 440.185(10), 440.20(6), 440.525(4), 440.591, 440.593(5) FS. Law Implemented 440.13(11), 440.185, 440.20(6), (8), 440.525, 440.593 FS. History--New _____.

69L-24.006 Administrative Penalties and Fines.

The Department shall utilize the monitoring, examination, or investigation processes to ensure compliance with Chapter 440 and other applicable Florida statutes and Department rules. The Department may assess administrative penalties and fines for violations. Violations within this rule are described in general language. The use of general language shall not be construed to expand or modify the statute. Violations are not necessarily described herein using the language that would be used to formally assert the violation in any specific case.

(1) Indemnity Violations.

(a) Late payments of compensation. In order to ensure insurer compliance under Chapter 440, F.S., the Department shall monitor, examine, and investigate the performance of insurers. The Department shall assess penalties for late payments of compensation that are below a minimum 95 percent timely payment performance standard. The insurer shall pay to the Workers' Compensation Administration Trust Fund a penalty of:

1. Fifty dollars per number of installments of compensation below the 95 percent timely payment performance standard and equal to or greater than a 90 percent timely payment performance standard.

2. One hundred dollars per number of installments of compensation below a 90 percent timely payment performance standard.

(b) Late filing of forms.

1. Employers shall be fined for each Form DFS-F2-DWC-1 which is not filed timely with the insurer or claims-handling entity as follows:

| <u>Number of Days Late</u> | <u>Penalty for Untimely Filing</u> |
|-----------------------------------|------------------------------------|
| <u>1-7 calendar days late</u> | <u>\$100 per form</u> |
| <u>8-14 calendar days late</u> | <u>\$200 per form</u> |
| <u>15-21 calendar days late</u> | <u>\$300 per form</u> |
| <u>22-28 calendar days late</u> | <u>\$400 per form</u> |
| <u>Over 28 calendar days late</u> | <u>\$500 per form</u> |

2. The Division, through CPS, will calculate the penalties in order starting with the form with the greatest number of days late first. Insurers shall be fined for each DFS-F2-DWC-1 form which is not timely filed with the Department. Penalties shall be calculated for all the DFS-F2-DWC-1 forms that have been received by the Department in a specific CPS batch month as follows:

| <u>Number of Days Late</u> | <u>Penalty for Untimely Filing</u> |
|-----------------------------------|------------------------------------|
| <u>1-7 calendar days late</u> | <u>\$100 per form</u> |
| <u>8-14 calendar days late</u> | <u>\$200 per form</u> |
| <u>15-21 calendar days late</u> | <u>\$300 per form</u> |
| <u>22-28 calendar days late</u> | <u>\$400 per form</u> |
| <u>Over 28 calendar days late</u> | <u>\$500 per form</u> |

3. After the insurer has accepted all penalties and submitted the batch to the Division for a specific month and the total amount of untimely filing penalties for that month exceeds \$10,000 as calculated under subparagraph (1)(b)1. and 2. herein, the penalty for each untimely filing not included in the calculation of the penalty up to \$10,000, shall be recalculated and assessed a penalty of \$25.00 per untimely filing for that specific month.

4. Insurers that incur untimely filing penalties issued through CPS in excess of \$10,000 for three or more specific months in a calendar year shall, in addition to penalties assessed, conduct quarterly self audits of their Form DFS-F2-DWC-1 filings to the Department documenting compliance by the insurer with the reporting requirements for Form DFS-F2-DWC-1, and submit the results of those audits to the Department documenting compliance with the reporting requirements for Form DFS-F2-DWC-1 for a one year period.

5. Any insurer that has been assessed penalties in excess of \$10,000 for a calendar month since January 1, 2008, until the effective date of this rule chapter, for untimely filing of Form DFS-F2-DWC-1, will have their penalty amount recalculated pursuant to subparagraph (1)(b)3. herein. If the insurer has already paid penalties to the Department for the untimely filing of Form DFS-F2-DWC-1, the Department shall refund the difference between the penalties paid and those recalculated under subparagraph (1)(b)3. herein, to the insurer, unless the insurer owes any outstanding, unpaid penalties to the Department. The outstanding, unpaid penalties must be paid in full prior to any refund being issued by the Department.

6. If the electronic First Report of Injury or Illness is assigned an Application Acknowledgement Code of Transaction Accepted (TA) within 30 days after the Claim Administrator, as defined in Rule 69L-56.002, F.A.C., is first approved and required by the Division to send electronic First Reports of Injury or Illness to the Division pursuant to paragraph 69L-56.300(1)(d), F.A.C., the insurer, as defined in Section 440.02(4), F.S., shall not be assessed a filing penalty pursuant to Rule 69L-24.006 F.A.C., based on the filing requirements established in subsections 69L-56.301(1) and (2), F.A.C. After the completion of the 30 day period referenced above, all electronic First Reports of Injury or Illness must be assigned an Application Acknowledgement Code of Transaction Accepted (TA) by the Division within the required filing timeframes established in subsections 69L-56.301(1) and (2), F.A.C., to be considered timely filed.

(2) Medical Violations.

(a) Insurer Administrative Penalties and Administrative Fines for Untimely Health Care Provider-Payment or Disposition of Medical Bills.

1. The Department shall assess administrative penalties for failure to comply with the payment, adjustment, disallowance, or denial requirements pursuant to Section 440.20(6)(b), F.S. To evaluate the data for timely performance standards for timely payments, adjustments and payments, disallowances or denials, reported on Forms DFS-F5-DWC-9 (Health Insurance Claim Form/CMS-1500), DFS- F5-DWC-10 (Statement of Charges for Drugs and Medical Supplies Form and Instructions), DFS-F5-DWC-11 (American Dental Association Dental Claim Form), and DFS-F5-DWC-90 (Hospital Billing Form (UB-04)), or their electronic equivalents, the Department shall calculate penalties on a monthly basis for each separate form/category type that was received and accepted by the Department within a specific calendar month.

2. Pursuant to Section 440.20(6)(b), F.S., the Department shall calculate and assess administrative fines according to the following guidelines:

a. For medical services provided on or after January 1, 2004, insurers shall pay, disallow, or deny all medical, dental, pharmacy, and hospital bills properly submitted to the insurer pursuant to Department rule no later than 45 calendar days after the insurer's receipt of the bill pursuant to Rule 69L-7.602, F.A.C. The Department shall assess penalties for payments, disallowances, or denials of medical, dental, pharmacy, and hospital bills that are below a minimum 95 percent timely performance standard. The insurer shall pay a penalty of:

i. \$25 for each bill below the 95 percent timely performance standard, but meeting a 90 percent timely performance standard.

ii. \$50 for each bill below a 90 percent timely performance standard.

(b) Insurer Administrative Penalties and Fines for Untimely Filing of Medical Bills.

1. Insurers that fail to submit a minimum of 95% of all medical bills timely for a specific month are subject to an administrative fine. Insurers shall be fined for medical bills which are not timely filed with the Department in accordance with the following procedure. For all untimely medical bills falling below the 95% requirement for a specific month, the Division, through CPS, will calculate the penalties for the untimely medical bills in order starting with the greatest number of days late first. Penalties for late filed medical bills shall be calculated in the batch month in which the medical bills are actually received by the Department, not the batch month in which the medical bills were required to be timely submitted, as follows:

| <u>Number of Days Late</u> | <u>Penalty for Untimely Filing</u> |
|-----------------------------------------|------------------------------------|
| <u>1-30 calendar days late</u> | <u>\$5</u> |
| <u>31-60 calendar days late</u> | <u>\$10</u> |
| <u>61-90 calendar days late</u> | <u>\$25</u> |
| <u>91 or greater calendar days late</u> | <u>\$50</u> |

2. After the insurer has accepted all penalties and submitted the batch to the Division for a specific month and the total amount of untimely filing penalties for that month exceeds \$10,000 as calculated under subparagraph (2)(b)1., herein, the penalty for each untimely filing not included in the calculation of the penalty up to \$10,000 shall be recalculated and assessed a penalty of \$5.00 per untimely filing for that specific month.

3. Insurers that incur untimely filing penalties issued through CPS in excess of \$10,000 for three or more specific months in a calendar year shall, in addition to penalties assessed, conduct quarterly self audits of their medical bill filings to the Department documenting compliance by the insurer with the reporting requirements for medical bills, and submit the results of those audits to the Department documenting compliance with the reporting requirements for medical bills for a one year period.

4. Any insurer that has been assessed penalties in excess of \$10,000 for a calendar month since January 1, 2008, until the effective date of this rule chapter, for untimely filing of medical bills, will have their penalty amount recalculated in accordance with subparagraph (2)(b)2., herein. If the insurer has already paid penalties to the Department for the untimely filing of medical bills, the Department shall refund the difference between the penalties paid and those recalculated under subparagraph (2)(b)2., herein, to the insurer, unless the insurer owes any outstanding, unpaid penalties to the Department. The outstanding, unpaid penalties must be paid in full prior to any refund being issued by the Department.

(c) Insurer Administrative Penalties and Fines for Rejected and not Resubmitted Medical Bills.

1. Insurers are required to timely correct medical bills that are rejected by the Department.

2. If the medical bill remains rejected and the insurer does not correctly resubmit the bill within 90 calendar days of the original rejected date, an administrative fine shall be assessed against the insurer in the amount of \$50 for each such medical bill.

(d) The provisions of subsection 69L-7.602(7), F.A.C., become null and void and are supplanted by penalty provisions in this amended rule Chapter 69L-24, F.A.C., effective upon adoption of this amended rule Chapter 69L-24, F.A.C.

Rulemaking Authority 440.13(11), 440.185(10), 440.20(6), 440.525(4), 440.591, 440.593(5) FS. Law Implemented 440.13(11), 440.185, 440.20(6), (8), 440.525, 440.593 FS. History—New _____.

69L-24.007 Pattern or Practice.

(1) A pattern or practice constitutes a willful violation if the regulated entity that committed the pattern or practice:

(a) Did so intentionally and with knowledge of the act’s unlawfulness or with disregard to the unlawfulness of the act; or

(b) Failed to comply with an order of the Department and the insurer has exhausted all appellate rights.

(2) The penalties assessed under subsection (1) of this rule shall be \$20,000 for a single willful violation and not exceed an aggregate of \$100,000 for all pattern or practice violations arising out of the same action.

(3)(a) The Department may issue a non-willful violation for a pattern or practice of unreasonable claims handling for any monitoring, examining, or investigating review activity listed in subsection 69L-24.004(2), F.A.C., or for any other pattern or practice identified by the Department. For each such non-willful violation, a penalty of \$2,500 shall be assessed against the insurer by the Department, with such fines not exceeding an aggregate of \$10,000 for all pattern or practice violations arising out of the same action. Any penalty imposed under this paragraph for a non-willful violation shall not duplicate a penalty imposed under another provision of Chapter 440, F.S., or Department Rules.

(b) The Department will calculate a regulated entity’s performance in order to determine if a non-willful violation will be assessed for a pattern or practice of unreasonable claims handling. If the performance falls below 90% compliance during an audit, examination or investigation, except as otherwise stated in Chapter 440, F.S., and other applicable Florida Statutes and Department Rules, the Department may assess a penalty pursuant to subsection (3) herein.

Rulemaking Authority 440.13, 440.185(10), 440.20(6), 440.525(4), 440.591, 440.593(5) FS. Law Implemented 440.13(11), 440.185, 440.20(6), (8), 440.525, 440.593 FS. History—New _____.

69L-24.021 Minimum Performance Standards.

A ninety percent (90%) rate of compliance is the minimum standard of performance for insurers, self-insurers, employers and servicing agents in each of the following areas: timeliness in which they report and handle claims; promptness of payment of compensation benefits; and payment and disposition of medical bills. The 90% performance rate applies to all applicable insurers, self-insurers, employers, and servicing agents who are subject to the following rules: Chapter 69L-3, F.A.C.; Chapter 69L-7, F.A.C.; or Chapter 38F-8, F.A.C.

Rulemaking Specific Authority 440.20(8)(c), 440.13(11)(b), 440.591 FS. Law Implemented 440.20, 440.13(11) FS. History—New 8-29-94, Formerly 38F-24.021, 4L-24.021, Repealed _____.

69L-24.0211 Monitoring.

~~(1) The Division shall continually monitor the performance of insurers, self-insurers, employers and servicing agents to ensure compliance with the performance standards prescribed in Rule 69L-24.021, F.A.C., and to assist these entities in improving their overall performance.~~

~~(2) Such monitoring will include the automated insurer performance system indicators as listed below:~~

- ~~(a) Timeliness and accuracy of all indemnity and medical payments;~~
- ~~(b) Timely and accurate reporting of required information;~~
- ~~(c) Volume and nature of employee complaints regarding the workers' compensation injury;~~
- ~~(d) Timeliness and accuracy of reporting coverage and changes in coverage;~~
- ~~(e) Compliance with rehabilitation status reviews and reporting requirements;~~
- ~~(f) Timeliness and accuracy of refunding overpayments;~~
- ~~(g) Effectiveness of utilization review program;~~
- ~~(h) Volume and cost of litigation in processing initial claims;~~
- ~~(i) Effectiveness in returning employees to work;~~
- ~~(j) Employee customer service ratings;~~
- ~~(k) Employer customer service ratings; and~~
- ~~(l) Amount of average medical costs and average total costs per claim.~~

~~In addition to the data in the Automated Insurer Performance System, review will be based on data received on referrals of questionable insurer practices received from other units of the Division, governmental entities, the Department of Financial Services, claimants, and other interested parties.~~

~~Rulemaking Specific Authority 440.20(15)(f), 440.591 FS. Law Implemented 440.20(15) FS. History—New 8-29-94, Amended 5-14-95, Formerly 38F-24.0211, 4L-24.0211, Repealed _____.~~

69L-24.022 Auditing.

~~(1) The audits by the Division will encompass all indicators covered by the Division's Automated Insurer Performance System as provided in Rule 69L-24.0211, F.A.C. However, insurers, self-insurers or servicing agents shall not be penalized for performance below 90 percent based on the following Automated Insurer Performance System indicators:~~

- ~~(a) Volume and cost of litigation in processing initial claims;~~
- ~~(b) Effectiveness in returning employees to work;~~
- ~~(c) Employee customer service ratings;~~
- ~~(d) Employer customer service ratings;~~
- ~~(e) Amount of average medical costs and average total costs per claim; and~~
- ~~(f) Volume and nature of employee complaints regarding the workers' compensation injury.~~

~~The Division will make recommendations to assist these entities to improve performance in the aforementioned areas for the specific purpose of rendering the Workers' Compensation system more effective and efficient.~~

~~(2) The Automated Insurer Performance System indicators and the other sources identified in this rule shall be reviewed by the Division to determine whether and how often to conduct audits of each insurer, self-insurer or servicing agent's practices. For purposes of this determination, substandard performance on any category outlined in Rule 69L-24.021, F.A.C., shall subject the entity to consideration for audit. No prior notice is required if the Division determines an audit is necessary. However, nothing set forth in these rules shall prohibit the Division from auditing all insurers, self-insurers and servicing agents at least once every three (3) years. Audits conducted under the three (3) year requirement shall cover the preceding three (3) fiscal years of the insurer, self-insurer or servicing agent's operation and must commence within twelve (12) months after the end of the most recent fiscal year being covered by the audit. The audit may cover any period of the entity's operations since the Division's last audit.~~

~~(3) If the Division conducts an on-site audit of any insurer's, self-insurer's or servicing agent's practices, the audit report shall be utilized to recommend changes in such entity's behavior and to ensure its continuing compliance with the minimum performance standards set forth in this rule.~~

~~(4) For purposes of this rule:~~

~~(a) On-Site audits will be conducted at the physical location of the entity being audited. The Division shall issue a written audit report within thirty (30) days after conclusion of an on-site audit conducted pursuant to this rule. This report shall include the Division's recommendations for improving the entity's overall performance in all categories as specified by the Automated Insurer Performance System.~~

~~(b) Desk audits will be conducted at the Division's office based on data reported to the Division. A written audit report shall be issued at any time the entity's performance is below the minimum performance standard.~~

~~(5) All insurers, self-insurers or servicing agents shall provide the Division with all information relevant to each case file and the Automated Insurer Performance System indicators, as needed, to permit a complete review of the entity's operations and processes during an audit. Such information may be furnished through hard copy or through a computerized format, as long as the information is made available to the Division at the time of the audit. In the event the information is kept in a format other than hard copy, such format shall be accessible by the Division without unreasonable delay caused by access codes or the programming of access codes for entry into the entity's database by the Division.~~

Rulemaking Specific Authority 440.13(11)(b), 440.20(8)(c), (17), 440.591 FS. Law Implemented 440.13(11), 440.20 FS. History—New 8-29-94, Amended 5-14-95, Formerly 38F-24.022, 4L-24.022, Repealed.

69L-24.0222 Re-Audit and Certification for Noncompliance

~~(1) Any insurer, self-insurer or servicing agent who fails to achieve at least 90 percent compliance on any initial audit shall be audited again within twelve (12) months of the date of the initial audit. During the re-audit, the Division shall examine the entity's performance based on the deficiencies identified in the initial audit report and the specific action proposed for eliminating the deficiencies in the entity's Statement of Objectives. Once the entity has been re-audited and determined not to satisfy the 90 percent compliance rate, that entity shall be subject to the following sanctions:~~

~~(a) If the entity's performance is below 90 percent compliance due to its failure to carry out the specific action proposed, it shall be certified to the Department of Financial Services or this Division, as applicable, under Section 440.20(15)(a), Florida Statutes, in addition to any penalty or fine authorized under Rule 69L-24.0221, F.A.C.~~

~~(b) All insurers, self-insurers, or servicing agents failing to submit a Statement of Objectives and who do not achieve at least 90 percent compliance on re-audit shall be certified to the licensing authority, in addition to any penalty or fine authorized under Rule 69L-24.0221, F.A.C.~~

~~(2) Any insurer, self-insurer or servicing agent whose initial audit indicates a failure to achieve at least 50 percent compliance, shall be certified to the Department of Financial Services or this Division, as applicable, under Section 440.20(15)(a), Florida Statutes.~~

~~(3) Upon conclusion of any on site audit, the Division's personnel conducting the audit shall review the preliminary findings of such audit with the claims manager or the individual in charge of the office being audited or his designee. Insurers that will be sanctioned under subsection (2) of this rule may request that Division personnel hold, or cause to be held, a workshop which shall include, but not be limited to, the areas of deficiency identified in the audit.~~

~~(4) The Division shall not re-audit a insurer, self-insurer, or servicing agent for failure to achieve 90 percent compliance with the Automated Insurer Performance System indicators set forth in paragraphs 69L-24.0221(1)(a)-(f), F.A.C.~~

Rulemaking Specific Authority 440.13(11)(b), 440.20(15)(f), 440.591 FS. Law Implemented 440.20 FS. History—New 8-29-94, Amended 5-14-95, Formerly 38F-24.0222, 4L-24.0222, Repealed.

69L-24.0231 Benefits and Administration Trust Fund Penalties Improper Filing Practices.

~~(1)(a) Failure to timely file, by electronic or paper submission, legible and complete forms, reports, or documents as required by Chapter 440, F.S., Chapter 69L-3, F.A.C., or~~

~~other Division rules implementing Chapter 440, F.S., shall subject the party required to file such form, report or document to assessment by the Division of an Administrative fine. For purposes of this rule, a paper form, report or document is timely filed when it is postmarked and mailed prepaid prior to the expiration of the time periods prescribed in this rule, and Chapter 69L-3, F.A.C. For purposes of this rule, if disability is immediate and continuous for 8 or more calendar days after the injury, an electronic equivalent of a First Report of Injury or Illness will be considered timely filed with the Division when it is received by the Division on or before the 21st day after the insurer's knowledge of the injury and is assigned an acknowledgement code of Transaction Accepted (TA). If the first 7 days of disability are nonconsecutive or delayed, the electronic equivalent of a First Report of Injury or Illness will be considered timely filed with the Division when it is received by the Division on or before the 13th day after the insurer's knowledge of the 8th day of disability and is assigned an acknowledgement code of Transaction Accepted (TA). Penalties shall be assessed as follows:~~

~~(b) DWC-1, First Report of Injury or Illness. Employers shall be penalized for each DWC-1 that is not timely filed with the insurer or servicing agent as follows:~~

- ~~1. \$100 for one through seven days of untimely filing;~~
- ~~2. \$200 for eight through 14 days of untimely filing;~~
- ~~3. \$300 for 15 through 21 days of untimely filing;~~
- ~~4. \$400 for 22 through 28 days of untimely filing; or~~
- ~~5. \$500 for over 28 days of untimely filing.~~

~~(c) Insurers shall be penalized for each DWC-1 that is not timely filed with the Division as follows:~~

- ~~1. \$100 for one through seven days of untimely filing;~~
- ~~2. \$200 for eight through 14 days of untimely filing;~~
- ~~3. \$300 for 15 through 21 days of untimely filing;~~
- ~~4. \$400 for 22 through 28 days of untimely filing; or~~
- ~~5. \$500 for over 28 days of untimely filing.~~

~~(d) If the electronic First Report of Injury or Illness is assigned an Application Acknowledgement Code of Transaction Accepted (TA) within 30 days after the Claim Administrator, as defined in Rule 69L-56.002, F.A.C., is first approved and required by the Division to send electronic First Reports of Injury or Illness to the Division pursuant to paragraph 69L-56.300(1)(d), F.A.C., the Insurer, as defined in Rule 69L-56.002, F.A.C., shall not be assessed a filing penalty pursuant to paragraph 69L-24.0231(1)(c), F.A.C., based on the filing requirements established in subsections 69L-56.301(1) and (2), F.A.C. After the completion of the 30-day period referenced above, all electronic First Reports of Injury or Illness must be assigned an Application Acknowledgement Code of Transaction Accepted (TA) by the Division within the required filing timeframes established in subsections 69L-56.301(1) and (2), F.A.C., to be considered timely filed.~~

~~(2) Improper Disposition of Medical Bill Penalties. Any penalty imposed on a insurer or self insured for the improper disposition of medical bills when such disposition is below 90 percent compliance, after 7-1-94, shall be assessed, per quarter, as follows:~~

| | |
|--------------------|---------------------------------------------------------------------------------------------------------------|
| 80% through 89.99% | 1/4 percent of the prior year's assessment levied under Section 440.51, F.S., against the entity being fined. |
| 70% through 79.99% | 1/2 percent of the prior year's assessment levied under Section 440.51, F.S., against the entity being fined. |
| 60% through 69.99% | 3/4 percent of the prior year's assessment levied under Section 440.51, F.S., against the entity being fined. |
| 0% through 59.99% | 1 percent of the prior year's assessment levied under Section 440.51, F.S., against the entity being fined. |

~~(3)(a) Penalty to the Administration Trust Fund. Any fine imposed on any insurer or servicing agent that is payable to the Administration Trust Fund for untimely payment of compensation benefits which were paid on or after 1-1-94 shall be as follows:~~

~~(b) \$50 for each late payment of compensation which is below 90 percent compliance not to exceed one percent of the prior year's assessment levied under Section 440.51, F.S.;~~

~~(4) Benefit Penalty without an Award. Any penalty payable to the employee for the untimely payment of compensation benefits, on dates of accident on or after 1-1-94, payable without an award, shall be as follows:~~

~~(a) 20 percent on the first of any late installments of compensation not paid within seven days after it becomes due;~~

~~(b) \$5 per subsequent installment of compensation not paid within seven days after it becomes due; and~~

~~(c) For dates of accident prior to 1-1-94, the penalty shall be the greater of 10 percent or \$5 for any installment of compensation not paid within 14 days after it becomes due.~~

~~(5) Benefit Penalty with an Award. Any penalty for the untimely payment of compensation for dates of accident on or after 1-1-94 payable under the terms of an award shall be 20 percent of such unpaid compensation not paid within 37 days after the date the order is mailed to the parties, unless review of the compensation order making such award is taken as provided in Section 440.25, F.S. For dates of accidents prior to 1-1-94, the penalty shall be 20 percent of such unpaid compensation not paid within 60 days after the date the order is mailed to the parties, unless review of the compensation order making such award is taken as provided in Section 440.25, F.S.~~

~~(6) When a servicing agent is under contract with a insurer to fulfill the insurer's administrative responsibilities under this chapter, the payment practices of the servicing agent are deemed the payment practices of the insurer, in which case the insurer shall be the responsible party for any penalties assessed under this section.~~

Rulemaking Specific Authority 440.13(11)(b), 440.185, 440.591, 440.593(5) FS. Law Implemented 440.13(11)(b), 440.185(9), 440.20(8)(a) FS. History--New 8-29-94, Amended 5-14-95, 6-4-97, 11-28-01, Formerly 38F-24.0231, 4L-24.0231, Amended 1-8-04, 5-8-08, Repealed _____.

69L-24.024 Medical Penalties.

~~(1) Penalty for Willful Refusal to Provide Medical Records or to Discuss Medical Condition. The Division, pursuant to Chapter 69L 7, F.A.C., shall assess a penalty against a health care provider who willfully refuses to provide medical records or to discuss the medical condition of the injured employee, after a reasonable request is made by the Division, employer, insurer or attorney for either of them for such medical records or to discuss the medical condition of the injured employee.~~

~~(2)(a) Failure to Timely Compensate a Certified Expert Medical Advisor. The Division shall assess a penalty which shall not exceed \$500 against any insurer, self insurer or servicing agent that fails to timely compensate a certified expert medical advisor for services rendered, pursuant to Section 440.13(9), Florida Statutes. In accordance with Section 440.13(9)(f), Florida Statutes, the Division establishes the following penalty schedule, with \$500 being the maximum penalty for each failure to timely compensate such advisor.~~

~~(b) Payment by the insurer, self insurer or servicing agent to a certified expert medical advisor is deemed timely when such payment is made within 45 calendar days after the date the insurer, self insurer or servicing agent receives the expert medical advisor's bill for services rendered.~~

~~1. One through five calendar days of untimeliness in payment will result in a penalty of \$200;~~

~~2. Six through ten calendar days of untimeliness in payment will result in a penalty of \$400;~~

~~3. Over 10 calendar days of untimeliness in payment will result in a penalty of \$500.~~

~~(3) Failure of Health Care Provider To Refund Overpayment Within 30 Days After Notification. The Division, pursuant to Chapter 69L 7, F.A.C., shall assess a penalty against any health care provider who fails to refund an overpayment made by the insurer, self insurer or servicing agent within 30 days after receipt of written notification with substantiation of the overpayment by either the insurer, self insurer, servicing agent or the Division of Workers' Compensation.~~

Rulemaking Specific Authority 440.13(11)(a), 440.20(8)(c), 440.591 FS. Law Implemented 440.13(9)(f), (11) FS. History--New 8-29-94, 5-14-95, Formerly 38F-24.024, 4L-24.024, Repealed _____.

69L-24.0241 Employee Failure to Appear for Independent Medical Examination.

The insurer may contact the injured employee directly to schedule a reasonable time for an independent medical examination. The insurer has an obligation to confirm, in

~~writing, the date and time of such examination to the injured employee within five days of the date and time the insurer and employee agreed to such examination. The insurer must also notify the injured employee's counsel, if any, of such examination no later than seven days prior to the date such examination is scheduled.~~

~~(1) For purposes of this section, "reasonable time" means a time acceptable to both parties.~~

~~(2) Injured employees are required to appear for all properly scheduled independent medical examinations, unless the injured employee can provide good cause for his absence. For purposes of this section, good cause can be established by showing that an immediate illness, injury, unforeseen event or intervening circumstances prevented the injured employee's appearance. An injured employee who does not properly provide at least 24 hours' notice of cancellation and cannot demonstrate good cause for his/her nonappearance for the independent medical examination shall not be excused from the sanctions of subsections (3) and (4) below.~~

~~(3) An injured employee who fails without good cause, as set forth above, to appear for the scheduled independent medical examination shall reimburse the insurer 50 percent of the cancellation or no show fee. The insurer may withhold no more than 20 percent of each bi-weekly installment amount payable to the injured employee when recouping from the injured employee a cancellation or no show fee that has been paid by the insurer. The insurer shall not recoup more than 50 percent of the actual cancellation or no show fee.~~

~~(4) An injured employee who fails, without good cause as set forth in subsection (2), to appear for the scheduled independent medical examination is barred from recovering compensation for any period during which the injured employee has refused to submit to such examination. Compensation under this paragraph means indemnity benefits.~~

~~Rulemaking Specific Authority 440.591 FS. Law Implemented 440.13(5)(d) FS. History—New 8-29-94, Amended 5-14-95, Formerly 38F-24.0241, 4L-24.0241, Repealed _____.~~

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: May 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-189.003
 RULE TITLE: Workers' Compensation: Application and Audit Procedures

PURPOSE AND EFFECT: Allows but does not require electronic signatures in the application for workers compensation coverage. Makes explicit those audit procedures that under the old rule were incorporated by reference to NCCI publications. Adds additional audit procedures.

SUMMARY: The National Council on Compensation Insurance (NCCI) is a U.S. insurance rating and data collection bureau specializing in workers' compensation. Operating with a not-for-profit philosophy and owned by its member insurers, NCCI annually collects data covering more than four million workers' compensation claims and two million policies. NCCI provides data and analysis to insurance companies, state workers' compensation insurance funds, regulatory authorities, employers needing information on workers' compensation issues, and non-governmental workers' compensation agencies.

Pursuant to Section 440.381, F.S., the Financial Services Commission is to promulgate rules for applications for workers' compensation coverage, and for audits of payroll and classifications of workers. In 2008, NCCI filed with the Office, on behalf of its carriers, a proposal for a rule addressing these matters. This proposed rule is based on NCCI's proposal.

The proposed rule allows electronic signatures in the application for workers' compensation coverage and in the annual audit so long as the electronic signature process complies with Florida's Uniform Electronic Transaction Act as provided in Chapter 668, F.S. The current rule incorporates NCCI publications by reference. The proposed rule explicitly provides the procedures for the audits required by the current rule.

The proposed rule also raises the threshold for an onsite audit from \$5,000 to \$10,000. Any audit for under \$10,000 will be handled by a mail audit, to save costs both for the employer and the carrier.

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: 624.308 FS.

LAW IMPLEMENTED: 440.381 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: July 21, 2009, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Theresa Eaton, Office of Insurance Regulation, E-mail Theresa.Eaton@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-189.003 Workers' Compensation: Application and Audit Procedures.

(1) No change.

(2)(a) An application complying with this rule is required for all policies having covered Florida exposure. For new business effective after the implementation of this rule, a carrier shall use an application which complies with this rule. When this new business policy is renewed, the carrier is not required to obtain another application. These requirements also apply to policies written in other states where there is covered Florida exposure other than incidental Florida exposure.

(b) The applicant's signature on the applicant form shall be notarized. The carrier is authorized to require the producer's signature to be notarized.

(c) It is permissible for insurers to accept electronic signatures in satisfaction of the application signature requirements to the extent that such acceptance of electronic signatures complies with Parts I and II of Chapter 668, F.S.

(d) It is permissible for insurers to accept electronic notarizations in satisfaction of the application notarization requirements to the extent that such acceptance of electronic notarizations complies with Parts I and II of Chapter 668, F.S.

(3) No change.

(4)(a) In order to ensure that the appropriate premium is charged for workers' compensation coverage, each employer and carrier shall comply with:

~~1.a.~~ The requirements of Section 440.381, F.S.; and

~~2.b.~~ As applicable, the voluntary market minimum audit requirements and FWCJUA minimum audit requirements as set forth in paragraphs (4)(b) and (4)(c) below. "Florida State Special Audit Rules", (rev. 7/02) and "Part Three Service Providers D. Performance Standards for Service Providers" (rev. 7/02) which are hereby adopted and incorporated by reference.

~~2.a. Copies of the "Florida State Special Audit Rules" (rev. 7/02) are contained in the workers' compensation manual issued by the National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, FL 33487.~~

~~b. Copies of Part Three Service Providers D. Performance Standards for Service Providers" (rev. 7/02) are contained in the operations manual of the Florida Workers' Compensation Joint Underwriting Association, Inc., P. O. Box 48957, Sarasota, FL 34230-5937.~~

(b) Each voluntary market carrier and each employer covered by a voluntary market carrier shall comply with the following minimum audit requirements at the expiration of each policy:

1. Final audits shall be conducted for both new and renewal policies as follows:

a. For policies with an estimated annual premium of \$10,000 and over, a final physical audit shall be completed annually on all risks regardless of governing classification code;

b. For policies with an estimated annual premium of \$9,999 to \$1, a final mail or physical audit shall be completed annually on all risks regardless of governing classification;

c. For all new business policies having construction classifications, regardless of premium range a final physical audit shall be completed annually;

d. For all renewal business policies having construction classifications, a final physical audit shall be conducted annually if the estimated annual premium is \$5,000 and over; and

e. Per capita policies shall have a final mail or physical audit not less than biennially.

2. Physical audits will be made whenever requested by the employer with reasonable grounds.

3. Mail audit reports by the employer are permitted only where a physical audit is not required.

4. Records examined during the physical audit shall include, but not be limited to, the use of the following as applicable:

a. Unemployment Compensation Tax (UCT) forms;

b. Federal reports of employee income;

c. Payroll records;

d. Cash disbursement journals;

e. Other acceptable accounting records;

f. Certificates of insurance covering subcontractors; and

g. Independent contractor documents.

5. Each voluntary market carrier or the National Council on Compensation Insurance shall conduct audits to ensure the accurate classification assignments for duties of employees.

(c) The FWCJUA or its service provider and each employer covered by the FWCJUA shall comply with the following minimum audit requirements at the expiration of each policy:

1. Final physical audits shall be conducted as follows:a. For all policies producing an estimated annual premium of \$4,000 and over regardless of governing classification code;b. For all policies producing an estimated annual premium of \$3,999 to \$3,000, at least once every three years;c. For all policies with a governing classification code of 2702, 2710, 5022, 5403, 5437, 5445, 5474, 5551, 5606, 5645, 6217, 7219, 8829, 8835, 8861 and 9110, regardless of premium range;d. For all policies for employers engaged in leasing employees to others or in providing temporary help to others, regardless of premium range;e. For all new business policies having construction classification codes, regardless of premium range;f. For all policies with a loss ratio of 120% or greater the first year the employer qualifies and thereafter, subject to the FWCJUA's or its service provider's underwriting judgement, regardless of premium range;g. Whenever requested by the employer on reasonable grounds; andh. Whenever otherwise warranted in the FWCJUA's or its service provider's judgement by the type of business, or by questions concerning the amount of exposure, the accuracy of classifications, or the reliability of previous mail or physical audits.2. Mail audit reports by the employer are permitted only where a physical audit is not required.3. Records examined during the physical audit shall include, but not be limited to, the use of the following as applicable:a. Unemployment Compensation Tax (UCT) forms;b. Federal reports of employee income;c. Payroll records;d. Cash disbursement journals;e. Other acceptable accounting records;f. Certificates of insurance covering subcontractors; andg. Independent contractor documents.4. The FWCJUA, its service provider or the National Council on Compensation Insurance shall conduct audits to ensure the accurate classification assignment for duties of employees.(d)(b)1. In addition, each employer shall submit a copy of the quarterly earning report required by Chapter 443, F.S., to the carrier at the end of each quarter.

2. Each carrier shall develop its own procedures for terminating coverage when the quarterly earning report forms are not received. However, such forms shall be considered timely if received within 45 days of the end of the quarter reported.

~~(e)(e)~~ The carrier shall retain new or renewal applications, monthly change sheets, and the quarterly earning reports for a minimum of three years from the date the applications, sheets, or reports were received.

~~(f)(d)~~ Telephone audits are not permitted in lieu of mail or physical audits.

~~(e)~~ An initial application is required only at the inception of a three-year fixed rate policy or at renewal, if the inception date was prior to the effective date of this rule. Audit procedures are required at the expiration of each policy.

~~(g)(f)~~ Signatures.

1.a. A carrier, in order to comply with the signature requirements as provided in Section 440.381(3), F.S., shall use, as applicable:

(I) Form OIR-B1-1562 (rev. 7/03), "Partner's, Sole Proprietor's or Corporate Officer's Statement";

(II) Form OIR-B1-1561 (rev. 7/03), "Statement of Individual Providing Audit Information (other than Partner, Sole Proprietor or Corporate Officer)"; and

(III) Form OIR-B1-1560 (rev. 7/03), "Auditor's Statement".

b. The forms in this subsection (4) are hereby adopted and incorporated by reference and may be obtained from the Office's web site at www.floirfldfs.com/pcfr/forms_list.aspx.

c. These forms shall be signed by the appropriate party and submitted to the carrier at the completion of an audit.

2.a. A carrier wishing to use its own signature forms shall submit the forms electronically to Property and Casualty Product Review at <https://portal.fldfs.com>, and receive approval prior to use.

b. At a minimum the forms shall contain all text as it appears on:

(I) Form OIR-B1-1562 (rev. 7/03), "Partner's, Sole Proprietor's or Corporate Officer's Statement";

(II) Form OIR-B1-1561 (rev. 7/03), "Statement of Individual Providing Audit Information (other than Partner, Sole Proprietor or Corporate Officer)"; and

(III) Form OIR-B1-1560 (rev. 7/03), "Auditor's Statement".

3. It is permissible for insurers to accept electronic signatures in ~~Electronic signature(s) shall be accepted in satisfaction of the signature requirements of Section 440.381(3), F.S. to the extent that such acceptance of electronic signatures complies with Parts I and II of Chapter 668, F.S. For purposes of this section, "electronic signature(s)" shall mean an electronic identifier, including a digital signature, which is:~~

~~a. Unique to the person using it;~~

~~b. Capable of verification;~~

~~c. Under the sole control of the person using it;~~

d. ~~Attached to or associated with data contained within the audit document in such a manner that authenticates the attachment of the signature to particular data and integrity of the data transmitted;~~

e. ~~Intended by the party using it to have the same force and effect as the use of a signature affixed by hand; and~~

f. ~~Compliant with all applicable state and federal laws governing electronic signatures.~~

Rulemaking Specific Authority 440.381, 624.308(1) FS. Law Implemented 440.105(4)(b)5., 440.381, 624.307, 624.424(1)(c) FS. History—New 8-1-91, Formerly 4-28.007, Amended 10-3-95, 10-10-96, 1-15-98, 11-21-00, 11-5-02, 9-22-03, Formerly 4-189.003, Amended 3-29-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Theresa Eaton, Office of Insurance Regulation, E-mail Theresa.Eaton@flair.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

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

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

The following is a summary of changes which are being made to the material incorporated by reference as a result of the June 9, 2009 hearing:

The changes consist of amendments clarifying that construction documents must be prepared by a registered design professional where required by Florida Statutes; amendments relating to public swimming pool provisions for consistency with the latest revisions to the Department of Health (DOH) Chapter 64E-9, F.A.C.; amendment to the energy code to clarify the treatment of multiple heating fuel types for consistency with the computer compliance tool; amendments regarding standard for supporting brick, stone or other veneer; and amendments to correct reference sections and unintended omissions of Florida specific amendments as appropriate.

Additionally, a Statement of Estimated Regulatory Cost (SERC) has been prepared in regard to this rule, a copy of which may be obtained by contacting: Mo Madani, Program Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: RULE TITLE:
61G3-21.012 Notice of Non-Compliance

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule published in Vol. 35, No. 16, April 24, 2009 issue of the Florida Administrative Weekly.

The changes are being made in response to comments received from the Joint Administrative Procedures Committee. The changes are as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs has been prepared. Approximately 101 notices of non-compliance will be issued for barbers, restricted barbers, and barber assistants not having their current license laminated within a 12 month period after the rule became effective. The following reflects the number of notices of non-compliance that were issued to barbers for minor violations for the last Fiscal Years:

Fiscal Year 2005 to 2006, 230 notices of non-compliance was issued;

Fiscal Year 2006 to 2007, 191 notices of non-compliance was issued and;

Fiscal Year 2007 to 2008, 251 notices of non-compliance was issued.

The number of barbers who failed to comply with the new lamination requirement, pursuant to Rule 61G3-19.009, F.A.C., which became effective July 1, 2008, is expected to decrease after the first year as barbers become more familiar with the new requirement. The Board determined the proposed change to the rule is not expected to have an impact on small businesses unless a citation is issued. If a citation is issued the fine will be \$50.00 to \$250.00 per violation, and costs.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, 1940 North Monroe Street Tallahassee, Florida 32399-0750

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

Division of Medical Quality Assurance

| | |
|------------|-------------------------------------------------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 64B-1.001 | Application Deadlines; Examination Rescheduling |
| 64B-1.002 | Notification of Applicants |
| 64B-1.003 | Examination Administration |
| 64B-1.004 | Conduct at Test Site |
| 64B-1.005 | Special Testing Accommodations |
| 64B-1.006 | Practical or Clinical Examinations |
| 64B-1.007 | Selection Criteria for Examiners and Examination Consultants |
| 64B-1.008 | Grading of Examinations; Grade Notification; Chiropractic Examination Grading |
| 64B-1.009 | Pre-hearing Review Request |
| 64B-1.011 | Requirements and Standards of a National Examination |
| 64B-1.013 | Post-Examination Review |

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. 13, April 3, 2009 issue of the Florida Administrative Weekly.

The changes are in response to written comments received from the Joint Administrative Procedures Committee. The rule as amended to address the JAPC concerns including technical changes made regarding typographical errors and shall now read as follows:

64B-1.001 Application Deadlines; Examination Rescheduling.

Rulemaking Authority 456.004(5), ~~456.004(10)~~, ~~456.013(1)~~, ~~456.014, 456.017(1)-(2), (6), (7)~~ FS. Law Implemented 456.013(1), 456.017(1) FS. History--New 9-7-98, Amended 7-20-03,_____.

64B-1.002 Notification of Applicants.

Rulemaking Authority 456.004(5), ~~456.004(10)~~, ~~456.013(1)~~, ~~456.014, 456.017(1)-(2), (6), (7)~~ FS. Law Implemented 456.017(1) FS. History--New 9-7-98, Amended 7-20-03,_____.

64B-1.003 Examination Administration.

(1) through (4) No change.

(5) Candidates and/or their patients shall not be in possession of electronic devices including but not limited to cell phones, palm pilots, pagers, or cameras at the examination site.

(6) through (9) No change.

Rulemaking Authority 456.004(5), ~~456.004(10)~~, ~~456.013(1)~~, ~~456.014, 456.017(1)(a), (d), (f), (2), (6), (7)~~ FS. Law Implemented 456.017(1)(a), (d) FS. History--New 9-7-98, Amended 7-20-03, 3-26-07, 4-7-08,_____.

64B-1.004 Conduct at Test Site.

Rulemaking Authority 456.004(5), ~~456.004(10)~~, ~~456.013(1)~~, ~~456.014, 456.017(1)(d), (f), (2), (6), (7)~~ FS. Law Implemented 456.017(1)(d) FS. History--New 9-7-98, Amended 7-20-03,_____.

64B-1.005 Special Testing Accommodations.

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

(3)(a) Candidates requesting special testing accommodation due to a disability shall file a request for special testing accommodation no later than sixty (60) days prior to the first day of the examination for which special testing accommodation is requested on form DH-MQA 4000, 6/08, Application For Candidates Requesting Special Testing Accommodation in Accordance with the Americans with Disabilities Act-, for which special testing accommodation is requested. Form DH-MQA 4000, 6/08, is hereby incorporated by reference, and can be obtained on the Testing Services website at <http://www.doh.state.fl.us/mqa/exam/spectest.htm> or from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. If a candidate becomes disabled after the sixty-day deadline has passed and that candidate has not requested special accommodation, the department will provide any such requested accommodation that can be made available without posing undue burden or jeopardizing the security and integrity of the examination. However, in no event will accommodation be provided to exam candidates requesting special accommodation ten (10) days or less, before the examination.

(3)(b) No change.

(4) through (6) No change.

(7) Candidates who have previously received special testing accommodations for an examination in accordance with the Americans with Disabilities Act and need accommodations for another examination or for a retake of the same examination must submit their request to the department no later than (60) days from the date of the first day of the examination for which special testing accommodation is requested on form DH-MQA 1191, 3/09, Reapplication for Special Testing Accommodations in Accordance with the Americans with Disabilities Act. Form DH-MQA 1191, 3/09, is hereby incorporated by reference, and can be obtained on the Testing Services website at <http://www.doh.state.fl.us/mqa/exam/spectest.htm> or from Division of Medical Quality

Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. Candidates must file form DH-MQA 1191, 3/09, each time accommodations are needed.

~~(8)(7)~~ Candidates requesting special testing accommodation due to religious beliefs shall submit their request to the department no later than sixty (60) days from the date of the first day of the examination for which special testing accommodation is requested on form DH-MQA 4001, 6/08, Application For ~~Candidates Requesting~~ Special Testing Accommodation Due to a Religious Conflict. Form DH-MQA 4001, 6/08, is hereby incorporated by reference, and can be obtained on the Testing Services website at <http://www.doh.state.fl.us/mqa/exam/spectest.htm> or from Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. If the sixty-day deadline has passed and that candidate has not requested special accommodation, the department will provide any such requested accommodation that can be made available without posing undue burden or jeopardizing the security and integrity of the examination. However, in no event will accommodation be provided to exam candidates requesting special accommodation ten (10) days or less, before the examination.

(9) Candidates requesting the use of a translation dictionary due to English as a second language shall submit their request to the department no later than forty (40) days from the date of the first day of the examination for which special testing accommodation is requested on form DH-MQA1192, 3/09, Application For Use of a Translation Dictionary Due to English as a Second Language. Form DH-MQA 1192, 3/09, is hereby incorporated by reference, and can be obtained on the Testing Services website at <http://www.doh.state.fl.us/mqa/exam/spectest.htm> or from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290. If the ~~forty-day sixty-day~~ deadline has passed and that candidate has not requested special accommodation, the department will provide any such requested accommodation that can be made available without posing undue burden or jeopardizing the security and integrity of the examination. However, in no event will accommodation be provided to exam candidates requesting special accommodation ten (10) days or less, before the examination. Translation Dictionaries due to English as a second language are only available where approved by the applicable board and testing vendor policy for the Mental Health Counseling and Electrology examinations.

(10) National examinations used by the department may require that special testing accommodations be reviewed and approved by the National vendor.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ 456.013(1), 456.014, 456.017(1), ~~(2), (6), (7)~~ FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended 7-20-03, _____.

64B-1.006 Practical or Clinical Examinations.

Unless specified in board rule, the following procedures shall be used with regard to department-developed practical or clinical examinations:

(1) Candidates required to take a practical ~~or~~ clinical examination shall be informed by the department, or the department's contracted vendor, in writing of the applicable performance criteria, patient criteria and any special equipment required for such performance.

(2) through (5) No change.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ 456.013(1), 456.014, 456.017(1), ~~(2), (6), (7)~~ FS. Law Implemented 456.017 FS. History—New 9-7-98, Amended 7-20-03, _____.

64B-1.007 Selection Criteria for Examiners and Examination Consultants.

~~For professions where there is no board, or board rule, in order to be eligible to serve as an examiner or an examination consultant for department developed examinations, the prospective examiner or examination consultant:~~

(1) No change.

(2) ~~For professions w~~Where there is no board, or board rule, in order to be eligible to serve as an examiner or an examination consultant for department-developed examinations, the prospective examiner or examination consultant must meet the following criteria:

~~(a)a-~~ Has three years of continuous practice in the respective field in the state;

~~(b)b-~~ Has an active license in the respective field in the state at the time of the examination;

~~(c)c-~~ Has not had must not have had his/her license in the respective field suspended or revoked. If the prospective examiner or examination consultant's license has been disciplined other than with suspension or revocation, the department reserves the right to evaluate his/her selection as deemed appropriate;

~~(d)d-~~ Is not currently under investigation by the department; and

~~(e)e-~~ Is not currently teaching or presently employed in the respective field in either: an academic setting in this state, or an examination preparation course in any state.

~~(f)f-~~ Does not have a relative currently enrolled in an educational institution pursuing a course of study in the respective field.

(3) The department reserves the right to remove an examiner or examination consultant ~~for including but not limited to~~ the following reasons:

~~(a)a-~~ Failure to satisfactorily perform.

~~(b)~~ Failure to disclose actual or apparent conflicts of interest to the department.

~~(c)~~ Failure to maintain eligibility criteria as outlined in this rule.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, ~~456.014~~, ~~456.017(1)~~, ~~(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended 7-20-03,_____.

64B-1.008 Grading of Examinations; Grade Notification; Chiropractic Examination Grading.

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

(c) shall be deleted in its entirety.

(2) through (9) No change.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, ~~456.014~~, ~~456.017(1)~~, ~~(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017(1) FS. History—New 9-7-98, Amended 7-20-03,_____.

64B-1.009 Pre-hearing Review Request.

Rulemaking Authority 456.004(5), ~~456.004(10)~~, ~~456.013(1)~~, 456.014, ~~456.017(1)~~, (2), ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.014, 456.017 FS. History—New 9-7-98, Amended 2-21-00, 7-20-03, 6-19-08,_____.

64B-1.011 Requirements and Standards of a National Examination

(1) National examinations will be certified by the department according to the criteria established in this rule. National examinations shall be recertified during contract renewal periods as established by the department.

(a) The national examinations shall be developed either by or for a national, regional, or multi-state professional association, board, council or society (hereinafter referred to as national organization). The organization providing the examination shall either:

(b) Examinations prepared by or for a national organization shall meet the following requirements:

1. The examinations shall be administered for the purpose of assessing entry-level skills necessary to ensure the minimum competence of practitioners to protect the health, safety and welfare of the public,

2. through 3. No change.

~~2. through 6. No change.~~

(c)1. through 6. No change.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, ~~456.014~~, ~~456.017(1)(c)~~, ~~(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017(1)(c) FS. History—New 9-7-98, Amended 7-20-03, 4-7-08,_____.

64B-1.013 Post-Examination Review.

Rulemaking Authority 456.004(5), ~~456.004(10)~~ ~~456.013(1)~~, ~~456.014~~, ~~456.017(1)~~, ~~(2)~~, ~~(6)~~, ~~(7)~~ FS. Law Implemented 456.017(2) FS. History—New 9-7-98, Amended 7-20-03, 6-19-08,_____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.0085
 RULE TITLE: State Requirements Not Substantially Equilavent

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FLORIDA HOUSING FINANCE CORPORATION

| | |
|------------|------------------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 67-38.001 | Purpose |
| 67-38.002 | Definitions |
| 67-38.0026 | General Program Requirements and Restrictions |
| 67-38.003 | Application Submission Procedures |
| 67-38.004 | Incomplete Applications and Rejection Criteria |
| 67-38.005 | Application Evaluation and Award Guidelines |
| 67-38.007 | Terms of the PLP Loan |
| 67-38.008 | Eligible Uses for the Loan |
| 67-38.010 | Credit Underwriting Procedures |
| 67-38.011 | Fees |
| 67-38.014 | Disbursement Procedures |

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule development in Vol. 35, No. 24, June 19, 2009 issue of the Florida Administrative Weekly.

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

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

PLACE: Florida Housing Finance Corporation, Seltzer Room, Sixth Floor, 227 North Bronough Street, Tallahassee, Florida 32301

Additionally, interested parties may participate by dialing 1(888)808-6959. When prompted, enter Conference Code 3884197 followed by the # key.

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE NO.: 69H-2.008
 RULE TITLE: Other Forms Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: 69L-6.028
 RULE TITLE: Procedures for Imputing Payroll and Penalty Calculations

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. 15, April 17, 2009 issue of the Florida Administrative Weekly.

These changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. When changed, subsection (2) and paragraph (3)(d) shall read as follows:

(2) The employer’s period of non-compliance shall be either the same as the time period requested in the business records request for the calculation of penalty or an alternative period of non-compliance as determined by the department, whichever is less. The department shall determine an alternative period of non-compliance by obtaining records from other sources, including, but not limited to, the Department of State, Division of Corporations, the Department of Business and Professional Regulation, licensing offices, building permitting offices and contracts, that evidence a period of non-compliance different than the time period requested in the business records request for the calculation of penalty. For purposes of this rule, “non-compliance” means the employer’s failure to secure the payment of workers’ compensation pursuant to Chapter 440, F.S.

(3)(d) The imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be assigned the highest rated workers’ compensation classification code for an employee based upon records or the investigator’s physical observation of that employee’s activities associated with the employer’s business activities, unless the employer’s business records demonstrate the assignment of an alternative workers’ compensation classification code.

The remainder of the rule reads as previously published.

**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.: 53ER09-31
 RULE TITLE: Instant Game Number 1022, 7-11-21™

SUMMARY: This emergency rule describes Instant Game Number 1022, “7-11-21,” 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:

53ER09-31 Instant Game Number 1022, 7-11-21™.

(1) Name of Game. Instant Game Number 1022, “7-11-21™.”

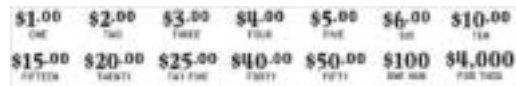
(2) Price. 7-11-21 lottery tickets sell for \$1.00 per ticket.

(3) 7-11-21 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 7-11-21 lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The prize symbols and prize symbol captions are as follows:



(6) The legends are as follows:



(7) Determination of Prizewinners.

(a) There are three games on a ticket. A ticket having three numbers within a game, the total of which is 7, 11, or 21, shall entitle the claimant to the corresponding prize shown for that game.

(b) The prizes are: \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$6.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100 and \$4,000.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 1022 are as follows:

| GAME PLAY | WIN | ESTIMATED ODDS OF 1 IN | NUMBER OF WINNERS IN 66 POOLS OF TICKETS PER POOL |
|-------------------|---------|------------------------------|---------------------------------------------------------------|
| \$1 | \$1 | 10.71 | 1,478,400 |
| \$1 x 2 | \$2 | 30.00 | 528,000 |
| \$2 | \$2 | 30.00 | 528,000 |
| \$1 + \$3 | \$4 | 150.00 | 105,600 |
| (\$1 x 2) + \$2 | \$4 | 300.00 | 52,800 |
| \$2 x 2 | \$4 | 150.00 | 105,600 |
| \$4 | \$4 | 150.00 | 105,600 |
| \$1 + (\$2 x 2) | \$5 | 750.00 | 21,120 |
| (\$1 x 2) + \$3 | \$5 | 750.00 | 21,120 |
| \$2 + \$3 | \$5 | 750.00 | 21,120 |
| \$1 + \$4 | \$5 | 750.00 | 21,120 |
| \$5 | \$5 | 750.00 | 21,120 |
| \$1 + \$4 + \$5 | \$10 | 500.00 | 31,680 |
| \$2 + \$3 + \$5 | \$10 | 500.00 | 31,680 |
| \$2 + (\$4 x 2) | \$10 | 500.00 | 31,680 |
| \$5 x 2 | \$10 | 500.00 | 31,680 |
| \$10 | \$10 | 500.00 | 31,680 |
| \$5 + \$15 | \$20 | 1,500.00 | 10,560 |
| \$4 + \$6 + \$10 | \$20 | 1,500.00 | 10,560 |
| (\$5 x 2) + \$10 | \$20 | 1,500.00 | 10,560 |
| \$10 x 2 | \$20 | 1,500.00 | 10,560 |
| \$20 | \$20 | 1,500.00 | 10,560 |
| \$15 + \$25 | \$40 | 4,000.00 | 3,960 |
| \$5 + \$10 + \$25 | \$40 | 4,000.00 | 3,960 |
| (\$10 x 2) + \$20 | \$40 | 4,000.00 | 3,960 |
| \$20 x 2 | \$40 | 4,800.00 | 3,300 |
| \$40 | \$40 | 4,800.00 | 3,300 |
| (\$25 x 2) + \$50 | \$100 | 9,600.00 | 1,650 |
| (\$40 x 2) + \$20 | \$100 | 9,600.00 | 1,650 |
| \$50 x 2 | \$100 | 9,600.00 | 1,650 |
| \$100 | \$100 | 9,600.00 | 1,650 |
| \$4,000 | \$4,000 | 240,000.00 | 66 |

(9) The estimated overall odds of winning some prize in Instant Game Number 1022 are 1 in 4.88. 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 1022, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a 7-11-21 lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for 7-11-21 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 6-11-09.

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: June 11, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-32
 RULE TITLE: Instant Game Number 1025, \$2,000,000 CASINO ACTION

SUMMARY: This emergency rule describes Instant Game Number 1025, “\$2,000,000 CASINO ACTION,” 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:

53ER09-32 Instant Game Number 1025, \$2,000,000 CASINO ACTION.

(1) Name of Game. Instant Game Number 1025, “\$2,000,000 CASINO ACTION.”

(2) Price. \$2,000,000 CASINO ACTION lottery tickets sell for \$10.00 per ticket.

(3) \$2,000,000 CASINO ACTION 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 \$2,000,000 CASINO ACTION lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The “YOUR SYMBOLS” play symbols and play symbol captions are as follows:



(5) The “WINNING SYMBOLS” 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:



(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR SYMBOLS” play area that matches a play symbol and corresponding play symbol caption in the “WINNING SYMBOLS” play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a “DOUBLE” symbol in the “YOUR SYMBOLS” play area shall entitle the claimant to double the prize shown for that symbol.

(b) The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$30.00, \$50.00, \$100, \$500, \$1,000, \$5,000, \$10,000, \$20,000 and \$2,000,000.

(9) \$2,000,000 Prize Payment Options.

(a) A winner of a \$2 million prize may choose one of two payment options for receiving his or her prize. Payment options are “Cash Option” or “Annual Payment.” At the time the \$2,000,000 prize is claimed, the terminal will produce a player claim instructions ticket. The winner has sixty (60) days from the date the player claim instructions ticket is produced to file a claim choosing the Cash Option. If a winner does not

choose the Cash Option within such time, the Annual Payment option will be applied. Once the winner files a claim and exercises the winner’s chosen option, the election of that option shall be final.

(b) Cash Option prizes will be paid in one (1) lump sum cash payment of \$1,300,000, less applicable withholding taxes.

(c) Annual Payment prizes will be paid in twenty (20) equal annual installments of \$100,000 each, less applicable federal withholding taxes.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 1025 are as follows:

| GAME PLAY | VALUE | ESTIMATED ODDS OF 1 IN | NUMBER OF WINNERS IN 125 POOLS OF 120,000 TICKETS PER POOL |
|--------------------------|-------|------------------------|------------------------------------------------------------|
| \$5 x 2 | \$10 | 30.00 | 500.000 |
| \$5 (JOKER) | \$10 | 30.00 | 500.000 |
| \$10 | \$10 | 30.00 | 500.000 |
| \$5 x 3 | \$15 | 60.00 | 250.000 |
| \$5 + \$10 | \$15 | 60.00 | 250.000 |
| \$15 | \$15 | 60.00 | 250.000 |
| \$5 x 4 | \$20 | 60.00 | 250.000 |
| (\$5 x 2) + \$10 | \$20 | 60.00 | 250.000 |
| \$10 x 2 | \$20 | 60.00 | 250.000 |
| \$10 (JOKER) | \$20 | 60.00 | 250.000 |
| \$20 | \$20 | 60.00 | 250.000 |
| \$5 x 5 | \$25 | 300.00 | 50.000 |
| (\$5 x 3) + \$10 | \$25 | 300.00 | 50.000 |
| (\$10 x 2) + \$5 | \$25 | 300.00 | 50.000 |
| \$15 + \$5 | \$25 | 300.00 | 50.000 |
| (JOKER) | \$25 | 300.00 | 50.000 |
| \$5 x 6 | \$30 | 500.00 | 30.000 |
| (\$5 x 2) + (\$10 x 2) | \$30 | 500.00 | 30.000 |
| \$10 x 3 | \$30 | 500.00 | 30.000 |
| \$15 (JOKER) | \$30 | 500.00 | 30.000 |
| \$30 | \$30 | 500.00 | 30.000 |
| \$5 x 10 | \$50 | 750.00 | 20.000 |
| \$10 x 5 | \$50 | 750.00 | 20.000 |
| \$10 + (\$20 x 2) | \$50 | 750.00 | 20.000 |
| \$10 (JOKER) | \$50 | 750.00 | 20.000 |
| + \$15 (JOKER) | \$50 | 750.00 | 20.000 |
| \$50 | \$50 | 750.00 | 20.000 |
| (\$5 x 10) + (\$10 x 5) | \$100 | 400.00 | 37.500 |
| \$10 x 10 | \$100 | 400.00 | 37.500 |
| \$20 x 5 | \$100 | 400.00 | 37.500 |
| \$50 (JOKER) | \$100 | 400.00 | 37.500 |
| \$50 x 2 | \$100 | 500.00 | 30.000 |
| \$100 | \$100 | 480.00 | 31.250 |
| (\$25 x 10) + (\$50 x 5) | \$500 | 5,000.00 | 3.000 |
| \$50 x 10 | \$500 | 5,000.00 | 3.000 |

| | | | |
|----------------------------------------|-----------|--------------|-------|
| (\$20 x 5) (JOKER) + (\$100 x 3) | \$500 | 5,000.00 | 3,000 |
| \$100 x 5 | \$500 | 5,000.00 | 3,000 |
| \$500 | \$500 | 5,000.00 | 3,000 |
| (\$50 x 10) + (\$100 x 5) | \$1,000 | 15,000.00 | 1,000 |
| \$100 x 10 | \$1,000 | 15,000.00 | 1,000 |
| (\$100 x 5) + \$500 | \$1,000 | 15,000.00 | 1,000 |
| \$500 (JOKER) | \$1,000 | 15,000.00 | 1,000 |
| \$1,000 | \$1,000 | 15,000.00 | 1,000 |
| \$1,000 x 5 | \$5,000 | 60,000.00 | 250 |
| \$5,000 | \$5,000 | 60,000.00 | 250 |
| \$10,000 | \$10,000 | 120,000.00 | 125 |
| \$20,000 | \$20,000 | 600,000.00 | 25 |
| \$2,000,000 (\$100K/yr/20 yrs) | TOP PRIZE | 3,000,000.00 | 5 |

(11) The estimated overall odds of winning some prize in Instant Game Number 1025 are 1 in 3.54. 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.

(12) For reorders of Instant Game Number 1025, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) By purchasing a \$2,000,000 CASINO ACTION lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(14) Payment of prizes for \$2,000,000 CASINO ACTION 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 6-11-09.

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: June 11, 2009

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER09-33
 RULE TITLE: Instant Game Number 1023, CASH ROULETTE

SUMMARY: This emergency rule describes Instant Game Number 1023, “CASH ROULETTE,” 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:

53ER09-33 Instant Game Number 1023, CASH ROULETTE.

(1) Name of Game. Instant Game Number 1023, “CASH ROULETTE.”

(2) Price. CASH ROULETTE lottery tickets sell for \$2.00 per ticket.

(3) CASH ROULETTE 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 ROULETTE 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 “WHEEL 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:

WHEEL NUMBERS YOUR NUMBERS PRIZE

(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 "WHEEL 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 the prize shown for that

symbol. A ticket having a "🎰" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to all ten (10) prizes shown.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$250, \$400, \$2,000 and \$20,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1023 are as follows:

| GAME PLAY | WIN | ESTIMATED ODDS OF 1 IN | NUMBER OF WINNERS IN 85 POOLS OF 180,000 TICKETS PER POOL |
|---------------------------|------|------------------------|-----------------------------------------------------------|
| \$2 | \$2 | 10.71 | 1,428,000 |
| \$1 x 4 | \$4 | 50.00 | 306,000 |
| (\$1 x 2) + \$2 | \$4 | 75.00 | 204,000 |
| \$2 x 2 | \$4 | 50.00 | 306,000 |
| \$4 | \$4 | 50.00 | 306,000 |
| \$1 x 5 | \$5 | 375.00 | 40,800 |
| (\$1 x 3) + \$2 | \$5 | 375.00 | 40,800 |
| (\$2 x 2) + \$1 | \$5 | 375.00 | 40,800 |
| \$1 + \$4 | \$5 | 375.00 | 40,800 |
| \$5 | \$5 | 375.00 | 40,800 |
| \$1 x 10 (STACK OF CHIPS) | \$10 | 250.00 | 61,200 |
| \$1 x 10 | \$10 | 250.00 | 61,200 |
| \$2 x 5 | \$10 | 250.00 | 61,200 |
| \$5 x 2 | \$10 | 250.00 | 61,200 |
| \$10 | \$10 | 250.00 | 61,200 |
| \$2 x 10 (STACK OF CHIPS) | \$20 | 750.00 | 20,400 |
| \$2 x 10 | \$20 | 750.00 | 20,400 |
| \$4 x 5 | \$20 | 750.00 | 20,400 |
| \$10 x 2 | \$20 | 750.00 | 20,400 |
| \$20 | \$20 | 750.00 | 20,400 |
| \$5 x 10 (STACK OF CHIPS) | \$50 | 1,000.00 | 15,300 |
| \$5 x 10 | \$50 | 1,000.00 | 15,300 |
| \$10 x 5 | \$50 | 1,000.00 | 15,300 |
| \$10 + (\$20 x 2) | \$50 | 1,000.00 | 15,300 |

| | | | |
|---------------------------------|----------|------------|--------|
| \$50 | \$50 | 1,000.00 | 15,300 |
| \$10 x 10 (STACK OF CHIPS) | \$100 | 3,600.00 | 4,250 |
| \$10 x 10 | \$100 | 3,600.00 | 4,250 |
| \$20 x 5 | \$100 | 3,600.00 | 4,250 |
| \$50 x 2 | \$100 | 3,600.00 | 4,250 |
| \$100 | \$100 | 3,600.00 | 4,250 |
| \$20 x 10 (STACK OF CHIPS) | \$200 | 22,500.00 | 680 |
| \$20 x 10 | \$200 | 22,500.00 | 680 |
| (\$10 x 5) + (\$25 x 2) + \$100 | \$200 | 22,500.00 | 680 |
| (\$25 x 4) + (\$50 x 2) | \$200 | 30,000.00 | 510 |
| \$200 | \$200 | 30,000.00 | 510 |
| \$200 x 10 (STACK OF CHIPS) | \$2,000 | 180,000.00 | 85 |
| \$200 x 10 | \$2,000 | 180,000.00 | 85 |
| (\$200 x 6) + (\$400 x 2) | \$2,000 | 180,000.00 | 85 |
| \$250 x 8 | \$2,000 | 180,000.00 | 85 |
| \$2,000 | \$2,000 | 180,000.00 | 85 |
| \$20,000 | \$20,000 | 765,000.00 | 20 |

(10) The estimated overall odds of winning some prize in Instant Game Number 1023 are 1 in 4.69. 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 1023, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a CASH ROULETTE 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 ROULETTE 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 6-11-09.

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: June 11, 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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN THAT on May 28, 2009, the Florida Public Service Commission received a notice for DOCKET NO.: 090189-SU from Water Management Services, Inc. (WMSI), withdrawing its request for a rule variance from portions of subsection 25-30.033(1), Florida Administrative Code (F.A.C.).

For additional information, please contact: Anna Williams, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6076.

A copy of the Petition for Variance or Waiver and/or a copy of the Notice of Withdrawal may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on June 4, 2009, the Agency for Health Care Administration, received a petition for waiver of subsection 59A-7.020(15), F.A.C., from DVA Laboratory Services, Inc. The petition requests a waiver of rule provisions prohibiting personnel to provide assistance in the collection and processing of specimens. The specific provision on which the waiver is sought is paragraph 59A-7.020(15)(g), F.A.C. The Petitioner in its request seeks a permanent waiver from the rule due to substantial hardship.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on May 26, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a waiver from unreferenced codes which requires Fire Fighter Service Phase 1 and 2, from John Wagner on behalf of Hotel Management Group, License Number 14796 (VW 2009-109).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on May 27, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance until June 21, 2009 for an unreferenced code requiring door restricters. The request was received from Terry Carpenter of Crestwood Nursing Center in Palatka, FL (VW 2009-179).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on May 27, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rules 3.11.3 and 2.7.4, A17.3, 1996 which requires Fire Fighter Service Phase 1 and 2 and restricted door openings from David Thompson on behalf of 1ST Union Building and Manatee County, FL (VW 2009-180).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on May 29, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a permanent emergency variance from Rule 2.18.5, ASME A17.1, 2005 which requires governor ropes be of at least 9.5 mm. The request was submitted by Lee Rigby on behalf of USF Marshall Center in Tampa, FL (VW 2009-181).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 1, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a 60 day variance from Sections 399.02(5)(a), 399.02(5)(b) and 399.061(4), F.S., which makes the construction permit holder responsible for correcting violations and periodic tests, makes the owner responsible for the safe operation of the elevator and gives the division the authority to issue an order to correct any violation and

reinspect the elevator. The request was received from Monica Giglio on behalf of Villa D'Rste Condominium Association in Venice, FL (VW 2009-182).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on May 18, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from an unreferenced code requiring fire department controls be behind a locked door on the car control panel. The request was submitted by David Spencer of ThyssenKrupp Elevator on behalf of Baypointe Yacht and Racquet in North Fort Myers, FL (VW 2009-183).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on May 28, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from an unreferenced code prohibiting foreign equipment in the machine room from Richard Mierzwa on behalf of Point Brittany Apartments in St. Petersburg, FL (VW 2009-184).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on May 29, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a waiver from an unreferenced codes requiring undescribed upgrades to the elevators located at La Puerta Del Sol Condominiums in St. Petersburg. The petition was received from Adrian Ignowski, President of the Association (VW 2009-191).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 4, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a permanent variance from Rules 2.20.4 and 8.7.2.27.4, ASME A17.1, 2005 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires steel suspension, wedge shackles with non-welded terminations and grooved sheaves of a minimum pitch. The request was submitted by Timothy Hawthorne of Otis Elevator on behalf of Health Village Medical Office Building, Florida Hospital (VW 2009-192).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 5, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2. The petition was received from Jonnie Mae Warner on behalf of 2400 Maitland Center Parkway in Maitland, FL (VW 2009-193).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 5, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2. The petition was received from Jonnie Mae Warner on behalf of 500 Winderly Place in Maitland, FL (VW 2009-194).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 5, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from Rules 2.3.1, 2.1.3 and 3.3.1, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires menas of pit access, hoistway construction be substantially flush and car platforms with a minimum 21" vertical face with bent back at the bottom. The petition was from Stephen Ritz on behalf of Tower East Group, Inc. in Pensacola, FL (VW 2009-195).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 8, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires unspecified changes to the elevators from Ted Ricketts on behalf of All Childrens' Hospital (VW 2009-196).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 8, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires unspecified changes to the elevator. The petition was received from David Wilson, President, on behalf of Surfside North Condominium (VW 2009-197).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 8, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 3.11.1, 3.11.3, 3.4.5, and 2.7.4, A17.3, 1996 as adopted by Chapter 3001.2 as adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, two-way communication, car illumination and restriction of doors from William Snyder on behalf of Sea Island South Condominium in Clearwater, FL (VW 2009-198).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 9, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from an unreferenced codes as adopted by Chapter 3002.1, Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C., requiring the removal of foreign equipment, provide ventilation in the machine room, guarding of a sewer pipe, top of car light on a GFCL, emergency car lighting, fire panel and sprinkler system, stop switch car lighting, emergency phone, hand rail, door restrictor and machine room lighting and receptacles GFCL. The petition was received for Terry Carpenter of Lakewood Nursing Center in Crescent City, FL (VW 2009-200).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety.

NOTICE IS HEREBY GIVEN THAT on June 9, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from A17.3, 1996 as adopted by Chapter 3002.1, Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2 and door restriction, from Mary K. Sittman on behalf of Chipola Apartments in Marianna, FL (VW 2009-201).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 9, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from A17.3, 1996 as adopted by Chapter 3002.1, Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires Fire Fighter Service Phase 1 and 2, from Sue O'Connor, on behalf of Oceans One Condo., Inc. (VW 2009-202).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a temporary variance from Rule 8.6.5.8, A17.1, 2005 as adopted by Chapter 3002.1, Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C., which requires safety bulkhead on hydraulic cylinders until July 31, 2009. The petition was received from Mark F. Lapp on behalf of Hendry County, FL (VW 2009-203).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on June 10, 2009, the Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for a variance from unreferenced code which requires a lockable fire service cabinete from David Spencer on behalf of Baypointe Yacht and Racquet (VW 2009-204).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Board of Professional Engineers hereby gives notice that it has received a petition, filed on May 7, 2009, by Danielly Orozco seeking a variance or waiver of Rule 61G15-20.007, F.A.C., which is entitled "Demonstration of Substantial Equivalency." Specifically, the Petitioner requests, for reasons set forth in the petition, a waiver of the general education requirements under paragraph 61G15-20.007(1)(b), F.A.C., that govern the stated amount of credit hours required in the humanities and social sciences by either counting her additional hours in Engineering Science and Design or her experience and involvement in academic activities as humanities and social sciences, or waive that particular requirement altogether.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on May 27, 2009, the The Board of Clinical Laboratory Personnel has issued an order.

The Board of Clinical Laboratory Personnel hereby gives notice of the issuance of an order denying the petition for waiver or variance filed by Thuy-Ai Huynh. The Petitioner filed a petition for waiver or variance from Rule 64B3-5.003, F.A.C. The petition for waiver or variance was published in Vol. 35, No. 12, of the March 27, 2009, Florida Administrative Weekly. The petition was heard at a duly-noticed telephone conference call on May 11, 2009. The Board's order, filed on May 27, 2009, denies the petition for waiver or variance, finding that the Petitioner did not meet the purpose of the underlying statute, did not show that Petitioner would suffer a substantial hardship from application of the rule, and did not show that application of the rule at issue to Petitioner would violate principles of fairness.

A copy of the Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT on May 12, 2009, the Department of Health, received a petition for Variance or Waiver filed by Shands Teaching Hospital and Clinics, Inc., for and on behalf of the Infectious Disease Pharmacokinetics Laboratory, seeking a permanent waiver from subsection 64B3-5.003(3), F.A.C., for the following individuals: Charles Peloquin, Vaneska Mayor, Behrang Mahjoub, Theodore Zagurski. Rule 64B3-5.003, F.A.C., sets forth the education, training/experience, and examination requirements for applications for technologist licenses. In addition to the individuals specifically named in the petition, Petitioner also seeks a permanent waiver from subsection 64B3-5.003(3), F.A.C., for all future laboratory personnel meeting the same or similar criteria as the individuals listed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT on May 27, 2009, the The Board of Clinical Laboratory Personnel has issued an order.

The Board of Clinical Laboratory Personnel hereby gives notice of the issuance of an order denying the petition for waiver or variance filed by Tammie Spell. The Petitioner filed a petition for waiver or variance from Rule 64B3-5.002, F.A.C. The petition for waiver or variance was published in Vol. 35, No. 12, of the March 27, 2009, Florida Administrative Weekly. The petition was heard at a duly-noticed telephone conference call on May 11, 2009. The Board's order, filed on May 27, 2009, denies the petition for waiver or variance, finding that the Petitioner did not meet the purpose of the underlying statute, did not show that Petitioner would suffer a substantial hardship from application of the rule, and did not show that application of the rule at issue to Petitioner would violate principles of fairness.

A copy of the Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Ana Maria Arango, D.M.D. The Notice of Petition for Variance was published in Vol. 35, No. 5, of the February 6, 2006, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 20, 2009.

The Board's Order, filed on March 11, 2009, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her dental education in Columbia, supplemental studies, and practice experience. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), F.S. and subsection 64B5-2.0146(2), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance filed by Edwin Bayo, Esq. on behalf of Marcie Berger, D.M.D. The Notice of Petition for Variance was published in Vol. 34, No. 52, of the December 24, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on December 12, 2008.

The Board's Order, filed on January 7, 2009, grants the Petition for Variance or Waiver, pending Petitioner's successful performance of twenty (20) cases of pediatric conscious sedation while under the supervision of Dennis Stone, M.D. or a member of his pediatric anesthesia group and finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Additionally, Petitioner has demonstrated that strict application of paragraph 64B5-14.005(2)(b), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), F.S. and paragraph 64B5-14.005(2)(b), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of paragraph 64B5-14.005(2)(b), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance filed Maria Del Rosario Blanco, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 52, of the December 24, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 20, 2009.

The Board's Order, filed on March 11, 2009, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her dental education in Columbia and her completion of the two year General Residency Program at Jackson Memorial Hospital. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), F.S. and subsection 64B5-2.0146(2), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance filed by Edwin A. Bayo on behalf of Sandra R. Brener, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 39, of the September 19, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 12, 2008.

The Board's Order, filed on October 6, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her supplemental studies, and practice experience. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), F.S. and subsection 64B5-2.0146(2), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance filed by Edwin Bayo, Esq. on behalf of Johanny Caceras, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 39, of the September 19, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 12, 2008.

The Board's Order, filed on October 6, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through his supplemental studies, and practice experience. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-7.003(4), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), F.S. and subsection 64B5-7.003(4), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-7.003(4), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance filed by Edwin Bayo, Esq. on behalf of Adriana Gabaldon, D.D.S. The Notice

of Petition for Variance was published in Vol. 34, No. 32, of the August 15, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 12, 2008.

The Board's Order, filed on October 6, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her completion of (2) years residency in general practice. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-7.003(4), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), F.S. and subsection 64B5-7.003(4), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-7.003(4), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance filed by Edwin Bayo, Esq. on behalf of Ivan Izquierdo, D.M.D. The Notice of Petition for Variance was published in Vol. 34, No. 39, of the September 19, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 12, 2008.

The Board's Order, filed on October 6, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through his completion of (2) years of supplemental dental education at the Advanced Education General Dentistry program at the Dade County Dental Research Clinic and at the Oral and Maxillofacial Surgery residency program at Jackson Memorial Hospital under the auspices of the University of Miami. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-7.003(4), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), F.S. and subsection 64B5-7.003(4), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-7.003(4), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Leandra Dopaza Antonio Jose, D.D.S. The Notice of Petition for Variance was published in Vol. 35, No. 5, of the February 6, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 20, 2009.

The Board's Order, filed on March 11, 2009, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her supplemental studies, and practice experience. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Section 120.542(2), F.S. and subsection 64B5-2.0146(2), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Thelma Ferrer Joseph, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 39, of the September 19, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 12, 2008.

The Board's Order, filed on October 6, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her completion of a Dental Hygiene clinical education to the level of the clinical experience required by an American Dental Association (ADA) unaccredited Dental Hygiene Program. Additionally, Petitioner has demonstrated that strict application of subparagraph 64B5-2.0144(10)(b)2., F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Section 120.542(2), F.S. and subparagraph 64B5-2.0144(10)(b)2., F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subparagraph 64B5-2.0144(10)(b)2., F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Rania Livada, D.D.S. The Notice of Petition for Variance was published in Vol. 35, No. 7, of the February 5, 2009, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 20, 2009.

The Board's Order, filed on March 11, 2009, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her supplemental studies, and practice experience. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), F.S. and subsection 64B5-2.0146(2), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The **Board of Dentistry** hereby gives notice of the issuance of an Order regarding the Petition for Variance for Vivian Manjarres, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 39, of the September 19, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 12, 2008.

The Board's Order, filed on October 6, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her supplemental studies, and practice experience and obtaining her dental licensure in another state. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Section 120.542(2), F.S. and subsection 64B5-2.0146(2), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Anas Selman, D.D.S. The Notice of Petition for Variance was published in

Vol. 34, No. 27, of the July 3, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on September 12, 2008.

The Board's Order, filed on October 6, 2008, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through his supplemental studies, and practice experience. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Section 120.542(2), F.S. and subsection 64B5-2.0146(2), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Madelene M. Trujillo, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 52, of the December 24, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 20, 2009.

The Board's Order, filed on March 11, 2009, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her supplemental studies, and practice experience. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Section 120.542(2), F.S. and subsection 64B5-2.0146(2), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Viviana Lea Waich, D.D.S. The Notice of Petition for Variance was published in Vol. 34, No. 52, of the December 24, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 20, 2009.

The Board's Order, filed on March 11, 2009, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), F.S.. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved or has been achieved by other means as evidenced through her supplemental studies, and practice experience. Additionally, Petitioner has demonstrated that strict application of subsection 64B5-2.0146(2), F.A.C., would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Section 120.542(2), F.S. and subsection 64B5-2.0146(2), F.A.C. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT on June 8, 2009, the Board of Massage Therapy, received a petition for waiver or variance from Donald Covino, with respect to the 12 hours of continuing education via live classroom, because he is employed as a commercial truck driver which precludes him from attending classes.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, at the above-referenced address or telephone: (850)245-4161.

NOTICE IS HEREBY GIVEN THAT on June 8, 2009, the Department of Health, received a petition for variance or waiver from Francis C. Hand, representing Harry Bussey, Jr., ICC Technologies. Specifically, the petitioner seeks a waiver from subsection 64E-6.009(7), subparagraph (7)(a)4., and paragraph (7)(d), F.A.C., which require innovative system testing and prohibits the reduction in drainfield size for alternative drainfield materials.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

NOTICE IS HEREBY GIVEN THAT on June 9, 2009, the Department of Health, received a petition for Waiver from subparagraph 64E-13.004(6)(a)1., F.A.C., from Seacoast Christian Academy, 9100 Regency Square Boulevard, North, Jacksonville, Florida. This rule requires schools to have toilet and handwashing facilities for preschool grades through grade three located within or adjoining their classrooms.

Comments on this petition should be filed: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agricultural Center and Horse Park Authority** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesdays, July 7, 14, 21, 28, 2009, 4:00 p.m.

PLACE: Florida Horse Park, 11008 South Highway 475, Ocala, Florida 34480

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committees of the Florida Agricultural Center and Horse Park Authority will meet every Tuesday in July to discuss committee business.

A copy of the agenda may be obtained by contacting: Richard Gunnels at gunnelr@doacs.state.fl.us or (850)488-3022.

Pursuant to the provisions of 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: Richard Gunnels at gunnelr@doacs.state.fl.us or (850)488-3022. If you are 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 **Pest Control Enforcement Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 21, 2009, 9:00 a.m.

PLACE: AES, Conference Room, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399, (850)488-3731; on the internet at the following website: <https://doacs.webex.com/doacs/j.php?ED=125556282&UID=0>; or by teleconference: 1(888)808-6969, Conference Code: 9219088

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

A copy of the agenda may be obtained by contacting: Mr. Mike Page, Chief, Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301, (850)921-4177.

The **Department of Agriculture and Consumer Services, Division of Forestry** announces a public meeting to which all persons are invited.

DATE AND TIME: July 29, 2009, 9:00 a.m. – 1:00 p.m.
 PLACE: John M. Bethea State Forest, 11656 Sr 2, Sanderson, Florida 32087

GENERAL SUBJECT MATTER TO BE CONSIDERED: A general meeting of the Florida Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852.

Pursuant to the provisions of 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: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852.

DEPARTMENT OF EDUCATION

The **Florida Education Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 9, 2009, 8:30 a.m. – 1:30 p.m. or upon adjournment

PLACE: Grand Bohemian Hotel, 325 S. Orange Ave., Orlando, Florida 32801, Conference Call: 1(888)808-6959, Pass Code: 2459671

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Foundation issues including, but not limited to: Approval of minutes from April 17, 2009, meeting; Commissioner's report; program updates; financial report; executive director's report; partnership proposals; and general discussion of Foundation.

A copy of the agenda may be obtained by contacting: Jenna Vetre at (850)245-9671.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Jenna Vetre, Foundation Office at (850)245-9671. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Foundation Office at (850)245-9671.

The **Department of Education** announces a hearing to which all persons are invited.

DATE AND TIME: July 20, 2009, 3:30 p.m. – 5:00 p.m.

PLACE: Via Conference Call: 1(888)304-6786, Conference Code: 14577631. Anyone wishing to attend in person: Department of Education, 325 West Gaines Street, Room 503, Tallahassee, Florida during the time provided above.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Standards for the Use of Reasonable Force to Maintain a Safe and Orderly Learning Environment.

A copy of the agenda may be obtained by contacting: Marian Lambeth, Chief, Professional Practices, Division of Public Schools, 325 West Gaines Street, Room 224-E, Tallahassee, Florida 32399-0400.

For additional information concerning the conference call please contact: Lynn Abbott at (850)245-9661 or email: lynn.abbott@fldoe.org.

DEPARTMENT OF COMMUNITY AFFAIRS

The Subcommittee on Training of the **State Emergency Response Commission (SERC) for Hazardous Materials** announces a public meeting to which all persons are invited.

DATE AND TIME: July 9, 2009, 9:30 a.m.

PLACE: Betty Easley Conference Center, Southwood Campus, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the SERC Subcommittee on Training and other hazardous materials training issues.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Local Emergency Planning Committee, Chairpersons and Staff Contacts for the **State Emergency Response Commission (SERC) for Hazardous Materials** announces a public meeting to which all persons are invited.

DATE AND TIME: July 9, 2009, 1:30 p.m.

PLACE: Betty Easley Conference Center, Southwood Campus, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committee in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **State Emergency Response Commission (SERC) for Hazardous Materials** announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2009, 10:00 a.m.

PLACE: Betty Easley Conference Center, Southwood Campus, Room 152, 4075 Esplanade Way, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Emergency Management at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Standards and Training Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Training Center Directors' Test Bank Committee Meeting, Tuesday, August 4, 2009, 1:00 p.m.; Training Center Directors' Physical Fitness Training Committee Meeting, 1:30 p.m.; Training Center Directors' Advanced and Specialized Training Committee Meeting, 2:00

p.m.; Training Center Directors' Basic Recruit Training Committee Meeting, 3:00 p.m.; Training Center Directors' Rules Committee Meeting, 4:00 p.m.; Training Center Director Association Business Meeting, Wednesday, August 5, 2009, 8:30 a.m.; Probable Cause Determination Hearings, 10:00 a.m.; Regional Criminal Justice Selection Center Directors Association, 3:00 p.m.; Criminal Justice Standards and Training Commission Meeting Business Agenda, Thursday, August 6, 2009, 8:00 a.m.; Criminal Justice Standards and Training Commission Meeting Officer Discipline Agenda, 9:30 a.m.

PLACE: Sawgrass Marriott Resort, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida 32082, (904)285-7777. Group Name is "FDLE CJS&T," and the Fax Number is (904)285-0906. The group name for making on-line reservations is: <http://www.sawgrassmarriott.com> and enter the group code: FLEFLEA. Guestroom Rate: \$99.00 Single or Double for August 2, 2009 – August 9, 2009. Reservation deadline: July 6, 2009, by 3:00 p.m. You may cancel your reservation 48 hours prior to your scheduled date of arrival. Check-in is 3:00 p.m. and Check-out is 12:00 Noon. For information about hotel accommodations, please contact: Cheryl Taylor at (850)410-8657 or e-mail: cheryltaylor@fdle.state.fl.us.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meeting will be held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, officer discipline penalty guidelines, and certification and recertification of criminal justice training schools.

Commission Meeting Information can be accessed at <http://www.fdle.state.fl.us>, then Click on "A-Z Index," then Click on "Criminal Justice Standards and Training Commission," and then Click on "Commission Meeting Schedule," or on "Meeting Packet."

A copy of the Criminal Justice Standards and Training agenda may be obtained by contacting: Donna Hunt at (850)410-8615 or e-mail at donnahunt@fdle.state.fl.us.

A copy of the Officer Discipline agenda may be obtained by contacting: Brenda Presnell at (850)410-8648 or e-mail at brendapresnell@fdle.state.fl.us.

A copy of the Training Center Directors' Association agenda may be obtained by contacting: Director Brian Shonk, Northwest Florida State College Criminal Justice Training Center at (850)729-5378 or e-mail at shonk@owc.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 5 days before the workshop/meeting by contacting: Donna Hunt at (850)410-8615 or e-mail at

donnahunt@fdle.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: Donna Hunt at (850)410-8615 or e-mail at donnahunt@fdle.state.fl.us.

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: July 7, 2009, 9:00 a.m. – 5:00 p.m. (adjournment will depend on when discussions are complete)

PLACE: Florida Department of Revenue, Training Room D, Building C-1, Taxworld, 5050 West Tennessee Street, Tallahassee, Florida. The public can participate in this meeting by attending it in Tallahassee or by accessing a simultaneous Internet webcast/virtual meeting from their home or office computer where they can view and hear the meeting and comment by email or verbally in real time. Further information on how to participate in this webcast from your home or office will be posted on or after June 26, 2009 on the Department's Internet website: <http://dor.myflorida.com/dor/property/vabwb/vabrules.html> or can be obtained on or after June 26, 2009 by contacting: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, (850)922-7945, e-mail: ForrestJ@dor.state.fl.us. This information will include the names and contact information for Department employees who can answer questions from the public about how to participate electronically.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is not a rule development workshop, but a public meeting at which participation and the exchange of ideas and information is encouraged. This public meeting will assist the Department in understanding and resolving issues related to the draft forms that support the local value adjustment board process. Persons who are unable to attend or participate in this public meeting are encouraged to submit written comments and suggestions concerning the forms identified on the agenda. Please email your written comments and suggestions to the following Property Tax Oversight Program address: VAB@dor.state.fl.us. Draft forms and the agenda will be posted on or after June 26, 2009 on the Department's Internet website at: <http://dor.myflorida.com/dor/property/vabwb/vabrules.html>.

A copy of the agenda may be obtained by contacting: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, (850)922-7945, e-mail: ForrestJ@dor.state.fl.us or the Department's Internet website: <http://dor.myflorida.com/dor/property/vabwb/vabrules.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 2 days before the workshop/meeting by contacting: Janice Forrester, Tax Law Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, (850)922-7945, e-mail: ForrestJ@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: July 9, 2009, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building, Auditorium, 605 Suwannee St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, F.S., relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a Hearing 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.

HEARING CONFERENCE

DATE AND TIME: Monday, July 13, 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 HEARING: 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 its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: July 14, 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.florida.psc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact: 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: July 14, 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: <http://www.psc.state.fl.us/agendas/internalaffairs/>.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: July 14, 2009, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. A workshop will follow the board meeting.

A copy of the agenda may be obtained by contacting: Kristel Callahan or Lisa Cheshire at (386)362-1001 or 1(800)226-1066 (Florida Only), or by logging on to the District's website at 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 or Lisa Cheshire 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.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: July 7, 2009, 9:30 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Basin Board Education Committee: Consider Basin business (Ad Order 38336).

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, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources Director at the address above (352)796-7211, ext. 4702, or 1(800)423-1476 (FL Only) ext. 4702, TDD (FL Only) 1(800)231-6103 or 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: Tuesday, July 7, 2009, 3:30 p.m.

PLACE: Southwest Florida Water Management District, Conference Rooms A & B, 2379 Broad Street, Brooksville, Florida 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of task force business for the Hernando County Task Force of the Citrus/Hernando Waterways Restoration Council. Hernando County residents are encouraged to attend and provide suggestions for restoration projects to enhance fish and wildlife habitat.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4227.

Pursuant to the provisions of 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: (352)796-7211 or 1(800)423-1476 (Florida only), extension 4702, TDD (Florida only) 1(800)231-6103 or email: ADACoordinator@swfwmd.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 **South Florida Water Management District** announces a closed door attorney-client session.

DATE AND TIME: July 8, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: July 9, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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.

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: 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 closed door attorney-client session.

DATE AND TIME: July 8, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: July 9, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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 private closed door attorney-client session.

DATE AND TIME: July 8, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: July 9, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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 of Florida, Case No. 02-80309-CV-Altonaga/Turnoff*; *Micosukee 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: District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATE AND TIME: July 8, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: July 9, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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 *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.

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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 closed door attorney-client session.

DATE AND TIME: July 8, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: July 9, 2009, 9:00 a.m. – completed

PLACE: South Florida Water Management District, Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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 *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.

A copy of the agenda may be obtained by contacting: District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

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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 public meeting to which all persons are invited.

Workshop Meeting

DATE AND TIME: July 8, 2009, 10:00 a.m.

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Project & Lands Committee Meeting

DATE AND TIME: July 8, 2009, Immediately following the Workshop Meeting

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

Regular Business Meeting

DATE AND TIME: July 9, 2009, 9:00 a.m.

PLACE: SFWMD, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

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 meeting 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, F.S.. If Workshop items are not discussed on 6/8, the items may be discussed on June 9, 2009.

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 website: 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: July 9, 2009, 9:00 a.m.

PLACE: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 2087 or (561)682-2087.

Pursuant to the provisions of 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, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Lake Belt Mitigation Committee

DATE AND TIME: September 18, 2009, 9:00 a.m.

PLACE: SFWMD, Building B-1, 2nd Floor, Room 2B, Bridge Conference Room, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee (LBMC), created pursuant to Section 373.41492, F.S., to discuss a variety of Lake Belt issues.

A copy of the agenda may be obtained by contacting: Susan Brown at (561)682-2743 or <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.html>, Teleconference information: Local SFWMD, (561)682-6700, Nationwide Toll Free 1(866)433-6299, Meeting ID #: 3874.

Pursuant to the provisions of 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.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: August 27, 2009, 10:00 a.m. – 3:45 p.m. (EST)

PLACE: Balmoral Senior Living Community, 2960 Tampa Road, Palm Harbor, Florida 34684

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of various issues regarding the Alzheimer's Disease Initiative.

A copy of the agenda may be obtained by contacting: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, email: griffithk@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, email: griffithk@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Karen Griffith, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, email: griffithk@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, July 15, 2009, 2:00 p.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 5040663

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Ombudsman Program, Data and 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: Priscilla Zachary at (850)414-2323, or by email: zacharypa@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: July 16, 2009, 10:00 a.m. (EST)

PLACE: St. Anne Byzantine Catholic Church, 7120 Massachusetts Avenue, New Port Richey, FL 34653

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pasco and North Pinellas District Long-Term Care Ombudsman Council business. (NOTE: The meeting location and starting time have changed from the original meeting notice that was published in the F.A.W.)

A copy of the agenda may be obtained by contacting: Susan Strothers or Lynn Penley at (727)943-4955.

Pursuant to the provisions of 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: Susan Strothers or Lynn Penley at (727)943-4955. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Susan Strothers or Lynn Penley at (727)943-4955, or by email: strothers@elderaffairs.org, penleyl@elderaffairs.org.

The **Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: August 20, 2009, 10:00 a.m. (EST)

PLACE: St. Anne Byzantine Catholic Church, 7120 Massachusetts Avenue, New Port Richey, FL 34653

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pasco and North Pinellas District Long-Term Care Ombudsman Council business. (NOTE: The meeting location and starting time have changed from the original meeting notice that was published in the F.A.W.)

A copy of the agenda may be obtained by contacting: Susan Strothers or Lynn Penley at (727)943-4955.

Pursuant to the provisions of 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: Susan Strothers or Lynn Penley at (727)943-4955. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Susan Strothers or Lynn Penley at (727)943-4955, or by email: strothers@elderaffairs.org; penleyl@elderaffairs.org.

The Florida **Department of Elder Affairs, Statewide Public Guardianship Office** announces a telephone conference call to which all persons are invited.

DATES AND TIME: July 7, 14, 21, 28, 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. Lynn Visk 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. Lynn Visk 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: Thursday, July 16, 2009, 1:00 p.m. – 3:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Medicaid is holding a public forum to discuss subjects related to the DME program. The Agency will discuss proposed and recent changes to the DME program. If you would like to attend or submit topics to be discussed, please contact: Dan Gabric, DME program analyst, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308 or gabricd@ahca.myflorida.com.

A copy of the agenda may be obtained by contacting: Dan Gabric, DME program analyst, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308 or gabricd@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Landscape Architecture** announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2009, 9:00 a.m.

PLACE: Sanibel Harbour Resort and Spa, 17260 Harbour Point Drive, Ft. Myers, FL 33908, (239)466-4000

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.

The **Board of Accountancy** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, July 10, 2009, Rules Meeting, 10:00 a.m. – until all business is concluded; Friday, July 17, 2009, Board Meeting, 9:00 a.m. – until all business is concluded; Tuesday, August 4, 2009, Probable Cause, 9:00 a.m. – until all business is concluded; Tuesday, August 4, 2009, Rules Meeting, 1:00 p.m. – until all business is concluded; Wednesday, August 5, 2009, Board Meeting, 9:00 a.m. – until all business is concluded

PLACE: July 10, 2009, Meeting: Division of Real Estate, 400 West Robinson St., Ste. N801, Orlando, FL 32801; July 17, 2009, Meeting by Conference Call: 1(888)808-6959, Code #9299108; August 4-5, 2009, Meetings: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee will meet to discuss possible changes to rules. This is a public meeting. The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting.

A copy of the agenda may be obtained by contacting: June Carroll, Administrative Assistant II, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: June Carroll. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: June Carroll.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 6, 2009, 9:00 a.m. or soon thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Division of Real Estate, Room N901, North Tower, 400 W. Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Real Estate Commission** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, July 14, 2009; Wednesday, July 15, 2009, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475,

Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. If you are 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: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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 **Division of Recreation and Parks** announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Sarasota County Office, East, Conference Room 2, 1301 Cattleman Road, Sarasota, FL 34232

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Council Business for administering the Myakka River as a Wild and Scenic River.

A copy of the agenda may be obtained by contacting: Natalie Balcer, Division of Recreation and Parks, District 4 Administration, 1843 S. Tamiami Tr., Osprey, FL 34229, (941)486-2052.

Pursuant to the provisions of 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: Natalie Balcer at (941)486-2052 or email:

Natalie.Balcer@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).

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 **Fisheating Creek Settlement Agreement Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: July 25, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Fisheating Creek Campground, 7555 North US Highway 27, N.W., Palmdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approve Minutes of Prior Meeting. Consider the proposed demolition of the Cypress Lodge at the campground within the broader context of the overall management plan for the campground. Update on opening the creek in its entirety to navigation. Discuss proposed transfer of Cypress Knee Museum to Glades County and adding additional parcels to the museum site. Discuss any new business needed.

A copy of the agenda may be obtained by contacting: Dr. Harris Friedman, 1270 Tom Coker Road, LaBelle, Florida 33935 or (863)675-4138, or email: Harrisfriedman@floraglaces.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: Dr. Harris Friedman, 1270 Tom Coker Road, LaBelle, Florida 33935 or (863)675-4138, or email: harrisfriedman@floraglaces.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Dr. Harris Friedman, 1270 Tom Coker Road, LaBelle, Florida 33935 or (863)675-4138, or email: harrisfriedman@floraglaces.org.

The **Florida Greenways and Trails Council** announces a public meeting to which all persons are invited.

DATE AND TIME: July 16, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Conference Rooms A & B, First Floor, Marjorie Stoneman Douglas Building, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business and review maps. The council may also consider designation of the Florida Keys Overseas Heritage Trail in Monroe County as part of the Florida Greenways and Trails System.

A copy of the agenda may be obtained by contacting: Tammy Salmon, Office of Greenways and Trails, State of Florida, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 795, Tallahassee, Florida 32399-3000. Ms. Salmon may also be reached by telephone at (850)245-2052 or by email: Tammy.Salmon@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Tammy Salmon at (850)245-2052. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Department of Health, Board of Medicine**, Dietetic and Nutrition Practice Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 18, 2009, 9:30 a.m. – or soon thereafter

PLACE: Meet Me Number: 1(888)808-6959, after dialing the meet me number, when prompted, enter Conference Code: 1022351047 followed by the pound sign in order to join the meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Dietetics and Nutrition Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255 or by calling the Council Office at (850)245-4373, ext. 3467.

Pursuant to the provisions of 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: Council Office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Chiropractic Medicine**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, July 14, 2009, 1:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9849329103. Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Opticianry** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 7, 2009, 9:00 a.m.

PLACE: (850)245-4461 to inquire about Call-In number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel and Reconsiderations.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which records include 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)955-8770 (Voice) and 1(800)955-8771 (TDD). Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474 at least one week prior to the meeting date.

The **Board of Optometry** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 22, 2009, 9:00 a.m.

PLACE: Fontainebleau, 4441 Collins Avenue, Miami Beach, Florida 33140, (305)674-4674

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. If you are 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 CANCELLATION – The Council of Licensed Midwifery announces a CANCELLATION of a telephone conference call to which all persons were invited.

DATE AND TIME: Friday, July 10, 2009, 9:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454594

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the Council.

A copy of the agenda may be obtained by contacting: Council of Licensed Midwifery, 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: Council of Licensed Midwifery 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 CANCELLATION – The Board of Athletic Training announces a telephone conference call to which all persons are invited.

DATE AND TIME: *Cancellation* July 15, 2009, 10:00 a.m.

PLACE: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Athletic Training, 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 **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 15, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code: 2454144

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues related to the Graduate Medical Education Committee.

A copy of the agenda may be obtained by contacting: Jessica Rivenbark, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, FL 32399-1738, (850)245-4144, ext. 2711.

Pursuant to the provisions of 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: Jessica Rivenbark at (850)245-4144, ext. 2711. If you are 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: Jessica Rivenbark, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, FL 32399-1738, (850)245-4144, ext. 2711.

The **Department of Health** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, July 22, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Code: 2454144

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues related to the physician workforce initiative.

A copy of the agenda may be obtained by contacting: Jessica Swanson Rivenbark, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, FL 32399-1738, (850)245-4144, ext. 2711.

Pursuant to the provisions of 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: Jessica Swanson Rivenbark, 4052 Bald Cypress Way, Bin #C-15, Tallahassee, FL 32399-1738, (850)245-4144,

ext. 2711. If you are 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 HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 7, 2009, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329. Interested parties may participate by dialing: 1(888)808-6959, when prompted, enter Conference Code: 3884197 followed by the # key.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the State Housing Initiatives Partnership (SHIP) Program local SHIP Administrators. The purpose of this meeting is to discuss the Florida Homebuyers Opportunity Program.

For more information, you may contact: Darlene Raker at (850)488-4197 or email: Darlene.raker@floridahousing.org.

The **Florida Housing Finance Corporation**, Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: July 24, 2009, 8:30 a.m. – until adjourned

PLACE: Tallahassee City Hall, Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.

9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the July 24, 2009, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation’s website at www.floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney, Florida Housing Finance Corporation at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Housing Finance Corporation II, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: July 24, 2009, 11:00 a.m. – or upon adjournment of the Florida Housing Finance Corporation Board of Directors meeting

PLACE: Tallahassee City Hall, Commission Chambers, 300 Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Conduct business necessary for the organization of Florida Housing Finance Corporation II, Inc.
2. Consider adopting resolutions delegating operational authority to the Executive Director.
3. Consideration of all necessary actions with regard to any property owned or held by Florida Housing Finance Corporation II, Inc.
4. Consideration of approval of underwriters for inclusion on approved master list and teams.
5. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
6. Consideration of status, workouts, or modifications for existing projects.
7. Consideration of matters relating to the statutory purpose of Florida Housing Finance Corporation II, Inc., to provide safe and sanitary housing that is affordable for the residents of Florida.
8. Such other matters as may be included on the agenda for the July 24, 2009, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website at www.floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney, Florida Housing Finance Corporation at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

The **Agency for Enterprise Information Technology**, Chief Information Officers Council, Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 7, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Bryant Bldg., 620 South Meridian Street, Room 272, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Lauren Pope, Florida Fish and Wildlife Conservation Commission, Office of Information Technology at Lauren.Pope@MyFWC.com or (850)414-2870.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lauren Pope at (850)414-2870. If you are 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 **Agency for Enterprise Information Technology**, Chief Information Officers Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 20, 2009, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Lauren Pope, Florida Fish and Wildlife Conservation Commission, Office of Information Technology at Lauren.Pope@MyFWC.com or (850)414-2870.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lauren Pope at (850)414-2870. If you are 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 CORRECTIONS ACCREDITATION COMMISSION, INC.

The **Florida Corrections Accreditation Commission, Inc.** announces a workshop to which all persons are invited.

DATE AND TIME: June 29, 2009, 3:00 p.m.

PLACE: Hyatt Regency Coconut Point, 5001 Coconut Road, Bonita Springs, FL 34134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review correctional facilities and pretrial agencies for initial accreditation and reaccreditation, and conduct other general business.

A copy of the agenda may be obtained by contacting: Program Manager Jana Paulk at 1(800)558-0218.

Pursuant to the provisions of 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: Program Manager, Jana Paulk at 1(800)558-0218. If you are 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: Program Manager, Jana Paulk at 1(800)558-0218.

The **Florida Corrections Accreditation Commission, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: June 30, 2009, 10:30 a.m.

PLACE: Hyatt Regency Coconut Point, 5001 Coconut Road, Bonita Springs, FL 34134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review correctional facilities and pretrial agencies for initial accreditation and reaccreditation, and conduct other general business.

A copy of the agenda may be obtained by contacting: Program Manager, Jana Paulk at 1(800)558-0218.

Pursuant to the provisions of 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. If you are 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: Program Manager, Jana Paulk at 1(800)558-0218.

The **Commission for Florida Law Enforcement Accreditation** announces a workshop to which all persons are invited.

DATE AND TIME: June 30, 2008, 3:30 p.m.

PLACE: Hyatt Regency Coconut Point, 5001 Coconut Road, Bonita Springs, FL 34134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review agencies for reaccreditation and conduct other general business.

A copy of the agenda may be obtained by contacting: Executive Director Peg Gant at 1(800)558-0218.

Pursuant to the provisions of 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: Executive Director Peg Gant at 1(800)558-0218. If

you are 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: Executive Director Peg Gant at 1(800)558-0218.

The **Commission for Florida Law Enforcement Accreditation, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: July 1, 2009, 10:00 a.m.

PLACE: Hyatt Regency Coconut Point, 5001 Coconut Road, Bonita Springs, FL 34134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review agencies for reaccreditation and other general business.

A copy of the agenda may be obtained by contacting: Executive Director Peg Gant at 1(800)558-0218.

Pursuant to the provisions of 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: Executive Director, Peg Gant at 1(800)558-0218. If you are 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: Executive Director, Peg Gant at 1(800)558-0218.

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: July 1, 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).

For more information, you may contact: (954)584-1306 or Mail@BrowardSWCD.org.

TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY

The **Treasure Coast Education, Research And Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 30, 2009, 8:00 a.m.

PLACE: Room 219 West, University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of June 4, 2009 meeting, committee reports, and such other business as the Authority may deem appropriate.

A copy of the agenda may be obtained by contacting: Treasure Coast Education, Research and Development Authority ("Authority") at (772)467-3107.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Authority at (772)467-3107. If you are 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.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by Edward Jansen, Petitioner, In Re: Lauderdale West Community Association No. 1, Inc. on December 24, 2008. The following is a summary of the agency's disposition of the petition:

Lauderdale West Community Association No. 1, Inc. is required to abide by the new provisions governing director terms under the amendment to Section 718.112(2)(d)1., F.S., and may either reaffirm its by-laws by a majority vote of the total voting interest approving the two-year staggered term provisions or else all directors' terms default to one-year terms upon expiration. The eight (8) directors elected to two year terms in 2008 are allowed to continue serving until the terms expires in March 2010. The three (3) director seats elected in the March 2009 election must be for one-year terms.

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 issued an order disposing of the petition for declaratory statement filed by Joseph J. Rosen, Petitioner, In Re: The Versailles, Inc. on February 16, 2009. The following is a summary of the agency's disposition of the petition:

That The Versailles, Inc., a residential cooperative association, may refuse non-members who presently attend meetings with members to videotape meetings by adopting a rule in accordance with its rulemaking procedures that is consistent with Sections 719.106(1)(c) and 719.106(1)(d), (4), (5), F.S., and Rule 61B-75.004, F.A.C.

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 declined to rule on the petition for declaratory statement filed by Lori Schmidt, a Licensed Community Association Manager for Atlantic Cloisters Association, Inc. on June 16, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because Schmidt did not present evidence of ownership of a unit or a board resolution authorizing her to bring this action on its behalf; or the Division was not provided a full copy of the current governing documents for the condominium and is unable to review the petition as it lacks a sufficient records to review; or the Division may not issue a statement where parties who will be affected are not party to the proceeding; or does not have the authority to interpret and enforce ambiguous provisions in contracts, as interpretation of contracts is strictly a judicial function.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Paul L. Wean, Esq., attorney for Wekiva Hunt Club Condominium Association, Inc. on January 22, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue an order because the Petitioner withdrew its Petition for Declaratory Statement.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT on June 8, 2009, the Board of Professional Surveyors and Mappers has received the petition for declaratory statement from Harley C. Gilmore, on behalf of Academic Services Corporation. The petition seeks the agency's opinion as to the applicability of Section 472.003(1), F.S., as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 472.003(1), F.S., and whether an official city or county surveyor and mapper is required to sign, date and seal final drawings furnished to individuals or other government agencies.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

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

NOTICE IS HEREBY GIVEN THAT the Board of Dentistry has issued an order disposing of the petition for declaratory statement filed by Laban Bontrager, D.M.D. on July 2, 2008. The following is a summary of the agency's disposition of the petition:

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement filed by Laban Bontrager, D.M.D. The Notice of Petition for Declaratory Statement was published in Vol. 34, No. 24, of June 13, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on June 20, 2008. The Petition requested the Board's interpretation of Section 466.017(1) and (2), F.S., and whether a licensed dentist may prescribing Chantix (Varenicline) for smoking cessation, would be within his scope of practice as a licensed dentist, pursuant to Section 466.017 (1) and (2), F.S.. The Board's Order, filed on July 2, 2008, finds that Petitioner has complied with the requirements of Section 120.565, F.S. and Rule 28-105.002, F.A.C. The Board believes that a licensed dentist may prescribe smoking cessation drugs because it is within the scope of practice for a licensed dentist, pursuant to Section 466.017(1) and (2), F.S.. The Board's conclusion is based solely on the Board's application of the factual circumstances outlined in the Petition to the pertinent statutory provision set forth above and should not be interpreted as commenting on whether the facts in the petition may or may not violate any other provision of Chapter 466 or 456, F.S., or any rules promulgated thereunder.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

Please refer all comments to: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Declaratory Statement filed by James A Meininger, D.M.D. The Notice of Petition for Declaratory Statement was published in Vol. 34, No. 20, of the May 16, 2008, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on June 20, 2008.

The Board’s Order, filed on July 2, 2008, finds that Petitioner has not complied with the requirements of Section 120.565, F.S. and Rule 28-105.002, F.A.C. The Board of Dentistry declines to issue a declaratory statement in response to Dr. Meininger’s petition. The petition does not meet the requirements of Section 120.565, F.S. and Rule 28-105.002, F.A.C. The petition does not specifically identify the statutes or rules that require interpretation. Additionally, the petitioner is asking for an opinion based on his past conduct. Also, the petitioner is asking about the conducts of someone else.

A copy of the Board’s Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

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/BUILDER:

The University of Florida Board of Trustees announces that Design/Build services will be required for the project listed below:

Project: UF-354, Sun Terrace Expansion (University of Florida, Health Science Center)

The project consists of adding on approximately 1,500 GSF to the existing Sun Terrace facility and designing and building a new 4,000 GSF facility. The addition will be for a new food service venue and the new structure will house the HSC Bookstore and a coffee venue. The third part of the scope will be to provide a covered walkway to connect the new building, existing Sun Terrace building, the Stetson Gallery and the HSC Library. The site is an active roof deck with offices and classroom functions below. For the Bookstore portion of the building, the existing roof deck will need to be structurally enhanced.

The total construction budget is \$2,000,000, including structural improvements. Construction shall be “fast-tracked” to begin by May 2010. Gold LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The contract for design/build services will consist of two parts. Part one services include design, construction administration, value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) proposal based on 60% Construction Documents, for which the design/builder will be paid a fixed fee.

If the GMP is accepted, part two, the construction phase, will be implemented. In part two of the contract, the design/builder becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for part one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the design/builder’s contract.

Blanket design professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design and construction ability, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and the applicant or its architectural, landscape architectural, and engineering consultants must possess current design licenses from the appropriate governing board and be properly registered to practice its profession in the State of Florida.

Applicants desiring to provide design/build services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 60 single-sided, consecutively-numbered pages OR 30 double-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and Facilities Program.
2. Company information and signed certification.
3. A completed, project-specific "Design/Builder Qualifications Supplement" (DBQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
5. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for all construction, architectural, landscape architectural, and engineering entities (applicant and consultants) from the appropriate governing board.
6. Proof of bonding capacity and proof of all design entities' or consultants' (architecture and engineering) ability to be insured for the level of professional liability coverage demanded for this project.

If the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design/build must warrant that it will neither utilize the services of, nor contract with, any

supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific DBQS forms, instructions, Project Fact Sheet, Facilities Program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Owner-Design/Builder agreement, and other project and process information can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), Thursday, July 23, 2009. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)273-4000; Fax: (352)273-4034
Internet: www.facilities.ufl.edu

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS

The Withlacoochee Regional Planning Council announces a Pre-application Bid Conference.

For the preparation of a scanned, digital data set of DRI-related files. Attendance at this conference is required for submission of proposals and final contract award.

DATE AND TIME: Friday, July 10, 2009

10:00 a.m. – 12:00 Noon

PLACE: Withlacoochee Regional Planning Council

1241 S. W. 10th Street, Ocala, Florida 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Pre-application Bid Conference detailing the purpose and scope of the creation of a digital DRI document library for incorporation into the internet-based DRI-Plus Tool maintained by DOT District 5 and to provide clarification regarding the requisite qualifications for a prospective contractor. Prospective bidders must submit information requests regarding the project at least 72 hours prior to the Pre-application Bid Conference. At this time a two week

application period is anticipated; therefore, clarification of information presented at the Pre-application Bid Conference will be limited to one week following the conference.

A copy of the meeting materials may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, Florida 34471-0323.

The Withlacoochee Regional Planning Council reserves the right to reject all bids.

REGIONAL TRANSPORTATION AUTHORITIES

REQUEST FOR LETTERS OF INTEREST NO. 09-007

GENERAL PLANNING CONSULTANT SERVICES

The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, operates Tri-Rail, a seventy-two (72) mile commuter rail service with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach counties.

THE PURPOSE: SFRTA is seeking up to five (5) General Planning Consultants to assist SFRTA with implementing regionally significant transit projects. The General Planning Consultants shall assist in the planning, technical, managerial and administrative efforts related to transportation studies, projects and/or activities of SFRTA. Such activities may include: short and long range transportation planning, transit facilities planning and development, alternatives analysis and major investment studies, station area/transit-oriented development and oversight, project control and management, financial planning and analysis, preparation of New Starts Reports, public participation, environmental analysis, and preliminary project planning and conceptual site planning. The term of the Agreement(s) will be three (3) years with SFRTA's option of extending the term for two (2) additional one-year periods.

A REQUEST FOR DOCUMENTS should be directed to: Mr. Robert Becker, SFRTA, 800 N. W. 33 Street, Pompano Beach, Florida 33064, (954)788-7909. The cost of the solicitation document is Fifty Dollars (\$50.00) non-refundable. Checks or money orders made payable to SFRTA should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about June 29, 2009.

A PRE-SUBMITTAL CONFERENCE will be held in the SFRTA Board Room at the address above on July 15, 2009, 10:00 a.m. The purpose of the meeting will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED LETTERS OF INTEREST: All Letters of Interest must be received as per the LOI instructions no later than 5:00 p.m. (Eastern Time), July 31, 2009, at the SFRTA office in Pompano Beach.

SFRTA reserves the right to postpone, accept, or reject any and all Letters of Interest in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller

General's List of Ineligible Bidders. All Letters of Interest shall remain in effect for One Hundred Eighty (180) days from the LOI submission due date.

DBE PARTICIPATION: SFRTA solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination.

NOTIFICATION OF FEDERAL PARTICIPATION: A portion of this project may be funded by a grant from the Federal Transit Administration. Any resultant Agreement shall be subject to all federal rules and regulations.

CONE OF SILENCE: Any verbal or written communications between any Proposer (potential or actual), or its representatives and any SFRTA Board Member, staff member, committee member, or consultant regarding this procurement are strictly prohibited from the date of the LOI advertisement through the date of execution of the contract. The only exceptions to this are: (1) written requests regarding information or clarification made to SFRTA's designated contract specialist during the allowable time period under the solicitation; (2) any communications at a publicly noticed meeting of SFRTA; and (3) any communications with the SFRTA Director of Procurement. Any violation of the requirements set forth in this section shall constitute grounds for immediate and permanent disqualification of the Proposer/violator from participation in this procurement.

DEPARTMENT OF MANAGEMENT SERVICES

BIDS FOR GENERAL OR ELECTRICAL CONTRACTORS PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL OR ELECTRICAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

NOTE: Each Contractor may bid both projects, but please bid each project separately.

GROUP #7

PROJECT NUMBER: DEM-25070335

PROJECT NAME: Special Needs Shelter Generator Renovations, Haney Technical Center

PROJECT LOCATION: 3016 Hwy. 77, Panama City, Florida

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$750,000.00

PROJECT NUMBER: DEM-25070360

PROJECT NAME: Special Needs Shelter Generator Modification, Bronson Elementary School

PROJECT LOCATION: State Road 24, Bronson, Florida

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$300,000.00

PREQUALIFIED BIDDERS: Refer to DMS Website (below) for further details

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.

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.

RE-ADVERTISEMENT – NOTICE OF CHANGE

BIDS FOR ROOFING OR GENERAL CONTRACTORS PROPOSALS ARE REQUESTED FROM QUALIFIED ROOFING OR GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.

PROJECT NUMBER: MSFM-27009016

PROJECT NAME: Roof Replacement, Gore Building

PROJECT LOCATION: Ft. Lauderdale, Florida

MANDATORY PRE-BID MEETING: Wednesday, July 15, 2009 (Date Revised)

BID OPENING: Thursday, August 13, 2009 (Date Revised)

ESTIMATED BASE BID CONSTRUCTION BUDGET: \$500,000.00 (Amount Revised)

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.

RE-ADVERTISEMENT

CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: NFWM-27030000

PROJECT NAME: Construction of Land Management Field Office and Storage Building

LOCATION: Milton Florida, Santa Rosa County

ESTIMATED CONSTRUCTION BUDGET: \$600,000.00

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Real Estate Development and Management.” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

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.

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.”

A. D. MORGAN CORPORATION

INVITATION TO BID

Expansion of Wastewater Treatment system and expansion of domestic water treatment system for State of Florida Department of Corrections, Lancaster Correctional Institution, Trenton, Florida.

Please contact: Crystal Tipple at ctipple@admorgan.com (subject: Lancaster C.I. Secure Housing Unit) specifying scope of work and mailing address, or call (813)832-3033, if you are interested in bidding this project, and to obtain a full set of bid documents.

Sealed bids for furnishing all labor and material and performing all work necessary and incidental to the construction of Wastewater Treatment System Expansion and Water Treatment System Expansion for the following bid packages:

| Bid Package # | Description |
|---------------|---------------------------------|
| 1 | Water System Improvements |
| 2 | Waste Water System Improvements |

Bid packages include all components indicated on the contract documents for the work.

Bids will be delivered to: Don Dasher, Florida Department of Corrections, Lancaster C.I., 3449 S. W. State Road 26, Trenton, FL 32693-5641, (352)463-4395 until 2:00 p.m., July 28, 2009.

A pre-bid meeting will be held at 11:00 a.m., July 9, 2009, Lancaster Correctional Institution Maintenance Facility (behind the institution), 3449 S. W. State Road 26, Trenton, Florida 32693.

Plans are also located at the following plan rooms:

Mid State Builders Exchange
 19 N. W. 8 Street
 Ocala, Florida 34475
 (352)351-5292

MHC Plan Room
 542 Edgewood Avenue South
 Jacksonville, FL 32205
 (904)384-5203

MCH/ABC Plan Room
1319 N. Florida Avenue
Tampa, FL 33602
(813)204-9200

Reed Construction Data
30 Technology Pkwy., S., Suite 500
Norcross, Georgia 30092
(813)657-7599

MHC Plan Room
823 Thomasville Road
Tallahassee, FL 32303
(850)877-6987

NASSAU COUNTY SCHOOL DISTRICT

NOTICE OF INTENT TO BID

Sealed bids will be received by the Food Service Director of the School Board of Nassau County Florida, 1201 Atlantic Avenue, Food Service Office, Fernandina Beach, FL 32034 up until 2:30 p.m., July 9, 2009, at which time and place bids received will be tabulated for furnishing the following for the period of August 1, 2009 through June 30, 2010.

The estimated dollar value of Juice Frozen Slush Product Bid, Bid #2009-03 is approximately \$30,000.00 annually.

This will include delivery to 11 schools.

Only vendors who request a bid package in person, in writing, or by fax will receive the complete bid package. Call: (904)491-9924 or Fax: (904)277-9033.

TAMPA BAY ESTUARY PROGRAM

REQUEST FOR PROPOSALS

The Tampa Bay Estuary Program (TBEP) is requesting proposals from qualified respondents to conduct the following project:

Development of Conceptual Designs for the Restoration of Tidal Wetlands in Feather Sound, Tampa Bay, Florida

Request for proposal instructions and associated proposal documents may be obtained by contacting: Ron Hosler, TBEP, 100 - 8th Avenue, S. E., St. Petersburg, Florida 33701, (727)892-2765 or ron@tbep.org. Sealed proposals will be received at the above-stated address until 2:00 p.m. (EST), Friday, July 24, 2009, at which time they will be publicly opened.

TBEP encourages and promotes the utilization of organizations owned or controlled by socially and economically disadvantaged, Minority Business Enterprises and Women's Business Enterprises.

TBEP reserves the right to reject any and all proposals.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

**NOTICE OF INTENT TO FIND PUBLIC SCHOOLS
INTERLOCAL AGREEMENT CONSISTENT WITH
SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES
DCA DOCKET NO. 13-01**

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") executed between the Miami-Dade County School Board and Miami-Dade County, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at: Miami-Dade County, Planning and Zoning Department, 111 N. W. 1st Street, Suite 2910, Miami, Florida 33128-1994.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Miami-Dade County School Board, Miami-Dade County. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

 -s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

DCA Final Order No.: DCA08-OR-044A
 In Re: MONROE COUNTY LAND
 DEVELOPMENT REGULATIONS
 ADOPTED BY ORDINANCE NO. 043-2007
 DOAH No. 08-1601GM

AMENDED FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Amended Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On December 17, 2007, the Department received for review Monroe County Ordinance No. 043-2007, adopted by Monroe County on November 14, 2007.
3. On February 15, 2008, the Department issued Order No. DCA08-OR-044 rejecting Ordinance No. 043-2007 as inconsistent with the Principles for Guiding Development, Section 380.0552(7), Florida Statutes.
4. On March 7, 2008, a Petition for Formal Administrative Proceeding was filed at the Division of Administrative Hearings by Petitioner EL EL SI, LLC, in Case No. 08-1601GM.
5. Thereafter the Department and the Petitioners participated in settlement negotiations to resolve the consistency issue. On March 9, 2009, the Department filed a Joint Motion to Cancel Final Hearing and Relinquish Jurisdiction. On March 10, 2009, the Division of Administrative Hearings issued an Order Closing File and relinquishing Jurisdiction to the Department.
6. The purpose of this Ordinance is to amend Chapter 9.5-268 of the Land Development Regulations to allow "transient residential units" that are legally, lawfully established to replace, redevelop or substantially improve

those units on a one-for-one basis regardless of the density upon conformance with the open space, height, set back and water quality requirements found in the Monroe County Land Development Regulations.

7. The Department has reviewed the Ordinance for consistency with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern and the Monroe County 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

8. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
9. Monroe County is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 28-29.002 (superseding Chapter 27F-8), F.A.C.
10. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by Ordinance No. 043-2007 are land development regulations.
11. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0552(7), 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
12. Additionally, Section 163.3194(1)(b), Florida Statutes, requires that all land development regulations must be consistent with the local government's adopted comprehensive plan.
13. Ordinance No. 043-2007, which allows transient residential units to have a vested right to replace or substantially improve those units on a one-for-one basis upon conformance with the open space, height, set back and water quality requirements found in the Monroe County Land Development Regulations is consistent with the following Principles:
 Principle (a): To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 Principle (d): To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

Principle (k): To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for post disaster reconstruction plan.

- 14. Ordinance No. 043-2007 is neutral in effect on the remaining Principles.
- 15. Ordinance No. 043-2007 is consistent with the following provisions of the 2010 Monroe County Comprehensive Plan:

Policy 101.4.23

Notwithstanding the density limitation set forth in Policy 101.4.21, land upon which a legally-established residential dwelling unit exists shall be entitled to a density of one dwelling unit per each such unit. Such legally-established dwelling unit shall not be considered as non-conforming as to the density provisions of Policy 101.4.21 and the Monroe County Code.

- 16. Ordinance No. 043-2007 is consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern and Monroe County's Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Ordinance No. 043-2007 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is found to be consistent with the Monroe County Comprehensive Plan, and is hereby APPROVED.

DONE AND ORDERED in Tallahassee, Florida.

 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, F.A.C. 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, F.A.C. 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 THE AGENCY CLERK, IN THE 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), F.A.C. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, F.A.C. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), F.A.C.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, F.A.C. 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 designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 15th day of June, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable George Nugent
Mayor of Monroe County
25 Ship's Way
Big Pine Key, Florida 33043

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Andrew Trivette
Growth Management Director
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

James S. Morris, Esq.
Storch, Morris & Harris, L.L.C.
420 S. Nova Road
Daytona Beach, Florida 32114

DCA Final Order No.: DCA09-OR-233

In Re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2009-09

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon ("City") is a local government within the Florida Keys Area.

2. On May 4, 2009, the Department received for review City of Marathon Ordinance No. 2009-09 that was adopted by the City of Marathon Board of City Commissioners on March 31, 2009 ("Ord. 2009-09"). The purpose of Ord. 2009-09 is to amend Section 107.07 G of the Land Development Regulations to provide for temporary procedures to allow the City to contact each BPAS applicant during the allocation period to determine the applicant's ability to begin construction and automatically defer BPAS applicants that are not ready to build.
3. Ord. 2009-09 is consistent with the City's 2010 Comprehensive Plan: Objective 1-3.5 Manage Growth Rate within the City; Policy 1-3.5.2 Residential Allocation Rollover; Policy 1-3.5.4.3 Residential Building Permit Allocation System.

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 Florida Keys Area of Critical State Concern. Section 380.05(6), Florida Statutes, and Section 380.0552(9), Florida Statutes (2008).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, Florida Statutes (2008) and Rule 31-31.002 (superseding Chapter 27F-8), F.A.C.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 2009-09 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 (the "Principles") as set forth in Section 380.0552(7), 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 are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2009-09 is consistent with the following Principle:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
 - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, dune ridges and beaches, wildlife, and their habitat.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

- 9. Ord. 2009-09 is neutral with respect to the remaining Principles. Ord. 2009-09 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2009-09 is found to be consistent with the Principles for Guiding Development of the Florida Keys 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.

 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, F.A.C. 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, F.A.C. 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 THE AGENCY CLERK, IN THE 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), F.A.C. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, F.A.C. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 31-106.201(2), F.A.C.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, F.A.C. 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 designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 11th day of June, 2009.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Mike Cinque, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

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 Yuan Cheng International Group, Inc. d/b/a New Star Technology, intends to allow the establishment of Action Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYY) at 11485 Cleveland Avenue, Units 1 & 2, Fort Myers (Lee County), Florida 33907, on or after June 15, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Action Motorsports, Inc. are dealer operator(s): Dustin Emerson, 11485 Cleveland Avenue, Units 1 & 2, Fort Myers, Florida 33907; principal investor(s): Dustin Emerson, 11485 Cleveland Avenue, Units 1 & 2, Fort Myers, Florida 33907.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Cheng, President, Yuan Cheng International Group, Inc. d/b/a New Star Technology, 10830 Ada Avenue, Montclair, Florida 91763.

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 Subaru of America, Inc./South Central Region, intends to allow the establishment of GS Auto-PC, Inc. d/b/a Buzz Leonard Subaru, as a dealership for the sale of Subaru vehicles, (SUBA) at 622 West 15th Street, Panama City (Bay County), Florida 32401, on or after June 11, 2009.

The name and address of the dealer operator(s) and principal investor(s) of GS Auto-PC, Inc. d/b/a Buzz Leonard Subaru are dealer operator(s): Gerald G. Spitler, III, 622 West 15th Street, Panama City, Florida 32401; principal investor(s): Gerald G. Spitler, III, 622 West 15th Street, Panama City, Florida 32401.

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: John Thamert, Subaru of America, Inc., South Central Region, 220 The Bluffs, Austell, Georgia 30168.

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 Thoroughbred Motorsports, Inc., intends to allow the establishment of Citrus Motorsports, Inc., as a dealership for the sale of Thoroughbred Motorsports, Inc. motorcycles (THBD) at 7800 West Gulf to Lake Highway, Crystal River (Citrus County), Florida 34429, on or after June 11, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Citrus Motorsports, Inc. are dealer operator(s): Allan Pope, 602 North Suncoast Boulevard, Crystal River, Florida 34429; principal investor(s): Allan Pope, 602 North Suncoast Boulevard, Crystal River, Florida 34429.

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: Katie Vey, Thoroughbred Motorsports, Inc., 22661 FM 15, Troup, Texas 75789.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that X-Power Motorsports, LLC intends to allow the establishment of Eco-Green Machine, LLC d/b/a Eco Green Machine, as a dealership for the sale of motorcycles manufactured by Jiangsu Linhai Power Machinery Group Co. Ltd. (LINH) at 7000 Park Boulevard, Pinellas Park (Pinellas County), Florida 33781, on or after June 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Eco-Green Machine, LLC d/b/a Eco Green Machine are dealer operator(s): Patcharee Clark, 7005 Greenbriar Drive, Seminole, Florida 33777; principal investor(s): Patcharee Clark, 7005 Greenbriar Drive, Seminole, Florida 33777.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Ho, President, X-Power Motorsports, 225 Horizon Drive, Suwanee, Georgia 30024.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Johnny Pag Motorcycles, intends to allow the establishment of Eco Green Machine, LLC, as a dealership for the sale of Johnny Pag motorcycles (PAGS) at 7000 Park Boulevard, Pinellas Park (Pinellas County), Florida 33781, on or after June 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Eco Green Machine, LLC are dealer operator(s): Patcharee Clark, 7005 Green Briar Drive, Seminole, Florida 33777; principal investor(s): Patcharee Clark, 7005 Green Briar Drive, Seminole, Florida 33777.

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: 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 Zenn Motor Company, intends to allow the establishment of Custom Carriages, Inc. d/b/a Golf and Electric Vehicles, as a dealership for the sale of neighborhood electric vehicles manufactured by Zenn Motor Company (ZENN) at 3508 Phillips Highway, Jacksonville (Duval County), Florida 32207, on or after July 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Custom Carriages, Inc. d/b/a Golf and Electric Vehicles are dealer operator(s): Roger Brownell, 3508 Phillips Highway, Jacksonville, Florida 32207; principal investor(s): Roger Brownell, 3508 Phillips Highway, Jacksonville, Florida 32207.

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: Mike Richard, Zenn Motor Company, 85 Scarsdale Road, Suite 100, Toronto, Ontario, Canada M3B 2R2.

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 Piaggio Group Americas, Inc., intends to allow the establishment of Grantham Enterprises, Inc. d/b/a Granny's Motorsports, as a dealership for the sale of Piaggio motorcycles (PIAG) at 2001 University Parkway, Sarasota (Sarasota County), Florida 34243, on or after June 11, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Grantham Enterprises, Inc. d/b/a Granny's Motorsports are dealer operator(s): Steve Grantham, 2001 University Parkway, Sarasota, Florida 34243; principal investor(s): Steve Grantham, 2001 University Parkway, Sarasota, Florida 34243.

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: 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 More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Moto Dealer Import, LLC, intends to allow the establishment of Motorsports Depot, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 17630 US Highway 41 North, Lutz (Hillsborough County), Florida 33549-4572, on or after June 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Motorsports Depot, LLC are dealer operator(s): Robert Sardegna, 17630 US Highway 41 North, Lutz, Florida 33549-4572; principal investor(s): Robert Sardegna, 17630 US Highway 41 North, Lutz, Florida 33549-4572.

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 Lin, President, Moto Dealer Import, LLC, 4998-B, South Royal Atlanta Drive, Tucker, Georgia 30084.

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 Moto Dealer Import, LLC, intends to allow the establishment of Motorsports Depot, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 17630 US Highway 41 North, Lutz (Hillsborough County), Florida 33549-4572, on or after June 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Motorsports Depot, LLC are dealer operator(s): Robert Sardegna, 17630 US Highway 41 North, Lutz, Florida 33549-4572; principal investor(s): Robert Sardegna, 17630 US Highway 41 North, Lutz, Florida 33549-4572.

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 Lin, President, Moto Dealer Import, LLC, 4998-B, South Royal Atlanta Drive, Tucker, Georgia 30084.

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 Moto Dealer Import, LLC, intends to allow the establishment of Motorsports Depot, LLC, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 17630 US Highway 41 North, Lutz (Hillsborough County), Florida 33549-4572, on or after June 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Motorsports Depot, LLC are dealer operator(s): Robert Sardegna, 17630 US Highway 41 North, Lutz, Florida 33549-4572; principal investor(s): Robert Sardegna, 17630 US Highway 41 North, Lutz, Florida 33549-4572.

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 Lin, President, Moto Dealer Import, LLC, 4998-B, South Royal Atlanta Drive, Tucker, Georgia 30084.

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 Chuanl Motorcycle USA Co. Ltd., intends to allow the establishment of Scooter Elite, LLC, as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 7204 Central Avenue, Unit 1, St. Petersburg (Pinellas County), Florida 33707, on or after June 15, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Elite, LLC are dealer operator(s): Kirit Kana, 6825 Stones Throw Circle, #1204, St. Petersburg, Florida 33710; principal investor(s): Kirit Kana, 6825 Stones Throw Circle, #1204, St. Petersburg, Florida 33710.

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: Jimmy Pelaez, Chuanl Motorcycle USA Co. Ltd., 1036 Jacobson Road, Suite 200, Dallas, Texas 75042.

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 Adly Moto, LLC, intends to allow the establishment of Scooter Superstore of America, as a dealership for the sale of HerChee Industrial Co. Ltd. (HERH) at 10100 San Jose Boulevard, Jacksonville (Duval County), Florida 32257, on or after June 16, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, are dealer operator(s): Peter Warrick, 10100 San Jose Boulevard, Jacksonville, Florida 32257; principal investor(s): Peter Warrick, 10100 San Jose Boulevard, Jacksonville, Florida 32257.

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: Henry Li, Adly Moto, LLC, 1725 Hurd Drive, Suite 108, Irving, Texas 75038.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Adly Moto, LLC, intends to allow the establishment of Scooter Superstore of America, Inc. as a dealership for the sale of HerChee Industrial Co. Ltd. (HERH) at 1128 Third Street, North, Jacksonville Beach (Duval County), Florida 32250, on or after June 16, 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 Warrick, 1128 Third Street, North, Jacksonville Beach, Florida 32250; principal investor(s): Peter Warrick, 1128 Third Street, 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.

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: Henry Li, Adly Moto, LLC, 1725 Hurd Drive, Suite 108, Irving, Texas 75038.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Adly Moto, LLC, intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of HerChee Industrial Co. Ltd. (HERH) at 1459 US Highway 1, Ormond Beach (Volusia County), Florida 32174, on or after June 15, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, are dealer operator(s): Peter Warrick, 1459 US Highway 1, Ormond Beach, Florida 32174; principal investor(s): Peter Warrick, 1459 US Highway 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: Henry Li, Adly Moto, LLC, 1725 Hurd Drive, Suite 108, Irving, Texas 75038.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Electric Car Distributors, Inc., intends to allow the establishment of Interlake Gulf Corporation d/b/a Supreme Auto, as a dealership for the sale of low speed vehicles manufactured by American Custom Golfcars, Inc. (ACGC) at 2306 North Dixie Highway, Fort Lauderdale (Collier County), Florida 33305, on or after June 15, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Interlake Gulf Corporation d/b/a Supreme Auto are dealer operator(s): John R. Nocera, Sr., 3821 Bonita Beach Road, Bonita Springs, Florida 34134-4110; principal investor(s): John R. Nocera, Sr., 3821 Bonita Beach Road, Bonita Springs, Florida 34134-4110; John R. Nocera, Jr., 3821 Bonita Beach Road, Bonita Springs, Florida 34134-4110 and James Nocera, 3821 Bonita Beach Road, Bonita Springs, Florida 34134-4110.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Warren Sistare, President, Electric Car Distributors, Inc., 2306 North Dixie Highway, Fort Lauderdale, Florida 33305.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Verucci Motorcycles, LLC, intends to allow the establishment of H Long Investments Corp. d/b/a Tropical Scooters, as a dealership for the sale of motorcycles manufactured by Benzhou Vehicle Industry Group Co. Ltd. (SHWI) at 110 Southwest Monterey Road, Unit 2, Stuart (Martin County), Florida 34994, on or after June 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of H Long Investments Corp. d/b/a Tropical Scooters are dealer operator(s): Heidi Long, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994 and Igal Aslan, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994; principal investor(s): Heidi Long, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994 and Igal Aslan, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994.

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: Joyce Haddad, Verucci Motorcycles, LLC, 7853 Northwest 46 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of H Long Investments Corp. d/b/a Tropical Scooters of Vero, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Honling Motorcycle Corp. (HONL) at 110 Southwest Monterey Road, Suite #2, Stuart (Martin County), Florida 34994, on or after June 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of H Long Investments Corp. d/b/a Tropical Scooters of Vero, Inc. are dealer operator(s): Heidi Long, 110 Southwest Monterey Road, Suite #2, Stuart, Florida 34994; principal investor(s): Heidi Long, 110 Southwest Monterey Road, Suite #2, Stuart, Florida 34994.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of H Long Investments Corp. d/b/a Tropical Scooters of Vero, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 110 Southwest Monterey Road, Suite #2, Stuart (Martin County), Florida 34994, on or after June 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of H Long Investments Corp. d/b/a Tropical Scooters of Vero, Inc. are dealer operator(s): Heidi Long, 110 Southwest Monterey Road, Suite #2, Stuart, Florida 34994; principal investor(s): Heidi Long, 110 Southwest Monterey Road, Suite #2, Stuart, Florida 34994.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that JMSTAR Powersports, Inc., intends to allow the establishment of H Long Investments Corp. d/b/a Tropical Scooters of Vero, Inc., as a dealership for the sale of

motorcycles manufactured by Zhejiang Xingyue Vehicle Co. Ltd. (ZXYV) at 110 Southwest Monterey Road, Suite #2, Stuart (Martin County), Florida 34994, on or after June 10, 2009.

The name and address of the dealer operator(s) and principal investor(s) of H Long Investments Corp. d/b/a Tropical Scooters of Vero, Inc. are dealer operator(s): Heidi Long, 110 Southwest Monterey Road, Suite #2, Stuart, Florida 34994; principal investor(s): Heidi Long, 110 Southwest Monterey Road, Suite #2, Stuart, Florida 34994.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 1479 Sunset Way, Weston, Florida 33327.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Verucci Motorcycles, LLC, intends to allow the establishment of H Long Investments Corp. d/b/a Tropical Scooters, as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 110 Southwest Monterey Road, Unit 2, Stuart (Martin County), Florida 34994, on or after June 1, 2009.

The name and address of the dealer operator(s) and principal investor(s) of H Long Investments Corp. d/b/a Tropical Scooters are dealer operator(s): Heidi Long, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994 and Igal Aslan, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994; principal investor(s): Heidi Long, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994 and Igal Aslan, 110 Southwest Monterey Road, Unit 2, Stuart, Florida 34994.

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: Joyce Haddad, Verucci Motorcycles, LLC, 7853 Northwest 46 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Verucci Motorcycles, LLC, intends to allow the establishment of Veruccino Motors, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 2801 North State Road 7, Hollywood (Broward County), Florida 33024, on or after June 11, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Veruccino Motors, Inc. are dealer operator(s): Isidro L. Acosta, 2801 North State Road 7, Hollywood, Florida 33024 and Lianis Martinez, 2801 North State Road 7, Hollywood, Florida 33024; principal investor(s): Isidro L. Acosta, 2801 North State Road 7, Hollywood, Florida 33024 and Lianis Martinez, 2801 North State Road 7, Hollywood, Florida 33024.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License

Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Joyce Haddad, Verucci Motorcycles, LLC, 7836 Northwest 46 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ford Motor Company, intends to allow the establishment of Koons Ford, LLC d/b/a World Ford Lincoln Mercury/Pembroke Pines, as a dealership for the sale of Lincoln cars and trucks (LINC) at 8655 Pines Boulevard, Pembroke Pines (Broward County), Florida 33024, on or after June 22, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Koons Ford, LLC d/b/a World Ford Lincoln Mercury/Pembroke Pines are dealer operator(s): David Hult, 8655 Pines Boulevard, Pembroke Pines, Florida 33024 and David G. Allen, III, 8655 Pines Boulevard, Pembroke Pines, Florida 33024; principal investor(s): Group 1 FL Holdings, Inc., 800 Gessner, Suite 500, Houston, Texas 77024.

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: Eric Nelson, Ford Motor Company, 101 Southhall Lane, Suite 300, Maitland, Florida 32751.

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 Ford Motor Company, intends to allow the establishment of Koons Ford, LLC d/b/a World Ford Lincoln Mercury/Pembroke Pines, as a dealership for the sale of Mercury cars and trucks (MERC) at 8655 Pines Boulevard, Pembroke Pines (Broward County), Florida 33024, on or after June 22, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Koons Ford, LLC d/b/a World Ford Lincoln Mercury/Pembroke Pines are dealer operator(s): David Hult, 8655 Pines Boulevard, Pembroke Pines, Florida 33024 and David G. Allen, III, 8655 Pines Boulevard, Pembroke Pines, Florida 33024; principal investor(s): Group 1 FL Holdings, Inc., 800 Gessner, Suite 500, Houston, Texas 77024.

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: Eric Nelson, Ford Motor Company, 101 Southhall Lane, Suite 300, Maitland, Florida 32751.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

DECISION ON BATCH APPLICATION

The Agency for Health Care Administration made the following decision on Certificate of Need application for Hospital Beds and Facilities batching cycle with an application due date of March 11, 2009:

County: Marion Service District: 3
CON # 10048 Decision Date: 6/12/2009 Decision: A
Facility/Project: HealthSouth Rehabilitation Hospital of Ocala, LLC
Applicant: HealthSouth Rehabilitation Hospital of Ocala, LLC
Project Description: Establish a comprehensive medical rehabilitation hospital of up to 60 beds
Approved Cost: \$25,923,588.00

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, F.S., and Chapter 59C-1, F.A.C.

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
City of Palm Bay

The Florida Department of Environmental Protection has determined that the City of Palm Bay's project to construct the main line water distribution extension in Port Malabar Units 12 and 16 will not adversely affect the environment. The total cost of the project is estimated to be \$6,000,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal funds and state funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: 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.

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.

NOTICE OF ROUTINE PROGRAM CHANGE REQUEST

A routine request to update the approved Florida Coastal Management Program (FCMP) has been submitted to the federal Office of Ocean and Coastal Resource Management (OCRM), of the National Oceanic and Atmospheric Administration (NOAA). The Department of Environmental Protection has determined that the proposed program changes are a routine program change as defined by 15 CFR 923.84. These proposed changes seek to update all statutes which are part of the list of statutes that make up the FCMP, available at http://www.dep.state.fl.us/cmp/federal/23_statutes.htm.

This routine program change will incorporate relevant statutory changes to the referenced statutes enacted by the Florida Legislature during the 2008 legislative session, which are included in the FCMP. In addition, it will incorporate Sections 161.0415, 161.052, 161.053, 161.05301, 161.54, 161.55, and 161.56, F.S., previously omitted and adding Sections 553.73 and 553.79, F.S., referenced therein; legislative changes made to consolidate the authorities in Chapter 370, F.S., Saltwater Fisheries, and Chapter 372, F.S., Wildlife, and to transfer the authority previously contained in these two chapters into Chapter 379, F.S., Fish and Wildlife Conservation; and Chapter 597, F.S., Aquaculture.

Staff has evaluated these changes pursuant to 15 CFR 923.80 and concluded that the changes are not amendments to the FCMP. These changes will not result in any substantial change to the enforceable policies or authorities of the FCMP related to uses subject to management, special management areas, boundaries, authorities and organization, or coordination, public involvement and national interest.

This notice has been sent to affected parties, including affected local governments, state agencies, and regional offices of relevant federal agencies as required by 15 CFR 923.84(b)(2). A list of persons and organizations notified is available for inspection or can be provided at cost upon request from the FCMP.

Pursuant to 15 CFR 923.84, comments on whether the changes constitute a routine program change of the FCMP may be submitted to John King, NOAA/OCRM, Coastal Programs Division N/ORM3, Suite 11305, 1305 East-West Highway SSMC4, Silver Spring, MD 20910 within 21 days of the date of publication of this notice.

For more information on this Routine Program Change, please contact: Mr. Danny Clayton, Department of Environmental Protection, Florida Coastal Management Program, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)245-2161.

DEPARTMENT OF JUVENILE JUSTICE

CONSTRUCTION MANAGEMENT SERVICES

The State of Florida, Department of Juvenile Justice (DJJ), Facilities Services requests qualifications from construction management firms to provide Construction Management Services (CM) for Complete Construction Management (CM) Services on a continuing basis involving individual project contracts for one (1) or more regional service areas. PROPOSAL DUE DATE: July 17, 2009, 2:00 p.m. (EST)

For more information on this RFQ and for instructions on submitting please go to the links below (these may have to be pasted directly into your browser window).

http://vbs.dms.state.fl.us/vbs/ad.view_ad?advertisement_key_num=80253

http://vbs.dms.state.fl.us/vbs/boiler_place.pdf_list?advertisement_key_num=80253&pui_code_str=8000&dept_ad_num_str=FS0911CM

If you have difficulty accessing the posted information please contact: Sandra Moten at (850)921-7951 or e-mail: sandra.moten@djj.state.fl.us

DEPARTMENT OF HEALTH

On June 16, 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 Casey T. Robinson, C.R.T. certificate #CRT 72471. 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), F.S. 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 June 12, 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 Jimmy Wade Irvin, Jr., L.P.N. License # PN 5171681. 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 June 16, 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 Joshua Clay Price, L.P.N. License #PN 5160837. 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), F.S. 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 June 10, 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 Christine H. Quimby, R.N. License # RN 3326782. 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), F.S. 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 June 11, 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 William Justin Tait, P.T. License # PT 24174. 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), F.S. 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.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN June 8, 2009
 and June 12, 2009

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

DEPARTMENT OF CORRECTIONS

| | | | | |
|------------|---------|--------|-------|-------|
| 33-210.101 | 6/12/09 | 7/2/09 | 34/48 | 35/19 |
| 33-602.406 | 6/12/09 | 7/2/09 | 35/14 | |

WATER MANAGEMENT DISTRICTS
Suwannee River Water Management District

| | | | | |
|-----------|---------|--------|-------|--|
| 40B-3.101 | 6/11/09 | 7/1/09 | 35/11 | |
| 40B-3.411 | 6/11/09 | 7/1/09 | 35/11 | |

Southwest Florida Water Management District

| | | | | |
|-----------|---------|--------|-------|--|
| 40D-1.659 | 6/11/09 | 7/1/09 | 35/15 | |
| 40D-2.091 | 6/11/09 | 7/1/09 | 35/15 | |
| 40D-2.101 | 6/11/09 | 7/1/09 | 35/15 | |
| 40D-2.331 | 6/11/09 | 7/1/09 | 35/15 | |

South Florida Water Management District

| | | | | |
|------------|---------|--------|------|------|
| 40E-2.011 | 6/12/09 | 7/2/09 | 35/1 | |
| 40E-2.091 | 6/12/09 | 7/2/09 | 35/1 | 35/8 |
| 40E-2.301 | 6/12/09 | 7/2/09 | 35/1 | |
| 40E-2.331 | 6/12/09 | 7/2/09 | 35/1 | |
| 40E-10.011 | 6/12/09 | 7/2/09 | 35/1 | |
| 40E-10.021 | 6/12/09 | 7/2/09 | 35/1 | |
| 40E-10.031 | 6/12/09 | 7/2/09 | 35/1 | |
| 40E-10.041 | 6/12/09 | 7/2/09 | 35/1 | 35/8 |
| 40E-20.091 | 6/12/09 | 7/2/09 | 35/1 | 35/8 |
| 40E-20.301 | 6/12/09 | 7/2/09 | 35/1 | |
| 40E-20.302 | 6/12/09 | 7/2/09 | 35/1 | |
| 40E-20.331 | 6/12/09 | 7/2/09 | 35/1 | |

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

| | | | | |
|-----------|--------|---------|-------|--|
| 61C-1.005 | 6/8/09 | 6/28/09 | 35/14 | |
|-----------|--------|---------|-------|--|

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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|------------|--------|---------|-------|--|
| 62-210.200 | 6/9/09 | 6/29/09 | 35/15 | |
| 62-212.300 | 6/9/09 | 6/29/09 | 35/15 | |

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

| | | | | |
|-----------|--------|---------|-------|--|
| 64B-1.016 | 6/9/09 | 6/29/09 | 35/13 | |
|-----------|--------|---------|-------|--|

Board of Chiropractic

| | | | | |
|-------------|---------|--------|-------|--|
| 64B2-13.004 | 6/11/09 | 7/1/09 | 35/16 | |
|-------------|---------|--------|-------|--|

Board of Dentistry

| | | | | |
|-------------|---------|---------|-------|--|
| 64B5-2.013 | 6/8/09 | 6/28/09 | 35/14 | |
| 64B5-2.0146 | 6/10/09 | 6/30/09 | 35/14 | |

Board of Optometry

| | | | | |
|--------------|--------|---------|-------|--|
| 64B13-18.002 | 6/8/09 | 6/28/09 | 35/18 | |
|--------------|--------|---------|-------|--|

Board of Osteopathic Medicine

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|--------------|--------|---------|-------|--|
| 64B15-12.005 | 6/8/09 | 6/28/09 | 35/18 | |
| 64B15-12.009 | 6/8/09 | 6/28/09 | 35/18 | |
| 64B15-22.004 | 6/8/09 | 6/28/09 | 35/18 | |

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

| | | | | |
|-----------|---------|--------|-------|--|
| 69J-2.002 | 6/11/09 | 7/1/09 | 35/17 | |
| 69J-7.003 | 6/11/09 | 7/1/09 | 35/16 | |

FINANCIAL SERVICES COMMISSION

OIR Insurance Regulation

| | | | | |
|-------------|---------|--------|-------|-------|
| 69O-138.005 | 6/11/09 | 7/1/09 | 34/40 | 34/53 |
|-------------|---------|--------|-------|-------|